BOARD OF MAYOR AND ALDERMEN

November 3, 1999 **7:30 PM**

Mayor Wieczorek called the meeting to order.

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

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

Absent: Aldermen Klock

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

Mayor Wieczorek stated the November "Spirit of Manchester" Award is given to the Manchester Oval Society. The Oval Society is a charitable corporation founded in 1996 in order to encourage the City of Manchester to build a first-class track and field facility at Livingston Park for the use of Central High School and the public at-large. The Oval Society's goal was to raise monies to contribute toward the installation and maintenance of the track facility. The Oval Society was successful in doing so. The Livingston Track is a state-of-the art facility and a sum of money has been deposited into a charitable foundation to be used by the City to resurface the track in approximately seven years. Alderman Dave Wihby will present the Board members of the Oval Society with a certificate and commemorative pin.

Mayor Wieczorek called Leslee Stewart, Thomas Wallace, Frank Mesmer, Chris Havilas, Dennis Ryan, James Craig and Joe O'Neil to the podium. Congratulations to all of the members of The Oval Society that made this exciting happening. Carol Gammon come up.

Mr. Craig stated I know you have a long night, so I won't take much time, but I just wanted to thank, on behalf of everyone here…just to reiterate again…we're just a group of local citizens who happen to have a passion for athletics and for running in particular and back in 1995 we saw a need…Central High School and all of the high schools were putting out first-class track teams and nationally ranked track teams and Central didn't have a facility and Memorial's facility was grossly overused and West didn't have a facility. So, we got together as a group and decided to put that passion into action and we went around with the help of Alderman Wihby, Alderman O'Neil and the whole Board and the Mayor…we were able to put together the funding through the City and raise enough money so that there's money there now in a foundation to take care of that track when it needs to be refurbished and it's the kind of public/private partnerships that I hope the City will continue to do and I think I'm seeing more of it now. I'm seeing it at West High, it started at Singer Field and it's just great for the City and it's great for all of us and for our kids and I just wanted to thank, again, the For Manchester organization, the Board, the

Mayor and I wanted to mention some of the major contributors to our fund which is the McDonald's Corporation, the Central High School Booster Club, the Puritan Restaurant, the Cogswell Trust, Shop 'N Save, Fleet Bank, the Hunt Foundation, the Bean Foundation, and many other smaller donors and so on behalf of everyone on The Oval Society, I thank the City and For Manchester.

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 on April 26, 1999; May 4, 1999 (two meetings); and May 17, 1999.

Informational to be Received and Filed

B. Communication from the Finance Officer relative to the tax rate setting options available to communities in the wake of the recent State Supreme Court ruling on school funding.

C. Copies of minutes of MTA meeting held on September 28, 1999 and the Financial and Ridership Reports for the month of September, 1999.

D. Copy of public service announcement regarding 1999 Current Use Public Forums.

E. Copy of a communication from the State of NH, Department of Transportation advising of a combined public officials/public informational meeting scheduled for Monday, December 6, 1999 at 7:00 PM at Weston Elementary School relative to the rehabilitation of NH 101 from I-93 east approximately 2.0 miles.

F. Communication from the Chief of Design Services for the State of NH, Department of Transportation advising that survey crews will be in the area of I-93 to the 28 Bypass as part of the Candia Road Rehabilitation Project.

G. Communication from Counsel, Director of Government Affairs for MediaOne submitting information which had been requested at the 10/12/99 Administration Committee meeting.

H. Communication from the Kettle Coordinator of The Salvation Army seeking continued support of their major fundraising efforts.

I. Copy of a communication from Thomas Vracko submitting a resolution making the English language the official language of the United States.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

J. Ordinances:

"Amending Section 33.024, 33.025 and 33.026 of the Code of Ordinances of the City of Manchester relating to Public Works Maintenance Division Positions."

"Amending Sections 33.025 and 33.026 of the Code of Ordinances of the City of Manchester relating to Public Works Administration Positions."

K. Communication from Lloyd Basinow for the NH Pure Water Coalition requesting the Board order the placement of the question:

"Shall Article VIII. General Provisions, of the City Charter be amended adding Section 8.16 titled Purity of Municipal Water and therein providing that no foreign substances in any form shall be added to the municipal water supply except as may be necessary to insure pure and safe drinking water."

on the next legal election ballot.

L. Rezoning petition submitted by Nicholas Lazos for two parcel located on Porter Street Extension and Interstate 293 and known as Lot 757-2B and Lot 757-2A.

M. Rezoning petition submitted by Brown Avenue residents requesting their properties located between the lights on Brown Avenue, down to the bridge, be rezoned from Residential to Commercial.

COMMITTEE ON COMMUNITY IMPROVEMENT

N. Communication from the Chief Sanitary Engineer submitting Amendment No. 3 to the Londonderry/Manchester Intermunicipal Agreement for Sewer Service.

O. Communication from the Director of Planning relative to a proposed contract with Intown Manchester.

COMMITTEE ON FINANCE

P. Resolutions:

"Amending the 1999 & 2000 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) for the 2000 CIP Project 710900 Notre Dame Rehabilitation Project."

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Four Hundred and Two Dollars ($15,402) for the 2000 CIP Project 410300 Troops to COPS."

"Authorizing the Finance Officer to effect a transfer amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) from the 1999 CIP 710199 Bridge Rehabilitation Project to the 2000 CIP 710900 Notre Dame Bridge Rehabilitation Project."

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

R. Copy of a communication from Alderman Pinard to the Bureau of Municipal Highways, NH Department of Transportation, regarding safety concerns relating to proposed curbing in front of the Goldenrod Restaurant on Candia Road.

S. Communication from the Chairman of the Christmas Parade Committee requesting no parking on Elm Street from Webster to Granite Streets on Sunday, November 28, 1999 between the hours of 9:00 AM and 6:00 PM to address safety concerns for the 1999 Christmas on Elm Street Parade, and approval of a rain date of Monday, November 29th.

T. Communication from Kevin Van Brunt requesting assistance in locating parking accommodations in the Downtown area for himself.

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

U. Recommending that Resolutions:

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Four Hundred and Two Dollars ($15,402) for the 2000 CIP Project 410300 Troops to COPS."

"Amending the 1999 & 2000 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) for the 2000 CIP Project 710900 Notre Dame Rehabilitation Project."

"Authorizing the Finance Officer to effect a transfer amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) from the 1999 CIP 710199 Bridge Rehabilitation Project to the 2000 CIP 710900 Notre Dame Bridge Rehabilitation Project."

be approved and expenditures authorized; and for such purpose resolutions and budget authorizations have been submitted.

V. Recommending that the Finance Officer be authorized to transfer $6,000 into the UNH account from available balance of proceeds from the sale of land at the Manchester AirPark in order to complete the Master Plan Contract for the Hackett Hill property.

W. Recommending that a request from the Public Works Administrator to utilize $321,000 to do additional energy saving projects as allowed by the bond throughout the City, subject to approval of all necessary City staff be granted and approved, and for such purposes a budget authorization has been submitted. The Committee notes that such $321,000 was formerly appropriated for operational expenses which cannot be charged to the related bond.-

X. Recommending that a request of the Access Manchester Committee for appointment of new members to the Committee as enclosed herein be granted and approved.

Y. Recommending that a petition for discontinuance of Thompson Street submitted by Attorney Peter Wenger on behalf of Aspi & Jayesh Partnership be referred to a Road Hearing to be held on December 13, 1999 at 6:00 PM.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

Z. Recommending that the Proposed Final Organization Chart for the Highway Department, Building Maintenance Division be approved. The Committee notes that such Organizational Chart reflects changes in grades to current positions and has been approved by the Committee on Administration/Information Systems; and for such purpose an Ordinance has been submitted.

AA. Recommending that a Pre-employment Exam Policy submitted by the Human Resources Director be approved.

AB. Recommending that a revised Sexual Harassment Policy submitted by the Human Resources Director be approved.

AC. Advising that it has referred requests from Bell Atlantic Mobile and William Trombly, of Trombly Enterprises to insert information into the City employees' paychecks to the Human Resources Department for consideration at their health fair to be conducted in the Spring of 2000; and further recommending that all future requests be referred to the Human Resources Department.

AD. Advising that it has reviewed and approved proposed Ordinances:

"Amending Section 33.025 (Compensation of Positions-Airport Director) of Ordinances of the City of Manchester."

"Amending Section 33.060 Standby Duty of the Code of Ordinances of the City of Manchester by deleting same and replacing it with a new Section 33.060 Standby Duty."

and recommends 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 O'NEIL, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Q. Resolution:

"Making a Temporary Loan of Twenty-Five Million Dollars ($25,000,000) in Anticipation of the Taxes and Education Grants for the Fiscal Year 2000."

Alderman Hirschmann asked aren't we going to get a presentation on this.

Mayor Wieczorek replied we are going to, but if we can move this along it will be done in Finance because we'll take an action in Finance and asked that the Resolution be referred to the Committee on Finance.

Alderman Hirschmann moved that the Resolution be referred to the Committee on Finance. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

5. There were no nominations presented by Mayor Wieczorek.

On motion of Alderman Wihby, duly seconded by Alderman Clancy, 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

8. A report of the Committee on Finance was presented recommending that Resolutions:

"Amending the 1999 & 2000 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) for the 2000 CIP Project 710900 Notre Dame Rehabilitation Project."

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Four Hundred and Two Dollars ($15,402) for the 2000 CIP Project 410300 Troops to COPS."

"Authorizing the Finance Officer to effect a transfer amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) from the 1999 CIP 710199 Bridge Rehabilitation Project to the 2000 CIP 710900 Notre Dame Bridge Rehabilitation Project."

ought to pass and be enrolled; and further that Resolution:

"Making a Temporary Loan of Twenty-Five Million Dollars ($25,000,000) in Anticipation of the Taxes and Education Grants for the Fiscal Year 2000."

ought to pass and lay over.

Alderman O'Neil moved to accept, receive and adopt the report of the Committee on Finance.

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

9. Report of the Committee on Administration/Information Systems relative to the cable contract, if available.

Deputy Clerk Johnson stated there is no formal reports that have been prepared; that we had received a communication from the City Solicitor's Office and that is what was distributed to the Board earlier this evening.

Mayor Wieczorek asked, Alderman Pariseau, as Chairman of the Committee on Administration do you want to have them.

Alderman Pariseau deferred to the Assistant City Solicitor, Tom Arnold.

Assistant Solicitor Arnold stated if I remember correctly, your Honor, at the last Committee on Administration hearing the Committee voted with a minority report submitted by Mr. Girard to approve this transfer subject to certain conditions that we discussed at that Committee meetings. Those conditions related to essentially three areas: they related to the signal quality of MCTV's programming on both Channel 16 and Channel 9, now that we have two channels; part of that was an issue as to the installation of some fiber optic cable from the MCTV studios to the MediaOne heading…they have agreed to do that; and it is my understanding is that they are going to do their best to have that actually installed within sixty (60) days. The second issue had to do with the I-Net that the City has…MediaOne at the City's request tested that I-Net to make sure that it was operating properly, they have assured us that it is those test results and the schematics showing where that I-Net is actually located…will be attached to the letter that is signed by the Mayor, they are not attached to you copies because they were quite bulky on the order of a couple of inches. The third issue had to do with cable modems in the school. As part of the social contract which, if I recall correctly was originally negotiated between the FCC and Continental Cablevision a number of year's ago…Continental Cablevision and hence MediaOne being a successor in interest agreed to place a single port cable modem in each public school at

no cost, so that schools would have access to the Internet. Those cable modems have not been installed in the Manchester Schools as of this date, we've been assured by AT & T that those cable modems will be installed as soon as we provide them with a list of our public schools and where the cable modem drops are to be placed within the school. We would expect that that be done in the order of 30 to 60 days after we notify them of where we want them actually placed within the buildings. The last issue that came up was open access. Open access is a topic which has engendered some controversy recently particularly in Portland, Oregon and most recently in Cambridge, Massachusetts. What open access is in a nutshell…presently, a lot of internet service providers…ISP's for short, provide access over telephone lines. Cable modems are another way of providing that access that are much faster than telephone lines by orders of magnitude. The recent commercial experience has been that consumers value speed. If you can get a cable modem hookup to the Internet where you can download a home page or whatever else you want to view in the matter of a second or two is viewed much more favorably than a telephone line hook before it might take 30 seconds or a minute. So, that a number of ISP's and consumers given the extra speed that cable can provide want the cable systems to open up their networks to independent service providers…hence, open access. The AT & T has resisted that…their position could probably be put more succinctly by Mr. Gage who is here, but they, of course, say we spent $6 billion on our network, we think we ought to control it. What we have done with that issue as we have reserved the City's rights to deal with open access in the future, I think that given the present situation in some of the larger cities…namely, Portland, Oregon and Cambridge, Massachusetts that this is probably more appropriately dealt with the City during the transfer…I'm sorry, during the renewal of the cable franchise which we have coming up in July of next year when hopefully the situation will be clarified a little and we can take a better look at it; that is basically what the draft letter in front of you provides and I'd certainly be glad to answer any questions if there are any.

Alderman Girard stated the agenda mentions a majority report and a minority report. The minority report was filed by myself and basically it was recommending that the transfer of the cable franchise not take place and there are a couple of reasons for that. As the Committee on Administration took a look at the request to transfer the franchise from MediaOne to AT&T to facilitate the merger…several issues were brought up. I do not believe that AT&T is interested in being a cable company or buying a cable company the providing cable service. I believe that AT&T is interested in buying MediaOne for two reasons and they alluded to them in their testimony at the public hearing today. First, they're looking for a way to provide local telephone service and with MediaOne's cable network in the City and elsewhere they will be able to compete with entities like Bell Atlantic and other to provide local telephone service. The second reason why and probably the first reason why, I believe they're taking a look at taking over MediaOne because they want to buy and control the broadband access to the network. Now, the reason why those are significant to me is because I believe that cable television and cable programming and service to cable customers will not be one of their priorities because I don't believe it's what's motivating them to buy MediaOne. AT&T as we learned in Committee has experience with cable television only because it has bought other cable television companies, I think only one actually (TCI) is that correct and an interesting

statement before the Committee an AT&T representative said that they have experience with cable television because they bought a cable television company eight month's ago, but did not allow them to use the AT&T name until they came up to their customer service standards which in sort of an ironic twist demonstrated to me the lack of capability perhaps that the company they had had not provided service. There are a couple of other reasons why I opposed this transfer. In the last few years, we have gone from United Cable which was a local cable company to Continental Cable which was a regional company to MediaOne which is a much bigger regional company to now perhaps AT&T and every time we've taken a step, your Honor, from one company to the next to the next to the next our residents have lost service, they've lost control over the programming, they've lost control over the rates, they've lost an entity that is directly responsive and responsible to them and the larger the corporate entity the less responsive they are. Dr. Sullivan, at committee, brought up the loss of local programming that we used to have here in Manchester…MediaOne defended it by saying they have provided regional programming on a New England wide basis to all of their holdings in New England which clearly doesn't address the local need. There have been several issues as Dr. Sullivan pointed out to us at Committee regarding MediaOne's adherence to the franchise agreement providing services that they need to provide. The condition, this transfer to see to it that they are upholding what they're supposed to uphold…getting technical problems corrected, getting channel issues corrected, getting service issues like the social contract corrected. Dr. Sullivan has been fighting these things literally, your Honor, for years and only now because we've decided to investigate this transfer, only now are they correcting them and I'm not hopeful that an entity as large as AT&T is going to be responsive to the City of Manchester or frankly, individually to any of the cities and towns they may have franchise agreements in. I don't believe this is in the community's interest and our franchise agreement according to Mr. Epstein and Solicitor Arnold…our franchise agreement allows us to judge whether or not the community interests are served by a merger or the transfer of the franchise. I do not believe so for the reasons that I've stated and if I might ask Mr. Epstein we all presumed and we discussed this at committee…but, we presumed that because AT&T's a company known to us for many reasons…we will presume that they have the technical expertise to be able to handle the cable company, but you don't necessarily hold that to be true. If I remember correctly at committee you questioned that…I wonder if you could show your reasoning with the Board of Aldermen tonight for why AT&T may not be technically capable of administering the cable company.

Attorney Epstein stated let me speak to that briefly. I think as Alderman Girard mentioned there are a couple of concerns I think that municipalities have about AT&T particularly about their management experience and technical experience with the explicit area of cable television. No one doubts that AT&T doesn't have the capability of operating a telephone system, operating Internet, but I think there are some concerns about the breadth of their experience with cable TV, technical affairs and management affairs and about all I can say is I share that concern. I think that their experience is just very limited and that experience is that they bought as Alderman Girard mentioned TCI about eight month's ago and it is the TCI management that they, in fact, are poignant to. Now, I'm not saying that they can't manage the system here in Manchester, but I think it is worth at least bringing this up that as opposed to when you had a

transfer from say United to Continental it was clear that Continental was a cable TV company and certainly had that kind of experience and I think the important thing tonight is that the Aldermen and the Mayor realize that this is not a typical cable TV transfer. It's not going from one cable company to another, it is now going from a traditional cable company to AT&T and so the convergence in technology that you've heard about is happening right now. You're going to from a company that pretty much has always centered on cable, on video to a company that I think probably is more concerned about getting into local telephone and Internet and they're getting cable with it. It doesn't mean in the end that they're going to do a bad job, but all I can say is I think that Alderman Girard is probably right that their concern is getting into these other areas. If you look at their advertising, I think that bears it out. And, I'm not saying you shouldn't go ahead and follow the Committee's recommendations, but I think it is important for this group to understand that just as it's important for the group to have listened to both sides of this so-called open access issue. This is a prime example of this convergence. This is an issue that would only come up basically at this point in time with a company like AT&T. So, I think those are valid concerns that people should, at least be thinking of.

Alderman Thibault stated here we are again under the gun which is ultimately what happens here to this Board or to these Committees, but it seems that again we're under the gun here okay to make a decision either tonight or last week when we met. My problem is why do we ever sign a contract with anyone if we can't control what goes on. And, evidently these contracts in my opinion are meaningless because we sign these contracts and these companies can ultimately charge the customers anything they want and we have absolutely no control over that and again seeing AT&T coming into this market now, I look at this as when they get this and when they get most of the rest of this area how do we control the cost again. I can remember just a few years ago paying $9.75 for cable and I'm now paying $28.25 and we have no way of controlling that. To me, that's the problem. I don't think we should sign any contract with any company where we, as a City or as an entity that we have some control as to how they raise their rates. This is the problem here. Thank you.

Alderman Shea asked either Tom or Attorney Epstein what are the options/alternatives.

Attorney Epstein replied the question is what options does the Board of Mayor and Aldermen have…well, I think you probably have three options. You could deny the transfer…

Alderman Shea asked if that should occur, what happens.

Attorney Epstein replied if you deny the transfer I assume there would be some challenge to that action by both MediaOne and AT&T to either a State or Federal Court. If you were to take that action in the current franchise agreement there is criteria to consider for the grant of a transfer. Some of the criteria that Alderman Girard had mentioned…management expertise, experience…things like that. So, you could theoretically deny. Number two, you could consent which I think as I understand…you could just say yes without conditions, that's number two. Number three, you can consent with some conditions which I believe is what the

Committee had recommended. Now, what we have done in this statement is to say we're going to grant this, but at a minimum you've got to comply with what the franchise says that you're supposed to do and that was on this institutional network, it was to clean up the signal quality problems on those two access channels programmed by Manchester Cable TV and number three provide the cable modems to the school. Now, what some other communities are doing frankly on the condition is on this open access issue, Mr. Shea, they are saying we will consent, however, that consent is explicitly conditioned on AT&T making its cable modem platform available to unaffiliated ISP's and I don't think your Committee went that far. What the Committee said was that there was concern about this and that the City, the Mayor and your Board are reserving your rights to deal with that issue in the future if that's appropriate.

Alderman Shea asked are there any other cable companies available for an option or is it…

Attorney Epstein asked coming to Manchester. Well, they're kind of disappearing kind of quick, Mr. Shea, and if AT&T keeps going the way it's going there's going to be one company and I'm not trying to make AT&T the bad guy, but you've got to understand a year ago AT&T was not involved in cable. AT&T now simply by buying TCI which was the world's largest cable company and MediaOne which I think was this country's third largest is now the largest cable operator and I think as Alderman Girard said that at least should raise some concerns…again, I'm not saying you should not grant this, but I think people should at least be aware that this is a different kind of company coming into town with different interests than say the Phillip's used to have with United back in the good old days of cable TV.

Alderman Shea inquired as to whether there are any federal regulations on cable rates or any types of…

Attorney Epstein replied yes, there are federal regulations on rates. Let me just say that rates by-and-large are deregulated. Cities and towns have very, very little authority over rates and the authority that Manchester could have would only, understand this, would only be over the basic service rates. Any other rates that by-and-large have been deregulated and I certainly understand the frustration voiced by Alderman Thibault on this, the rates have gone sky high and just understand that it is not a failure of this City or any other City to act. This is what Congress decided to do. Rate regulation or deregulation has been a big failure and the problem, of course, is you have these companies that have defactor monopolies and for better or for worse they can sort of do what they want and there's nobody else that's challenging them across the street to say go ahead and raise your rates because we'll keep our rates down, that's the problem. It's not something the City failed to do.

Alderman Wihby asked when we started negotiating or talking about this renewal or this transfer did we have some ideas on what we wanted and we were going to ask them and we went forward and tried to negotiate with them. Did we get everything that we wanted.

Assistant Solicitor Arnold replied I think that we have to be careful to keep the transfer and the renewal separate. The transfer is what we're dealing with tonight, the renewal we will be dealing with in the very near future.

Alderman Wihby stated I heard we had three options and one was we can okay it with some kind of conditions, did we put all of the conditions on that we wanted.

Assistant Solicitor Arnold replied I believe that we did. We certainly attempted to deal with those concerns that were raised by MCTV and raised by cable modems in the schools again in light of the transfer this is not the renewal. The renewal…there will certainly be further discussions on and we have some more leeway to negotiate contract language to deal with other concerns that may arise or I think such things as increased use of the I-Net by the City and other issues.

Alderman Wihby stated one of the things we had a speaker speak about…leaving the access and I heard you say something about available to ISP's. Why didn't we add that one item in, Why did we just say we want to talk about it later. Isn't it to our best interest to have that as one of our conditions.

Assistant Solicitor Arnold replied as I said with respect to open access there is quite a bit of controversy at the present time. The Portland, Oregon action was…as recently as Monday…argued before the Ninth Circuit Court of Appeals - Cambrige has mandated open access recently…I'm sorry, I'm informed they are about to…I imagine that that will also end up in the federal courts in the First Circuit.

Alderman Wihby asked are we giving up our right if we don't do it now.

Assistant Solicitor Arnold replied no. We specifically, in this draft letter reserve our rights to deal with that in the future, particularly at the time of renewal of the City's franchise.

Alderman Wihby asked tell me the difference. Why don't we just say no to this contract and let them bid on the renewal, maybe we would have a couple of people bidding rather than just one company or something.

Assistant Solicitor Arnold replied there are federal regulations and laws dealing with renewals that could be better explained by Mr. Epstein.

Alderman Wihby stated I heard him say that one of the reasons we could do this…say no and let them challenge us in court…why don't we let them challenge this is court.

Assistant Solicitor Arnold replied I think that if you're going to deny the transfer…

Alderman Wihby interjected this Board has heard a lot of complaints in the past about cable and while we've been told by everybody is that we can't do anything about it, we can't do anything about price, we can't do anything about service, we can't do this and we can't do that…sometimes we have to take a challenge and just go ahead and do it and if that's one of our ideas that we can do out of the three, I don't understand why we wouldn't do it…we're going to open it up in July anyway or whatever and just get a new company in. I think maybe they'll smarten up and they'll probably do some of the things that we want to do…we've all heard the complaints and I guess I don't understand why…and I don't actually hear a note from the Attorney, I hear well, that's one of the options.

Attorney Epstein stated let me explain. I think the transfer process is the time to by-and-large look and see if the transferee which is AT&T can by-and-large step into the shoes of MediaOne and those are some of the issues we've been discussing. In general, it's not thought that the transfer is the time to open up the process because we are acting in this pursuant to federal law. As you know, this franchise is non-exclusive. So, when you talk about getting other bidders, I think the optimum situation would be to not even get rid of a MediaOne or a Continental or an AT&T, it would be to get another company to come in and provide service and competition and you may have heard that in some of the Metro-Boston communities were doing that. There is a company that is building in Metro-Boston and challenging MediaOne and some of the other companies down there because if you simply get rid of MediaOne and get another company then the problem may be that you're simply replacing one defacto monopoly with another. I think when you're talking about service issues, about local programming…those are issues that the City has some control over, those are issues appropriate for negotiation during renewal. As I said to Alderman Thibault the one area that we really have very little authority in and it's unfortunate is rates.

Alderman Wihby stated we've talked to them about local programming and they promised us some stuff and they told us they were going to do everything here and then they went to Portsmouth or something and I don't even know if they're around any more for some of these local programming items that they wanted, we talked to them about having New Hampshire College basketball on, they said we'd look at that…all these items. We've looked at before and we haven't gotten anywhere with them. I guess I just want to know why…if we just say no to this today, let them take us to court and in July we'll open it up. Doesn't another person come in and think a little more, work a little harder to come in and give us what we want to do in July in a new contract if we don't do this today.

Attorney Epstein stated I'm just saying that I think those issues and that process, Mr. Wihby, would be more appropriate at the renewal junction than it is now. I have said this in public that I think as far as a cable company…the best cable company, I thought going was Continental. I thought they were community-based, I thought they did a good job of local programming and that disappeared or was starting to disappear when it went to MediaOne. Mr. Girard is right and I suspect and people may criticize me for this statement, I don't think that is going to get any

better. I suspect that under AT&T you're going to see less community involvement on the cable side. I think that's true.

Alderman Wihby asked then why should we do this today.

Attorney Epstein replied again, all I can tell you is that I believe that those issues are more related, at this point, to the renewal process. Could you deny…again, you can deny. We have the criteria both in your franchise and outlined by federal law, but all I'm saying is that I think some of the issues you're talking about are probably more appropriate to deal with during…

Alderman Wihby stated what I'm saying is what's wrong with taking the challenge that we have today that you said that we could…here's the criteria we have to go on and you don't know if they need that or not. Using that criteria, saying no today and letting them challenge it and maybe they'll come back and say instead of challenging this we're going to do this for you, we're going to give you more local programming, we're going to do this, we're going to do that, we'll make sure that we are going to have so many phones open and all this other stuff and get a better contract out of this rather than jumping and doing it today. What's wrong with that approach.

Attorney Epstein replied that is an option.

Alderman Pariseau stated I think Alderman Wihby is on the right track as far as the renewal process is concerned. We don't like what we're getting from the current cable provider. They have been told this by the Committee. But, the issue is whether this City is going to…whether we okay it or not…is allow the transfer from MediaOne to AT&T, that's the question that we have. We could have just said yes and let it go with the full approval of this Board, we could have denied it and then they would have taken this City to court…we don't have that type of money to fight AT&T. The taxpayers are burdened enough. The ratepayers of cable television are burdened enough. We thought if we went along with the transfer with the conditions as outlined in that letter from Tom Arnold that we will get their attention during the renewal process, so I would move to the question. We've been on this for a half hour already and it's beating a dead horse.

Alderman Hirschmann stated, Mr. Epstein, you're our attorney in this matter. What they're approaching us with, is there any federal anti-trust market share type violations that could be coming up. In the industry that I am in, the federal government has stepped in and divested big corporations from their market share and it seems to me that AT&T right now is stepping into the battle ground of the internet to take market share through cable company and another network was just laid and we could all see this coming last year, but where it is a monopoly and it's been a closed monopoly for quite a while, I don't care what that piece of paper says there is no one else at the plate, it's a monopoly, what about anti-trust.

Attorney Epstein stated there are anti-trust…there are a couple of anti-trust facets. Going back to this open access issue, Mr. Hirschmann, in the City of Portland when the City made its

conditional approval saying we'll approve but you've got to open this up…in the brief to the district court there they discussed the anti-trust ramifications and I'm grossly oversimplifying this, but they were saying this is a monopoly, it's a single-source provider, this is an essential facilities argument we have here; that we have the right to do certain things because this is a monopoly. Now, the District Court in the Ninth Circuit bought that argument and agreed with the City. Now, when the arguments were made this past Monday to the Court of Appeals whether than panel agrees or not remains to be seen. So, on the Internet facet I think there are some anti-trust questions that have been raised. As far as other anti-trust like questions when AT&T announced its intention to buy MediaOne on the heals of buying TCI the problem became that it appeared to be violating an FCC directive that no one company could serve more than 25 or 33 percent of the cable customers in the country and on the face of it, it appeared that this transfer would take AT&T over that amount. It's complicated because AT&T owns also smaller pieces of other companies. MediaOne, for example, owns 25 percent of Time-Warner, AT&T owns 30 percent of Cablevision…

Alderman Hirschmann interjected the answer is there could be a market share anti-trust violation and a VITTS Network type person out in the community could be a litigant against them in the future.

Attorney Epstein stated there are some yes.

Mayor Wieczorek stated I will have the Clerk read the reports.

Alderman Wihby asked may I ask a letter regarding Grace Sullivan's letter.

Mayor Wieczorek stated if I do that then I'm going to let Alderman Girard speak too.

Alderman Wihby stated there are three things that we were asked to send a letter, Grace, to MediaOne and AT&T. Now, did these items come up while we were negotiating.

Dr. Sullivan replied yes.

Alderman Wihby stated they said no…that's what I was getting at. Is there stuff that we asked for that we didn't get.

Dr. Sullivan replied yes because all we could really address were the items that were legal and we couldn't address a lot of the concerns that the Committee and I'm sure a lot of you Aldermen have heard from your constituents in terms of programming…ETWN…we have no ability as a municipal government franchise authority, but what we do have, I think, to address those concerns say spiritual programming that since Continental has gone to MediaOne we've seen more violent programming on television directed toward teenagers and young people. We've seen cable networks that have programming on that are sexually promiscuous programming during early morning Saturday cartoon hours, we've seen socially irresponsible programming.

So, I thought in a discussion with my family, my kids and my husband that if we could come to you and say please send a letter to MediaOne/AT&T asking them to offer a tier of programming that's family-friendly. It would be a good consumer, good citizen corporate culture and I think it would be a good marketing thing. I brought this up with Jennifer Farrell from MediaOne who's been very, very responsive in working with her, she's really been wonderful in terms of addressing the things that are legally addressable. However, she thought it was a good item, so why can't we bring them a good idea; that Manchester is a City that embraces positive values and that we could ask that some programming like Disney, the broadcast channels, channels like PAX TV that are committed to positive values be offered on one tier and then with movies if you wanted an optional tier you could get programming like MTV, but channels that are little bit more adult in content and socially responsible. So, this was just asking you could you do this, could you ask them.

Alderman Wihby interjected they've already told us no to this.

Dr. Sullivan stated they kept saying write your Congressmen…we don't have to do this.

Alderman Wihby stated these are simple things enough, if we had told them no to the contract today in the renewal…

Alderman Pariseau interjected, your Honor, this is a different issue than what we're discussing.

Alderman Wihby stated that's what I'm getting into this…if we told them no today and wanted to pursue this, they're not going to take us to court over a few items like this, they're going to say fine we'll throw it in there…

Alderman Pariseau stated this has nothing to do with the transfer.

Alderman Wihby disagreed stating it does have something to do with it, they're not giving us a service that we want now…

Mayor Wieczorek asked hold on.

Alderman Pariseau stated I'm getting a little upset, your Honor, we have this MCTV person and none of this stuff was brought up in Committee and makes a big stink at our public hearing, it's not right for the Committee.

Alderman Wihby asked was it brought up to the Committee or not.

Dr. Sullivan stated, Aldermen, I apologize. I just wanted to bring this up in some letter form. If I'm doing it in the wrong form, I just felt because of the eleventh hour attitude…

Alderman Pariseau reiterated you should have brought it up in Committee, it most certainly was not.

Alderman Wihby asked was it or was it not brought up in Committee, I asked and he said no.

Dr. Sullivan replied we brought up in terms of the kinds of programming…we brought up the religious program, we brought up the different kinds of programming.

Alderman Wihby asked, Tom Arnold, was it brought up at Committee.

Assistant Solicitor Arnold replied I've been searching my memory. I do remember Grace talking about violent programming.

Alderman Wihby stated MediaOne said no.

Assistant Solicitor Arnold stated I don't recall them saying no.

Alderman Wihby asked did we get it into the agreement as one of the conditions that we put on them.

Assistant Solicitor Arnold replied I don't think that this franchise authority, this municipality can regulate the media content.

Alderman Wihby stated maybe I'm not explaining it good enough. I understand what you're saying…all I'm saying is if we're not happy with the product and we want to add something to that product or say no…they're going to damn well do what we want to do, they're not just going to say take us to court and spend $200,000 if it's only going to cost them $5,000 to do something. So, I don't understand why we wouldn't have said to them we're not going to okay it unless you put it in as a condition, they would have said yes and everybody would have been happy with this.

Dr. Sullivan stated, Alderman, I would take this request back and bring it in at another time…I'm really sorry that this has…

Mayor Wieczorek interjected we certainly have a procedural problem here.

Alderman Girard stated just a couple of quick points. First, Dr. Sullivan did not present this piece of paper to Committee, however, the content of this piece of paper was discussed at Committee…both by Dr. Sullivan and by myself as it specifically regarded EWTN, the Odyssey Channel and the Inspiration Network and when we tried to discuss these matters at Committee, Mr. Gage from MediaOne told us that federal law prohibits the City from having any discussion on channel content. So, to answer Alderman Wihby's question…yes, the Committee on Administration tried to address these issues and was shut off rather abruptly with you have to

right to discuss channel content. Dr. Sullivan is trying to get a discussion going between the City and the cable provider to say that we are interested in this kind of programming choice for the community. We can't require it as part of the transfer, we can't even negotiate it, Alderman, as part of the franchise renewal because we have no ability to regulate channel content, okay. So, everybody here in an awkward situation is right, but it comes back to why I am opposed to this because no entity the size of AT&T…MediaOne has demonstrated this time and again is interested in being responsive to the local community's desires for programming, among other things. They are too big, they are serving too many customers, they are too bottom-line driven, there is no community ability to control or have any input on content. So, I agree with the Chairman, your Honor, that if we want to send MediaOne and AT&T a message that we are frustrated and fed up and we want some attention, I think one way to get their attention really quickly is to deny the transfer of the franchise. Now, Mr. Epstein said that he expected MediaOne or AT&T perhaps would take some sort of court action. In Committee, the question was posed to MediaOne what happens if we don't grant the transfer and we were told what we would really like you to grant the transfer, but if you don't the merger is going to continue on, they didn't give us the impression at Committee that it would be any great big deal to them to not have Manchester grant its consent. I don't know whether it would be or it wouldn't be, but if we want to try to start to force the companies that provide these services to be responsible to our constituents these are the steps that we have to take. It's been brought up that a bid process can bring competition, we can address these things through the bid process. Honestly, I don't think we can. We do not have the leverage because competitors to the service provider do not exist. It's nice that's something is going on in Metro-Boston, but it's not going to be here anytime soon. We don't have an exclusive franchise, but we have a practical monopoly because there is nobody, there is no company capable of providing choice to the customers in Manchester or anywhere in southern New Hampshire, anywhere in northern New England. We are held hostage by the company. So, we can fritter around all we want in cable franchise renegotiations, but we are on the wrong side of the leverage point and we have no ability. Denying this transfer, denying consent for this transfer gives us more leverage than we are going to have otherwise. I think that's all I have to say. If we're going to get these companies, they multi-national, multi-billion dollar companies to pay attention to our little City of 100,000 people we have to use the mechanisms that are available to us…I think MediaOne is more interested in our consent than they've let on at Committee and I don't know how else to get these people's attention. We've all been involved with cable one way or the other over the last several years, we know how it slipped away, what we've lost, the impact it's had on the community. To say that we'll deal with these issues down the road, let's just grant consent and in the process of granting consent force them to come into compliance with an agreement that they've refused to comply with for the last two or three years is absurd because we have no leverage. Thank you, your Honor.

Alderman O'Neil stated, Attorney Epstein, question Peter. Specifically, with regard to the transfer do you believe that the letter drafted by Attorney Arnold meets the goals and objectives of the Board of Aldermen and the City staff.

Attorney Epstein replied as I understood the discussion at the meeting I went to last week for the Committee on Administration which as you know I had to leave a little early, I believe that this letter meets those goals. Again, you have to refer back to the franchise document that directs us to the standards for transfer and it talks about basically making sure that these people are in compliance and if not we can take steps to make sure they are. So, to that extent I believe it's a document that does accomplish those needs. Now, again, I understand what Alderman Girard is saying and there was some discussion on that…that's a policy issue, but I believe that what I heard and what I understand from the franchise agreement that that statement follows up on that.

Alderman O'Neil stated, Peter, the open access issue is going to be determined by the courts.

Attorney Epstein stated I suspect so.

Alderman O'Neil stated it doesn't do us any good to get caught up in that issue tonight.

Attorney Epstein stated I don't think there's any doubt that the courts will have to resolve this issue. I think the FCC as is its want has taken a leave of absence on this which is unfortunate and I suspect in the end the Supreme Court may well have to resolve this issue and it doesn't mean that cities and towns shouldn't be aware of the issue, shouldn't be aware of the gravity of the issue because again and I'm not trying to paint AT&T as the villain of the century, but they're going to control an essential facility and I think if anybody thinks that AT&T is going to act like anything but a determined sole provider then they're mistaken.

Alderman O'Neil stated the bottom line to my first question is this meets our goals and objectives.

Attorney Epstein replied I believe that this statement that was presented to you meets those goals and meets the criteria outlined in the renewal franchise, yes.

Alderman Cashin stated I don't want to belabor this, but how do we address Dr. Sullivan's problems with this, can we do it in this transfer or do we have to wait for the renewal process. I'm addressing the question to you, Peter.

Attorney Epstein asked is this today's memo.

Dr. Sullivan replied in the affirmative. This was submitted at the public hearing when I brought it as a citizen.

Attorney Epstein stated again, as I understand it there is a concern about the programming on the system which I certainly think is a valid concern and again I think the best I can say is the renewal process is thought to be the time that the community develops its list of needs and interests. Now, this is a valid concern…I think what Dr. Sullivan is saying is that she thinks it would be appropriate to get this on the radar. As I understand, she would like to see a letter

going to MediaOne and AT&T which I think is appropriate. I think doing that and certainly making sure this is on the renewal list is appropriate and understand that as company's like MediaOne and AT&T pull back from local programming you have an alternative to that and that is MCTV and so you can say to your Committee, we want MCTV to do more programming and to fill in where AT&T and MediaOne appear to be pulling back. And all I can tell you is I believe that that is more appropriate for the renewal process. But I understand that Dr. Sullivan is asking for a letter to this effect from this Board which I think is appropriate.

Alderman Cashin asked who was here from AT&T.

A gentlemen rose in the audience. Alderman Cashin asked if he had a problem with them sending a letter of that nature, can they live with that.

The gentleman responded no.

Alderman Cashin stated so if it goes in with the transfer document you have no problem with that.

The gentleman raised a question. Alderman Cashin responded a strong recommendation.

The gentleman continued to comment unrecorded and inaudible to the Clerk who requested the gentleman be brought to a microphone. Mayor Wieczorek did not recognize him, the conversation remained unrecorded.

Mayor Wieczorek requested the clerk read the majority and minority reports.

The clerk advised that the Board had before them two reports.

> A minority report was presented to the Board recommending that the MediaOne/ATT For 394 transfer request be denied.
>
> s/Alderman Girard
>
> A majority report of the Committee on Administration/Information Systems was presented recommending that:
>
> > the City consent to the MediaOne/ATT Form 394 transfer request with conditions as outlined in the communication submitted by the Assistant City Solicitor dated November 1, 1999.
> >
> > The Committee further recommends that the Mayor be authorized to execute any and all documents related to such transfer, subject to the review and approval of the City Solicitor.

Alderman Cashin moved to amend the report to include the request from Dr. Sullivan.

Alderman Thibault duly seconded the motion.

Deputy Clerk Johnson clarified that the request was for a strong recommendation that AT&T include family programming. Alderman Cashin and Thibault so concurred.

Alderman Girard noted that Dr. Sullivan brought two other items in her letter to the Board which had not been discussed and he believed should be discussed in addition to programming.

Alderman Pariseau commented that those other two items should be referred back to the Administration Committee.

At the Mayor’s request, Deputy Clerk Johnson clarified that they had a motion on the floor to amend the majority report to include the information presented from Dr. Sullivan as a strong recommendation to AT&T regarding family programming.

Alderman Wihby questioned if that meant the whole letter.

The clerk responded no, advising that it was only regarding the family programming and that the communication would be prepared by the City Solicitor.

Mayor Wieczorek called for a vote on the motion to amend the majority report. The motion carried with none recorded in opposition.

Alderman O'Neil moved to accept, receive and adopt the majority report as amended. Alderman Pinard duly seconded the motion. A roll call vote was taken. Alderman Girard, Hirschmann, Wihby, and Reiniger voted nay. Alderman Shea, Rivard, Pariseau, Cashin, Thibault, Sysyn, Clancy, Pinard, and O'Neil voted yea. Alderman Klock was absent. The motion carried.

10. Majority Report and Minority Report of the Committee of Administration/ Information Systems as follows:

(a) A Majority Report of the Committee on Administration/Information Systems advising that they have reviewed and approved Ordinance:

"An Ordinance amending Chapter 118, Vehicles for Hire, of the Code of Ordinances of the City of Manchester, Sections 118.01, 118.15, 118.16, 118.33, 118.34, 118.37, 118.39, and 118.99 relative to taxicab definitions, regulations, fare, and penalties."

and recommend same be referred to the Committee on Bills on Second Reading for technical review.

(b) A Minority Report of the Committee on Administration/Information Systems recommending that amendments to Chapter 18, Vehicles for Hire, submitted by the majority of the Committee on Administration include changes to Section 118.42 Prohibited Conduct.

The undersigned submits the enclosed Ordinance:

"An Ordinance amending Chapter 118, Vehicles for Hire, of the Code of Ordinances of the City of Manchester, Sections 118.01, 118.15, 118.16, 118.33, 118.34, 118.37, 118.39, 118.42, and 118.99 relative to taxicab definitions, regulations, fare, and penalties."

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

Alderman Girard moved to receive and file the minority report. Alderman Cashin duly seconded the motion. There being none opposed the motion carried.

Alderman Pariseau moved to accept, receive and adopt the majority report. Alderman Rivard duly seconded the motion. The motion carried with none recorded in opposition.

11. Communication from the Public Works Director submitting a retirement request for Mr. Robert Bowers.

On motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted to approve the retirement of Mr. Bowers as submitted.

12. Communication from Thomas Robert expressing several concerns with the City's local Welfare guidelines and recommending that a special committee be established to review and make specific recommendations back to the full Board for action.

Alderman Thibault moved to receive and file the communication. Alderman Rivard duly seconded the motion.

A letter from Commissioner Lafond was submitted and read into the record as follows:

> This letter is in response to correspondence which was included in a Wednesday, November 3, 1`999 Meeting Schedule packet.
>
> My former opponent clearly has little accurate information with regard to any welfare programs: federal, state or local.
>
> Despite his concerns to the contrary, under my direction the City of Manchester's Welfare Department has never operated in any manner which could result in successfully litigation against its policies, procedures and/or guidelines. His statement made with regard to legal action, and in fact the entire letter, was simply campaign rhetoric and should be dismissed as such.
>
> My former opponent is an example of the adage, "A little knowledge is a dangerous thing". In this instance, very little knowledge is very dangerous. His statements about Welfare Reform and his suggestions in this area certainly would bring about successful litigation against the City of Manchester at a cost we do not wish to pay – financially and punitively.
>
> I wish to reiterate to the Board that I have been and will continue to be involved in monitoring all aspects of Welfare Reform as provisions in the legislation become effective. I also assure you that I will continue to inform the Board of Mayor and Aldermen of any other issues affecting the Department, as necessary. This is my job. This is what I have been elected to do.
>
> My former opponent believes I should abdicate my responsibility for development and implementation of policies, procedures and guidelines to the Board of Mayor and Aldermen. I believe this matter was addressed when I was first elected to this position. In other towns and cities, there is no elected Welfare Administrator so the elected body (council or board) approves the guidelines. Like each of you, I am responsible to the citizens of Manchester for my administration and will continue to operate the Department to the very best of my ability balancing the taxpayers' concerns with the needs of our clients. I am very proud of my record and I stand on my beliefs, knowledge, administration and proven record of accomplishments.
>
> I thank you for your continuing support. I look forward to working together with you toward our mutual goal of improving the lives of the citizens of the City of Manchester.

There being no discussion, Mayor Wieczorek called for a vote on the motion to receive and file the communication. The motion carried with none recorded in opposition.

13. Resolutions:

> "Amending the 1999 & 2000 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) for the 2000 CIP Project 710900 Notre Dame Rehabilitation Project."
>
> "Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Four Hundred and Two Dollars ($15,402) for the 2000 CIP Project 410300 Troops to COPS."

"Authorizing the Finance Officer to effect a transfer amount of Eight Thousand Nine Hundred Ninety Dollars and Twenty-seven Cents ($8,990.27) from the 1999 CIP 710199 Bridge Rehabilitation Project to the 2000 CIP 710900 Notre Dame Bridge Rehabilitation Project."

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to read the resolutions by titles only and it was so done.

On motion of Alderman Clancy, duly seconded by Alderman Reiniger it was voted that the Resolutions pass and be Enrolled. There were none recorded in opposition.

Item 14 was removed from the agenda.

TABLED ITEM

15. Bond Resolution:

"Authorizing Bonds, Notes or Lease Purchases in the amount of Six Hundred Sixty Thousand One Hundred Sixty-Eight Dollars ($660,168) for the FY2--- School District Lease Programs (Portable classrooms at Hillside and Southside Middle Schools)".

(Tabled 9/7/99)

This item remained on the table.

16. NEW BUSINESS

Alderman Shea stated as the liaison between the Board of Mayor and Aldermen and the City Library, I was privileged to be at a ceremony that was conducted on the 29th of October, which in essence involved the Sullivan family. In attendance were Grace Sullivan, her sister Mary Heath, and members of their family as well as Attorney Henry Sullivan. I like to read into the record something that occurred that day.

> The Mary Sullivan Parenting Collection, a Manchester City Library Foundation initiative, was officially dedicated following the October 16th Board of Library Trustees meeting. The collection, located just outside the main library's children's room, has over 200 books and other materials which inform and educate parents on all sorts of child and family issues. It was started with donations following former Library Trustee's untimely passing two years ago. Three generations of the Sullivan family were in attendance at the dedication as was Alderman Bill Shea, Citizen'' Bank Vice President Bill Sirak, the pastor of St. Pius Church (the Reverend O'Connor) which is the Sullivan's home parish, and others.
>
> Over the collection hangs a beautifully framed print of Mary Cassatt painting of mother and child, a commemorative plaque inset in its matting. Donations to keep up this growing collection should be made to Manchester City Library Foundation c/o the library, 405 Pine St., Manchester, NH 03104.

Alderman Shea stated that it was a very moving ceremony because Mary Sullivan was a devoted person, she served in the legislature, she was a wonderful mother and a wife to Henry. I just happen to think of all the time that Henry Sullivan served the Manchester Community and how touching it was for him to be there. So, I just wanted to call this to the Board's attention. The handout provides other materials as well to keep the Board informed.

Draft Ordinances relating to organizational changes in the Highway Department.

Alderman O'Neil moved to refer the ordinances to the Committee on Bills on Second Reading. Alderman Clancy duly seconded the motion.

Alderman O'Neil commented that we continue to refer to them as the "Highway Department" but there responsibilities have changed, we call the boss the director of public works, asking if this would be the time to change the title of the department.

Solicitor Clark advised they could call it what they wanted but it was referred to in the Charter as the "Highway Department."

Mayor Wieczorek called for a vote on the motion to refer to committee. The motion carried with none recorded in opposition.

17. Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to recess the meeting for a negotiation strategy session.

Mayor Wieczorek called the meeting back to order.

Teamsters Package – Airport

Alderman Clancy moved to approve the tentative agreement for the Teamsters bargaining unit at the Airport in accordance with the Chief Negotiator's Memorandum of Understanding and Cost Calculations presented, subject to Rule 26 of the Board. Alderman Pinard duly seconded the motion. There being none opposed the motion carried.

Police Support Staff Contract

Alderman Pariseau moved to approve the tentative agreement for the Police Support Staff in accordance with the Chief Negotiator's Memorandum of Understanding and Cost Calculations presented, subject to Rule 26 of the Board. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

The clerk noted that Alderman Wihby was not present for the vote.

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

A True Record. Attest.

City Clerk