

BOARD OF MAYOR AND ALDERMEN

October 20, 1998

**7:30 PM
School Administration Bldg.
196 Bridge Street**

Mayor Wieczorek called the meeting to order.

Mayor Wieczorek called for the Pledge of Allegiance.

A moment of silent prayer was observed.

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

Presentation to the October recipient(s) of the "Spirit of Manchester"
Award.

Mayor Wieczorek stated the Sprit of Manchester Award Committee recently convened and selected an organization to be honored in the month of October for outstanding service to the city of Manchester. The parameters of the award state that the recipient should "have contributed to the improvement of the quality of life in Manchester" performing acts that are clearly "above and beyond the call of duty." This month's winner is the Friends of the Massabesic Bicycling Association. This non-profit organization maintains almost 50 miles of multi-purpose trails along Lake Massabesic for the use of area residents. Working closely with the Manchester Water Works Department, the group conducts educational forums, creates new trails, builds access bridges, maintains trail markers and eyes potential erosion. This working relationship with the city, using volunteers help and donated materials from this organization, allows recreation use of a watershed area that is closed off to the public in many other cities. This organization has received two grants in as many years in recognition of their efforts and accomplishments from the National Recreation Trail Fund.

Alderman Pinard presented the award and commemorative pin to Jack Chapman, President; Pat Cassidy, VP; Mark Fleischer, Secretary; Barbara Chapman, Treasurer; and Ethan Howard of Manchester Water Works.

Mayor Wieczorek stated before we get started with our regular business, I see that we have a very large group here, obviously representing the School Department. I wanted to let all of you know that we are not going to take up any of the school business here tonight and the reason we are not is that we had a Special Committee that we put together yesterday who met for two and a half hours and then of course you were here last night, a lot of you I imagine, at the School Board meeting that we had. We also met today and we still don't have the information that we need that enables us to deal with all of the problems. I don't think we want to deal with just one

segment of it because all of it is related and we want to make sure that we try to deal with all of the problems. One of the situations that arose has to do with your health insurance and your dental coverage and I know that you have worked very hard and we have heard from everybody, the effort that you have made to try to get your coverages improved and I know that the Board of Mayor and Aldermen has voted in the past to go ahead and provide you with the health coverage and the dental coverage. So there is no need for this Board to be taking another vote because they are already on record of voting for your health coverage and your dental coverage. So just as quickly as we can get these issues resolved, we will get them resolved and we want to make sure that we deal with all of them. So hopefully you will be patient until we get this situation resolved. It is a difficult situation for us but we will do the best that we can.

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. Mayor Wieczorek advised that he had removed Item L from the agenda for any consideration.

Ratify and Confirm Poll

- A. Conducted on October 14, 1998 approving a 120-day extension of the due diligence and closing dates relative to the University Center and UNH and authorizing the Mayor to execute documents for said extension as may be required. (Vote: ten Aldermen in favor, Aldermen Reiniger and Sysyn abstained.)

Informational to be Received and Filed

- B. Communication from the Airport Director submitting a copy of a communication from GeoDon Tours praising Manchester Airport.
- C. Minutes of MTA meeting held on August 25, 1998 and the Finance and Ridership Reports for the month of August 1998.
- D. Communication from Stephen Gadomski, Director of Manchester Teen Challenge, inviting the board to attend a fund-raiser banquet on November 6, 1998 at 7:00 PM (reception at 6:00 PM) at the Faith Christian Center, 469 So. River Road, Bedford, NH.
- E. Communication from Executive Councilor Normand submitting the Executive Council Agenda for October 14, 1998.
- F. Communication from Patricia Juranty, State of NH Department of DES, Solid Waste Management Bureau, advising that it has reviewed the financial assurance information regarding the Dunbarton Road landfill noting the City is in compliance and that documentation must be forwarded to the State for review annually.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- G.** Communication from Alderman Girard submitting petitions regarding the restoration of EWTN to 24-hour service on MediaOne.

COMMITTEE ON COMMUNITY IMPROVEMENT

- I.** Communication from Alderman Pariseau regarding the possibility of minor league baseball coming into Manchester.

COMMITTEE ON FINANCE

- K.** Communication from the Health Officer requesting the establishment of a revolving fund for vaccine and related public health program costs.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- M.** Communication from the Health Officer seeking authorization to extend the work week of two sanitarians from 35 to 40 hours per week and requesting the establishment of a 14-hour per week public health specialist position through the EPA Child Health Champion Community grant.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- N.** Communication from Christopher Blue regarding the deteriorated condition of an abandoned building located at 628 Hanover Street.
- P.** Communication from Robert Comeau requesting a flashing signal at the intersection of Amherst and Pine Streets.

REPORTS OF COMMITTEES

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

- Q.** Advising that a request from the Human Resources Director to increase the entrance fee for the Police Officer Entrance Test from \$25.00 to \$50.00 has been approved.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- R.** Advising that it has approved a proposed ordinance:

“Forbidding the Possession of a Dangerous Weapon on School Property”

as enclosed herein. The Committee recommends that same be referred to the Committee on Bills on Second Reading for technical review.

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

- H.** Communication from Frank C. Thomas, Chairman Pro Tem, QM Committee, recommending that the Board approve the revisions to the Procurement Code Ordinances as submitted hereto.

Alderman Hirschmann stated I am pleased that the QM Committee is referring this to Administration, but I was just surprised. I thought the whole procurement study was going to be brought back. They are just recommending small purchases be changed and they are piecing our package. We had a whole package for the procurement process.

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

- J.** Communication from Jean Sweeney, Principal of Jewett Street Elementary School, regarding a previous request by Alderman Shea for additional sidewalks in the Jewett Street School area.

Alderman Shea stated in addition to the correspondence from Jean Sweeney he had received correspondence from the Jewett School Parent/Teacher group, and individual parents including a Gary Inglehardt. Deputy Chief Duffey responded to Mr. Inglehardt's concerns by stating "Please be advised that we have been aware of problems of Jewett School for some time now and have committed large amounts of police department resources to the problems. We have issued several summons for passing school buses, and we have officers on motorcycles controlling the traffic flow. Also Lt. Tessier plans to meet with city officials regarding the traffic engineering solutions to the problem." The problem is that the priority for this particular project should be with the CIP Committee. By referring it to the Planning staff of whatever, he did not know what the planning staff is of the Planning Board, or Highway all that is doing is begging the question, because basically this is going to end in a tragedy. There are thousand of people down there during the course of the morning. There are people going to Southside, Memorial, Jewett, teachers at three schools, buses it's just a catastrophe and these children are running across the street. This is a high priority issue that should be addressed promptly. They should have sidewalks. This was the intent of the CIP Committee when they devised a priority list. Jewett School is probably the only school in the city that doesn't have sidewalks across from the school. If you go to all the schools in the city, not to make a tremendously big issue of this, but something is going to happen there and the responsibility is going to rest with the CIP Committee members and the Board itself.

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

- O.** Communication from Pepperidge/Westwood/Donahue Neighborhood Safety Committee in support of a recent proposal to install “humps” for traffic calming in the neighborhood, requesting two humps be placed on Donohue Drive, and thanking Frank Thomas, Bob MacKenzie, Tom Lolicata, Police and Fire, and Carol Johnson for their efforts in helping the neighborhood find a solution to the long standing traffic problem.

Alderman Rivard wanted to add to the letter the name of Harry Ntapolis and Tom Clark, because without their support this project wouldn't be going forward. They did a lot of work in researching the liability issues which had been a major issue for years when he had served on the Highway Commission. They contacted several cities and he was very comfortable with this project going forward, so without their support it would not be going forward. Again he wanted to thank Harry, Tom and Alderman Pariseau for his support in working with him to get the project through.

Alderman Rivard moved to receive and file. Alderman Wihby seconded the motion.

Alderman Girard noted that the Committee had reported the item out for approval and suggested they could amend the report and add the second hump on Donohue Drive and wished to move to do so. Alderman Pariseau supported the motion.

Discussion ensued where Deputy Clerk Johnson advised they could receive and file the communication and amend the report under the next item.

Alderman Wihby noted that Alderman Rivard also had worked hard on this issue and should be commended for doing so.

Alderman Shea stated he also had wanted the two humps included on Donohue Drive.

Mayor Wiczorek called for a vote on the motion to receive and file the communication. The motion carried.

- S.** Report of Committee on Traffic recommending that certain regulations governing standing, stopping and parking, be adopted and put into effect when duly advertised; and advising of the authorization of traffic calming measures as recommended by staff in the Westwood/Sherwood Drive neighborhood.

On motion of Alderman Shea, duly seconded by Alderman Pariseau it was voted to amend the report to include two humps on Donohue Drive and accept the report as amended.

- T.** Report of Committee on Traffic recommending that certain regulations governing standing, stopping and parking, be adopted and put into effect when duly advertised.

The Clerk noted that a substitute of the report had been distributed to reflect corrections for the Beaver Street and Briar Avenue listed on page 3 . The substitute report reflected the proper actions made by the committee.

On motion of Alderman Cashin, duly seconded by Alderman O'Neil, it was voted to accept the report of the Committee as substituted.

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

U. Warrant for Collection of Sewer Charges in the amount of \$125,017.20.

Deputy Clerk Johnson advised that a listing of abatements had been distributed totaling \$2,293.61.

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to commit the warrant as abated.

6. Confirmation of Nominations made by Mayor Wieczorek:

Conduct Board:

Michael Netkovick to succeed himself, term to expire October 1, 2001.

On motion of Alderman Girard, duly seconded by Alderman Klock, it was voted to confirm the nomination of Michael Netkovick to succeed himself to the Conduct Board, term expiring October 1, 2001.

Parks, Recreation & Cemetery Commission:

Thomas R. Murphy to succeed himself, term to expire July 7, 2001.

On motion of Alderman Clancy, duly seconded by Alderman Sysyn, it was voted to confirm the nomination of Thomas Murphy to succeed himself to the Parks, Recreation & Cemetery Commission, term expiring July 7, 2001.

Parks, Recreation & Cemetery Commission:

Norman R. Gill to succeed Michael Lopez, term to expire July 7, 2001.

Alderman Pinard moved to confirm the nomination of Norman Gill to succeed Michael Lopez to the Parks, Recreation & Cemetery Commission, term expiring July 7, 2001. Alderman Hirschmann seconded the motion.

Alderman Cashin stated that Norman Gill was a nice fellow, but one the West Side is loosing the only Parks and Recreation Commissioner they have, and he thought that should be taken into consideration, and secondly this was a labor position and he did not think Norman Gill belonged to a labor union like Mr. Lopez did. More importantly, Mike Lopez he thought had

done an outstanding job as a commissioner, and he had asked the mayor to reconsider, and based on that he asked that the Mayor table this item because Norm Gill did not meet the requirements and he thought the west side should be considered.

Mayor Wieczorek stated he thought they could just vote him down because he was not going to comply.

Alderman Cashin stated he could remove it.

Mayor Wieczorek noted he could do so, but he had a motion on the floor and so called for a vote. The motion failed.

Mayor Wieczorek advised he had no nominations.

Status report on 1037 Elm Street to be presented by Messrs. MacKenzie and Taylor.

Mr. Taylor addressed the Board stating since they received word of receiving the federal grant they had met with at least one perspective tenant of the building who was looking for about 8,000 square feet, and would like to be occupying a portion of the building by the middle of 1999. In addition, as they recalled one of the conditions of the grant was that the building must remain in ownership by the city or in a non-profit organization for at least fifteen years. We have spoken with several non-profits who they thought might be appropriate in becoming the owner and developing and managing the building. A couple expressed no interest in being involved however, they had some expression of interest by a couple of potential non-profits, one in particular has gone further and spoke with Board of Directors who have substantial interest in becoming the owner and manager of this building. One of the problems is that they are not quite ready to go public with this so he was not at liberty to identify the particular agency at this time. We are interested in working with them further because we view their particular interest not only as an occupant of the building, but also as an agency who can bring some funds to the table and provide some equity investment in the building which is one of the things we are looking for, and further they have agreed preliminary to make payment in lieu of taxes which would then return some of the city investment back to the city which is the only way we are going to get this money back. In the interest of time, especially if we are going to meet the first tenant's schedule, they had requested an opinion from the city solicitor's office if they can do business with one entity here if the city's best interest is served by doing so rather than going through a lengthy RFP process which would put them out two or three months before they could do anything. He was awaiting an answer and so was not asking for any action this evening. He did not want to have the agency perform due diligence work costing them money if they had to go through a public process. They were hoping to return at the next meeting for further action.

Mr. MacKenzie stated that they were looking at a non-profit rather than the city for two reasons. One was that the city staff was pretty stretched out now in terms of the projects they are working on. Secondly they felt it was important to find an organization that would pay property taxes or payment in lieu of taxes on the property, we have to rebuild the tax base and that was why they were choosing this method.

Alderman Pariseau asked if the payment in lieu of taxes going to equal what the tax payment should be.

Mr. MacKenzie replied it would be their intention that it would be equal to what it would be if it were a private building.

Alderman Shea asked if there would be only one occupant, was that the intent.

Mr. Taylor stated that the total space in the building was about 45,000 square feet so they were making the assumption that they would have a series of occupants, the initial tenant they spoke with was interested in about 8,000 square feet, and the non-profit is probably interested in about the same amount of space so they were talking about a third of the building which was not a bad situation going into a project.

Briefing by Messrs. Clougherty and Clark regarding the Claremont lawsuit.

Mr. Clougherty stated the last several months Tom Clark and I have been monitoring the developments with the Claremont lawsuit. It was our feeling that we needed to come to the Board tonight and give you a heads up in terms of what's happening with respect to the Claremont lawsuit, so that if we don't see some resolution at the state level of what is happening there, the Board will be prepared to deal with some of the things that we may be having to discuss over the next couple of months. There were a number of cities and towns that sued the state and the court ruled that the method of funding education through property taxes is not constitutional. As a result of that ruling, the court said that they would give the legislature the opportunity to try to come up with a different funding mechanism and a different way to fund schools through the last session. The legislature is through that session and we haven't got a resolution yet. What has passed to date is the legislature has enacted some additional funding that they will take out of their surplus account for one year in hopes that that is shown as a good faith effort to the court and that the court will give them an extension. There is no guarantee of the extension because as he and Tom understood the court has asked the plaintiffs what their feeling is on that and they are waiting for briefs in that regard. Everybody was under the misconception in Concord that you had until April, May or June to deal with this issue. That's not the case. There have been meetings of several officials including the state treasurer, the commissioner of the revenue administration, the deputy commissioner of revenue administration, the attorney general, the finance officers from Nashua, Concord, Manchester,

our city solicitor, along with the municipal association and others. Here is the problem. There are 425 or so cities and towns in New Hampshire. Only 25 of those entities operate on fiscal year basis. Everybody else is on a calendar year. When we were on a calendar year what we would have to do was in January go in and borrow a lot of money to get us to the first tax bill in May. When that money came in it carried us until November, and then in November you paid off what you borrowed in January and you started the year broke and started the cycle all over. All the other cities and towns are in that situation. The only problem they have is that right now they are trying to do their budgets and they have no authorization to raise funding for schools. So picture what we would be doing if we were trying to do the budget for the city of Manchester, and you wouldn't know what was happening there. The bigger problem is, that even if you went ahead and adopted a budget and were going to try to borrow for that, the court and the attorney general have said, you are not able to provide the funding to retire the debt, so nobody will borrow. The cities of Concord and Nashua have been trying to get into this market which is the best market in our generation with great rates, they can't borrow. The municipal bond bank was suppose to be going in to do a borrowing they can't borrow. Those towns and there are a couple that have some of these anticipation notes coming due are now going to have to have the state treasurer buy those notes. This is an unprecedented situation. Manchester is a little bit further down the pike because of our budget process, but if there is no resolution to this, either the court giving an extension or the legislature or some combination coming up with how we are going to fund schools, you can see that potentially down the road Manchester will have some issues. Right now we are trying to work on what we think is our responsible policy changes to existing state laws that would provide a bridge for the communities and potentially for Manchester if we need them to go for a distance and not be penalized. There is no guarantee again that the legislature will take that action in time and that this will work out. We have included in the presentation to you a piece that was done by the Center for Public Policy that lays out these issues in a lot of detail, and requested the members read that because it would tell them what the situation was, and it was not a particularly good situation for the state to be in. It was something that they would have to pay attention to and make sure that we take actions in the City of Manchester that would help preserve our credit rating and distance us from the situation, and they wanted the Board to be prepared for that. If they had any questions he or Tom Clark would be available and would provide them with further information as they went forward.

Alderman Girard asked Mr. Clougherty could outline what some of the troubles Manchester could experience were if the situation were not resolved.

Mr. Clougherty stated first they hoped it would be resolved and they had every faith in the legislature that they would do that. But there have been furloughs at the federal government too. No one thought the federal government would shut down. Potentially he thought the first thing that would hit would be in April when they would be required under the contracts to notify teachers that you might not have the funding for them at the end of the fiscal year, and that was

something that the school department, this Board or anybody wants to consider. But that's what a lot of cities and towns are having to consider right now under the current situation. We may have to take a hard look at debt, any debt that would be due at the end of the beginning of July of the next fiscal year you could default on if you don't have the means of raising dollars, and again a lot of the cities and towns are facing that potential problem right now.

Alderman Girard asked if that was only school bonds. Mr. Clougherty responded that the market really isn't going to care whether it's school bonds or what, it's going to be a problem on the credit rating right off if we get to that point.

Mr. Clougherty stated that the state was at a point where they were going to have to address that because their rating is already at risk because it was a state responsibility to pay for this stuff, not necessarily a town responsibility, and they had been talking to the credit rating agencies to try and make that distinction. The other possibility that some of the time the teachers work in this fiscal year and are paid in the next fiscal year, you may have to look at things with respect to school years and hours so you don't get into position where you have committed hours and don't have pay. We don't expect that we are going to get to this situation, we don't like to have to mention these things, but felt they had to bring it to the Board's attention to let them know they are on top of it, and are trying to be a constructive voice in Concord, and hope that it gets resolved. But as of today it hasn't.

Alderman Cashin noted that the governor is aware of it and is committed correcting it.

Mr. Clougherty agreed stating he thought everybody in Concord was trying to find a solution.

Alderman Girard noted that the governor was extended an invitation a while ago to come speak to the Board regarding the ABC plan and that invitation was not extended to any other person running for governor at the time, and was not suggesting they should. But after the elections in November they should invite whoever is elected governor to come and address the Board about where they see these things going because the cities and towns whether than waiting and watching are going to have to have some input into the process. He suggested the Board invite former candidate Fred Bramante who had a controversial plan but a plan nonetheless, and a plan that meant substantial dollars for Manchester potentially, and we ought to look at that option.

Mayor Wiczorek and other aldermen disagreed with this suggestion. Mayor Wiczorek stated they would wait for the election to be over and go from there. He assured the Board that people were concerned about it, were trying to work on it and get some solutions there and it had not been an easy situation.

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

Mayor Wieczorek called the meeting back to order.

OTHER BUSINESS

The Deputy Clerk advised there was no report of the Finance Committee.

A report of the Committee on Bills on Second Reading was presented recommending that Ordinances:

- “An Ordinance Establishing various City Departments”
- “Establishing A Board of Assessors”
- “Establishing A Building Department”
- “Establishing A Department of Aviation”
- “Establishing A Manchester Economic Development Office”
- “Establishing a Elderly Services Department”
- “Establishing a Finance Department”
- “Establishing A Fire Department”
- “Establishing A Health Department”
- “Establishing A Highway Department”
- “Establishing A Human Resources Department”
- “Establishing an Information Systems Department”
- “Establishing a Library Department”,
- “Establishing An Office of the City Clerk”
- “Establishing an Office of the City Solicitor”
- “Establishing An Office of the Tax Collector”
- “Establishing An Office of Youth Services”
- “Establishing a Department of Parks Recreation and Cemetery”
- “Establishing a Planning and Community Development Department”
- “Establishing A Police Department”
- “Establishing a Department of Public Building Services”
- “Establishing a Traffic Department”
- “Establishing a Water Works Department”, and
- “Establishing A Department of Welfare”

ought to pass as amended.

Alderman Clancy moved to accept, receive and adopt the report of the Committee on Bills on Second Reading as presented. Alderman Klock duly seconded the motion.

Alderman Pariseau questioned the item for the Manchester Economic Development Office noting it was formerly part of the Mayor's office.

Mayor Wieczorek responded no, it was the MEDO, not part of his office.

Alderman Pariseau asked if it would be headed up by the city coordinator, if and when that ever happens.

Mayor Wieczorek responded if they ever had one, but that they had not had one for quite a long time.

Alderman Girard stated he had two concerns, first he did not receive this until he went home tonight, so he had not had a chance to review the material they were being asked to consider tonight. A second concern, not having had a chance to review it, he did not know whether or not these ordinances would provide any obstacles to any of the consolidations that he had proposed about six months ago that were referred to the Mayor's office, and have been there ever since.

Mayor Wieczorek advised that they could still consolidate departments.

Alderman Girard noted that not having reviewed the materials he wished to have the item tabled until the next meeting.

Mayor Wieczorek advised he had a motion on the floor to accept the report and called for a vote. The motion carried with Alderman Girard duly recorded in opposition.

Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Second Deputy Finance Director/Treasury Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024 and 33.025 (Urban Forester) of the Code of Ordinances of the City of Manchester.”

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

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

“Amending Chapter 130, General Offenses, of the Code of Ordinances by inserting a new Section 130.13.”

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

These Ordinances having had their second readings by titles only, Alderman Clancy moved on passing same to be Enrolled. Alderman Pinard duly seconded the motion.

Alderman Girard questioned the first two items asking if it were bringing the positions in line with Yarger Decker.

Mr. Hobson responded the positions were brought up during last year's budget process and reviewed by the former personnel committee, and when they hired on with Mr. Decker we asked him to look at both positions and he did tentatively approve them based on the study.

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

On motion of Alderman Thibault, 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 Wiczorek called the meeting back to order.

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

“Amending Sections 33.024, 33.025 and 33.026 (Second Deputy Finance Director/Treasury Manager) of the Code of Ordinances of the City of Manchester.”

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were properly enrolled.

On motion of Alderman O’Neil, duly seconded by Alderman Pinard, it was voted to accept, receive and adopt the report of the Committee.

Communication from the Building Commissioner submitting a petition for demolition and removal of a hazardous building located at 123 Cleveland Street.

Alderman Rivard moved to approve the petition with findings thereon, and so order demolition and removal of a hazardous building located at 123 Cleveland Street. Alderman Cashin duly seconded the motion. The motion carried.

Alderman Clancy asked about a property on Spruce Street that had a fire a few months before, noting there were a lot of vagrants hanging around with gangs at night, etc.

Mr. LaFreniere advised that they have worked on the property and invoked the provisions of the Housing Code to expend funds to clean up the area and eliminate the hazards addressing some immediate concerns of the Police Department. We had a non-responsive owner and a lending institution that is about to foreclose. We have been working with that party to try to bring some resolution and will continue working on it and will take appropriate action to get the building down if they cannot convince them that this is the way to go.

Alderman Clancy noted the urgency of getting it done as soon as possible.

Mr. LaFreniere noted recognition of the urgency but commented that there was a process such as they were initiating with the Cleveland Street property, which is rather lengthy but a process that is required and found if it all possible if they are successful at getting the building down in a timely fashion if they get cooperation. The lending institution has indicated a willingness to cooperate, so they had been working on that front, but they will simultaneously work on other action to protect the city's position.

Alderman Shea noted that there are certain buildings not in dire need of removal, but there is a building in his ward that had been boarded up for quite awhile, and asked if the city had any kind of process in place that would again say that even though the taxes are paid on it, it was a detriment and deteriorating situation to the neighborhood was there an ordinance or process involved here.

Mr. LaFreniere stated that if the building was maintained in a fashion that it is not determined to be hazardous because it is secured, then our opportunities or part in rehabilitating the building aren't strong. What we can do under a similar process to the Cleveland Street that it is hazardous and dilapidated in that it is unattended, but we have to be in a position to document that the building has either been unsecured or represents a hazard because it attracts a nuisance, there were a number of criteria that they could try to approach that on. But if the building is maintained and in a secure condition then they did not have many tools.

Alderman Shea noted that Alderman Pariseau was familiar with the building on Shasta and Union for the last 10 or 12 years, the sight of a former fire.

Alderman Cashin thanked Mr. LaFreniere for his help on Cleveland Street, noting that this whole project dated back to the late 1970's, it was incredible. He commented that in 1978 they had first notified these people that there was a problem and tonight they were finally voting on taking it down. He noted it was just a start and they had to find a better way to get these things down. He remarked that he thought Mr. LaFreniere and City Solicitor had done a great job, he had Fire Department, Police Department and Health Department down there and even the state involved with this property. There had to be a faster mechanism to get it done but he again wanted to thank Leon.

Communication from the City Clerk requesting the Board set the polling hours for the November General Election scheduled for Tuesday, November 3, 1998 from 6:00 AM to 7:00 PM.

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

Communication from Raymond Pinard, Chairman of the Manchester Development Corporation/Manchester Development Corporation, Inc., requesting that MDC/MDC, Inc. receive from the City of Manchester notes receivable or other valuable consideration in amounts equal to the value of the assets assigned to the City of Manchester for the UNH transaction.

On motion of Alderman Pariseau, duly seconded by Alderman Girard, it was voted to refer the communication to the Committee on Community Improvement.

Ordinances:

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“Amending Chapter 130, General Offenses, of the Code of Ordinances by inserting a new Section 130.13.”

On motion of Alderman Thibault, duly seconded by Alderman Clancy, it was voted to read the Ordinances by titles only and it was so done.

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

TABLED ITEM

22. Minutes of meetings held August 4, 1998 (two meetings); August 18, 1998; and September 1, 1998 (three meetings).

This item remained on the table.

NEW BUSINESS

Mayor Wieczorek advised that a communication from the Board of Assessors had been distributed regarding the tax base and the overlay. Additionally, a handout was provided from the Finance Department regarding the tax rate.

Alderman Girard asked if the tax base figure was higher or lower than the budget. Alderman Wihby advised that it was higher.

Mr. Clougherty stated the information was presented regarding the tax rate, it was imperative that the tax rate be set so they could get the bills out in time and get the cash collected.

Referring to the handout he noted that the first two columns represented what the Board adopted for a budget in June. You will see there that when the budget was adopted with revenues, on the bottom line it says tax rate. The anticipate was that the tax rate would be \$32.15 and that would be a 3.18% over the previous year. The previous year's tax rate was \$31.16. There were some adjustments. That next column talks about adjustments to the budget primarily in that second to the bottom box. The county tax, you will see, is a little bit more. It is about \$60,000 more than was budgeted. It came in a little bit higher. The overlay number given to us from the Assessors is lower than what they forecast. They feel that they need \$515,000 as opposed to \$1 million. If you were to plug those into the budget as it has been adopted, the tax rate we would have would be \$31.94 which would be a reduction to 2.5%. However, there have been some other reductions that we have to take into consideration. Some on the revenue side. Some of the revenue that the School Board thought that they would be taking in. You can see that originally the adopted number was \$19 million. We are now talking about \$17.8 million. Some of the revenue that was envisioned to come from the State and be applied to the tax rate, the Attorney General has advised the DRA that they can apply. There is also a reduction in some of the other school numbers. So what you have is a shortfall and what we expect is going to be collected from non-property tax sources and that combined with a reduction in the amount of money that is available from fund balance, you know instead of having \$1.3 million, we really feel what you have is \$500,000, the \$450,000 should have a bracket around it in that bottom column under variances. The bottom line is that you have a tax rate right now, if we were to set it tomorrow based on the information that we have, instead of having the tax rate be \$32.15, which is what you thought it would be at the end of June, it would be \$32.48 and we will submit all of that information on the forms and get them to Concord so that we can get an appointment to get the tax rate set.

Alderman Wihby asked that \$510,000, how do you get to that number. It is a minus \$450,000 and a \$60,000. How do you get to \$510,000?

Mr. Sherman answered that is the point I just made to Kevin. \$450,000 should have a bracket around it which would add it to \$390,000, not \$510,000 but that doesn't change the calculation on the tax rate. That is just the variance.

Mr. Clougherty stated those columns are only the differences when you compare them to the adopted.

Alderman Wihby asked so basically we would have gotten the 2.5% if it wasn't for the problem with the school.

Mayor Wieczorek answered correct.

Alderman Cashin stated well there is more in here than just the School Department. Lets not blame them for everything.

Mr. Clougherty stated there are some additional things that have happened that have helped us to get to that level in terms of the valuation and what the Assessor's have done. If you look at the bottom, we thought that the valuation number would be 3.728 and we are really looking at 3.739. You are also seeing a reduction in the amount of money that the Assessor's would need for their overlay and all of that has a positive effect on the bottom line and helps us to achieve a lower rate.

Alderman Wihby replied that is not the question, Kevin. The question is, is the difference between the \$250,000 and the \$424,000, other than \$60,000, that is all schools.

Mr. Clougherty responded that is right.

Alderman Hirschmann stated I don't know if you want to be taking this up tonight, but the shortfall so that we don't have to pass \$32.48 onto the taxpayer.

Mayor Wieczorek replied no, we can't take that up tonight.

Mr. Clougherty stated we have to take this to Concord for the rate. These are the numbers.

Alderman Hirschmann stated so you are telling us that you are going to use the fund balance to cover it and there are no other funds that we could apply to lower the rate.

Mr. Clougherty replied no, we are telling you that we have less fund balance than we anticipated and as a result the tax rate will go up.

Alderman Hirschmann responded I don't have to accept that.

Alderman Shea asked there are no other funds available, Kevin.

Mr. Clougherty answered we have really looked at the revenue side and we really think that the numbers you have there are prudent. We have worked with all the departments, even up until yesterday looking at some possibilities. We really think that what you have is a reasonable forecast, Alderman. The only other option you would have is to enter into a budget proceeding that would include public notice, public hearing, the full process and you would have to cut back your appropriations if you wanted to get it lower. I don't think there is any additional revenue out there that is available. We thought that we perhaps might be able to look at some of the money from the State. The State has informed us of exactly what the number is that they are going to put in there based on a ruling that they got from the Attorney General. I think what you have here are the numbers.

Alderman Shea stated I don't want to bring up a touchy subject, but we do have money from Rooms & Meals revenue.

Mr. Clougherty replied that has been earmarked for another purpose and if you were to use that you would have to go through, again, that full blown budget presentation and you would have to make a determination that those were excess revenues. Right now, we don't feel that we have excess revenues because you are only two months into the fiscal year.

Alderman Pariseau stated, Kevin, that means that we haven't accounted for any monies being put in the rainy day fund.

Mr. Clougherty replied the rainy day fund is part of the calculation that we go through to end up with our undesignated fund balance which is the \$500,000 that we are saying could be applied. The rainy day fund is set-up for a particular purpose and can only be used as a rainy day fund under particular circumstances. If the Board wants to use that money for other than the rainy day purposes, you have to have a majority vote to use that. If you took that vote, the money that you would have in that fund would be used for the current year and would not be able to help you with the fund balance situation from last year and would not result in a reduction in your taxes. Not to mention that if you tapped into it for this purpose, the credit rating agencies would be all over you.

Alderman Pariseau asked but if we were to tap into it, we could lower that \$32.48, right.

Mr. Clougherty answered no I don't believe you could, Alderman, because the only way you could tap into that is if you wanted to treat it as a rainy day fund, you can't use it for that purpose and if you used it for something other than that purpose, then the credit rating agencies are going to take a look at that and say why are you doing that when you don't have a revenue shortfall. So if you want to go the extraordinary vote to go outside of the rules that you set this fund up for and use it for something other than its intended purpose, they are going to look at that with a very jaundiced eye and it is not the time to be doing that. Furthermore, it is our opinion that if you did that, you would be taking that revenue and you would be dealing with that situation in this year. It is not going to have an effect on last year which is the fund balance that we are talking about for reducing the tax rate and it is not appropriate.

Alderman Pariseau stated I am not an accountant, but if we took money out of the FY98 budget to put into the rainy day fund, could we not take that money if we did that and apply it towards the deficit in the School Department.

Mr. Clougherty replied if you were to take a vote on the rainy day fund or take a vote to take money out of the rainy day fund and use it for other than revenue stabilization, which is what you would be doing, you would be violating the rules for which you set it up and that would have credit implications. All that aside, if you took that money and you wanted to use it to reduce last year's fund balance, you can't get there from here because your last year is closed.

Alderman Pariseau stated when that was set-up, I was under the impression that if we should finish up a fiscal year with a revenue surplus, that would go into this rainy day fund.

Mr. Clougherty replied that is right.

Alderman Pariseau responded now we have a problem and you are telling me that we put money in for FY98 that we could have used maybe to pay off some of the deficit of the School Department.

Mr. Clougherty stated Alderman, the reason you set-up the rainy day fund, and the reason that...

Alderman Pariseau interjected I know the reason why it was set-up. It wasn't part of the budget process, I don't think. If we were fortunate enough to have more revenue than we had expenses, then that balance of revenues would go into the sunshine fund or whatever it is called, the rainy day fund.

Mr. Clougherty replied a portion of it does and the balance goes to the undesignated fund balance and there is a cap on it.

Alderman Pariseau asked so if we were to take whatever money was appropriated for the rainy day account, I don't see why you can't take it to take care of the immediate problem.

Mr. Clougherty answered I think the key word, Alderman, that you are using is appropriate. You didn't appropriate those dollars. What happens is, at the end of the year, after you have made your appropriations from the various funds, you come down through a calculation of your pluses and minuses and you come to a fund balance. You have reserves for your health insurances and all of these other things and you have one for your rainy day. What is left after that, those statutory calculations, is your undesignated fund balance. That undesignated number is what you can apply to your tax rate. Now if you want to go back and say that we are going to take some money out of the rainy day fund that is a problem because what you want to do is take it out but even if you could take it out, you haven't had a mechanism in 1998 to appropriate. You didn't go through a budget process for that purpose so if it goes through, again, if you want to use that like Rooms & Meals and anything else, you have to go through a full blown budget appropriation proceeding to appropriate those funds this year.

Mayor Wieczorek stated we are getting off track here because this is something the Committee is going to be taking a look at. Every possibility we have, we will look at and that is going to come back to the Board.

Alderman Girard asked is there a way to not make that deposit into the rainy day fund and instead apply it or retain that as fund balance. Right now, if I am not mistaken, a certain percentage of whatever surplus or fund balance the City has goes into the rainy day fund. Is there a mechanism to bypass that deposit into the rainy day fund and keep it as fund balance, therefore, we would be able to carry it over into FY99 as fund balance?

Mayor Wieczorek stated I thought I said we were going to stop on this subject and deal with it in the Committee that we have.

Alderman Girard asked is it possible to get the question answered.

Mr. Clougherty answered it is structured the way it is, Alderman, and if you want to restructure it you can look at that.

Alderman Girard asked so the short answer is there is no way to do it as it is structured now.

Mr. Clougherty answered not as it is structured now and follow those rules.

Alderman Hirschmann asked when are the papers going to be sent to Concord to set the tax rate.

Mr. Clougherty answered if the Board approves this tonight, we would go ahead and enter those numbers and send them to Concord.

Alderman Hirschmann stated no. There are two paths here. There is an easy path. Send it up to Concord and give the taxpayers an increase or, I have been reading the Charter, and it says right here we can make an amendment after adoption and specifically says that if there is a lack of a fund balance we should open the budget and make some corrections. That is Section 6.05. Instead of taking the easy path, we should do this. We should open things back up, make the cut. From \$32.18 to \$32.48, that is 30 cents that you are trying to pass onto the taxpayers so we can cut that 30 cents out and give them back the \$32.18. That is what I recommend we do. I don't think we should be sending a tax rate increase up when we don't have to. We have to do the work.

Mr. Clougherty stated you have a fund balance. You don't have a negative fund balance.

Alderman Hirschmann replied but it says anticipated fund balance. It says, "Reduction of Appropriations: If at any time during the fiscal year it appears probable to the Mayor, after consultation with and verification by the Finance Officer, that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Mayor shall report to the Board of Mayor and Aldermen without delay indicating the estimated amount of the deficit." There isn't really a deficit. There is a small overage. So you are saying we can't.

Mr. Clougherty responded right.

Alderman Wihby stated we went through this meeting yesterday and we tried, I think everybody sitting there tried every single way to come up with trying to lower this tax rate. The City Solicitor and the Finance Director said the same thing that there is no way we can do anything to change that number unless, and we were waiting for the Assessors to come through for us and they did but other than that there was nothing else that could be done.

Alderman Hirschmann asked but as a Board if we believe there is going to be a fund balance of \$1 million or whatever and it is not there, we can't open things up again.

Alderman Wihby answered only if it is a negative.

Alderman Hirschmann asked can we open it up.

Asst. Solicitor Arnold answered under this specific provision in the Charter, it basically does say that revenues or fund balances should cover the expenditures for which an appropriation has

been authorized. In this particular situation, my understanding is that it is a deficit because they have overspent their authorized appropriation.

Alderman Cashin stated we all want to solve this problem. We are all very concerned about it and we are going to solve it one way or another but it is not going to be done this evening. When are you planning to settle this?

Mayor Wieczorek answered we are going to continue working at it.

Alderman Cashin asked when do you plan to set-up a meeting with your Committee.

Mayor Wieczorek answered they will be working at it tomorrow.

Alderman Cashin stated but that is them. When do you plan to set-up a meeting?

Mayor Wieczorek replied as soon as they come up with information that they can bring to the Committee.

Alderman Cashin asked will it be this week, your Honor.

Mayor Wieczorek answered if they get it done this week.

Alderman Cashin stated it is imperative.

Mayor Wieczorek replied I do, too. I think we all understand how important it is, but we can't do anything without the information so as quick as they can get it, that is as quick as I will call a meeting.

Alderman Wihby stated we have Melanson & Heath who does our auditing for the City and they also do auditing for the School Department and my concern is if something looks like a conflict of interest it shouldn't even happen and to me it is a conflict of interest. I think they are working for two different hats and my concern, your Honor, is that we shouldn't allow that to happen anymore. We have a new audit coming up in November and I guess if they wanted to do that audit they could do that audit but not do the School Department and if they want to do the School Department then I think we should find another auditor to do the...go back out to bid and get another auditor so that we have two different auditors. Again, my feeling is that there is a conflict of interest there that just doesn't look right when you are doing both sides of the equation. They are going to be doing a management report that is going to be citing different things, including the School Department and yet they over there in the School Department working themselves. So, if it is not a conflict, it definitely has the appearance of being one.

Alderman Wihby moved to let Melanson & Heath pick which audit they want to do, but that they can't do both audits. Alderman Reiniger duly seconded the motion.

Alderman Cashin stated Norm Tanguay is here and Brad Cook. Do they want to talk to this? I think they should at least have an opportunity to speak.

Alderman Wihby stated well I will make a motion that they don't do the City then. I am just trying to be fair with Melanson & Heath that if they want to do the City let them do the City.

Alderman Cashin stated I am not even sure it is a conflict.

Alderman Wihby replied it certainly looks like a conflict. You know I am reading reports here that say that they are doing stuff that I know that this Board wouldn't go along with and either the School Board and the Administration aren't agreeing with me and just doing their own thing or he is allowing it to happen and telling them they can do it and that just looks like a conflict. I don't know by reading the report if he is telling them they can do stuff that I know that we wouldn't and that our side wouldn't tell us or if it just that they are not listening to what he says and going ahead on their own and doing other things and just that alone, to me, is a conflict of interest.

Alderman Cashin stated Alderman Wihby you said exactly what I am opposed to. Our side. It is not our side and their side. It is us. We are in this together, Alderman.

Alderman Wihby replied you can't tell me, Alderman Cashin, that there isn't definitely different...the School Board is there to protect the schools, the kids, they have their own little thing to do over there and the City, we always say, we look at the bigger picture because we have a City side to do and that alone, just that instance alone is two different hats that Melanson has to work for. The same people can't accomplish both.

Alderman Cashin stated I will tell you why I am here and then you can tell me why you are here. I am here to see that 1) the City is run to the best of my ability understanding that I have got to provide an adequate education to the children in the system and I have got to fund that. Now this has all come up because of the problems we have had. You know it and I know it. That is all I am saying.

Alderman Wihby asked what has come up.

Alderman Cashin answered this whole thing with the auditors and everything else. That is fine and if you want to...if Norm or somebody wants to talk to it that is okay. I have no problem with this but to bring this up there tonight, I think, without talking to anybody about it, I think is premature and I don't think it is right.

Alderman Wihby stated I talked to the City Solicitor about it and he said that we have an agreement and we don't have a contract and we can break it any time. I have talked to the Finance Department about it.

Alderman Cashin replied that is not what I am saying at all. You know that. I am not saying anything about the contract or whether or not we have the right to break it or not. That is not the point. The point is, how are we, this Board, along with the School Board and along with the administrator and everybody, how are we going to bring this thing together and make it work and stop this fighting.

Alderman Wihby responded well this has nothing to do with having these two people giving us two different directions the way I feel we are headed. We are getting two different directions and if we are not getting them again it is because they are not following the direction of one.

Alderman Cashin stated that is your opinion and you are entitled to it.

Alderman Girard stated I would like to know what the Finance Officer's thoughts are on this. I think I understand what Alderman Wihby is trying to say but my question is whether or not the auditors both answer to the City Finance Officer. Would you comment on this, Mr. Clougherty?

Mr. Clougherty replied the Solicitor asked for copies of the contracts late this afternoon and I haven't had a chance to talk to him on that but as far as the services that are provided we, as you know, bid out services for auditing on a regular basis and an RFP was submitted. It is several years old and it is our understanding that you go through that process and you honor the contract. There are services that are being provided to the School Department that they have awarded contracts on based on a process that they have gone through but I haven't had a chance to review that either. I understand what Alderman Wihby is saying and I understand what Alderman Cashin is saying. My recommendation would be to take some time for us to sit down with the firm, make sure that we are clear on what services they are providing under which contract because I think that is important, and if the Solicitor feels it is important to sit in on that, that is fine and we will come back and report to you and say okay these are the services they provide under this contract and give you an explanation of how they are in conflict, if they are, or how there is overlap.

Alderman Girard asked so is the short answer to the question that you don't know if there is a conflict and you are looking into it.

Mr. Clougherty answered as part of this process, there has been a lot of numbers thrown around. Now the School Department and the School Board went out and hired Melanson to provide them with some financial management assistance and that is what is being provided. They have

provided us with information from an audit perspective. That is not always, as Alderman Wihby says, the same goal. They may have something, a different calculation that they are looking at but they have, I think, been fairly religious of informing us of what their calculations are versus the City's. At no time that I can remember during all of the discussions going back to November, has there been a time when the numbers we thought we were off and what Melanson was looking at were not talking about the same ranges. I don't feel that I have been misled or in any way have not had Melanson provide us with the information that we need from the City and I think if there is a conflict and the Aldermen feel there is a potential conflict here, then we should look into it and I will be happy to do that as I have with other things that other Aldermen have asked me to do.

Alderman Wihby stated, Kevin, we sat here and Mr. Sullivan from that firm sat here and we had numbers from you that there was a \$1 million to \$1.5 million deficit. We had gotten that from the Finance Department. He sat there saying well we are working on it and we are probably going to get it down to \$100,000. That is what he said. It is on the record. We will get the minutes. He said we are working on it and we think we can get it down to \$100,000. That was back in June. Now comes November and we are talking about \$1.5 million again which happens to be the right number that Finance had.

Mr. Clougherty replied my conversations with Mr. Sullivan from Melanson have always been that the deficit was as it was coming off of our system and the amount that we have been talking about. I think there were other people who said that there are things that could be done that would try to minimize that but those are management calls that the School Board had to make and I am not going to...not looking at the minutes...

Alderman Wihby interjected he sat there and he didn't argue that the deficit was \$1.1 million. So the least thing he did was not acknowledge that there was a deficit, right. He sat there and let the School Department or whoever else was sitting there with him say well we are working on this and we are close and everything else. He should have opened his mouth at that time and said well my numbers show differently, but his hat was with the School Department at the time getting paid from them. Are you going to argue that?

Mr. Clougherty answered no but what I would say is that I need to see what their contract is and what services he was providing.

Alderman Cashin asked can Norm Tanguay at least speak.

Superintendent Tanguay stated I don't see it as a conflict of interest for the following reasons. First of all, the auditing firm that we hired, which happens to be the same as the City, basically they perform an extension of the City audit and a more comprehensive audit. Secondly, they are members of the AICPA, American Institute of Certified Public Accountants which means that

they have to adhere to certain standards, high level standards, which includes independence and objectivity. Third, I would say that it is probably an even higher level of fiscal accountability in that they are able to have access to both sets of information, both from the City and School District. I think that gives them a definite advantage in terms of being able to reconcile the information more accurately and not miss anything along the way so I would say there is no conflict of interest. That is my opinion.

Alderman Wihby moved to amend the motion that Melanson & Heath not bid in November to do the City side of the contract and that it go back out to bid. Alderman Reiniger duly seconded the motion.

Alderman Pariseau asked is that legal.

Alderman Wihby answered I asked the City Solicitor and he said he didn't have a problem with that.

Asst. Solicitor Arnold stated what I have seen from the Finance Department, as Kevin points out, I haven't had a chance to speak to him. I got a copy of a letter of agreement dated 1997 for that year. I understand that back in 1995 approximately that the department went out to bid and they asked for bids on five years which would include the 1999 fiscal year which we are presently in. I have not seen a letter of agreement for that year nor have I seen, other than the response to the request for bids, a contract. I guess on that basis, I would say that if you choose not to let Melanson undertake that audit for the figure that they gave in their response to the bid, you could probably do that. I am not in a position at this point to speak to whether there is a conflict of interest or not because I have not had a chance to look at those facts.

Alderman Wihby stated I talked to Tom Clark earlier today or maybe it was yesterday and he told me that there was no contract, that it was just an agreement and we could break it at any time. Is that what you are saying?

Asst. Solicitor Arnold replied yes, I would agree with that. There doesn't appear to be a contract for this fiscal year.

Alderman Wihby stated so basically what would be happening is in November when they are going out to audit, they will go out and do the RFP and we will take the low bidder and go from there.

Alderman Pariseau asked but they wouldn't be allowed to bid.

Alderman Wihby answered they could bid if they weren't doing both. I think there is a conflict of interest. They could bid if they weren't doing both. I do not want them doing both so if they,

at that time, have dropped doing the school then they could bid for the City. If they were doing the school, then they couldn't bid for the City.

Alderman Pariseau asked does the School Department have a contract with Melanson that is due to expire.

Superintendent Tanguay answered we have a contract with them.

Alderman Shea stated I don't know where Alderman Wihby comes from, but all of the sudden we get this before us. It is like, you know, out of the blue. Now whether he counts the votes on the Board to see if he has got enough or what, but to me something like this, I don't agree with, your Honor, simply because when something comes up and one of us brings it up we have to do extra study but when he brings it up we have to vote on it right away. I object to this, your Honor, because there are more than one Alderman on the Board and this guy controls more votes than I can shake a stick at and I object to that, your Honor. He has done all this preliminary work. He gets his machine in order and then he wants everyone to fall into place. That is not the right way to do it. He should bring it in, like all of us do, we should table it tonight, we should study the issue just like we do other things, and then we should have an objective viewpoint by all concerned parties, the Finance Office, the City Solicitor, and then we should make a decision of what is going to be in the best interest of the City. Not that I agree or disagree with what he is proposing. All I am saying is we don't have to do it tonight. We have plenty of time, but if we rush through this then some of us are going to be shaking our heads and wondering what we voted on tomorrow morning.

Alderman Wihby replied all Alderman Shea has to do is vote no then. You can request a vote on anything you want. Nobody has stopped you. Vote no and if it doesn't go through, it doesn't go through. I feel strong enough that there is a conflict there and it should be solved but if the vote is not there, the vote is not there.

Alderman Sysyn asked but couldn't you hold it off until the next meeting.

Alderman Wihby answered for what.

Alderman Sysyn asked are you going to lose anything by holding it up.

Alderman Wihby answered well they are going to want to go back out to bid in November for RFP's since the audit is due in November.

Alderman Girard stated, Mr. Clougherty, when you first put this auditing contract out to bid back in 1995, was it for a specified term.

Mr. Clougherty replied yes, we asked for bids through 1999, prices not to exceed.

Alderman Girard stated okay you asked for bids, prices not to exceed.

Mr. Clougherty replied it was an RFP, not a bid.

Alderman Girard asked so if we went out with an RFP now for fiscal 99 and beyond, perhaps, would we be in violation of the RFP that we put out in 1995 and would we be taking from a service provider something that they perhaps are expecting, if not entitled to. This is sort of the heart of the question.

Mr. Clougherty answered as I have said earlier, I have not talked to the Solicitor. I haven't read the contract in a couple of years. I would have to go back and look at that. I understand that Tom has read it since 4:30 this afternoon, I haven't. So when you are asking me something like that, I don't have it in front of me.

Alderman Pariseau stated I thought they didn't have a contract so how can you read it.

Mr. Clougherty replied Alderman, when we do professional services, what we do is an RFP and the response we get back from the RFP serves as, in our understanding, the contract. We do letters as necessary to inform them.

Alderman Pariseau asked so you have a contract going back to 1995.

Mr. Clougherty answered again, I don't know what he has looked at.

Alderman Girard stated given the uncertainty of the Finance Officer and the City Solicitor, I know you have a motion on the floor but a motion to table supersedes and I would like to move to table this item so that staff can review it and make recommendations to the Board. I don't necessarily disagree with what Alderman Wihby is trying to bring attention to.

Mayor Wieczorek replied you can vote against it. I have a motion on the floor.

Alderman Girard asked so you are not accepting the motion to table, your Honor.

Alderman Hirschmann stated I kind of really believe that Alderman Wihby is correct. Mr. Sullivan of Melanson and company did the audit in my Committee, the procurement audit, and he made suggestions about schools economies that could be achieved and I don't know if he even knows that. He said that central purchasing should be achieved, that supplies should be purchased along with City supplies, then he did an audit to Kevin and did a management letter for the City and then he is doing the school's books. I think there is a conflict. I think he is

doing too much. The central purchasing audit was done by Melanson. He has got his hands in too many different things and I think that Alderman Wihby is right.

Mayor Wieczorek called for a vote on the motion to not allow Melanson & Heath to perform the November audit for the City and to go back out with an RFP to secure a new auditing firm. Alderman Cashin requested a roll call. Aldermen Hirschmann, Wihby, Reiniger, Pinard, Rivard, and Pariseau voted yea. Aldermen Cashin, Thibault, Klock, Sysyn, Clancy, Shea, O'Neil, and Girard voted nay. The motion failed.

Mayor Wieczorek stated one other thing that I would like to mention, there has been a lot of talk here recently about our Police Chief. What I would like to do is give our Police Chief a vote of confidence.

Alderman Girard moved to give a vote of confidence to the Chief of Police. Alderman Pinard duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

Alderman Girard stated can we ask Mr. Clougherty and Mr. Clark to come back to us at a subsequent meeting and address the concerns that Alderman Wihby has brought to the Board.

Mayor Wieczorek replied we will take a look at it.

Alderman Thibault stated I have to bring this up again and I hate to be beating a dead horse but I guess it will probably be embalmed by the time we get done with this. The rooms at West High School are still extremely dirty and nothing seems to be getting done over there, your Honor. They have finally cleaned the hallways at least. Now we are going to give them credit for that but the rooms are still in very bad shape, many of the rooms are still in very bad shape and nothing gets done. Plus the fact that last week, your Honor, they had an open house and better than half of the lights in the building were not working. They are working on that now, I understand, but the people that came to the open house more or less had to bring flashlights to see where they were going in the school which I think is a pretty good safety hazard. I just wanted the Board to be aware of it again. Here we have a company that we are paying over \$2 million to clean our City buildings and we have reports like that. I think we should all be ashamed of ourselves.

Mayor Wieczorek stated the School Department is the one that orders the lights. They didn't order them until September 15.

Alderman Thibault replied that is not the way I understand it. The other thing, your Honor, is I wonder what kind of safety that we are putting into many of our buildings. Parkside Junior High, just from this summer until now, at least six or seven times has been found completely

unlocked with the windows all open, the doors wide open and nobody in the school. This is at least six or seven times that it has happened. We have hundreds of thousands of dollars worth of computers and other major equipment in there and we allow something like this to go on. It doesn't make any sense. They even had a number. Finally I got PBS to put an emergency number that somebody can call. When someone saw this kind of situation, they called this number and got no answer.

Mayor Wieczorek stated I will check on that tomorrow.

Alderman Shea stated when somebody is a department head and they don't do their job, we say that they should be "run out of town". When somebody is a department head and they don't do their job, what is good for the goose is good for the gander, your Honor. We protect certain department heads and we say to others, "out of town" and that is not right.

Alderman Hirschmann asked could we, as a Board, as the University of New Hampshire to encourage the downtown, continue the campus. I know there was an article in the *Union Leader* about a State Representative or somebody who wanted to get rid of the University in Manchester.

Mayor Wieczorek answered that is going nowhere.

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

A True Record. Attest.

City Clerk