

BOARD OF MAYOR AND ALDERMEN

August 7, 2000

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby (late), Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, Thibault and Hirschmann

Presentation by the Health Officer relative to the West Nile Fever Virus.

Mr. Rusczek stated thank you for allowing me to come in and tell you a little bit about the West Nile Virus today. On my left is Rich DiPentima. Rich is our Deputy Health Officer. One of Rich's primary responsibilities is to coordinate all of the communicable disease control activities for our department. On my right is Tim Soucy who is the Chief of our Division of Environmental Health and Tim's division has been involved heavily in the West Nile Virus activities as we will find out soon. This isn't a presentation to alarm you. It is really just to provide some information on the West Nile Virus. We at the Health Department are receiving about six to ten phone calls per day on anything from the West Nile Virus to questions such as what do I do with dead birds so we felt that it would be beneficial to come and bring everybody up-to-date with what our current knowledge is and what the issue with the West Nile Virus is. The West Nile Virus was first found in the United States last year. In the New York City area there were 62 cases,

7 in which the infected individual died, and probably hundreds of cases of infection where people didn't exhibit any symptoms. The West Nile Virus lives in birds. As we know, crows are one of the birds and they are spread from bird to bird by mosquitoes and when mosquitoes feed on an infected bird they in turn become infected and pass it on to another bird. When the mosquito decides that it doesn't want to feed off of a bird and feeds off a human, that is where the danger is in terms of spreading the West Nile Virus to humans. Not every mosquito carries the West Nile Virus. In fact, there is only a small percentage due when the West Nile Virus is within an area. In many ways, the concerns with the West Nile Virus are very similar to concerns that we have heard about in the past from Eastern Equine Encephalitis, which is another virus that is spread by mosquitoes that has a reservoir in birds. I think it is important to note two things. One of them is that we have not yet in the State of New Hampshire found the West Nile Virus in any birds. We have some birds that the Health Department has submitted for testing and we have not found it in any mosquitoes that we have been testing. You can be infected with the West Nile Virus without showing any symptoms and mild infections could include things like influenza type symptoms – fever, headache, and general flue like malaise. In some cases, it can lead to Encephalitis in susceptible people. Susceptible people for the West Nile Virus are predominantly folks who are over 50 years of age. When the West Nile Virus first hit the country last year, the Health Department began examining the issue to determine what we should do to be proactive. The way the issues around the West Nile Virus are controlled is by the early detection in the community of the presence of a virus. If the virus is found, then there are a number of steps a community can take. We look for mosquitoes that might be carrying the virus and we do quite a bit of mosquito sampling and we look for suspicious bird deaths as well. As I said, we have identified some crows. We are doing mosquito trapping in three sections of the City right now and on a weekly basis the mosquitoes are collected, sorted by species and pooled. At this point, I would like to turn it over to Rich DiPentima since he has been more involved in the activities.

Mr. DiPentima stated basically our program here in Manchester is sort of a microcosm of the program that is going on in the rest of the State of New Hampshire and in other adjoining states. The focus is on three activities: mosquito surveillance that Fred already alluded to where we do weekly trapping of mosquitoes and we sort and count. When we look at mosquitoes, mosquitoes are not just mosquitoes, there are different species and different species are more prone to be carrying diseases than other species. It is the types of mosquitoes that we are finding, along with the numbers of mosquitoes that we are finding that are significant. Those mosquitoes are collected and sent to the Massachusetts State Public Health Laboratory where they are tested for both the West Nile Virus and for the Eastern Equine Encephalitis. The other major part of our activity is bird surveillance looking for obviously birds that are dying or have died with no obvious cause known. If a bird is lying on the side of the road and has obvious trauma from being hit by the car, that is not the type we are looking for. We are looking for certain species of birds, particularly crows in this instance and we are very interested in knowing if there are three or more birds found in the same locality for an indication that there may be an unusual event going on in the wildlife population. You have a piece of this that is less of an issue at this point and that is our communication with the local hospital and infection control practitioners doing work to find if there are any suspect cases of Encephalitis in the hospital that we would make sure they are putting West Nile Virus and other encephalitis on their diagnostic criteria. We are working with the local infection control folks as well. This is one of the culprits doing its thing. It is a mosquito, which is a species of mosquito that is very common in the transmission of the West Nile Virus. This particular photo shows the mosquito laying eggs. A couple of important issues, obviously, related to laying of eggs is that stagnate water is a prime location where mosquitoes lay their eggs so they need to have stagnate water available for reproduction. If we can encourage folks to avoid standing water, we will then reduce the potential for mosquito breeding areas. Control things we can do. Again, standing tires, wading pools, clogged roof gutters, wheelbarrows, bird baths, cans, containers, ceramic pots, anything in the yard or around the property that could contain water and it doesn't take a lot of water for mosquitoes to

breed in. It just takes a few ounces of water and a mosquito can lay eggs and breed and when they lay eggs you saw from that picture that one mosquito can lay thousands and thousands of eggs. As you can tell from our own weather pattern right now, it has been wet and it is going to be warm and that is going to be prime mosquito breeding weather. Clean and chlorinate outdoor pools and spas. Cleaning vegetation and debris from edges of ponds and keeping lawns well mowed is another way of controlling the mosquito population. Personal protection. Obviously, we are not really at the point where we are concerned that people should not go out and enjoy themselves in the evening or any other time, but people should use common sense in avoiding mosquito bites regardless of the situation. If you can, stay indoors at dawn or dusk. That is when the feeding of mosquitoes is most predominant, particularly with these species. I think particularly with normal healthy people I don't see any real panic with people not being able to go outside and enjoy themselves. Children should not be left outside alone in the evening or early morning when mosquitoes can feed on them. Wear long sleeve pants and shirts and if it is practical. The thing to remember though is that mosquitoes can feed through thin layered clothing so a thin layer of clothing is not going to protect you. You can apply insect repellent containing Deet 35% for adults and 7% to 14% for children, but again I caution people not to be overly judicious with the use of Deet. It is a chemical and people should be respectful of its potential harm so use it in the directions that are listed on the label and don't think that if a little is good then a lot is better. Particularly for children, Deet can cause some problems. Lastly, if you have questions you can call the Health Department at 624-6466, especially if you have issues related to dead birds in your neighborhood or other problems relating to this. We will be happy to answer any questions.

Alderman Levasseur asked have there been any studies done on when a crow is bit and they lay eggs does it pass through to the eggs.

Mr. DiPentima answered there haven't been any studies done, but that hasn't been identified as a concern at this point.

Alderman Pinard asked what area of the City are you concentrating on to pick up those mosquitoes. The reason I ask is because I live down around Massabesic Lake and we have a lot of wetland in that area. Can you tell us where?

Mr. Rusczek answered we have three protected sites where we are doing sampling. One is over towards the Massabesic area. One is in south central Manchester and the other is in northwest Manchester.

Alderman Pinard asked will you let us know if you pick up anything.

Mr. Rusczek answered absolutely. We have the benefit of having started a program to identify viruses early in mosquitoes and the reason for doing that is so we can be forewarned and prepared so certainly if we find something we will let the public know.

Alderman Levasseur asked if somebody was to get bit, would there be some certain symptoms or things that would happen or a reaction or something that would tell them what was going on because some people might swell up just naturally from a bug bite or something and maybe something different occurs.

Mr. Rusczek answered first you have to remember that at this point we haven't identified any mosquitoes that are carrying the virus in this area but even if we had it is a small percentage. Again, not every mosquito carries the West Nile Virus or any other virus. Most people, the vast majority, will not have any of the serious symptoms that will lead to Encephalitis. It would be flu-like symptoms. There is no way to know when you are bitten. There is no characteristic rash like in Lyme Disease if that is what you are leading to and the potential risk is low.

Alderman Vaillancourt stated you mentioned south central Manchester. Could you just be more specific?

Mr. Rusczek answered we have a site down off of the Brown Avenue area. We have chosen sites that we have tried to protect so that there wouldn't be any tampering of vandalizing of the traps but it is down off of Brown Avenue towards the Airport.

Alderman Lopez stated just to assure the public, are there contingency plans in the event that we would have an outbreak.

Mr. Rusczek answered yes. We started examining the issue of the West Nile Virus last year when the outbreak occurred in New York City. We believe that at some point it will come into the Manchester area. Other than the measures that individuals can take that we have identified here like prevention of mosquito breeding areas, the next step would be leading to area spraying when mosquitoes are found to be carrying the virus.

CONSENT AGENDA

Mayor Baines 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. Copies of minutes of meetings held on March 30, 2000; April 4, 2000 (two meetings); April 18, 2000; and May 1, 200 (two meetings).

Informational - to be Received and Filed

- C. Communication from Alderman Lopez expressing his gratitude to the Board for its thoughtfulness during his family's recent bereavement period.
- D. Communication from the Economic Development Director advising that the Gilbane Building Company has recently established a web page on the Internet (<http://regions.gilbaneco.com/manchester/>) which is specifically dedicated to the Civic Center.
- F. Minutes of a meeting of the Mayor's Utility Coordinating Committee held on July 19, 2000.
- G. Communication from the Chief of Police submitting a copy of the recent on-site report conducted by the National Accreditation Commission.
- H. Communication from Executive Councilor Colantuono advising of the Governor and Council's approval on July 14th of a resolution authorizing State grants (Manchester/C-578-Aeration Tank Covers - \$438,310).
- I. Communication from Richard Marston advising the Board of his displeasure with receiving a parking ticket in the Downtown area.

- J.** Communication from MediaOne advising of the recently completed merger between MediaOne and AT&T.

- K.** Communication from the Director of Housing Development, NH Housing Finance Authority, submitting a copy of notices, which appeared in *The Union Leader* on June 12, 2000 for the Elm Street Restoration 1.

- L.** Communication from Wesley Stinson, Director of The Sargent Museum, inviting Board members to the opening of the Sargent Museum Center for Connecticut River Archaeology in Newport, NH on August 15, 2000.

Informational - to be referred to the Department of Buildings

- M.** Communication from Joan Mannon advising that Mr. Chester Raymond failed to obtain proper permits for building renovations, fencing, etc. and requesting the matter be reviewed.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- N.** Communication from Attorney Steward Richmond, Jr., on behalf of The Friends of the Manchester Animal Shelter (FMAS), requesting Ordinances §90.16(c) and §90.17 be repealed as they are in conflict with the Service Agreement recently entered into between FMAS and the City.

COMMITTEE ON FINANCE

- P.** Resolutions:

"Amending the 1994, 1995, 1997, 1999 and 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for the 2001 CIP 650601 Concord/Elm Street Improvements Project."

"Amending the 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Thirty Five Thousand Dollars (\$35,000) for the 2001 CIP 612001 Manchester Emergency Shelter Rehabilitation."

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- Q.** Communication from Mayor Baines submitting a proposal from the Director of Planning to create the position of Assistant Director and a new Planner IV position.
- R.** Communication from Michael Roche questioning an exhibit of the March 21, 2000 Human Resources Committee agenda.
(Note: reply from Deputy City Clerk enclosed.)

COMMITTEE ON LANDS & BUILDINGS

- S.** Communication from the Water Works Director submitting a land transfer/detention pond easement proposed to be located near the intersection of Raymond and Eaton Hill Road in Auburn, NH which was approved by the Board of Water Commissioners on July 26, 2000.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- T.** Communication from Alderman Vaillancourt submitting a communication on behalf of a constituent regarding the speed at which traffic travels down Old Brown Avenue.
- U.** Communication from Marie Wellington requesting the installation of a traffic signal at the intersection of Mammoth and Corning Roads.

SPECIAL COMMITTEE ON AIRPORT ACTIVITIES

- V.** Communication from Carol and Wendell K. Palmer, Jr. expressing their concerns relative to their home not being included in the Airport expansion soundproofing program.

SPECIAL COMMITTEE TO REVIEW ENERGY CONTRACTS AND RELATED PROJECTS

- W.** Communication from Alderman Lopez suggesting information be obtained

relative to the use of solar lighting versus the current high-pressure sodium lighting used throughout the City.

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

X. Recommending that Ordinance Amendment:

“Amending Sections 33.024, 33.025 and 33.026 (Welfare Specialist III, Deputy Welfare Commissioner) of the Code of Ordinances of the City of Manchester.”

ought to pass as amended; and, further that Ordinance Amendments:

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

“Amending Section 33.026 (Data/Telecommunication Specialist) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024 and 33.026 (Water Meter Technician I & II) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024 and 33.026 (Building Maintenance Superintendent) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.0348 (Advancements within Pay Range) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.050 (Longevity Rates) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.081 (D) (Sick Leave) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Safety Coordinator) of the Code of Ordinances of the City of Manchester.”

ought to pass.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- Y.** Advising that it has voted to accept completion of the following projects:
 - a) Northwest Elementary Reroofing; and
 - b) Memorial High School Science Lab and Other Improvements.

- Z.** Advising that it has accepted the attached NORESKO June 2000 Progress Report and is submitting same to the Board for informational purposes.

- AA.** Advising that it has accepted the enclosed project summaries and architect's, engineer's and contractor's reports for the month of July relative to High School Stages, Parkside Addition, Parkside Life Safety, Northwest Elementary Reroofing, Henry J. McLaughlin Jr. Middle School, Memorial High School Science Lab and Other Improvements, ADA Accessibility/School Elevators - Webster School, and Central and West Heat & Ventilation Improvements - Phase V, Energy Efficiency Conservation Project, School Reroofing Project, Facility Audit, McDonough/Green Acres Gym Asbestos Abatement Project, Central Practical Arts/West Mackin Building Electrical Upgrade and is submitting same to the Board for informational purposes.

COMMITTEE ON LANDS & BUILDINGS

- AB.** Recommending that a request from the NH Department of Transportation's Bureau of Rail and Transit to transfer the State-owned portion of the Portsmouth Branch Railroad Line from Union Street to Page Street to the City of Manchester be approved.

- AC.** Recommending that a request from Leon J. Cote to purchase properties on Riverdale Avenue, known as Tax Map 680, Lots 5 & 5A and Tax Map 680, Lot 1 and Tax Map 681, Lot 4 be denied.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- AD.** Recommending that a request from Abacus Communications to use Arms Parking Lot on August 26, 2000 from 12PM - 7PM for an employee function be granted and approved under the direct supervision of the Police, Fire, Traffic, Risk, Highway, and City Clerk.
- AE.** Recommending that a request to have Bedford Street blocked off from Pleasant Street to the end of the FIRST parking lot after the road race until 6:00 PM on Saturday, September 9, 2000 (rain date of September 16, 2000) be granted and approved under the direct supervision of Police, Fire, Traffic, Risk, Highway, and City Clerk.
- AF.** Recommending that a request from Catholic Medical Center for various street closures (attached) on Saturday, September 16, 2000 for their Community Race/Walk be granted and approved under the direct supervision of the Police, Fire, Traffic, Risk, Highway, and City Clerk.
- AG.** Recommending that a request for the use of the Pine Street Lot at the Federal building for "Give-Away-Day" on Saturday, September 30, 2000 be granted and approved under the direct supervision of Police, Fire, Traffic, Risk, Highway, and City Clerk.
- AH.** Recommending that a request for sidewalk and street improvements at the intersection of Concord and Elm Street be approved.
- AI.** Recommending that a request for Hackett Hill Road/Front Street Intersection Improvements be approved.
- AJ.** Recommending that an increase in Parking Meter Bag Rentals from \$2.00 to \$5.00 per day be approved.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN PARISEAU, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Ratify and Confirm Telephone Poll Conducted

- B.** Approving the date change of the Board meeting from August 2nd to August 7th. (Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, Shea, Pariseau, Cashin, Thibault and O'Neil voted yea. Aldermen Vaillancourt and Hirschmann voted nay. Alderman Lopez out-of-town.)

Alderman Vaillancourt stated I think we set a very bad precedent by moving the date of this meeting. Every Alderman knows that it is supposed to be the first and third Tuesday of the month. This is the second meeting in a row that has been changed. I refer to Rules of the Board, Rule 1. I don't see any authority that this meeting is legal. There doesn't seem to be any authority as to how this meeting could have been changed, especially by a telephone poll. I think we do the people a disservice when we change the meetings. They have come to expect them on the first and third Tuesday except of course in the summer and I think it is a precedent that we should stop doing. I think we should obey the rules. If an Alderman can't rearrange his schedule then that is fine and he should just miss the meeting. I would like the City Solicitor to cite to me how this meeting is, in fact, legal.

Solicitor Clark stated when a majority of the Board or a quorum gets together and posts a public notice, it is a legal meeting.

Alderman Vaillancourt asked what rule would that be. I have the rules in front of me. I am wondering what rule you are referring to.

Solicitor Clark answered I am not referring to a rule. That is the law and the court has upheld that any time you have a quorum together to discuss business and it is properly posted under the Right-to-Know Law, it is a meeting.

Alderman Vaillancourt stated this wasn't done by a quorum, this was done by a telephone poll. How can that be considered a quorum?

Solicitor Clark replied you have a quorum sitting here is what I am saying, Alderman. Any time you have properly posted a meeting and you have a quorum get together to discuss business, it is a legal meeting.

On motion of Alderman Levasseur, duly seconded by Alderman Sysyn, it was voted to ratify and confirm the telephone poll.

E. Second Quarter 2000 Turnover Report submitted by the Human Resources Department.

Alderman Shea stated during the second quarter of 2000 a turnover report was submitted by the Human Resource Department and there were a total of 12 City employees who left City employment during the months of April, May and June. So often we hear of people who leave City government for different reasons. My question to the Human Resource Department would be was any City department seriously impacted by the people who may have left for different reasons.

Mr. Hobson replied the short answer is no, I don't believe so. The longer answer is we are working with the Mayor right now on all of the job openings that we have and we do have some concerns about being able to fill certain positions. Certain technical positions are more difficult to fill at this moment.

On motion of Alderman Shea, duly seconded by Alderman Pariseau, it was voted to receive and file this item.

O. Communication from the Director of Planning submitting a draft ordinance amendment dealing with notices of and fees for amendments to the Zoning Ordinance.

Alderman Shea stated this item pertains to communication from the Director of Planning submitting a draft ordinance amendment dealing with notice of and fees for amendments to the zoning ordinance. My comments are I would like the Bills on Second Reading Committee members to consider the following: there should be a fee of \$250. The second is, preparation by the Planning Department of an application form demonstrating that the rezoning is justified by answering essential questions such as why the zoning map should be amended, what is the intent of the zoning change and does it agree with the City's Master Plan and, if allowed, what is the potential impact on the City's zoning. I would like that to be submitted.

Alderman Hirschmann stated it is the Board policy that all fees go before the Committee on Accounts.

Deputy City Clerk stated it would be sent from the Committee on Bills on Second Reading over to Accounts as they have some jurisdiction on new fees.

On motion of Alderman Lopez, duly seconded by Alderman Cashin, it was voted to refer this item to the Committee on Bills on Second Reading.

Report of Committee on Traffic

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

Deputy Clerk Johnson stated the Clerk requests that item AK be removed because there is an amendment to that report that is requested. On Page 3 there was a rescind parking two hour meters on Elm Street, west side, from Kidder Street to a point 50 feet northerly and I was advised that it should be deleted from the report as that was not the action of the Committee. We are looking to have a motion to amend the report by deleting that item.

On motion of Alderman Clancy, duly seconded by Alderman Pinard, it was so voted to amend the report.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to accept, receive and adopt the report as amended.

Report of Special Committee on Civic Center

AL. Advising that it has approved a change order in the amount of (\$428,264) for the Owner's Controlled Insurance Program.

Alderman Vaillancourt stated here we are, another month, another meeting in which three individuals in this City have encumbered \$428,264 on the civic center project. I am going to renew my motion that we simply cannot allow three individuals to control this amount of money. I move that the Board of Mayor and Aldermen shall be the final arbiter of any recommendations that come from the Civic Center Committee. It is simply unacceptable for three individuals to be able to control this amount of money without review by the entire Board.

Mayor Baines asked has this already been taken up at other Board meetings.

Alderman Vaillancourt answered I withdrew the motion at the last Board meeting with the idea of renewing it at the appropriate time.

Alderman Hirschmann stated we did go through this thoroughly at the last meeting. We went through this very subject. Your Honor, if Alderman Vaillancourt could read the agenda correctly, that is a credit of \$428,000. You see the brackets around that number? That is a decrease in the project, Sir.

Alderman Vaillancourt replied then you should be very, very happy to have it come before the entire Board.

Alderman Hirschmann responded tell the public what is really going on. That is a credit to the City. The OCIP insurance program, which we procured, gave the City a \$428,000 credit. We saved that money.

Alderman Vaillancourt moved that any action taken by the Special Committee on the Civic Center be referred back to the full Board. Alderman Shea duly seconded the motion. Mayor Baines called for a vote.

Alderman Vaillancourt requested a roll call. Aldermen Vaillancourt and Shea voted yea. Aldermen Pariseau, Cashin, Thibault, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, and Lopez voted nay. Alderman Wihby was absent. The motion failed.

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

Nominations to be presented by Mayor Baines, if available.

Fern Gelinias to succeed himself as a member of the Police Commission, term to expire September 15, 2003.

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

On motion of Alderman Sysyn, duly seconded by Alderman Cashin, it was voted to confirm the nomination of Fern Gelinias as a member of the Police Commission, term to expire September 15, 2003.

6. Confirmation of nominations:

Planning Board

Christopher Dodd to replace William Boyd as an alternate, term to expire May 1, 2003;
Robert Stephen to succeed Joseph Dion, term to expire May 1, 2003; and
Kevin McCue to fill the unexpired alternate term of Ronald Poltak,
term to expire May 1, 2001.

Mayor Baines stated we did make a couple of adjustments to the nominations because Bill Craig wishes to stay as an alternate. I ask the Board to confirm the nominations this evening.

Alderman Hirschmann requested the first nomination be taken separately with a roll call.

Alderman Pariseau moved to confirm the nominations of Robert Stephen to the Planning Board and Kevin McCue as an Alternate Member of the Planning Board, terms to expire May 1, 2003 and May 1, 2001 respectively. Alderman Gatsas duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Shea moved to confirm the nomination of Christopher Dodd as an Alternate Member of the Planning Board, term to expire May 1, 2003. Alderman Clancy duly seconded the motion. A roll call vote was taken at the request of Alderman Hirschmann. Aldermen Hirschmann and Levasseur voted nay. Aldermen Gatsas, Sysyn, Clancy, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin and Thibault voted yea. Alderman Pinard abstained. Alderman Wihby was absent. The motion carried.

Access Manchester:

Alderman Lopez to replace Alderman Levasseur, term to expire
January 2002.

On motion of Alderman Hirschmann, duly seconded by Alderman Levasseur, it was voted to confirm the nomination of Alderman Lopez to Access Manchester, term to expire January 2002.

Millyard Design Review Committee:

Paul Mansback to succeed himself, term to expire January 1, 2003.

On motion of Alderman Levasseur, duly seconded by Alderman Pariseau, it was voted to confirm the nomination of Paul Mansback as a member of the Millyard Design Review Committee, term to expire January 1, 2003.

7. Report(s) of the Committee on Community Improvement, if available.

Deputy Clerk Johnson advised the Committee on Community Improvement met this evening and there was an item that came up and that was with regard to school security improvements and the Committee is recommending that the item be taken up by the full Board this evening. It has to do with an appropriation of \$126,300 that was authorized for expenditure and they had been informed that the funds were placed in the general fund. I will defer to the Chairman of the Committee at this time.

Alderman O'Neil stated it may be appropriate for Mr. Hobson and Mr. Robidas to speak. I think Mr. Robidas can give the best overview of what has happened to date, including some last minute information.

Mr. Robidas stated to give the Board a little history, these funds were Public Service Company of NH rebates, which came from the NORESKO energy system contract with the School District. Now the rebates came through the Board for transfer to the School Security Program. The purpose for that was because there wasn't enough money in the

appropriated funds out of NORESCO for the project at the time. These actually came back in installments. One installment was for \$50,000, which went back to May 6, 1998 I believe. There was an additional installment of another \$52,500, which was appropriated in September of 1999 by the Board and it was allocated for the Security Intrusion System Program. Earlier this year when we were putting the budget together, we had some monies left over from the energy management project under NORESCO. We met with the CIP folks because we had an appropriation request to complete the project because we had an estimated cost, which was substantially more than the monies we had available. When we sat down with the CIP people and with Mr. Shepard from the Highway Department because the funds were under control of the Highway Department at the time, we sat down and calculated the funds that we had available in the appropriate line items. We had \$102,500, which the Board on two previous occasions had approved for security projects. We knew there was a third rebate, which had not been approved, but there was a third rebate that was coming from PSNH. Again, at that time it was estimated to be about \$20,000 to \$25,000 waiting for the approval from the Board. Calculating those funds along with the remaining funds from NORESCO, those monies were added together and then we found how much money we were actually short from our projection. In working with CIP staff, that was a CIP recommendation for \$250,000 to bring us up to the level that we would need to complete the entire project. Earlier this summer, Mr. Shepard sent a letter to the CIP Committee regarding the NORESCO monies asking that those monies be transferred to Human Resources under the Security budget so that we could lump the money together, thus giving us the needed funds to appropriate so that we could complete the project in its entirety. The third and final installment of the funds actually came before the Board at the last meeting. We went to the last CIP Committee meeting and the funds were appropriated and then the full Board approved that expenditure as well. I was informed by the Finance Department after that action to put a hold on spending those funds because regardless of the Board's action we weren't authorized to spend it. I have had discussions based upon my discussions with the Finance Department that they said that they had advised Mr. Shepard and Mr.

Thomas previously that those funds were unavailable, as well as the CIP folks. I have spoken to Mr. Shepard several times and he reiterated that they were never told that those funds were not available. As a matter of fact, I went back to the NORESKO monthly reports dating back to last summer and those funds of \$102,500 at the time were showing as a separate line item as expendable funds. I double-checked with the City Clerk's Office and they had produced the Resolutions, which were presented to the Board and the authorized expenditure forms. Also, in discussing this with CIP, they also provided me with a CIP project number so that any additional rebates that would come before the Board and be appropriated would then go into this account. The bottom line is at the time that we were ready to sign the contract we were told that the \$126,000, which was appropriated by the Board of Mayor and Aldermen on three separate occasions were monies that were not available to us and that money had been put into the general fund and not into the line item account. We met with Mr. Sherman, Mr. Robinson and Mr. Hobson about 10 days ago when this became an issue prior to just signing the contract, which was literally two days from signing the contract. We had negotiated with a second bidder and had arrived at a conclusion on the price and were in the process of signing a contract so the urgency was there that we were signing a contract in two days, which we were actually several weeks behind on because if you folks recall under CIP this project was approved this year as an expedited project and we had yet to even sign a contract because we ran into a problem with the first vendor. We were assured that the money would be available and that we could go ahead and sign the contract and we asked them how the money would be available and what the source of revenue would be. There was some discussion from the Finance Department that it was to be done as a chargeback to the School District, which we had talked about in length saying we didn't have the authorization of Mr. Tanguay or anyone else in the School District to encumber \$126,000 of additional debt. We were assured again by the Finance Department that one way or another there were several options available like having it as an amendment to the CIP funds, etc. This didn't become an issue and I spoke to Mr. MacKenzie about this as well and he was unaware that these funds were unavailable until a short time ago. In essence,

the bottom line is that we were told at the very end after putting this package together, which literally took us about a year, that we were \$126,000 short even though the Board of Mayor and Aldermen had approved those funds for this specific project.

Alderman Thibault stated there has to be a break in communication someplace for this to have happened. I think it puts the City in an awful position to allow committees to give them the right to spend these funds through the Board and then it doesn't happen. I think it puts these people in an awful position also and I think we should really check and find out where this lack of communication came in and let's tighten up that hole a little bit. That is terrible.

Alderman O'Neil stated, Red, it is my understanding that you have a signed agreement as of last week.

Mr. Robidas replied that is correct. In one school and we had some wires run in one school because there was an asbestos abatement taking place so the ceilings were open and we were able to arrange with Building Maintenance to have access to the building. So, the wires were run the day after we signed the contract for that particular facility and we have a second facility, one of the high schools, which is scheduled to begin next week on the 15th for installation. I have discussed and met with the School District, Mr. Adamakos and Ms. Hamblett, and we have come up with a tentative installation schedule as well.

Alderman O'Neil asked the contract includes the \$126,000, correct.

Mr. Robidas answered that is correct. That is because we negotiated a price. The second vendor was actually over budget and we were able to negotiate a price that brought us back down within the budget and that money had to be included.

Alderman O'Neil stated so we have a signed agreement for approximately \$500,000.

Mr. Robidas replied that is correct. We have a signed agreement for \$499,000.

Alderman O'Neil asked of which you were told five or six working days ago that \$126,000 of that is not available after it was reviewed by at least the CIP Committee once and was voted on by the full Board at least once.

Mr. Robidas answered that is correct. Actually, that action took place three separate times because there were three separate allocations that came in three different increments. That took place since May of 1998 up through and including the last meeting. So, it has been almost a two-year cycle.

Alderman O'Neil stated we have a problem here, your Honor, and we need to get to the bottom of it. We proceeded and now all of the sudden one department is telling us that the money is not available after the full Board voted that it is available.

Alderman Gatsas stated maybe somebody from Finance can explain to us why it is an accounting procedure on a rebate that can't be passed on.

Ms. Shaffer replied I am sorry to say that I wasn't in on that discussion that Red is talking about.

Alderman Gatsas stated, your Honor, that is why this item is here at the full Board because I believe that this Board in some way has sent the message to the department heads a number of times and for some reason every week there is a different department head that has failed to be here to address whatever questions this Board has. Maybe we need to make it mandatory that every department head, whether you are on the agenda or not, must be at a Board meeting. I would make that motion.

Alderman O'Neil stated I would second that motion.

Mayor Baines stated we already did that.

Alderman Lopez stated I would like to hear from Mr. Hobson.

Mr. Hobson stated what I would like to add is that the NORESKO contract and the school security program has been, as Red pointed out, a rolling issue. The problem is that the rebates were perceived as a revenue, I believe, in terms of the accounting practice or an accounts receivable if you will while the Board was actually expending those rebates to this specific project. In our defense, I guess and Mr. Thomas is here as well and participated in this for two fiscal years, it has come to a head because the project has come to fulfillment, the contract is ready to go and we need to use these rolling rebates to get this accomplished and the Board has stated that we can use these funds for this project. Now, if the Board did not do that properly, according to some principle, we still have a commitment that we have to honor. That is our dilemma.

Alderman Lopez asked, Ms. Shaffer, if this Board has approved that those rebates be utilized, what gives you the authority not to utilize them according to our instructions.

Ms. Shaffer answered that would be if it was in violation with some term of the contract that were negotiated before this approval was actually given or before this was brought before the Board.

Alderman Cashin stated, your Honor, this Board can no longer tolerate this. This has gone on too long and as Chairman of the Board I am going to go along with the motion made by Alderman Gatsas, although I don't think that is going to solve the problem. I have taken on the Finance Department now for four or five years here publicly.

Everybody said that I was out of line. I think it has come to a head, ladies and gentlemen and we have to do something. When this Board allocates money, that money should be allocated and no department has a right to stop that. This is the Board of Directors of the City of Manchester. We have a fiduciary responsibility to see that the monies are spent the way that we allocated. If anyone gets involved in that, then we have a major problem that has to be straightened out. I would recommend, your Honor, that you sit down with the Finance Department and straighten this out and if you don't I will bring it to the full Board.

Mayor Baines replied I will be sitting down with them.

Alderman Shea stated you can talk about it all night, but how are we going to solve it. We have to do it. What needs to be done in order for this to be brought to a conclusion?

Mr. Robidas stated based on our meeting with Mr. Sherman and Mr. Robinson and Mr. Hobson, we did go ahead and sign the contract because we were assured that the monies would be available in some form. We did sign a contract and we are proceeding with the work, however, there is a technicality. We are still \$126,000 short to complete the project.

Alderman Shea stated well we call on the City Solicitor to find out who is on first and what is on second.

Solicitor Clark replied similar to you, I learned about this tonight. As I understand it, we do have a signed contract with this company to perform work. I don't know what the timeframe for the work is.

Mr. Robidas responded we actually have a one-year time period. The drop dead completion date is August 1, 2001 though we expect it to be completed much earlier than that.

Solicitor Clark stated as I understand, Alderman Cashin has asked the Mayor to sit down with the Finance Officer to solve this one way or the other. I believe you have sufficient funds to continue work at this point?

Mr. Robidas replied that is correct, we do.

Solicitor Clark stated we can come back to the Board later and discuss a resolution.

Mayor Baines stated what I am going to do, and I respect the Chairman's comments, what I will be doing is meeting with Mr. Clougherty tomorrow and with Mr. Clark and I will be talking with the Chairman in terms of how this matter should be resolved and we will report back to the Board in writing or via telephone over the next couple of days in terms of what has transpired. I do appreciate the concerns that have been expressed this evening.

Alderman Thibault stated I agree with what you just said, but my comment would be if, in fact, Finance had a problem with this, why weren't we made aware of it.

I know you are going to look into it, but it bothers me that we always seem to get the information second hand. We get it after the fact, not before the fact.

Mayor Baines asked, Mr. Robinson, is this the first we have heard of this.

Mr. Robinson answered I was aware of it, but not to this extent.

Alderman O'Neil stated to follow-up on Alderman Gatsas' comments, we sat in Committee tonight and had to refer it to the full Board because there wasn't someone there from a department to answer the question and this is continuing to be a problem at the Committee level. I think three or four Committees have issued directives and it doesn't mean a thing. I don't know what we have to do to start getting department representation at meetings.

Mayor Baines replied there are certain circumstances in which a department head cannot be at a meeting. For example, being out of town or something of that nature.

Alderman O'Neil responded if I may, your Honor, it doesn't necessarily have to be a department head but somebody has to be there prepared to answer questions.

Mayor Baines stated that is the issue that I was going to bring up next. That in the absence of the department head, somebody has to be prepared to respond to the questions that the Board may have regarding the matter. Being educated on an issue when they know something is coming up, it should be their responsibility to make sure that the deputy who is going to be there representing them has the answer to the question. I agree on that and I think everyone will agree on that.

Alderman Gatsas stated I believe you are the only one that controls the departments. Maybe the statements that this Board has been sending to the department heads isn't sufficient because I don't think that any one of us can remove any one of them. Maybe you need to send a directive and make it pretty clear what your thoughts are or what the Board's thoughts are.

Mayor Baines replied I appreciate your input.

Alderman Cashin stated I would like to direct a question to the City Solicitor. Alderman Gatsas stated that he doesn't think that this Board could replace anyone but I believe we can.

Solicitor Clark replied you do have the authority under the Charter to remove City Officers. The Board has the right to remove City Officers. The Mayor does department heads.

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

Mayor Baines called the meeting back to order.

OTHER BUSINESS

Communication from Mayor Baines seeking the Board's approval for the creation of a "Destination Manchester Coordinator" position in the Mayor's Office.

Alderman O'Neil moved to approve this position. Alderman Sysyn duly seconded the motion.

Alderman Vaillancourt asked would you care to explain this.

Mayor Baines answered beyond the explanation that we sent out to the Board...we sent out a detailed job description related to it.

Alderman Vaillancourt stated unfortunately every citizen in Manchester did not get that and before we spend \$60,000, I think they have a right to know.

Mayor Baines stated let me just review it in summary. Basically, the Destination Manchester Coordinator is the result of six or seven months of meeting with a number of people in the community, including developers, real estate people and other people who interact with City government on a regular basis, as well as conversations internally with people in economic development and planning and the recognition that we need a point person in City government to spearhead economic development opportunities specifically related to the retail strip, Elm Street, look at housing issues and issues that have been discussed by Alderman Levasseur and others about what can be done in the downtown area to increase housing opportunities. Also, a person to maximize the potential of further financial assistance in Manchester through Federal grant opportunities and the like, as well as having a point person related to Riverfront and Riverwalk development. It is my belief that having this person will help us address the issue of one-stop shopping and will fill a void in dealing with people thinking about locating in the area that we are talking about. The most recent discussion that we had last week with a representative group from City government was the Riverstone Group down in the Millyard talking about their concerns about locating in Manchester and not having that centralized person to bring them through the process dealing with different agencies in City government. We feel that this is the right approach at the right time. We feel that it is a position that will be under the able leadership of Bill Jabjiniak who has a proven record here in City government of helping with positions of this nature and it is on a trial basis of 12-18 months to see what the results will be. We are very excited about the potential and the support it has received in the community and amongst members of the Board. It is with that spirit and vision in mind that I ask the Board to approve this position this evening so we can go forward to really looking at realizing the full potential of economic development and housing initiatives in this very important sector in our community.

Alderman Vaillancourt asked, the \$56,000, could you tell the citizens of the City of Manchester if this is, in fact, money that has already been spent or if this is new money.

Mayor Baines asked Mr. MacKenzie to explain the funding source for this position.

Mr. MacKenzie answered we did review this. The activities that would be performed by this function would be partially eligible under CDBG administrative fees from HUD. Also, a portion of the time would be devoted to the Riverwalk bond, which is an allowable expense and there might be some other small amounts that we can use to fund this for a 12-month period. These would be funds that would not hit the City property tax rate or the operating budget.

Alderman Vaillancourt asked but they would be funds, as I understand it, that could be spent for something else if we did not do this. Is that correct?

Mr. MacKenzie answered the CDBG administrative fees are earmarked out of HUD monies and that would normally only be spent on administrative items. Normally, we do not spend our entire cap for administrative fees. The Riverwalk bond, yes, could be used for other items.

Alderman Vaillancourt stated well I might make a statement that I am going to oppose this item. It seems to me that we have had the civic center for this particular portion of the City. We have had the Riverwalk for this particular portion of the City. I was talking to about 1,200 people in another ward in the City this past week and I think it is time that other parts of the City get their fair share and everything going into this part of the City is not fair so I will oppose this.

Alderman Hirschmann stated I want to commend you, your Honor, for bringing something to the table that shows your interest in economic development. The City has definitely turned a corner. We have an emphasis on Elm Street that is unparalleled. In the 1980's we didn't see the interest that is happening right now. There does have to be

an ambassador for the City. Someone who is a salesperson. Someone who can make the national contacts and report back to this Board quarterly say and tell us the successes. Tell us the people who want to come to Manchester and if there are any barriers he can tell us what they are and what tools he needs. This is a person that we need and it is not costing the taxpayer so I think you made a good move, your Honor.

Alderman Levasseur stated I would also like to thank you. As a person who has been downtown for a long time and lived in this ward for over 20 years, I want to thank the Mayor for creating this position. What we have in place at this time has not performed as expected and downtown still needs a lot of help in this area. We just underwent the biggest economic boom in this country's history and still with all of the help of our supposed professionals, downtown has the glorious and dubious statement of...the best thing we can say is it is looking better after four years of having a supposed professional down here. I appreciate you giving us another hand down here in this area.

Mayor Baines noted that Alderman Wihby arrived at the meeting and asked him to take a point of personal privilege at this time and tell us why he hasn't been here.

Alderman Wihby stated my daughter just had a baby girl. My first grandchild. She is probably watching it on TV because I had it on while she was delivering.

Alderman O'Neil stated I want to commend you, Mayor, for putting this position forward. I think that we have a great group of City staff, but there was a missing...everything seemed to be by Committee and because of that it has slowed and kind of hampered the process a little bit so I think when we heard from developers interested on Elm Street or within the Millyard they were looking for one person and we never could put that one person in charge of a project so I commend you for this. I think it is overdue and I think it is a very positive step for the City.

Alderman Gatsas asked, Mr. MacKenzie, maybe you can tell us with somebody at a full-time position looking for grants, what do you feel the City would be able to find for additional grants that are out there.

Mr. MacKenzie answered that is a hard question to answer. There are a lot of grants out there that we have looked at that are simply not well suited or the strings were worse than the monies. It is possible, though, that someone could clearly pay for their own position with the grants that they could bring in if those grants were the right match for the City. I think there are other grants available out there that perhaps we have not exhausted.

Alderman Gatsas replied those are the ones that I am talking about that you may not have had an opportunity to look at.

Mr. MacKenzie stated I have no way to gauge the size of it, though.

Mayor Baines stated we feel that there is some potential in this area. We have had conversations with some of our Federal government officials who have indicated that we may not have been in a position to take advantage of some of those opportunities.

Alderman Shea stated this is directed to Bob MacKenzie. Bob, in losing one person you are going to be bringing forth before the Human Resource Committee, do you anticipate that in the next few years your Planning Department will need more resources and more money in order to replace the person who is going to be on loan for 12-18 months or are you in a position to state that you are going to be able to hold the line.

Mr. MacKenzie replied we anticipate...given that we do have authority if this goes through to fill the position at a lower level, we see no additional operating impact on our department.

Alderman Shea asked so you don't anticipate...I am not concerned about this fiscal year but I am concerned about down the road two or three years from now. You don't anticipate that that would cause financial problems when this particular person returns to your department and you have to rely upon City funds to reimburse him?

Mr. MacKenzie answered I have been presuming that this will be a successful effort so I have not looked...

Alderman Shea interjected I don't disagree with you. I am just saying that obviously we ran into problems with reclassification with the Yarger Decker study in terms of people...one year they are in one step and the next year for whatever reason they are up quite a few steps because of the position so let's hold the line in that regard.

Alderman Thibault stated I want to commend you also on this and let me just say that the last time I was here as an Alderman from 1978 until 1988 we had a gentleman working for this Board by the name of John Hoben who always saw fit to get an awful lot of Federal grants and I think it was a big mistake when the City let that position go vacant rather than reappoint someone to that position. I think there are an awful lot of Federal grants out there that if the City is able to get in line to get, a guy like John Hoben used to do this and he used to come to us and say we could get this if we did this and we could get that if we do this. That is what is missing and I really believe...I think you have hit the nail on the head by asking for this position because I think it is something that this City has needed for years frankly. Thank you.

Alderman Wihby stated I wasn't here for the beginning of this, but we talked earlier today about the façade program. Is that incorporated into this?

Mayor Baines replied we tabled the issue of the Façade Program so that will remain on the table so we can come to some final resolution of that issue. That is the inclination that we have talked about.

Alderman Wihby asked to have this coordinator doing the Façade Program.

Alderman Hirschmann stated I was under the impression that we included that.

Mayor Baines replied basically what we did was table it.

Alderman O'Neil stated my recommendation was that we have a public hearing at the end of the month that is going to deal with the Central Business Service District and Intown so we should table the money through the CIP projects until the Committee reaches resolution and makes a recommendation to the full Board.

Alderman Wihby asked are you talking about on the CIP Committee agenda you tabled those two items.

Deputy Clerk Johnson answered in Finance.

Alderman O'Neil stated no money can be spent until we resolve that.

Alderman Levasseur stated I really hate to see government just step all over itself. It seems like one of the biggest things we do in this government is just pass the buck from one group to the next group and if you are going to create a position called Destination Manchester Coordinator and you would like this man to be proactive and go out around the country and try to bring people downtown it would be nice to give him some meat and some money to offer to some of these people and some programs that you can show these businesses that are going to come in. It just seems kind of crazy that this man is

going to be in this position and then he is going to have to say yes, come on in and now I have to send you to another group. I think that one of the biggest things we need to do in the City and I know you are behind this part, is cutting red tape. We are just creating more red tape and I really think that we should consider putting the real meat into the real powerful position that you are creating right now.

Alderman Sysyn suggested that both entities work together.

Alderman Hirschmann stated I spoke to you today and I said all of those glowing comments because I thought this individual had the tools to do the job. Now I understand that the tools are tabled somewhere.

Mayor Baines replied that is a misunderstanding.

Alderman Hirschmann stated tell me what is going on.

Mayor Baines replied if we hadn't tabled those items that I pointed out, the Façade Program would have gone directly to Intown. That is what we tabled. We stopped that from happening.

Alderman Hirschmann asked so explain the process from there.

Mayor Baines answered basically what Alderman O'Neil is suggesting is that in two weeks from now they are having a public hearing and he would like to allow them the opportunity to address it. My feeling is still that it makes sense for the Destination Manchester position to have those tools. The suggestion that came from Alderman O'Neil this evening was that the final decision on that aspect of it only be delayed out of courtesy for the public hearing but that is up to the Board. That is a request that

Alderman O'Neil is making. That is really the issue. I have not changed my mind on that issue.

Alderman Hirschmann stated we had discussed, your Honor, and I will just end it that if this person is going to call on somebody in Chicago and invite them to Manchester he needs these tools like the Façade Program and the revolving loan fund and the interior fit up program. He needs to have those at his disposal to have the power to bring these people in and tell them that he can give them a façade and a sprinkler system or an elevator. This has to happen.

Alderman O'Neil stated I am not disagreeing with you, Alderman and the Mayor was very strong in his comments to me today that he supports the Façade Program being part of this. All I suggested was we are having a public hearing on August 28 with regard to the Central Business Service District and Intown and we should table the item so that no money can be spent until after we have that public hearing and if the Board decides they want the Façade Program as part of this position that is fine and I will support that.

Alderman Gatsas stated, your Honor, if you feel this strongly about this position I will make a motion right now that we include the Façade Program with that position.

Alderman Gatsas moved to amend the Destination Manchester Coordinator position to include the Façade Program.

Deputy Clerk Johnson stated the items that were brought up in regards to the budget authorizations were tabled in the Finance Committee. You are now in the Board meeting and the Finance Committee has jurisdiction over the budget authorizations. I believe the way they were submitted originally...

Alderman Gatsas moved to suspend the rules.

Deputy Clerk Johnson stated it is not a rule. It is more than that because it is actually the way your Resolutions that are adopted by the Board are set-up. Financially, that is the process but the other item that I would note is that the budget authorizations as submitted were put into Intown so you really need revised budget authorizations to be submitted to the Board. I guess my understanding is that the Board tabled this in the Finance Committee and it will come back up the first week in September, which would be in two weeks.

Mayor Baines stated and that would be after the public hearing anyway.

Alderman Wihby stated we are not doing anything in Finance. All we are doing is adding it to the job description so that the person will take the Façade Program. There is nothing wrong with doing that this evening and then bringing that into Finance at the next meeting and do it then. We can still assure that it is going to be handled the way that we all understood.

Alderman Cashin asked isn't Intown responsible now for the Façade Program.

Alderman Hirschmann answered at this present time.

Alderman Cashin stated well as of tonight they are handling it. Now we are just going to arbitrarily take it away from them? Why? I supported this, your Honor, but I will tell you that if you are going to take the Façade Program away from Intown tonight, I am going to vote against it. I don't think that is right. I agree. Let's send it to a public hearing and let's discuss it at the public hearing.

Alderman Lopez asked isn't there an agreement with Intown and isn't the Façade Program listed in that agreement.

Solicitor Clark answered there is an agreement with Intown that sets out the duties that they will perform, however, that is subject to the Board providing them with funding. If you don't provide funding, then that duty doesn't get done.

Alderman Lopez asked is the Façade Program separate from the agreement. The point that I wanted to make is I really think and I would ask the Alderman from Ward 2, we are going to accomplish the same thing probably with the Façade Program going to this individual, but I think that out of respect for Intown that they be given the opportunity to come here as we requested to give us the input before we make a final decision as to how much authority we are going to give the new position and what we are going to transfer.

Alderman Sysyn stated when we create a new position sometimes we give them more work than they need and I think we can still use Intown for the Façade Program.

Alderman Gatsas replied with all due respect, Alderman Lopez, I believe that if the Mayor is looking for this position and he is looking for this gentleman to take care of the Façade Program and it is not the will of this Board to change, I assume, the direction that the Mayor is looking at with this position.

Mayor Baines stated I do respect the fact that the Aldermen want to delay it to listen to a public hearing. That is the will of the Alderman.

Alderman Wihby duly seconded the motion to add the Façade Program to the Destination Manchester Coordinator's job description.

Alderman Vaillancourt stated this is very interesting because as I was alluding to earlier we created another bureaucratic little piece here and I can understand the reason to create more empires but of course now we are arguing on how you feed the beast once you

create it. My question is what is Jay Taylor doing? We are paying him about \$80,000 a year. Isn't this part of his job? What is the difference between this and what Jay Taylor is doing and the second question would be are we going to take \$60,000 away from Intown Manchester since we are taking this responsibility away from them?

Mayor Baines replied I think that would be answered down the road. In terms of Jay Taylor's position, I think his position has been well defined by the Board. This in many ways goes outside of the scope of the responsibilities that are presently assigned to Mr. Taylor. It has a very broad scope in looking at housing and other issues. It is also related to Federal granting and to the other issues like recruiting retail development and overseeing the Riverfront. There are specific things outside the scope of Jay Taylor's responsibilities at the present time. I think that has been very well defined in the memorandum that I sent to you. We have an amendment on the floor. I would like to read the amendment.

Deputy Clerk Johnson stated the amendment was to add the Façade Program to the job description that was submitted to the Board.

Mayor Baines requested a roll call. Aldermen Cashin, Thibault, Sysyn, Clancy, O'Neil, and Lopez voted nay. Aldermen Hirschmann, Wihby, Gatsas, Levasseur, Pinard, Shea, Vaillancourt and Pariseau voted yea. The motion carried.

Mayor Baines called for a vote on the motion to approve the amended Destination Manchester Coordinator position. The motion carried with Alderman Vaillancourt being duly recorded in opposition.

Communication from Alderman Vaillancourt submitting a resolution to the Board for adoption relative to additional public input sessions occurring at each and every meeting of the Board.

Alderman Vaillancourt stated as you heard tonight, we had outstanding comments from the members of the public and at the last meeting we went about an hour with this. I did investigate this under the legal possibilities. Nothing in the Charter prevents the Board from having a half-hour input from the public at the beginning of each session so I would move that we would do that. It would be twice a month for nine months and of course once a month for the three summer months since we only meet once. I think this is a courtesy to the public and I think it is the thing we do best...listen to the public.

Alderman Vaillancourt moved to approve the resolution. Alderman Shea duly seconded the motion. Alderman Vaillancourt requested a roll call.

Mayor Baines stated it has been the procedure of the Board that amendments to the rules have gone to the Committee on Administration.

Alderman Shea stated when people get up, they are allowed two minutes. By the time they give their name, where they live and adjust themselves, there is a minute and a half gone. We should at least give them the courtesy of...

Mayor Baines interjected those are the rules of the Board and the rules can change.

Alderman Shea stated I would recommend that we change it to at least three minutes anyway.

Alderman Lopez stated I think some things ought to be changed. There is no question about it because with the television that we have today and the public out there, they get one version of the public coming in and making statements and we don't respond. I think there ought to be some procedure that if there are questions maybe those questions should be answered by the staff of the City or the Chairman of the Board or the Mayor or whatever the case may be. I think when accusations or figures are thrown around by

some individuals that are not actual they should be corrected. This should go to the Committee on Administration so that these things can be worked out. If the end result is two public hearings, fine. I don't have any problems with that but I think there ought to be some response somewhere along the line, even if somebody wanted to submit questions because of the television aspect that we have that the public would get a true version of what the answers are.

Alderman Gatsas stated as Chairman of Administration I would like to make a motion that we allow this...there is no sense of having it come to Committee and talking about it there. We can talk about it right here.

Alderman Pariseau stated there are other issues that we have to discuss. We would be usurping the authority of Committees if we just let everyone bring in whatever they want to propose and sidestepping the Committee responsible to set this policy.

Mayor Baines stated so those who agree with that premise and would like this considered by the Committee on Administration could vote no and then we could have a motion to refer it to the Committee on Administration if that is what you chose to do.

Alderman Shea stated it went before the Committee on Administration a few years ago when we wanted to have it more than once a month it was killed there so if memory serves me correctly, they killed it at that Committee level. I agree with Alderman Gatsas. Let's get it on the table now.

Alderman Hirschmann stated people spoke tonight and they said that the Charter should be updated and policies should be updated and they are right. I don't oppose this. I think maybe they should get four minutes at every meeting.

Alderman Clancy stated let's hear from the citizens of Manchester. Let's let them speak twice a month instead of once a month. Let's give them a whole hour instead of half an hour. Let's get some input from the citizens.

Alderman Sysyn stated actually if you have people signed up to speak and you can't finish in a half an hour, it can go into a full hour, which we do. We don't do just a half-hour.

Alderman Levasseur stated not every person who wants to speak can make every meeting when we have them, especially in the summer time. If they want to come...not every meeting has the same issues on there. I think that we are really doing a good job here with people seeing what is going on and I would like to keep it open and I think that people should come and talk.

Mayor Baines stated the only suggestion that I would make before this goes forward is to change every to regular meetings of the Board.

Deputy Clerk Johnson stated that is a request of the Clerk to clarify it. The regular meetings are twice a month.

Alderman Vaillancourt replied I will accept that clarification.

Mayor Baines called for a vote on the motion to add additional public input sessions at every regular meeting of the Board.

Alderman Wihby asked we are not trying to limit the meetings that we have now...we are not trying to limit them to a half-hour. This is saying a half-hour but it is basically going to be the same thing we are doing now.

Aldermen Vaillancourt, Hirschmann, Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, and Shea voted yea. Aldermen Pariseau, Cashin, Thibault, and O'Neil voted nay. The motion carried.

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

Mayor Baines called the meeting back to order.

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

"Amending the 1994, 1995, 1997, 1999 and 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for the 2001 CIP 650601 Concord/Elm Street Improvements Project."

"Amending the 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Thirty Five Thousand Dollars (\$35,000) for the 2001 CIP 612001 Manchester Emergency Shelter Rehabilitation."

ought to pass and be enrolled.

Alderman Clancy moved to accept, receive, and adopt the report of the Committee.

Alderman Pinard duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Pariseau and Vaillancourt duly recorded in opposition to the 2001 CIP 650601, Concord/Elm Street Improvements Project resolution.

Communication from the Airport Director requesting the Board's

authorization to sign the Hold Harmless Agreement on behalf of the City with the Town of Londonderry, subject to the review and approval of the City Solicitor's Office.

Alderman O'Neil moved to approve this request. Alderman Thibault duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Hirschmann being duly recorded in opposition.

Notice for reconsideration given by Aldermen Gatsas and Vaillancourt on the motion to override the Mayor's veto relative to the action taken to accept a report of the Committee on Bills on Second Reading, which recommended that Charter Revision question:

"Shall the municipality approve the charter amendment to eliminate the at-large positions for Board of Mayor and Aldermen and School Committee Members?"

be referred to public hearing on July 31, 2000.

Aldermen Gatsas or Vaillancourt or any other member of the Board having voted in favor, is entitled to move for reconsideration of the vote.

(Aldermen voting in the affirmative were: Wihby, Gatsas, Levasseur, Clancy, Shea, Vaillancourt, Pariseau and Hirschmann. Aldermen voting in the negative were: Sysyn, Pinard, O'Neil, Lopez, Cashin and Thibault.)

Deputy Clerk Johnson stated the notice for reconsideration was given and if the members so desire to move for reconsideration that would be the first part of the process.

Alderman Gatsas moved for reconsideration. Alderman Hirschmann duly seconded the motion. A roll call vote was taken at the request of Alderman Pariseau. Aldermen Pariseau, Hirschmann, Wihby, Gatsas, Levasseur, Clancy, Shea and Vaillancourt voted yea. Aldermen Cashin, Thibault, Sysyn, Pinard, O'Neil and Lopez voted nay. The motion carried.

Deputy Clerk Johnson stated at this point, there would be a motion to override the veto that was on the table as of the last meeting or you can issue a veto on the reconsideration.

Mayor Baines stated I am going to issue a veto on the reconsideration.

Alderman Vaillancourt stated the City Solicitor's Office was asked at the last meeting to investigate whether or not the two Aldermen At-Large by the Statutes and the Charter are allowed to vote on this. It was mentioned by at least two people in the meeting earlier

tonight so I now ask for a ruling from the City Solicitor, who I am sure is more prepared than ever before.

Solicitor Clark stated there is no conflict of interest under the law. The courts have determined what a conflict of interest is and it is outlined in your Charter. There has to be a financial and pecuniary interest. The courts have said that has to be definite, ascertainable and immediate. That is not the case here. Any change in the Charter would take place on the next term and not on the terms of these Aldermen and there is no conflict under the law in my opinion.

Alderman Vaillancourt moved that the decision of the City Solicitor be challenged and that the Board vote on whether his ruling is proper as the Charter allows.

Solicitor Clark stated the Charter states that if a member believes there is a conflict, they bring it to the full Board and the vote may vote upon it and if the Board decides there is a conflict that person shall not participate.

Alderman Shea duly seconded the motion.

Alderman Wihby stated if we take another vote and you override it and let's say this Board continues and say it is 8-6 again and the two people can't vote so it ends up being 8-4 and then you veto it, is it the same result or do we not need 10 anymore.

Mayor Baines replied you still need 10. There have to be 10 Aldermen to override a veto.

Alderman Wihby asked it doesn't matter if two of them can't vote.

Mayor Baines answered that is correct.

Mayor Baines called for a vote on the motion to declare a conflict with Aldermen Lopez and O'Neil voting on this matter. A roll call vote was requested. Aldermen Vaillancourt, Pariseau, Hirschmann, Wihby, Gatsas, Clancy, and Shea voted yea. Aldermen Cashin, Thibault, Levasseur, Sysyn, Pinard, O'Neil, and Lopez voted nay. Mayor Baines voted nay. The motion failed.

Alderman Shea moved to refer this matter to the Conduct Board. Alderman Vaillancourt duly seconded the motion.

Solicitor Clark stated the Board may vote to determine a conflict or may refer it to the Conduct Board.

Alderman Cashin stated this has gone too far. This has got to stop. These are our colleagues.

Alderman Levasseur stated I understand what you are saying, Alderman Cashin. It is a tough situation to be in but this doesn't come down to personalities. It really does come down to philosophy for a lot of people. I know it is a tough situation. Those guys are great guys and they do a great job, but it is philosophy and that is basically what we are arguing here.

Alderman Cashin stated the people in the City of Manchester elected two Aldermen At-Large and that is it.

Alderman Levasseur replied I agree with you, but sometimes people change their minds and want to try different things.

Alderman Vaillancourt stated I think the comments were irrelevant. We are referring it to the Conduct Board now. We are not discussing the Aldermen At-Large positions. We are discussing whether as the individual who spoke earlier tonight and used to sit in this seat mention, this Conduct Board should in fact be used. That is why it is in the Charter. That is why we put this together. We heard tonight that this has not ever been used and I think it is time for these individuals to get together and look into this. Not that the City Solicitor isn't the be all and end all of all good things, but there are other people in the City who have wisdom and I suggest that we rely on them as well.

Mayor Baines responded but the question is whether that is the appropriate thing to do and that is a legitimate question to be asked – whether this is an appropriate matter for the Conduct Board.

Alderman Vaillancourt replied of course I wouldn't move it if I didn't think so.

Alderman Wihby asked can you explain the procedure.

Mayor Baines answered the procedure would be that the Conduct Board would be convened to discuss the issue of whether this rises to the level of conflict as outlined in the Charter and State law. That would be the comprehensive nature of this referral.

Alderman Wihby asked would that just be an advisory opinion that would come back to this Board anyway that will just lose anyway.

Mayor Baines answered correct. Any recommendation from the Conduct Board would come back to this Board for final decision. It is just an advisory opinion to this Board.

Alderman Levasseur stated when you refer something to the Conduct Board, that is pretty serious stuff and I don't think we have a level of grievance that calls for a Conduct Board

and the other thing as far as if there is a conflict, I really think that you have to be careful because they are not voting for this term. It is a vote for Aldermen at another term. It is like voting a pay raise. You don't vote yourself a pay raise in this term. If you were voting for it for this term, there would be a conflict and I think that is the same type of thing we are talking about here.

Mayor Baines called for a vote on the motion. Alderman Levasseur requested a roll call. Aldermen Levasseur, Sysyn, Pinard, O'Neil, Lopez, Pariseau, Cashin, Thibault, Wihby, and Gatsas voted nay. Aldermen Clancy, Shea, Vaillancourt, and Hirschmann voted yea. The motion failed.

Copy of a communication from Attorney Dean Eggert to Superintendent Tanguay relative to proposed amendments to the City Charter.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to receive and file this item.

Alderman Wihby stated I was going to bring this up at the end of the meeting, but maybe I will bring it up here. It is not in reference to this letter, but it is in reference to the Bills on Second Reading Committee. We had a motion on the floor in Bills on Second Reading to not make...well we had a motion to make the School District a department and to put that on the next ballot and that motion died, your Honor, 3-2. What happened after that is there was never another motion to bring forward to this Board. We went to the next item and that is why there is no Committee report. The next day when I called the City Clerk's Office he said there was never a motion on the floor and he checked the minutes and there wasn't. Today is the last day to vote on sending that question...it has to be within seven days of the public hearing so even though the motion to do it died in the Committee, I would like to make a motion.

Alderman Wihby moved to have the Charter amendment question dealing with the School District becoming a department of the City put on the next ballot.

Alderman Cashin asked how is that getting here. It was killed in Committee. You didn't file a minority report, Alderman.

Alderman Wihby stated there was no motion to come to this Board. What should have happened is we should have taken a motion to kill it and we just went to the next item. We never took a vote on the issue. All we did was take a motion and it was defeated and there was no report from the Committee to come here because we forgot to do it or I forgot to do it.

Alderman Cashin asked as Chairman of the Committee you are telling me that you didn't realize that the motion was to kill that on a 3-2 vote.

Alderman Wihby answered I realize that the motion was to kill that but that motion was not a motion to come to the Board. The motion was killed so there was no motion on the floor at that time to send to this Committee. The appropriate thing would have been to make a motion to kill it that might have passed 3-2 and then that would have come to the Board.

Alderman Cashin stated you are really stretching, Alderman Wihby. I want a ruling from the City Solicitor.

Solicitor Clark stated the Charter amendment process is governed by Statute. It states that you will have a public hearing and then the Board will determine within seven days after the public hearing whether to place the question on the ballot. This Board has the authority to take that up. I am not sure exactly what Alderman Wihby is talking about.

Mayor Baines stated there is no report of the Committee. It was sent to the Committee and killed in the Committee. There is no report of the Committee to deal with this so the issue is, according to Alderman Cashin, a dead issue because it did not come through the Committee process. The question is can Alderman Wihby raise it as a separate issue under the procedures set forth.

Solicitor Clark stated under new business this Board does have the legal authority to refer it to the ballot.

Alderman Wihby stated that is what I am doing right now.

Alderman Levasseur duly seconded the motion.

Alderman Cashin asked what is the motion.

Alderman Wihby answered to put the Charter amendment question on the ballot regarding changing the School District to a City department.

Alderman Shea stated there are a few issues that we really need to address before obviously we take a vote here. In researching the materials that we were given, I want to refer to NH RSA 49-B on Page 37, which indicates that we should use all procedural steps in order not to conflict or be inconsistent with the laws and constitution of the State of New Hampshire. We asked for written documentation from the City Solicitor's Office because we had received written documentation from the attorney that was representing the School District and I know that Atty. Arnold was here at the time and I believe Alderman Levasseur requested that written documentation. I am wondering if that written documentation is forthcoming. Do we have any written documentation from the Solicitor's Office?

Solicitor Clark replied I believe that was sent out on Friday. I spoke to Atty. Arnold Friday afternoon and he was finalizing it and it was my understanding that it was going into the Aldermen's boxes that afternoon.

Alderman Shea stated well today is Monday and we haven't received anything. The other thing is who, the City or the School District, will control the line item issues under Alderman Wihby's amendment? How consistent is his amendment with the line item budgets in the School?

Solicitor Clark replied the School Board would still control line item transfers.

Alderman Shea asked will there be an additional financial impact if we change it back from a School District to a School Department. Will they need department heads and so forth like every other department? Will that cause a financial impact?

Solicitor Clark answered legally, I don't believe there would be any financial impact but that is not strictly a legal question.

Alderman Shea asked how to you reconcile the proposed changes to Article 6.08 with NH RSA 194:1?

Solicitor Clark answered I don't have those in front of me.

Alderman Shea stated well these are the questions that we should be asking before we take a vote. Not that I agree or disagree. I am for the public giving input, but I think we should put all of our...we should put things in place before we begin to introduce amendments and so forth.

Alderman Lopez stated I talked to Mr. Arnold who called me on Friday because I also requested that information at the last Board meeting and he said that he would have it. He didn't want to do it, but he would do it in case something came up like this. We received and file the communication from the School Department without a direct answer from the City Solicitor's Office. I think it is a very important document and we either have to agree with the attorney from the School Department or we are going to say no, he is wrong under the RSA's that he cited in his documentation. To vote on something that we don't even know, and I agree with Alderman Shea that there are a lot of unanswered questions here, I don't know where we are going with this because the end result is the School District is going to do whatever they want with their money anyway.

Alderman Levasseur stated I feel like I have handcuffs on my hands because the last time we had this meeting the Deputy City Solicitor, Mr. Arnold, was here and I didn't feel that any of our questions and a lot of them very important...I mean we really didn't get any answers that I think are necessary to determine whether this is going to be able to sustain a vote or anything. I feel handcuffed. I think we need an opinion from our own City Solicitor. The School District has gotten one heck of an opinion on their side of the issue.

Alderman Vaillancourt stated I don't feel handcuffs at all. Whether it is Atty. Eggert, Atty. Arnold or Atty. Clark, as I said at the last meeting the ultimate attorney is the Attorney General and if we vote for this he will give us what we need.

Alderman Wihby stated the process would be if we voted this in today the Attorney General would get it and have to make a report within 14 days. That would come before it got on the ballot and if he ruled that there was a problem then we would just pull it off. If it came back that there was no problem, then we would continue what we are doing. There is nothing wrong with this, your Honor. This was done by the City Solicitor's Office. It was reviewed with the School attorney. All of the questions that the School

attorney had at the time were answered and as a matter of fact some things were changed because they agreed with the School attorney. The City Solicitor went forward with what he said originally. Nothing has changed since then. He ruled that this could be accomplished by a vote of the Aldermen. To make an excuse and say that we don't have enough information when the Attorney General is going to be reviewing it anyway and letting us know, your Honor, is just a cop out. This should go forward to the voters and just speak on...not saying well we don't want them to speak or we are going to have some excuse. This should go forward. The voters should decide this, your Honor, and the Attorney General is ultimately going to make the decision in two weeks.

Alderman Shea stated to refer to Article 6.08 for the City Solicitor's information, it states that the Board of Mayor and Aldermen may provide, by ordinance, any additional procedures for administering of the budget, including the budget of the School Department. The proposed changes to Article 6.08 specifically violate State law. The attorney then presented seven different areas where he claims that under NH RSA 194:1 it states that the District administers the School and he lists seven different areas where Judge Nadeau is quoted here. I think that Alderman Wihby is correct because under the other material here, under the amended State law, which is 49:B(5)a you either approve or review and within 10 days of the filing of the preliminary report relative to any new municipal Charter, Charter revision or Charter amendment the municipal Clerk shall file a certified copy of said report to the Secretary of State, the Attorney General and the Commissioner of the Department of Revenue Administration and within 14 days of that receipt of said report by the Secretary of State, Attorney General and Commissioner of the Department of Revenue Administration, they shall review the proposed Charter, Charter revision or Charter amendment to insure that it is consistent with the general laws of this State. That is really what the reference should be.

Solicitor Clark stated we are well aware of the Statute and how it applies to Charter amendments and what has to be done. You have asked Atty. Arnold to provide you with

a written response and to my knowledge he did. I don't know where it is today, but he did send it out on Friday. The attorney for the School Department has listed several items that Judge Nadeau used in finding the School District was a district and that is what Judge Nadeau relied on. Judge Nadeau relied upon the Charter as written. We believe that the amendment, as drafted, is consistent with State law and would change the Charter and thus change Judge Nadeau's position.

Alderman O'Neil asked, Solicitor Clark, you are comfortable with this meeting State law.

Solicitor Clark answered yes, I am comfortable that it meets State law. As you know, there are no 100% guarantees, but we believe that it is proper.

Alderman O'Neil asked, Alderman Wihby, did you say that the School District Attorney was part of drafting this.

Alderman Wihby answered my understanding was that he talked to our City Solicitor and it was drafted and he had a copy of it. He had some concern with other items and I think Tom can speak on that. I think Tom agreed that there were some things originally written in that shouldn't have been written in and he changed it and these were the things that our Solicitor felt were correct and we could go forward with.

Alderman O'Neil asked and we cannot get an opinion from the Attorney General until we actually take a vote.

Solicitor Clark answered that is the position that the Attorney General's Office took. That they wouldn't review it until such time as the Statute called for them to review it.

Alderman Levasseur stated I think there is a meeting of the Deficit Committee tomorrow or Wednesday. Maybe somebody in the Finance Department could tell us just what the estimate of that deficit would be and it would make it a lot easier to make that vote.

Alderman Pariseau asked what does that have to do with the issue.

Alderman Shea stated I really think that we should get an opinion because if we keep going back and forth obviously people will continuously bring this up and I am not saying that I agree or disagree, I am just saying that in order to solve problems we should get a definitive answer from the Attorney General or people at the State Department as to whether or not we can amend our Charter to include this as a referendum.

Mayor Baines asked the Clerk to clarify the motion.

Deputy Clerk Johnson answered I have a motion made by Alderman Wihby and seconded by Alderman Levasseur to refer the question to the November ballot, either on the State election ballot or through a special election as determined by the Clerk.

Alderman O'Neil asked are we referring it to the ballot. What happened to the Attorney General?

Mayor Baines answered this is the process. Let me just clarify the process for you. This will move forward to the ballot and in the meantime it will be reviewed by the Attorney General's Office. During that time period, we hope that they will issue some kind of opinion which might pick out parts of it, all of it, or none of it. We don't know what he is going to say.

Alderman O'Neil asked if we vote...and I agree with Alderman Shea's comment about getting clarification legally, my concern is are we locking ourselves in if this goes on the

ballot. Now Alderman Wihby is shaking his head no but I don't see any way we can have a second vote on this.

Solicitor Clark stated once you have ordered this to the ballot, that is the only time the Attorney General's Office will look at it. The Statute says that after it has been ordered to the ballot they review it. If he determines that it does not meet the statutory requirements then it cannot go on the ballot.

Alderman O'Neil stated I have no problem voting to send it to the Attorney General, but I do have a problem locking it in on the ballot if he rules it is legal.

Mayor Baines stated if he rules it is legal, it is going on the ballot and if he rules it is not, it is not. You have to come to the conclusion whether or not you want it to go on the ballot. You need to suppose at this point in time that it will go on the ballot if he rules it is legal. You have to make that judgment.

Alderman Cashin stated you can talk about all the RSA's and all the Statutes you want to. The question before this Board is how would you feel if the School Board were in a position where they could make a motion or pass something to usurp some of our authority? How would you feel about that because that is what you are doing to them? The communication between these two Boards is bad enough. All you are doing is making it worse by doing this. This is certainly counterproductive.

Alderman Sysyn stated if you felt that way, you should have appealed the decision when it came down from Judge Nadeau in the first place.

Mayor Baines requested a roll call vote on the motion. Aldermen Wihby, Gatsas, Levasseur, Pinard, Shea, Vaillancourt, and Hirschmann voted yea. Aldermen Sysyn,

Clancy, O'Neil, Lopez, Pariseau, Cashin and Thibault voted nay. Mayor Baines voted nay. The motion failed.

Alderman Levasseur asked why did you vote no, your Honor.

Mayor Baines answered I voted no on the proposed Charter amendment, which seeks to make the Manchester School District a City department because at a time when the City and School District are confronted with enormous problems relating to finding solutions and funds to solve the problem of overcrowding and outdated infrastructure, attention should not be diverted to an issue of questionable legal merit that is likely to pit the School District and the City of Manchester against one another in another court of law. The City and the District need to be partners in the process of educating the children of Manchester, not courtroom antagonists. The public seems to agree that the City and the schools have larger issues to address. Whereas a meeting about overcrowding at Central packed the school's library earlier this year and many parents and teachers have spoken out about issues ranging from ESL tutors to dress code at various public forums, the silence on this issue has been deafening. Only one person spoke in favor of the amendment at last week's sparsely attended public hearing. Furthermore, the School Department and the City have spent many months and a considerable amount of money working out a system to accommodate Judge Nadeau's ruling. The procedures that have been put in place need to be given time to work. The City and School District employees should have a reasonable expectation that what they have created in reliance on a court order will not be changed right now with this kind of process. That is the reason I voted no.

Communication from the Superintendent of Schools serving notice that the Principals' Contract needs to be included as an agenda item this evening.

Mayor Baines stated we will discuss this issue at the end of the meeting.

Ratify and confirm tentative agreement with the Manchester Education Association (MEA) presented July 19, 2000.

Alderman Levasseur moved to ratify and confirm the agreement as presented. Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Wihby being duly recorded in opposition.

Bond Resolutions:

"Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Seventy Five Thousand Dollars (\$275,000) for the 2001 CIP 420201, Central Fire Station-HVAC Replacement Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Eight Hundred Ninety Thousand Dollars (\$1,890,000) for the 2001 CIP 620201, Hackett Hill Business Park Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Six Hundred Thousand Dollars (\$600,000) for the 2001 CIP 810001, Revaluation Project Phase II."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million One Hundred Thousand Dollars (\$1,100,000) for the 2001 CIP 820201, City Motorized Equipment Replacement Program."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Fifty Thousand Dollars (\$350,000) for the 2001 CIP 830101, City Space Improvements Project."

On motion of Alderman Thibault, duly seconded by Alderman Pinard, it was voted to read the Bond Resolutions by title only, and it was so done.

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted that the Bond Resolutions pass and be enrolled.

Resolutions:

"Amending the 1994, 1995, 1997, 1999 and 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for the 2001 CIP 650601 Concord/Elm Street Improvements Project."

"Amending the 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Thirty Five Thousand Dollars (\$35,000) for the 2001 CIP 612001 Manchester Emergency Shelter Rehabilitation."

On motion of Alderman Pinard, duly seconded by Alderman Levasseur, it was voted to read the Resolutions by title only, and it was so done.

Alderman Clancy moved that the Resolutions ought to pass and be enrolled. Alderman Shea duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Pariseau and Vaillancourt duly recorded in opposition to the 2001 CIP 650601 Concord/Elm Street Improvements Project resolution.

Alderman Vaillancourt stated maybe we should have an explanation as to why we are opposed to this since it has gone through three times now.

Alderman Pariseau stated my concern, your Honor, is that the City went ahead and spent approximately \$7.5 million redesigning Elm Street and now to accommodate one future restaurant for sidewalk café activities, we are coming up with another \$250,000 to create a 35 foot sidewalk. For what?

Alderman Vaillancourt stated yes it is abuse of public funds in the worst order.

TABLED ITEM

- 20.** Copy of a communication from Alderman Vaillancourt to the Chief of Police requesting information as to how much time and City funds were spent on the recent City Welfare Department investigation as well as a previous request for information as to how much time and City funds were spent on the earlier Billy Sports Bar raid.
(Note: tabled July 19, 2000.)

This item remained on the table.

21. NEW BUSINESS

Alderman Lopez stated I would just like to inform the Board that Bobby Stephens, who is the Chairman of the Convention Visitor's Bureau is working on trying to get somebody to do an RFP. In the month of September they will be appearing before the Board to discuss the Visitor's Bureau and at the same time asking to spend funds on an RFP to put a plan together for this particular program. Just for your information.

Mayor Baines stated you may have read in the paper that our new version of our website is up and running. We now have access to all City departments across the City via our website so if somebody wants to communicate directly with the Mayor's Office, the Highway Department, the Health Department or any department in the City they can now do that via e-mail. I am very pleased because that is one of the things that I worked on and talked about during my Inaugural Address and that is now a reality. We are now working diligently to bring other aspects of City government to the City, including the ability of our citizens to conduct financial transactions with City government over the Internet. There will be more information on that at another time.

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

Mayor Baines called the meeting back to order.

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

A True Record. Attest.

City Clerk