

BOARD OF MAYOR AND ALDERMEN

October 3, 2000

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

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

Mayor Baines stated before we proceed with the consent agenda we do have a couple of announcements, the Board is invited to a special ceremony in dedication of the chandelier which was donated by the McDonald Corporation and a local McDonald's owner here in Manchester, in honor of Richard and Maurice McDonald the founders of McDonalds hamburgers and a very important part of Manchester's history. That will be at 1:00 PM tomorrow we are inviting members of the public and members of the Board and City officials if they would like to attend to join us.

Mayor Baines introduced Nolene Edmond. It is her first meeting. She is a Hesser College student majoring in Human Services. She is with us five days a week in the afternoon as an intern. She will be at City Hall for the entire first semester. She joins Katie Smith from Central who is with us two days a week. To date, every Manchester public school and Derryfield has had an intern in the office and we welcome you and hope that you enjoy your stay at City Hall.

Mayor Baines stated I would now like to introduce someone who needs no introduction, former Mayor Bob Shaw. Tonight we continue to spotlight new businesses downtown with a brief presentation from Bob Shaw, the former Mayor of Manchester, who has given up motor oil for vegetable oil and opened a new restaurant just across the street. Welcome to City Hall. First of all, I would like to thank you for believing in downtown.

Mr. Shaw stated it is a pleasure to come downtown. I am amazed at how much fun it is. I have been here in this building for four years in my life and in the last few months I have never had as much fun. Just walking out of the building and meeting so many people who are interested in our City and the improvements that are going on. I didn't

come downtown because of the improvements. I came downtown because it was a business opportunity for me and I was lucky enough to buy the building right across the street from your office so I can keep watch on you. That is one of the thoughts I have. There is something nice about it. People who talk well it is not like when the Puritan was here, it is. It is just as nice as when the Puritan was downtown. It is busy all the time. People are walking by on Elm Street all of the time. They might not be there on Thursday nights, but there are definitely a lot of people. There is an opportunity for businesses to take advantage of that. What interested me most is the opportunity to deal with City employees again and to learn a lot of things that are happening in our City. It is nice when you are up at one end of the City, but now you are right down in the center and you actually get a feeling for things that are going on. I would kind of urge the Aldermen, just like myself who is learning a whole new thing being a merchant on Elm Street, I would urge the Aldermen not to just listen to one side of any discussion. Bill Smillie today about signs had a very good point. I want to put a certain type of sign up and I find that people's personal preferences enter into the discussion of what sign Bob Shaw should have, their personal preference and that certain people listen to somebody who is walking down the street and says I don't like that sign. Well, he didn't pay for it. He doesn't understand the advantage of advertising, which is the right of free speech to tell people what it is that you are selling. So, I ask especially today when I heard Bill here that you people, the Aldermen, take into account the desires of the business community itself. Everybody has a self-interest. McDonald's has an interest in selling hamburgers. I have an interest in selling Italian sandwiches, but it is our method of getting that message out to people that is important. Alderman Thibault said that somebody would talk about and protect my interest on signs. I don't find that to be true at all. I find the only person that will protect my interest on signs is me and the only person I can count on to help me is you. It is very important to me and to the merchants downtown...this is a City. If you would like to have a place like Concord, why don't you move there? We live in a big City, the biggest City in the Northeast. Manchester is a major City and it is in an area where we are just perfect. 50 miles from here, 50 miles from there, the lakes, the ocean. We are the crossroads of New England. We are not a town. I thank you very much, Mayor. I can't tell you how much I appreciate having the opportunity to come back downtown. I should tell you that when I was going to go out of business after 38 years I was very depressed about it, but something happened when I found that building on Elm Street across from the Alderman from Ward 3 I said this is a plus. He had a secret. He knew that Elm Street was a good place to do his business and when I found this place, my depression, my lack of enthusiasm for going out of business changed and I am enjoying it. I want to thank you very much for having me here, Mayor. I want to be a good downtown asset to this City.

Mayor Baines replied I appreciate having you downtown. As you know, I am a frequent customer and I have been bringing a lot of people by and it is doing a great business over there too. I do want to let people know that the reason I am nervous is because the sign that he wants to put up is an electronic message board sign and I said to him I know what you are going to be doing, you are going to be sending me messages because that has happened in the past on occasion. It is nice to see your interaction with the people and see how much you and your wife who is the real work horse behind that family work very hard as your family does and we would encourage people to come down and visit Bob Shaw's Italian Sub Shop right across from City Hall.

Mr. Shaw responded visit all of the merchants downtown. There is more parking downtown than you can shake a stick at. The problem is that it is not in sight of what you want to go to. Good exercise and when you are all done exercising you can have a sandwich at Alderman Levasseur's restaurant or mine.

Mayor Baines stated so the Aldermen know, the little business that we featured at the last meeting as a result of this had a tremendous upsurge in business as people are recognizing there are places to come downtown and we are going to continue to do that.

Alderman Thibault stated I hope that former Mayor Bob Shaw knows that I never did anything that I thought would hurt you in any way. We do have in place in the City zoning ordinances that must be...maybe they can be changed but to some extent they must be adhered to. Whatever way we can help you in that regard, I am sure the Planning Department right here right now hearing your story, our story, will be looking at this. I certainly would have no problem with any innovative way of doing this.

Mr. Shaw replied I think the citizens want this. They want input from the Planning Department. They want input from the person who doesn't like my sign. They want input from the Mayor who is concerned about my message, but what we want the most is Aldermen who will look the whole thing over and question it down as deep as you can. Question it because there are agendas that are not in the interest of good business practice.

Alderman Levasseur stated welcome to downtown. The comment is that you are one of the more frugal members of our community and that is a compliment because I think I am known as being the same and for you to come downtown has sent the City and a lot of people a message that you believe in downtown and we welcome you down here. It is

going to be great to have an advocate for downtown and a person of your stature who is not afraid to speak his mind and I know that you will be a great asset for all of us down here and I appreciate you coming down here.

Mayor Baines stated I want to welcome Mike Lopez back. Mike had some health problems and he is back with us so we want to welcome you. Special condolences to Alderman Thibault's family. His sister-in-law, Claire Thibault, recently passed away and Alderman Thibault came back today from Florida. Our thoughts and prayers are with your family. We did have the first meeting of the Youth Council last week. Three Aldermen came over here and had a great interaction with the Youth Council. We appreciate that very much. They are very much interested in getting involved in government and whatever support and encouragement you can provide to them would be very much appreciated. We had the organizational meeting of the Citizen's Committee on School Facilities this past week. It is chaired by John Kacavas, a local attorney. That committee is up and working and ready to react to the school facilities audit, which is due on October 15. I am in the process of organizing a meeting with some of the providers for elderly services in the community. I talked to Alderman Shea about that. I would like some input from them on the senior center issue. That meeting will be taking place next week at City Hall and I will be sending out some invitations for that. Also, the Mayor's Civic Center Alcohol Policy Partnership Committee has been meeting and is almost ready to present a report. There will be more information on that forthcoming. Finally, the schedule for the ward meetings, the Mayor's Nights Out in conjunction with the Aldermen is Ward 10 will be October 12 at the Parker Varney School at 7 PM. These all start at 7 PM. Ward 4 will be October 18 at the McDonough School. Ward 5 is November 15 at the Beech Street School. Ward 6 is November 20 at the Weston School. We are in the process of rescheduling Ward 1 and we are going to have another meeting in Ward 11 because of poor publicity on the previous meeting. Now I would like to introduce Maura Carroll and Jody Silva from the Municipal Association to make a brief presentation.

Presentation by Maura Carroll, New Hampshire Municipal Association,
relative to the home rule ballot question.

Ms. Carroll stated I currently serve as general counsel for legal services and government affairs for the NH Municipal Association and with me is Judy Silva who serves as government affairs counsel for the Association. We are here to talk as you mentioned briefly about the Home Rule issue. We appreciate that all of you have supported a Resolution in favor of the amendment, which will be on the ballot on November 7. We have delivered materials for you tonight, which include thousands of brochures. We do

have brochures if any of the Aldermen would like to look at them this evening. We also have over 400 signs, buttons and bumper stickers. The one material that we have been distributing that is not an advocacy piece and which we have advised our members that they can put in public buildings and can put in a variety of places that advocacy materials cannot go is the brochure. That simply answers questions about what Home Rule will do and not do. It gives some examples of past legislation that was required in order for communities to do what they needed to do locally and in a nutshell, Home Rule would provide greater flexibility at the local level for you all to take care of issues that are purely local issues. It does not take away State sovereignty. The State can continue to pre-empt issues at the local level. It can continue to have dialogue with local government to make sure that things that need to be consistent state-wide remain consistent, but it precludes having local officials have to come to the Legislature for permission to do things that really are issues that belong at the local level. I would give you a couple of examples. One is that we had a small community that wanted to change its name and they wanted to look at some historical perspective in that community, but there is no provision in the Statute for changing your name. The way local government operates at this point is that unless there is a specific Statute allowing you to do something, you cannot do it. So, those folks were going to have to come to the Legislature and say please may we change our name even though then they would have to go back to a town meeting and go through the normal local process. It would be our contention that no one in the State cares what the name of a community is more than those folks who live in that community and that really is a debate that ought to occur at the local level. Another issue which has now been resolved, but which took 14 years to resolve, is the issue of elderly property tax exemptions. The City of Portsmouth brought that before the Legislature in 1986 asking for permission to have some flexibility in what kind of exemption they provided and the Legislature granted that, but then put additional conditions. Now and only now can communities really fill in the blanks about what makes sense in their communities for elderly property taxes. We would be happy to answer questions. We are in the process of trying to get as much information out as possible. We are aware that there are folks who disagree with this issue, but the most concern we have is to make sure that people understand what it is they are voting for or against in November so we are trying to get information out. We will speak anywhere, anytime that anyone will have us. We have been attempting to get to local rotaries, local Chambers of Commerce, Boards of Selectmen, Boards of Aldermen and City Councils so we do appreciate the opportunity to present this message to you all and we look forward to working with you as we move forward in the next five weeks.

Mayor Baines stated we did pass a Resolution asking the citizens to vote yes for Home Rule. Thank you very much for your presentation.

Presentation to Carl Hummrich in appreciation for integrity displayed in the course of his work in City Hall.

Mayor Baines asked Mr. Carl Hummrich to come forward with representatives from ServiceMaster for a special presentation. On behalf of the City of Manchester, I would like to take this opportunity to extend our sincere gratitude to you for your honesty and integrity. For those of you who are not aware, on Friday, July 14, Mr. Hummrich discovered a \$100 bill on the floor in the Tax Collector's Office while performing his routine duties as a night ServiceMaster representative. Upon his discovery, he documented and communicated this information immediately further insured that the money remain secured over the weekend until such time as it could be turned over to Ms. Joan Porter, the City's Tax Collector. The special trust and confidence placed upon you on a daily basis is noteworthy and should be emulated by all. Once again, Mr. Hummrich, I congratulate you on a job well done and I think it is very important at this time because we often hear the stories...you read in the newspaper this weekend about theft from students at a school and when you are in these kind of environments and you have workers that you can trust with confidential information and in this case money, it is noteworthy because we have a society today in which those values are sometimes not appreciated and applauded and the attention usually goes to those who perhaps do the wrong thing. Today, we are giving attention to someone who did the right thing and I would like to thank him on behalf of the citizens of our community and the Board of Mayor and Aldermen. Thank you very much.

Mr. Hummrich was then presented with a \$50 gift certificate from ServiceMaster.

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.

Ratify and Confirm Poll

- A. Poll conducted September 15 approving a land transfer/detention pond easement with the Town of Auburn submitted by the Manchester Water Works. (Alderman Vaillancourt recorded in opposition to all polls of the Board.)

Approve under the supervision of Highway

- B. Pole/conduit petitions #942125 (on Market Street) and 942134 (on Colin Drive) submitted by Verizon New England Inc.

Informational – to be Received and Filed

- C. Minutes of the June 22, 2000 meeting of the Manchester Airport Authority.
- D. Communication from AT&T Broadband submitting a signed extension of the Cable Television Franchise Agreement for Manchester.
- E. “Turn of the Century” report submitted by the Health Officer. (Submitted under separate cover to Mayor and Aldermen, and available for viewing at the Office of the City Clerk.)
- F. Minutes of the Mayor’s Utility Coordinating Committee meeting held August 16, 2000.
- G. Minutes of the Manchester Development Corporation (MDC) meeting held September 8, 2000.
- I. Communication from State Department of Environmental Services to Parks, Recreation and Cemetery regarding a recent wetlands application relating to Pine Grove Cemetery.
- J. Communication from State Department of Transportation advising of work to be done over the next year for a roadway improvement project in the City.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION

- K. Communication from YWCA requesting to place banners on the new archway on Stark Street during the week of October 15.

**COMMITTEE ON BILLS ON SECOND READING
AND
PUBLIC HEARING ON ZONING ORDINANCE**

- L. Communication from Carol Sampson requesting the Board consider a zoning change to R-2 in the area of Manning Street between South Taylor and South Cypress Street as part of the zoning ordinance change.

**COMMITTEE ON COMMUNITY IMPROVEMENT
AND
COMMITTEE ON LANDS AND BUILDINGS**

- M. Communication from Public Works Director requesting consideration of land acquisition of Guilford Transportation Property (adjacent to Rubenstein Lot)

- (Note: Copies directly forwarded and item tabled in both committees)**
- N.** Communication from Chief of Police requesting to utilize \$2450 in CIP fund balances for mechanical engineering services relating to a firing range for the Manchester Police Department.

COMMITTEE ON COMMUNITY IMPROVEMENT

- O.** Communication from Health Officer requesting approval for acceptance of Adolescent Pregnancy Prevention Project funds and amendments to existing project.
- P.** Communications from Alfred Sapienza, Jr. regarding lack of pickup of yard waste materials and advising of actions being considered by neighborhood residents.

COMMITTEE ON FINANCE

- Q.** Communication from Chief of Police requesting \$23,665.00 be transferred from contingency to a police departmental line item #3319C10898 for matching funds for the latest award of Local Law Enforcement Block Grant Program funds.

- R.** Resolutions:

“Amending the 2000 & 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Two Hundred Fifty Thousand dollars (\$250,000) for the 2000 CIP 760100 Crystal Lake Phase I Project.”

“Amending the 2001 Community Improvement Program, MAA funds in the amount of Fourteen Million Dollars (\$14,000,000) for CIP 730101 Residential Sound Insulation Program.”

COMMITTEE ON TRAFFIC

- S.** Communication from Robert Kant, The Riverstone Group advising of traffic and speed problems on Commercial Street, and requesting crosswalks be installed to allow employees and visitors to safely cross the street.
- T.** Communication from Chief of Police reference: Motor vehicle driver awareness and violation enforcement.

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/ INFORMATION SYSTEMS

Note: Ordinance referral to Committee on Bills on Second Reading

- W.** Recommending that Ordinances 90.16(b), 90.16(c), and 90.17 be repealed as they are in conflict with the Service Agreement recently entered into between Friends of the Manchester Animal Shelter and the City, and for such purpose an Ordinance amendment has been submitted for referral to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON COMMUNITY IMPROVEMENT

- X.** Recommending that the Human Resources Department be allowed to facilitate training and meetings between management and staff of the Manchester Transit Authority; and further that the Quality Management Team become involved to the extent they can assist in resolving the issues.
- Y.** Recommending that \$250,000 be transferred from the CIP 740301 Construction So. Mammoth Road Sewer Phase 1A (EPD) project to the 760100 Crystal Lake Phase I (EPD) project.
- Z.** Recommending that the 2001 CIP be amended to add airport project #730101 Residential Sound Insulation Program totaling \$14,000,000 in FAA, State and MAA funds; and for such purpose an amending resolution has been submitted.
- AA.** Recommending that the Airport Director be authorized to accept state and federal grant funds to streamline the process, and that the Airport Director's request for modification of airport projects into broader cost centers be approved.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

Note: Ordinance referral to Committee on Bills on Second Reading

- AC.** Recommending that Ordinance:
 "Amending Sections 33.024, 33.025 and 33.026 (Airport Emergency Worker, Airport Maintenance Worker Seasonal/Temp) of the Code of Ordinances of the City of Manchester."
 be referred to the Committee on Bills on Second Reading for technical review.
- AD.** Recommending that a request from the Tax Collector to upgrade an Office Assistant, Grade 10 position to an Administrative Assistant I, Grade 12 position, be granted and approved.
- AE.** Recommending that a request for a 10 day unpaid leave of absence for Paul Houghton (Building Department) be granted and approved.
- AF.** Advising that a request from Alderman Pariseau for a review of the recent increase in medical insurance payments as it pertains to retired City employees having to pay this out of their pensions is currently being researched by the City Retirement Board and Howard Tawney of the Human Resources Department.

COMMITTEE ON LANDS AND BUILDINGS

- AI.** Advising that it has accepted a donation of a statue of General John Stark and approved placement of the statue in front of the City Hall Plaza West Wing. Unless otherwise directed by the Board, a dedication ceremony will be held on October 14, 2000 at 11:00 AM in front of the west wing.

Note: Ordinance referral to Committee on Bills on Second Reading

- AJ.** Recommending that Ordinance:
“Amending the Code of Ordinances of the City of Manchester by adding a new subsection 96.06(F) Golfing in Parks.”
be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON TRAFFIC

- AL.** Recommending that certain regulations governing standing, stopping, and parking and operation of vehicles be adopted and put into effect when duly advertised.

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

- H.** Notice of Decision from the Pembroke Zoning Board of Adjustment relative to a Wright Communications, Inc. special exception request.

Alderman Pariseau stated I don't understand why a Notice of Decision from the Pembroke Zoning Board of Adjustment is on our agenda.

Deputy Clerk Johnson replied the Notice of Decision was sent to the City because it abutted City land at the time.

Mayor Baines stated any time something abuts City land, we have this from Goffstown often, the communication comes to the Board to notify us as to what is going on.

Alderman Pariseau replied I understand that, your Honor, but there was no address on the correspondence.

Deputy Clerk Johnson responded that is the way it came in from them so we just placed it on the agenda.

Alderman Pariseau asked so we own property in Pembroke.

Deputy Clerk Johnson answered I believe it might be land of the Water Works. We did forward the information to them.

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

- U. Petition signed by 189 residents of Wards 8 and 9 requesting that the plan pertaining to Frontage Road be removed from consideration.

Alderman Vaillancourt stated this is a petition signed by 189 residents from Wards 8 and 9 requesting that the plan pertaining to Frontage Road be removed from consideration. I assume when this is sent to the Traffic Committee it will be so done. I removed this basically to let people know that you can, from time to time, fight City Hall and win. This was, as the petition signers said, a situation made worse so I think they ought to be congratulated for their spirited minded efforts in bringing this to our attention.

On motion of Alderman Vaillancourt, duly seconded by Alderman Pariseau, it was voted to refer this item to the Committee on Traffic.

- V. Communication from Alderman Vaillancourt advising that the Highland Goffs Fall School noise-proofing has created extreme temperature problems in the facility.

Alderman Vaillancourt stated this is a letter I sent to the City concerning a constituent complaint about temperatures in Highland Goffs Falls schools reaching into the 90's because of soundproofing that was done. I see it has been to the Airport Activities Committee. I am not sure that this is the proper place for it. I think maybe the Committee on Lands & Buildings would be a more appropriate place.

Mayor Baines stated I think we can just refer this to Public Building Services. I want to comment on that first of all. I visited the schools the day after I received that complaint and talked to all of the teachers down there. All three of my children went there. The reports I got from the teachers was that it really wasn't any different...it was a very warm day and it was basically warm in all of the schools. I know that Public Building Services responded to it and I think we should just refer this to Public Building Services.

Alderman Wihby moved to refer the item to Public Building Services. Alderman Shea duly seconded the motion.

Alderman Pariseau asked can we also send it to the Airport Activities Committee.

Mayor Baines answered you could. We could have it go to both places.

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

AB. Report of Committee on Human Resources/Insurance recommending that Ordinance:
“Amending Section 33.026 (Electrical Inspector) of the Code of Ordinances of the City of Manchester.”
be referred to the Committee on Bills on Second Reading for technical review.

Alderman Hirschmann deferred to the Clerk.

Deputy Clerk Johnson advised that the Committee actually had moved to recommend changes to three positions and that a substitute report had been prepared by the Clerk’s office and submitted reflecting all of the positions. The substitute report read as follows:

Report of Committee on Human Resources/Insurance recommending that Ordinance:
“Amending Section 33.026 (Electrical Inspector, Mechanical Inspector, and Plumbing Inspector) of the Code of Ordinances of the City of Manchester.”
be referred to the Committee on Bills on Second Reading for technical review.

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

AG. Report of Committee on Human Resources recommending that Ordinance:
“An Ordinance to establish the salary of the Commissioner of Welfare by amending the Code of Ordinances of the City of Manchester by adding a new section 32.020(d).”
be referred to the Committee on Bills on Second Reading for technical review.

Alderman Levasseur stated I want to know basically what it is about. It said something about adjusting the salary. This is an increase in salary, your Honor?

Mayor Baines replied basically the history of this issue that was explained to the Committee and they asked me to comment on it at the meeting, the Commissioner of Welfare position is different in terms of other departments in the City and there was an

issue of whether the Commissioner of Welfare, as an elected official, would be subject to the same evaluation system and compensation system as other department heads. On the face of it, it is an awkward situation because you have an elected official being evaluated by another elected official and we thought it best to establish by Ordinance the salary as we do for all elected officials, be it the Mayor the Aldermen or the School Board. This is simply an effort to establish a salary for the Commissioner of Welfare and it could only be adjusted by a vote of the Board in accordance with the rules of the Board.

Alderman Levasseur asked it is similar to if we wanted to give a raise to the Mayor or anyone we would just have to vote on it. The only question I have for this, your Honor, and I don't know if this should be talked about in public session, but we are not really privy to the situation that happened with the Welfare Commissioner and we weren't sure if it was rectified and why there should be a raise given.

Mayor Baines answered my response to that is that we are not dealing...this is not a raise for...it is establishing the position and what the salary should be for the position. This is not dealing with any issues that we are dealing with now or in the past. It is simply a mechanism to set the salary because at the present time it is not set by ordinance.

Alderman Levasseur asked and if this raise was given it would not take effect until the next term, your Honor.

Alderman Lopez answered it would be effective in July of 2000. Without going over what the Mayor said, this is in her budget. This has been agreed to by the Welfare Commissioner and has no bearing on anything other than the Welfare Commissioner's salary because as an elected official it is really a salary adjustment. That is what it is because for a long period of time she has not received a salary adjustment and this brings her up to par and the final documentation is in your packet and that is the salary that we, as a Committee, agreed upon.

Alderman Pariseau stated it is my opinion that the Welfare Commissioner is an elected position and that raise should not occur until after the next municipal election. I don't know if you want to call it an adjustment or a pay raise.

Alderman Lopez stated I would ask the Board...Alderman Pariseau we have taken this up in Committee and the City Solicitor is here and advised us that we can do this. She is not listed or the position is not listed in the City Charter and, therefore, that is the reason for the ordinance. It does not apply to the next election.

Alderman Pariseau stated she is an elected official. She was privy to the salary of that position before she ran and I think that the term should expire before she is granted another pay adjustment or pay raise or whatever. I don't care what the City Solicitor says.

Alderman Pariseau moved to amend the ordinance to take effect in January 2002.

Alderman Levasseur duly seconded the motion.

Alderman Vaillancourt stated I think the amendment is a step in the right direction and will reluctantly vote for it, however, I believe one of the promises that you made upon entering office was that we would have a study regarding pay for Aldermen and School Board members and I think this should be part of an overall study in which you appoint this long awaited body to decide if we want to increase the salary of any elected officials. Those of us who sit here, I delve into the can of worms, School Board members, the Welfare Commissioner, so I would suggest that we table this and await the result of a study on the entire salary structure of elected officials.

Alderman Wihby stated my understanding of this was that this wasn't a raise and that if we had left it the way it was before she was entitled to the step increase so she would be getting more money. She decided she didn't want to have that reviewed by the Mayor or whatever it was and that she was an elected official so by doing this it is not giving her that raise so she actually makes off getting less. That was my understanding of this whole thing.

Alderman Lopez replied I totally agree with Alderman Wihby. I think what the Board and the Aldermen have to understand here is that if you go along with this amendment, this is something that has been worked out in Committee and just to give you a little background so that you are aware of it and I think it is very important if I may, your Honor, the Welfare Commissioner's present salary is \$62,000. That includes the 2% cost of living and adjustment as of July 2000. She has not received a salary adjustment since January 3, 1999 or a performance increase. The Welfare Commissioner in calculation of all of the factors and verified through the HR Committee with the figures off a little bit but basically it is \$65,806.88. She has accepted that with the conversation with the Committee itself and HR and as the Mayor alluded to he testified that to the Committee. I think it is very important that if we go along with this amendment then I think the problem is that we are really denying her the performance and salary increases for the rest of the year. She is willing to accept that and include that in her budget.

Mayor Baines called for a vote on the amendment.

Alderman Wihby stated if we vote for the amendment, allowing her to have, we end up spending more money because she is not going to go to the 65,800 she'll be under the other classified system and she is going to get a raise to make more than 65,800.

Mayor Baines stated no, the amendment simply would add to it effective January of 2002.

Alderman Wihby stated but then she is going to get a raise now.

Mayor Baines stated no she wouldn't, the other motion would come back on to set the salary at such and such effective January of 2002.

Alderman Cashin stated the point here is that she would have been granted this raise last year if in fact under the old administration but for some reason she didn't get it.

Alderman Pariseau noted she didn't want to have the interview by the former mayor.

Alderman Cashin stated he didn't know what happened but the fact of the matter is that she would have gotten it last year, which would have been an off year, which she would have been entitled to, so this putting it off until the next election isn't fair.

Alderman Pariseau agree with the honorable Chairman of this board, she refused to meet with the former mayor for a job performance review. If she did that while the former mayor was in office she'd have been entitled to her pay raise January 1 or whatever of 2000.

Mayor Baines stated that was absolutely correct, and that was the issue of elected official versus elected official and that is why we are at this point.

Alderman Lopez stated and that was absolutely true, and that is what the issue is. How is one of the alderman be evaluated by the mayor as an elected official, and whether you are going to get your small 5,000 or whatever the case may be. I think that Alderman Wihby brings a very valid and I think we are into a legality here because under the Yarger Decker, she is described as a department head, she has a job description, she falls under Decker and I would like to hear before the vote from the City Solicitor and HR.

Alderman Levasseur stated isn't it true that if we stay with this way she still has to go in front of you to get the raise.

Mayor Baines responded no.

Deputy Solicitor Arnold stated for clarification if she is presently under the Yarger Decker study in that classification system absence some action by the Board she would remain there. So in the absence of passing this ordinance she would remain classified under the Yarger Decker study.

Mayor Baines stated at the previous salary.

Deputy Solicitor Arnold stated yea.

Mayor Baines stated my response to that is that unless we had a situation where she were going to go through the same evaluation process that every other department head went through, then she would get the raises that would come about through that system. That is not a fair system, in my view when you are dealing with two elected officials. Now, the Board has a decision, I believe this salary should be set by ordinance, just like every other elected official. The decision before you tonight is whether you want to establish it at the salary it is now, or move it to this other recommended salary which is a little bit above what we originally had put forward, or/and make it effective immediately or on January of 2002, those are the issues.

Alderman Thibault stated I'm a little bit confused here because it seems to me as it we have everybody in this city agreeing with the Yarger Decker study, and that we are saying that she is exempt from that.

Alderman Pariseau stated she is an elected official.

Alderman Thibault stated an elected official but she is still a city employee.

Alderman Pariseau stated she is an elected official.

Alderman Thibault stated what was the purpose of the Yarger Decker study in my opinion it was the purpose of bringing everybody to a parody and if we are changing that already, next year we are going to get everybody in this city coming back and saying well we should be equalized too.

Mayor Baines responded that the mayor's office was not included in it as an elected official, aldermen were not included and school board members were not included in the Yarger Decker. If in fact you wanted to address the issue of elected officials in Yarger Decker, you should have included the office of mayor, alderman and school board members as well. You did include however, I assume it was a decision that was knowingly made to include the welfare director's position.

Alderman Wihby stated I guess I'm lost but one of the things that we're saying that we want to put in, it looks like we have the salary set for the mayor, we are trying to set a number for the welfare commissioner so we are not on the Yarger Decker. I have no problem with that and starting it next year fine, but if we don't start it next year and we start it this year, is that number higher, is she going to be getting more money this year? Are we spending any money by making this motion? Is this costing any money?

Mayor Baines stated yes, you are going to raise her salary from 62 thousand something to 65 thousand something.

Alderman Wihby asked if we don't do anything.

Alderman Pariseau stated she would make 62,000.

Alderman Wihby stated so it's not going to go any higher.

Mayor Baines responded it wouldn't go any higher because there is an evaluation system with department heads, she has not participated in it at her choice.

Alderman Wihby asked if she does participate, does she get more than 65.

Mr. Tawney stated well, if she was to participate then she would be entitled to a performance increase from her present 62,029, a 3 percent increase. That is not going to reach the proposed salary.

Mayor Baines stated however, under the evaluation system that's in place it would be almost impossible not to get both the cost of living and the merit.

Mr. Tawney advised that she did get the cost of living increase.

Mayor Baines stated so it was the merit that would be added.

Alderman Wihby stated so if we don't support the amendment that's on the floor, it's not going to cost us any money this year, it won't cost us until the next election and that's set in stone, she won't get any increase.

Mayor Baines stated that's correct if that's the entire motion then that's the scenario that would unfold.

Alderman Levasseur so in 2002 the salary would be 65,000.

Alderman Lopez stated it would be 65,806.88.

Alderman Levasseur stated to be honest I see that the mayor's salary is not very much more than the commissioner, the salary of that position, and I don't see why we would be giving that position a raise especially upon hearing what we've heard about that position in the last couple of months anyway.

Mayor Baines stated that was not appropriate to discuss.

Alderman Levasseur stated it was part of the discussion because it was why you give this position a raise, asking if they could discuss that in this first meeting about this issue which we weren't privy to the other part. But I can say that \$3,000 less than the mayor is, I don't think that's fair.

Alderman Gatsas stated the 2% is that based on the 62,000 or is that part of the 62,000.

Mr. Tawney replied it was part of the 62,000.

Alderman Gatsas stated so the 2% is already figured in there.

Mr. Tawney replied yes it is.

Alderman Gatsas stated so if she participated by the time she would come around to 2001 she would get another 2% plus 3%, plus 3%, which would take her to 8. If she participated in the evaluation system right now, she would get 3%.

Mr. Tawney stated she would get 3% plus the cost of living.

Alderman Gatsas stated which was already in there.

Mr. Tawney replied she would get the next year's cost of living.

Alderman Gatsas stated so 3% next year.

Mr. Tawney replied yes.

Alderman Gatsas stated so we would be looking at 8% if she participated in the process in July of next year, which is more money than what we are giving her now.

Mayor Baines stated that was correct.

Alderman Gatsas stated so the 65,809 is of a less financial impact to the city than if she came in and participated in the evaluation with the mayor, and I know the mayor would be fair because the rest of us would be looking at the fairness of the mayor's position.

Alderman Shea asked of the city solicitor, was there any legal basis for this individual not to agree to an evaluation since she is an elected official, would that have been a problem for her as an elected official to be evaluated by the mayor, previous mayor, etc.

Deputy Solicitor Arnold stated he really didn't understand the question, it was more of a policy decision than a legal decision. Under where she presently is in Yarger Decker, that you need to be evaluated to be considered for any merit raise.

Alderman Shea stated she wasn't placed in the Decker study to begin with, was that correct.

Mr. Tawney replied that it was not correct, she was.

Alderman Shea stated she was placed in the Yarger Decker study.

Mayor Baines stated that was correct, that position was included. The situation would be she can refuse, which she did as I understand it from the previous administration. As a result of that she didn't get any raise at all. Beyond that for example, if you had a situation with a department head in the city that wasn't an elected official that refused to participate in an evaluation process, the mayor has more latitude to deal with that. But

the reality is she is an elected official. The people who evaluate her are the people. And that's why we settled on that this was a better way to handle it.

Alderman Shea stated so what you are really saying is that she is being evaluated by the voters every two years.

Mayor Baines said absolutely.

Alderman Shea stated maybe we should move the question.

Mayor Baines stated we have an amendment first, which was the effective date of it.

Alderman Vaillancourt stated that gets us to the crux of the issue which is a philosophical one and not as Alderman Gatsas was talking about a financial one. What we are in fact doing is rewarding somebody, and I'm not going to mention any names we are just talking about a position, for not participating in the process. So then you go to the next step and you say should you in fact raise somebody's salary through a charter amendment in the middle of the cycle, and I say no you shouldn't, so you are compelled to go along with the amendment.

Alderman Wihby asked what did we do before Yarger Decker came.

Mayor Baines requested the clerk respond.

Deputy Clerk Johnson advised that she believed it was part of the former compensation system at an approximate grade of 30.

Alderman Wihby stated he agreed that if it was an elected official they shouldn't have to come in front of the mayor and get evaluated. He didn't know where the number should be but noted it sounds like if we don't do this it could cost us more money.

Alderman Gatsas asked if this prevented that person from coming in and going through the procedure now of looking for a raise.

Mayor Baines stated so after we do that could she say now we want to participate in the system.

Alderman Gatsas asked if that prevented her from doing that.

Deputy Solicitor Arnold stated that if the salary is established by ordinance.

Mayor Baines interjected that takes precedence over anything else.

Deputy Solicitor Arnold responded yes.

Alderman Gatsas stated I understand that, but that salary doesn't take effect until 2002.

Mayor Baines noted that they had to vote on the amendment first which would put it effective 2002; otherwise it would be effective July 1, 2000, retroactive to this past July.

Alderman Levasseur stated speaking to the amendment, I think we should go with

Alderman Pariseau's amendment for a couple of reasons. First of all we set the rate, we set the salary and it's a good done deal so everybody that runs for the position knows what it is. In the meantime you put the pressure on the person holding that position now to make a decision whether the person wants to come and ask for more money, and the election is only a year away do you want to have that publicized in the press which we know would really publicize that. I don't think that person would come and ask for that raise anyway, and the salary would be adjusted for the 65,000, so I think the amendment would work well, I think we cover both things at one time.

Mayor Baines stated so the motion is an amendment to make it effective January 2002.

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

Mayor Baines noted in reference to the comments that had been made regarding this, and the situation that exists with the salary and the fact that she has not participated in the system, and I understand the situation I would vote yes for the amendment. The motion carried.

Mayor Baines advised that there was now the main motion on the floor, which recommended changing the salary of the welfare director to \$65,806.88 effective January 2002.

Alderman Clancy so moved to accept the report as amended.

Alderman Vaillancourt asked if this was a magic number or was there a reason why we have gone to this 65,806.88.

Alderman Lopez responded as Mr. Tawney eluded to the 62,029.30 includes a 2% cost of living. The salary adjustment and back pay because of whatever circumstances developed between the mayor's office and evaluation was 4,338.02. That inclusion to 65,806.88, the recommendation from the Human Resources Committee was 64,600 and after conversations and talking it over that was how the final figure became. She only wants what was entitled to her had she been evaluated and that number is 65,806.88.

Alderman Vaillancourt this is precisely what I expected and this is the problem. We are not setting the salary of one individual. We are setting the salary of a future welfare commissioner. So you've really done a convoluted way of putting it together.

Mayor Baines stated you are absolutely correct, and we wanted it very clear we were dealing with the position not the individual, that's exactly correct.

Alderman Vaillancourt stated but the way you've set this is based on this individual according to Alderman Lopez.

Mayor Baines stated no, it was based on the salary presently received and where it could have been if she had participated in the process.

Alderman Lopez stated had she been in this particular case, she would have been evaluated this is the number that she would be getting today. Now, under the Decker program she gets all these increases in evaluation, but for whatever reason she was never evaluated. And these are the numbers that were confirmed through the HR along that line, that's the final number, as of today she would be receiving 65,000 had everything went through period. And this just brings her up to date.

Mayor Baines stated the only thing I would follow up as factual information on that, during the process, during the time when there wasn't the participation it was the policy of the board that that position participate in the process, and this will change it. But we did agree that that would have been part of the process.

Alderman Lopez stated back to the elected position, that is the most key element of this whole process. She's elected or he's elected by the people, and that's the whole issue.

Mayor Baines stated and that would be changing today.

Alderman Wihby stated right now where is it, is there a minimum/maximum salary that's associated with this.

Mr. Tawney stated no there is not. It's what the Board decides as to what they want to set the salary at. We made a recommendation to the committee, the committee decided on a number and made recommendation to you.

Alderman Wihby stated he agreed with Alderman Vaillancourt. You set the number based on the person that was in the office not for the future. Now we are talking about what we want a new welfare commissioner next election to be making. It has nothing to do with who is in office or not. And if it's the same person that runs it and it's 40,000, she knows when she runs that it's 40,000. What we should be doing is what is the appropriate number for a welfare commissioner. That's what we are voting on now.

Mayor Baines stated and you are making a statement in that regard, but Alderman Vaillancourt's comments are well taken in terms of when we do put together that effort that we proposed, actually it was almost just before I took office, was to look at all elected officials and we can do that during that process.

Alderman Vaillancourt asked if the mayor wished a motion to table at this point.

Mayor Baines stated I think we should move forward with this motion.

Alderman Shea noted there was no second to the motion.

Deputy Clerk Johnson advised that she had recorded a motion by Alderman Clancy. Alderman Vaillancourt had been recognized for a second but was looking to speak not to second the question.

Alderman Shea stated he would second the motion.

Deputy Clerk Johnson stated the motion would be to accept the report as amended; the amendment being to have the ordinance become effective January 2002, effective with the new term of office.

Alderman Wihby stated if in fact we have that study committee that you were going to put together and they come up with different numbers, we would vote that in in another two or three months it would change.

Mayor Baines stated it could change.

Alderman Thibault stated at that point we evaluate every elected position.

Mayor Baines stated what we are going to do is put together an appropriate group that we had talked about just before I took office in looking at all elected officials.

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

Alderman Wihby moved to table the report. Alderman Vaillancourt seconded the motion. There being none opposed the motion carried.

AH. Report of Committee on Human Resources recommending that the accrued vacation time, on a one-time basis, be adjusted for certain employees identified in an attached listing provided by the Human Resources Department, in accordance with the former accrual process.

Alderman Hirschmann requested an explanation.

Mr. Tawney stated this was the when I came to you as we were going through the negotiations I brought to your attention that there was a past practice of awarding people 40 hours of extra vacation when they reached the anniversary date that the accrual rate changed. And, as part of the process it was decided that we would cease that practice and we negotiated the change. These people when that stopped were in a position that they felt they were in that final year prior to their getting the 40 hours and they feel that they have lost that time. And that is what was brought before the committee and the committee recommended that in order to address the situation that they be awarded the time as listed.

Alderman O'Neil stated something needs to be made very clear. Mr. Tawney mentioned negotiations. Almost 25% of the employees are non-affiliated employees so let's not get into that whole thing of the night we met in the Human Resource Committee. That's very misleading Mr. Tawney to make a statement like that. There are 115 employees who are effected by this, bottom line, whether they are part of a bargaining unit or not. There is 115 of which there is a couple of department heads, a deputy, Mark Hobson's administrative assistant is part of this. So let's be very clear about that. Just generalize 115 employees.

Alderman Lopez stated a point to say that this cleans up the Decker reference to city employees, the unions brought this forward, and the Committee felt very strongly that we should treat all the city employees as one unit instead of picking and choosing, and I think this will clean up the Decker 100% on these employees.

Alderman Shea stated I think the Chairman of the HR committee mentioned the fairness to each employee of the city, we shouldn't treat some employees one way and others another way and this has very minor financial impact because obviously the people effected are not going to cost much money, the only department that might incur some is the Fire Department and I think Chief Kane can state that it can be handled in his present budget. But it will allow each member of our community to be treated fairly and I feel that is what we should do as city officials.

Alderman Cashin stated he wished to know what the total cost to this was.

Alderman O'Neil commented it was \$67,000, which was coming from within the department budgets.

Alderman O'Neil moved to accept the report. Alderman Clancy seconded the motion. The motion carried with none recorded in opposition.

AK. Report of Committee on Lands and Buildings recommending that a request of the Library Director to purchase property at 2 Bethel Court at a price not to exceed \$145,00 be granted and approved; and further that the Mayor be authorized to execute a purchase and sales agreement subject to the review and approval of the City Solicitor. The Committee notes that amendments to the FY2001 CIP may be required and requests that the Planning Director submit paperwork as may be required.

Alderman Levasseur noted that Alderman Vaillancourt brought up a point earlier that sometimes you can fight city hall and I know this evening I have one of the biggest uphill battles to fight to convince this Board that taking this building down for the sake of the library is not in the best interest of this city, my ward, nor the people who live in that building.

Copies of communications from Kevin Zyca and Kellie Veilleux, tenants presently living at the proposed site, were distributed to members of the Board. Alderman Levasseur requested to make a presentation regarding this proposed purchase to describe the area. He noted that it was a subject dear to the mayor's heart based on his comments at his inaugural being it was the year of the neighborhoods, and this will affect the neighborhood.

Mayor Baines so recognized Alderman Levasseur to make a presentation.

Alderman Levasseur stated if you would take the time to read the letters from the constituents he would appreciate it. Utilizing an overhead projector with a mapping of the area reflected, Alderman Levasseur stated let me explain to you, those of you on the Board already know that the Library would like to take a piece of the property that is located in this position right here. It says 3A right here. This is called 2 and 4 Bethel Court. I want you to see that there are two buildings on the side of this building. Right here is what is known as the Hesser lot but what it is is actually the Museum of Fine Arts. It is a very historic building made out of brick and I don't think that anyone will ever tear that down. If you look over to this side, there is a building right here that houses 25 individuals. It is a building that is kept in extraordinary condition and the building that the Library wants to take is this three family in this spot right here. The access to this building is actually a little alleyway that you can see right here. It is measured 7' to actually get a car through there. Now there are three families living in this building at this time. Each family pays \$850 a month to live there and that doesn't include utilities. Obviously I went over and spoke to them. On the first floor are two women living there with children of their own. If you read their letter you will see that it took them three months to find an apartment. I sent you an article from the Union Leader stating that there are no apartments in Manchester. On the second floor a young couple lives up there. She is about to have a baby in seven months. It took them three or four months to find a place. They are happy with their apartment. On the third there is a man living there with a child. He came up from Rhode Island. He will have to be displaced also. Now what really is amazing about this is this is one of the smallest lots you will ever see. I went and measured it by feet. Across this way it is 37' and this way it is like 46'. It is

not even a really nice lot. To take this down it would not be a buildable lot. You would have to get a variance. Also, what is really amazing is right here in this little area that is where the library is and there is a big drop. Now that drop and I don't know if their addition is going to go on this property, but if they were to build anything it is such a small spot. It is not as big as this room. It is actually a lot smaller than the room you are in right now. So, you are going to affect 25 people in this building here and people in this building here. So in essence what you are creating and what I think they really want to do here is have a parking lot for their employees. I don't believe that tearing this building down for a parking lot is a good idea. Even if they were going to build something here I couldn't even imagine what it would cost to add from all the way over here up a hill into this location. Now say \$145,000 for the building and what it is going to cost to tear it down and also to displace three families in a crisis situation for apartments isn't a good idea. I wouldn't vote for this even if there weren't people living there. I just think it is a waste of taxpayers money. I don't think they could put an addition here anyway. I don't think it makes prudent business sense and I don't think that displacing families who like where they are living makes sense. Your Honor, you did say that this was the year of the neighborhood and this is a nice neighborhood.

Alderman Thibault stated the Chairman of the Library is here tonight and I would like to ask him to speak but I would just like to say one thing. First of all, my understanding is that this is not being taken to build a parking lot. It is being taken because the Library is going to have to expand there and these people are going to sell the land regardless whether the City buys it or not. As I understand it at this point, that land is going to be sold no matter what and if the City doesn't buy it right now at \$145,000, next year or the year after it will cost more. This is the only reason we are bringing it up tonight.

Alderman Levasseur replied I agree with you but if it is sold to somebody else it will stay an apartment building to rent it to other people. The library has no business going into this building, this area. You cannot rip down the other buildings around it anyway.

Roger Duhaime, Chair of the Library Trustees, addressed the Board stating that the reason we are looking for that building is that a few years ago the main library now has an addition that was put on for handicap accessibility, for the elevator, the entrance into the library building. And it was with the intention that at some point in the future we would use that property in the back of the library to expand. We've done a study and it does show that the library does need to expand at some point. We lost the property at Hesser College, it was going to be given to us at some point and we don't really understand why we lost it. It was a few years back, but this was one way that we can

acquire the property, the property is for sale, it's for a good price and we are asking the Board to meet with out request.

Alderman Wihby stated it says that we are knocking the building down, that we are going to pave it and spend an additional \$35,000. What's wrong with getting the building, taking it over, letting the residents live there, you just said you are not ready to build on it for awhile, keep them a year or two and then decide to do something with it.

Mr. Duhaime replied the reason we want to do it is because we are really not in the business of renting properties, and we want to use that property for the expansion of the library.

Alderman Wihby stated if you have the property now, and you are not anticipating on having it be developed for another couple of years, what's wrong with banking the land and using it in a couple of years. At least you are giving people notices, you're having the property, you are tying it up, you are saving \$35,000 you don't have to rip down the house and pave it. And you are still getting the land and when you are ready to build you give notice out and we go forward.

Mr. Duhaime stated that was something that we can discuss.

Alderman Wihby stated one of the things that we did and Alderman Dwyer was the only one who supported it, was on Valley Street next to Gill Stadium, that mall that is over there for parking for Gill Stadium, that was available to the city for a cheap price at the time and we didn't look forward and we let the developer sell it to someone else and now we never have any parking over there. If we do need this for the library I have no problem with doing it, but I just don't see what the rush is to move these people out and knock it down if we are just going to bank it for a couple of years.

Mayor Baines stated that would be two separate issues we would have to deal with, today it's just on the purchase of the land.

Alderman Wihby stated he would not support this unless they were going to have some kind of commitment that we are going to let the people stay there and we are not going to make it a parking lot.

Alderman Hirschmann asked Alderman O'Neil as Chair of the CIP Committee if the purchase of this parcel coming from money that was set aside for a West Side library.

Alderman O'Neil stated that is my understanding. It hasn't been presented to the CIP Committee yet, but that is my understanding and it might be more appropriate for the Chairman of Lands and Buildings to address that issue.

Alderman Hirschmann stated so by purchasing this parcel we are saying that there won't be a West Side library.

Alderman Cashin stated yes the money is coming from that money that was allocated to the west side library, but had a commitment from the trustees of the library that that is not going to have anything to do with the west side library that is still going to be a viable proposition and CIP is still looking into it.

Alderman Hirschmann asked how much money was set aside.

Alderman Cashin responded \$175,000 he believed was the number.

Alderman Hirschmann stated and we are spending \$145,000, so we don't have any money to do a study on the West Side library.

Alderman Cashin stated there comes a time when you have to take things at face value. The library trustees, and I am a West Side alderman and the chair of Lands and Buildings, there comes a time when you have to make a decision. Lands and Buildings made a decision. They voted on it and approved it. We have some problems with it but nevertheless, and we understand that we are using the money from the west side library, we are not hiding that, but we also have a commitment that we are going to continue to proceed with the west side library and we are going to try to get the funding through the CIP.

Alderman Hirschmann stated so you are using the money we set aside and you are going to appropriate more money and set the project out in the future.

Alderman Cashin stated you are not in a position to do anything at this point anyway.

Mayor Baines asked if Mr. MacKenzie would address the Board and advise on how this is going to effect the project now and in the future.

Mr. MacKenzie stated it was my understanding that they wanted to move ahead with the purchase of this particular property; that the funds allocated for design of the West Side library would be utilized for that. It was the intent, as I understood it that we work with the CIP committee to work towards getting that money for design in next year's budget.

Alderman Vaillancourt stated I always like to get my plug in for the library they have some great books but Alderman Hirschmann was getting to my point to me you don't need a west side library or addition there and an addition here, you can't have everything. If you want this as an addition to the library, to me it's bye, bye west side library, if you want this as a parking lot to me I say never, you've got a municipal parking lot about a minute away and I think it would be much more advantageous to the city to use that at less than \$160,000. As far as I'm concerned if we vote for this it's bye, bye to the West Side library.

Alderman O'Neil stated he did not want to speak for the Lands and Buildings Committee but as Chairman of CIP he stated we are not close to going out for study of design for a west side library because I don't believe there is a consensus by this Board of should 100% of the Brown School be a library, should it be a mixed use public facility. There has been a lot of different informal discussion by this Board and that's one of the reasons we haven't moved forward. There hasn't been a consensus on what the Board would like to see happen at the Brown School. I don't believe that this jeopardizes a future project at the Brown School and I agree with Alderman Cashin, the issue facing us right now is whether or not to purchase this land, and the money is sitting there, it's not going to be spent in the near future at the Brown School, let's put it to work immediately.

Alderman Clancy stated here is a piece of land 4,600 square feet, on both sides you've got buildings. Now the people know that the library has already bought the building in between them, they are going to hold off for huge prices, so what is your intent on buying this property, what are you going to do with it.

Mr. Duhaime stated we want to keep it so that we can expand in the future like I said before.

Alderman Clancy stated what good is having a piece of land.

Mr. Duhaime stated eventually we would like to get those as well.

Alderman Clancy asked if they were for sale.

Mr. Duhaime responded no yet.

Alderman Levasseur stated just because we have \$175,000 left somewhere for a study doesn't mean we have to rush off and spend it. I don't agree with Alderman O'Neil on that point whatsoever. But, I will beseech this Board as the alderman of this ward I would beg that you people would come with me, walk up that 7 foot little road that gets to that property, come stand with me and look at that lot and say to yourselves as reasonable people would say, how the heck are they ever going to get an expansion into that lot. There is no way. There are buildings on both sides, it's not wide enough, it's like sticking a rat into a mouse hole, that's what it is like, you can't get into that place. If you all came with me to that property, because I wasn't against this thing until I went to look at it. I walked up there is not even a road to get to that place, it's seven feet wide. And that little lot is going to be an expansion, you couldn't imagine how much money it would have to be to take all that marble out and attach another building into that, you wouldn't get a building half the size of this room into that place, I ask to table this right now so we can all go look at this lot before we make an intelligent decision on spending the city's taxpayers money of \$175,000.

Mr. Duhaime stated we really don't want to loose the money for the west side, but we are trying to build a facility that will help our clientele, our citizens here in Manchester to learn more about computers, we have got computer classrooms that are going to be going into that building, we don't have that facility now for the citizens, and that's one of the biggest pushes that we've got for the property. We really want to get the property in back for future expansion. We spent a lot of money on the elevator entrance for that building with the intention that we were going to be moving to the back of the building, because there is no way we can move to the front. We really don't want to ruin the architectural structure of the front of the building. We have to move towards the back.

Alderman Levasseur stated in the meantime you still have the issue of three families that have no place to go. There is no place to rent in this town. I know it. The mayor knows it we are working on trying to get more housing down here. There is no where for these people to go, and it's not like they are paying \$400 a month they are paying \$850 a month with no utilities. They have no where to go, the woman is pregnant. The people on the first floor have four kids. The guy on the third floor has a kid, we can't just do this on a whim.

Alderman Wihby stated I thought this was going to be bought for further expansion, but that it was going to be on this property. Now you are saying that you are not going to expand on this property, you plan on taking the other two properties, and then expanding.

Mr. Duhaime stated eventually we would like to take some area around that property as well.

Alderman Wihby stated so you are talking about eventually, before you can do anything, having all three properties and then coming up with that.

Mr. Duhaime stated the best result for us, the best purpose for the property for us now would be to tear it down and use it as a parking lot that we could expand in the future.

Alderman Wihby stated so you are not looking to expand just on that property though.

Mr. Duhaime responded no, eventually we would like to build in that whole area.

Alderman Pinard asked to table this matter and so moved Alderman Levasseur seconded the motion. A roll call vote was taken. Aldermen Wihby, Levasseur, Clancy, Pinard, Vaillancourt, Pariseau, and Hirschmann voted yea. Aldermen Gatsas, Sysyn, O'Neil, Lopez, Shea, Cashin, and Thibault voted nay. Mayor Baines voted nay. The motion failed.

Mayor Baines advised there was a motion on the floor.

Deputy Clerk Johnson asked for clarification on what the motion was as she did not have a motion recorded.

Mayor Baines asked for a motion to accept AK.

Alderman Lopez so moved to accept the report. Alderman Cashin seconded the motion.

Alderman Vaillancourt asked Mr. Duhaime, you are telling us you want to use this land for a parking lot when you have a municipal parking lot about a minutes walk away.

Mr. Duhaime stated they were going to be using it for the library, for future expansion of the library. The property now could be best used as a parking lot, until such time as we are ready for future expansion.

Alderman Vaillancourt stated if I were to vote for this, would you agree that the West Side library is something you will abandon completely.

Mr. Duhaime responded no.

Alderman Wihby asked why the best use was to knock down a building that houses people, and paving it and spending \$35,000 extra this year when we know we are not going to use it for two or three more years. Why isn't the best thing to leave it like it is, bank the property and continue trying to buy the other property in future years?

Mayor Baines stated that would be an option that would be there. There would be some issues that we would have to deal with to take responsibility for maintaining the property, collecting the rents, etc.

Alderman Wihby noted that we would only be allocating \$145,000 to assure that that would happen not \$175,000.

Alderman Gatsas stated that he did not believe that at any time during the Lands and Buildings Committee that we were every told that the building was going to be torn down for a parking lot.

Mayor Baines noted that it was stated that it would be available as a parking lot either for the library or the city could lease out the space.

Alderman Gatsas asked if there was a particular reason why the library had to tear it down immediately.

Mayor Baines stated in speaking for the city there was no reason why we had to tear it down immediately, the question is what procedure would be put in place if the city becomes a landowner.

Alderman Gatsas stated the only way he would be in favor of this was if the library was going to take the property, leave the tenants in there, and as they vacated, not re-rent it, and once you have it fully vacant then you can do as you please with it. But I think that certainly that Alderman Levasseur has done some very important procedures of looking into the situation, and I think if those people are there then we should just leave them there because you are not going to do any expansion in the immediate future.

Alderman Levasseur stated you can't get to that parking lot, if it's a parking lot, you have to have 27 signs to get to find the little road to get to it number one. Number two I can promise this Board and this city right now, if you tear that down there will never be an expansion to that piece of property. You couldn't do it, you couldn't build on it, and you are not going to knock the other buildings down to do so. I've made that point clear and I still think you should support me on this issue. I would expect that you guys would at least go look at the lot first, before you vote to give the guy some money.

Alderman Clancy stated as I'm listening here tonight you get \$850 a month for these tenants for each tenant, that's \$2,550 a month, roughly you are getting \$30,000 a year. If you hold on to it for two years it's going to pay for itself, and you tear it down you are ahead of the game.

Mr. Duhaime stated we are not sure how the city would be able to manage the rental properties.

Mayor Baines asked if there was any such experience in the city.

Deputy Solicitor Arnold stated in the past we've had some experience with various pieces of properties that have been tax dedeed, my recollection is that we hired a firm to manage the properties for us at some expense. So you could set up the procedure to have some department take care of it or hire a company.

Mayor Baines asked if they could accept an amendment that they could do this and the city would enter into an arrangement to become the landlord of that property, asking the solicitor to suggest something.

Deputy Solicitor Arnold stated the only thing I could offer is maybe we could engage Manchester Housing or Neighborhood Housing to take care of that for us.

Mayor Baines stated so we would agree that the to work on some kind of arrangement to approach Neighborhood Housing Services or another agency to take over management of the property, we could agree to proceed with that if we can get this moved forward this evening.

Alderman Thibault stated there is just one thing that I would like to say. It seems tome here we are we sit as a Board hear, and an Aldermanic Board, and we have a chance to

buy property at today's rates and if we wait ten years from now it will be worth twice that amount of money at that point. I want to say I have no problem with what Alderman Levasseur is saying that we may be able to bank this for two years or three years and leave tenants in there, I have no problem with that, but to let this land go by at this point in ten years from now it will cost three times that amount of money. Someday this City library will have to expand.

Mayor Baines stated a point of order, we are talking about purchasing the property, that is what we are talking about.

Alderman Thibault stated oh, okay fine.

Mayor Baines stated we are talking about purchasing this property and working out some arrangement for us to maintain ownership either as a city or as a partnership with an agency like Neighborhood Housing Services.

Alderman Shea stated I am supportive of the library but I was not made aware that the property in question was a rental property that Alderman Levasseur indicated to us. I think that as a person who himself has defended constituents and is involved in zoning problems himself, I would never want to have people be excluded for the benefit of a city department. I think that we really have to adhere to what has been said that we have to make sure that we don't do any damage to the community at large and we have to think of the smallest person or the ones unrepresented, and I don't think that we should do anything to harm them. I think that what the mayor is suggesting I would agree with. Obviously, you have a legal counsel on the trustees that could work together with the city solicitor to try to do something, and I'm not sure if the trustees of the library are a special entity other than a city department.

Mayor Baines requested the clerk suggest an amendment to this to accomplish that task.

Alderman Wihby stated the report in the letter states that the option is only good to September 30, asking if it had been extended.

Mr. Duhaime stated that it had been extended through Friday.

Alderman Levasseur stated if you all just went to look at it this would be solved in about a matter of ten minutes, go look at it, stand on the lot, you guys would say you are not

going to be able to build on it. It is simple as that. Owning it is not a smart move for the city.

Mayor Baines stated that he had done what alderman has suggested and still felt it was an important piece of property for the city to purchase, and if we can work out an arrangement where we can protect the tenants I'd be in favor of doing that.

Alderman Levasseur asked if the mayor had walked over to this property.

Mayor Baines advised he had.

In response to comments made by Alderman Levasseur, Mayor Baines advised he was out of order.

Alderman Cashin stated it seems to me that we have already made up our minds if the library trustees are willing to stand up and allow the tenants to stay there this Board is willing to cooperate with them.

Deputy Clerk Johnson stated it is my understand that that Board is looking to amend the report and the suggestion is to amend the report to authorize that either a non-profit agency or management company be hired to manage the property until such time as some expansion occurs, or it is no longer being utilized by the current tenants.

Alderman Cashin moved to amend the motion and amend the report as outlined by the clerk. Alderman Thibault seconded the motion.

Alderman Vaillancourt stated it is because I treasure the library that I will vote against this, because I believe that the library is in essence saying to us we want everything. If you vote for this I think it permanently kills the west side library which I was proud to support, and Alderman Thibault should know right now my support of that will be rescinded when this vote goes forward tonight. So it is because I love the library not because I oppose it that I oppose this.

Alderman Cashin stated I don't want to debate the question but if this Board becomes as parochial as I am hearing tonight we are not going to get anything done.

Alderman Levasseur stated that what is about to happen right now is that I think my tenants are very secure by adding this amendment, I feel secure I think you will be able to

live there for ten or twenty years because I don't think there is ever going to be an expansion because I don't think they could build anything on that lot anyway. I am in a bit of stuck position because I would rather vote no to not even give them the money but at the same time I don't think I have the support of the Board on this so I kind of want to vote yes because I think my tenants will be able to stay there for a long time.

Mayor Baines called for a vote on the motion to amend the motion by amending the report. The motion carried with Aldermen Vaillancourt and Levasseur opposed.

Deputy Clerk Johnson advised the main motion on the floor was made by Alderman Lopez and seconded by Alderman Cashin to accept the report, and it would now be to accept the report as amended.

Mr. Clougherty stated sorry to raise this but I was just talking to the Planning Director and he has informed me that there might be bond funds involved in this and if that's the case we may have to get into taking a look at using that bad money type of situation that we have talked about before in terms of issuing the bonds going forward.

Alderman Vaillancourt stated I did just want to respond to the specious allegation that I was parochial. How on earth could an alderman from south Manchester supporting a West Side library ever be considered being parochial.

Mr. Clougherty stated I didn't mean to imply that we couldn't still do this, but we may have to come to the Board subsequent with some actions through the CIP Committee to make sure that we do this right.

Alderman O'Neil stated city staff knows this was approved by the Lands and Buildings Committee, why at the eleventh hour is there a concern about this.

Mayor Baines responded it was only because of the ownership issue and the tenant issue.

Deputy Clerk Johnson noted that the report did contain a request that the Planning Director submit the paperwork to the CIP Committee.

A roll call vote was taken on the motion to accept the report as amended. Alderman Vaillancourt, Hirschmann, and Levasseur voted nay. Aldermen Pariseau, Cashin, Thibault, Wihby, Gatsas, Sysyn, Clancy, Pinard, O'Neil, Lopez, and Shea voted yea.

Mayor Baines presented nominations.

Police Commission

Mike O'Shaughnessy to succeed himself, term to expire September 15, 2003.

On motion of Alderman Clancy, duly seconded by Alderman Sysyn, it was voted to suspend the rules to confirm the nomination of Mr. O'Shaughnessy this evening.

Board of Adjustment (Alternate)

George Morrissette to fill the unexpired alternate term of Douglas Gherlone, term to expire March 1, 2002.

Mayor Baines advised the nomination would lay over.

Conservation Commission

Jane Beaulieu to succeed herself, term expiring August 1, 2003.

Kathleen Brown to succeed herself, term expiring August 1, 2003.

Todd Connors to succeed himself, term expiring August 1, 2003.

Jennifer Fox to succeed herself, term expiring August 1, 2003.

On motion of Alderman Pinard, duly seconded by Alderman Wihby, it was voted to suspend the rules to confirm the nominations to the Conservation Commission this evening.

On motion of Alderman Clancy, duly seconded by Alderman Pariseau, it was voted to confirm nominations as follows:

Police Commission

Mike O'Shaughnessy to succeed himself, term to expire September 15, 2003.

Conservation Commission

Jane Beaulieu to succeed herself, term expiring August 1, 2003.

Kathleen Brown to succeed herself, term expiring August 1, 2003.

Todd Connors to succeed himself, term expiring August 1, 2003.

Jennifer Fox to succeed herself, term expiring August 1, 2003.

7. Confirmation of Nomination of Yasmin Miranda-Smith to succeed Robert Courtois to the Board of Health, term expiring July 1, 2003.

On motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted to confirm the nomination of Yasmin Miranda-Smith to succeed Robert Courtois to the Board of Health, term expiring July 1, 2003.

8. Confirmation of nomination of Michael Worsley to succeed Fred Harris to the Parks, Recreation and Cemetery Commission, term expiring July 7, 2003.

Alderman O'Neil moved to confirm the nomination of Michael Worsley to succeed Fred Harris to the Parks, Recreation and Cemetery Commission, term expiring July 7, 2003. Alderman Lopez duly seconded the motion.

In response to question, Mayor Baines advised that he had spoken with Mr. Harris who was retiring but would to continue to be active in the community.

Alderman Hirschmann requested that in the future when someone sitting was being replaced and the mayor had spoken with them that he would give the Board a memo explaining that so there would be no question.

Mayor Baines called for a vote. The motion carried with none recorded in opposition.

Alderman Thibault advised that Mr. Morrissette was present and suggested that the rules be suspended for confirmation of his nomination.

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to suspend the rules to confirm the nomination of George Morrissette as an alternate to the Board of Adjustment.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann, it was voted to confirm the nomination of George Morrissette to fill the unexpired term of Douglas Gherlone as an Alternate to the Board of Adjustment.

9. Confirmation of nomination to fill the unexpired term of Cynthia Vaal to the Manchester Transit Authority, term expiring May 2003. Nominations made are as follows:
 - Socrates Makris
 - John Trisiani

Alderman Thibault withdrew the nomination of Socrates Makris, advising that Mr. Makris had called him and was not feeling well and asked the name be withdrawn.

Alderman Thibault moved to confirm the nomination of John Trisiani to the Manchester Transit Authority, term expiring May 2003. Alderman Lopez duly seconded the motion.

Alderman Clancy stated he wished to nominate James Tenn.

Mayor Baines advised that the nominations had been closed at the last meeting.

Alderman Hirschmann stated based on the withdrawal that in fairness didn't his honor think they should reopen the nominations.

Mayor Baines stated it would have to be a motion of the Board, noting there was a motion on the floor and they needed to vote on that motion.

Alderman Wihby requested a roll call but also stated that he was prepared to vote for Mr. Makris. He was shocked that he withdrew his name, and although he had nothing against Mr. Trisciani he would like to see it opened again.

Mayor Baines asked if the maker of the motion wished to withdraw.

Alderman Thibault stated because of his involvement with a death in the family over the weekend he was not able to get to the end of this, but Mr. Makris called just before he came to the meeting. He did not wish to withdraw his motion for Mr. Trisciani.

Alderman Vaillancourt stated on his word of honor he was pledged to vote for Mr. Makris, and although he did not doubt the veracity of Alderman Thibault, he had not heard anything and wished to see something in writing before withdrawing his pledge.

A roll call vote was taken on the motion to confirm Mr. Trisciani. Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Vaillancourt, and Hirschmann voted nay. Aldermen Pinard, O'Neil, Lopez, Shea, Pariseau, Cashin, and Thibault voted yea.

Mayor Baines stated he would vote yes to break the tie.

Alderman Vaillancourt questioned a point of order as to whether the mayor had a vote.

The rules were reviewed and Deputy Clerk Johnson advised that the rules required a vote of the majority of the Board of Aldermen or which the mayor was not a member.

Alderman Clancy moved to re-open the nominations to the Manchester Transit Authority. Alderman Hirschmann duly seconded the motion. A roll call vote was taken with Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Vaillancourt, and Hirschmann voted yea. Aldermen Pinard, O'Neil, Lopez, Shea, Pariseau, Cashin and Thibault voted nay.

Mayor Baines stated the nominations would be re-opened.

Alderman Cashin stated that Mr. Tenn told him he was not interested in serving.

Mayor Baines advised that Mr. Tenn had told him also he was not interested in serving.

Alderman Levasseur stated based on what Mr. Tenn had told Alderman Cashin, the mayor and himself, the question was mute and perhaps they should have another vote on the nomination.

Alderman O'Neil moved to close nominations. Alderman Clancy duly seconded the motion. The motion carried with Aldermen Vaillancourt and Hirschmann duly recorded in opposition.

On motion of Alderman Cashin, duly seconded by Alderman Pariseau, it was voted to confirm the nomination of John Trisiani to fill the unexpired term of Cynthia Vaal to the Manchester Transit Authority, term expiring May 2003. Aldermen Vaillancourt and Hirschmann were duly recorded in opposition.

A report of the Special Committee on the Civic Center was presented recommending that the Board of Mayor and Aldermen approve the Assignment Agreement between the City of Manchester, ARAMARK Corporation and SMG allowing for assignment in connection with the Management Agreement between the City and Ogden Entertainment, Inc. The Committee further recommended that the Board authorize execution of the agreement subject to the review and approval of the City Solicitor.

Alderman Hirschmann moved to accept, receive and adopt the report. Alderman O'Neil duly seconded the motion.

Alderman O'Neil stated he wished to thank Sandy Dunn, who was here tonight from SMG, and Dan Morrison from SMG, noting they weren't even officially on board and they are already participating with the city in little things like the alcohol policy which we are working on.

Alderman O'Neil commented that he thought it was going to be a great partnership with SMG and he looked forward to working with them.

Mayor Baines called for a vote. The motion carried with none recorded in opposition.

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

Mayor Baines called the meeting back to order.

Mayor Baines called a brief recess.

Mayor Baines called the meeting back to order.

Mayor Baines called for a report of the Finance Committee.

Deputy Clerk Johnson advised that the report was being submitted with typographical correction made to the resolution dealing with the Airport funds. The fund source being MAA.

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

“Amending the 2000 & 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Two Hundred Fifty Thousand dollars (\$250,000) for the 2000 CIP 760100 Crystal Lake Phase I Project.”

“Amending the 2001 Community Improvement Program, MAA funds in the amount of Fourteen Million Dollars (\$14,000,000) for CIP 730101 Residential Sound Insulation Program.”

ought to pass and be Enrolled.

The Committee further recommended that \$23,665.00 be transferred from contingency to a police department line item as requested for matching funds for the Local Law Enforcement Block Grant program.

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

14. Ordinance Amendment:

“An Ordinance amending Chapter 11, Vehicles for Hire, of the Code of Ordinances of the City of Manchester, Sections 118.01, 118.10, 118.11, 118.12, 118.15, 118.16, 118.33, 118.37, 118.39, 118.42 and 118.99 relative to taxicab definitions, regulations, fares and penalties.”

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

Mayor Baines noted that the Clerk had advised that based on discussion of the Committee on Administration a motion was in order to amend the proposed ordinance.

Alderman O'Neil moved to amend the Ordinance by replacing nine (9) years for seven (7) years in section 118.39 (H) Condition and Appearance of Vehicles. Alderman Pariseau duly seconded the motion.

Alderman O'Neil noted that if the taxicab businesses own up to this deal it can stay a deal, but if they don't I'll be leading the charge to bring it back to at least seven, if not five, years. Mayor Baines called for a vote on the motion to amend. The motion carried with Aldermen Levasseur, Vaillancourt and Hirschmann duly recorded in opposition.

Alderman Levasseur requested clarification asking if they had to replace the car at nine years instead of seven years.

Alderman Gatsas responded the committee looked at it, we had reduced the years from 10 to 7, actually we were looking at 5 and we settled on 7 when 9 came up. We saw a cab with the shield inside that looked presentable at 9 years and Alderman O'Neil was the first one to come out and say that if they all looked that way in nine years that's fine but if they took the appearance that they have currently that we would go back to the 7 years in a heartbeat. So we have moved it back to 9 years and said that we would work with them because they worked with us with the interior of the cab and some of the things that we were looking for so we will give them an opportunity on the 9 years.

Alderman Levasseur noted he was opposed to the 9 years and would rather see it reduced with the civic center coming there would be more use of the cabs.

Alderman O'Neil stated I have been somebody that has been very critical of cab service, but we do require them to have full size cabs now, that limits somewhat their ability to what they can purchase, and Mr. Musat presented a car that he indicated that he could get a number of that were in very good condition with the petition in them, and I believe Mr. Musat will live up to his end of the bargain and hopefully the other cab owner does. It is a major step in the right direction.

Alderman O'Neil moved that the Ordinance be Enrolled as amended. Alderman Pariseau duly seconded the motion. Aldermen Levasseur, Vaillancourt and Hirschmann were duly recorded in opposition.

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

Mayor Baines called the meeting back to order.

- 17.** A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinance:

“An Ordinance amending Chapter 11, Vehicles for Hire, of the Code of Ordinances of the City of Manchester, Sections 118.01, 118.10, 118.11, 118.12, 118.15, 118.16, 118.33, 118.37, 118.39, 118.42 and 118.99 relative to taxicab definitions, regulations, fares and penalties.”

was properly enrolled.

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

- 18.** Communication from Tina Parsons, Aggregation Administrator, requesting approval of an amendment to the Aggregation Plan Administration Agreement governing the administration of the City of Nashua's Aggregation Plan by the Manchester Area Aggregation Program.

Alderman Pariseau moved to approve the amendment to the agreement and authorize execution of same, subject to the review and approval of the City Solicitor. Alderman Sysyn duly seconded the motion.

Alderman O'Neil asked how the restrictions on spending were affected by this agreement.

Deputy Solicitor Arnold stated he did not believe it would, that this continued the agreement we have in place and are using now.

Mr. Frank Thomas advised that there would be no expansion in staffing, it was just amending the inter-municipal agreement that we have with Nashua to administer their program. By amending the agreement it allows us to recover some of our costs.

Mayor Baines called for a vote. The motion carried.

- 19.** Petition for demolition and removal of a hazardous building located at 165 Central Street submitted by the Building Commissioner.

On motion of Alderman Clancy, duly seconded by Alderman Sysyn, it was voted that the Board make findings and issue an order as petitioned requiring the correction of the hazardous condition by demolishing and removing the building and filling the cellar hole.

- 20.** Ordinance submitted by the Destination Manchester Coordinator relating to changes in the procurement code for the Bond Building Renovation project.

Alderman Pariseau moved to suspend the rules to place the Ordinance on its third and final reading at this time, without referral to the Committee on Bills on Second Reading and the Committee on Accounts, Enrollment and Revenue Administration. Alderman Shea duly seconded the motion.

Alderman Hirschmann stated this is in regards to procurement of a project using city money and it gives them the authority to contact three contractors, in other words it wouldn't be posted in the newspaper and it wouldn't be fair for everyone in Manchester who wants to bid on this project, they wouldn't be allowed to do it. I don't think this is a fair policy.

Mr. Jabjiniak responded that it was the intent to have a construction management put forth, there is bidding to be taking place, it is not restrictive to contractors in Manchester.

Alderman Hirschmann noted that was not the question, and stated it says right here a minimum of three contractors shall be contacted and given an opportunity to negotiate, so in other words they wouldn't post that there is a project going on, certain people in the community would be selected to give a bid, but it wouldn't be open for everyone to give a bid on the project, which would be fair and open bidding.

Mr. Jabjiniak stated I think we can certainly mandate that the bidding take place, probably a bad choice of words.

Alderman Hirschmann asked if he would then agree to delete item b.

Mayor Baines noted that Mr. Clougherty wished to offer some comments.

Mr. Clougherty stated it was my understanding in talking about this with the City Solicitor that the term minimum meant no less than three but there could be more than three bidding, it wasn't restricted to three, if that helps clarify.

Alderman Hirschmann stated it doesn't clarify it exactly. It seems as though there would be a lot of people left out who might like to participate and won't be able to. In other words he can call three people to participate in the project, and would freeze out every other contractor in town that would like to participate.

Deputy Solicitor Arnold stated this paragraph requires minimally three contractors. They may negotiate with more than three, but there shall be a minimum of three.

Alderman Levasseur asked why they would be doing something like this. Why are we going around it, to speed the process up.

Mr. Jabjiniak responded exactly.

Alderman Levasseur stated by speeding the process up, I really do wonder do we in effect leave out the potential for other bidders and because we don't advertise it, I'm not really familiar with that, maybe Alderman O'Neil could help.

Alderman O'Neil stated I think this concept actually passed the Board already. All this does is just clean up the language and the procedure that needs to be done. There was a presentation to the CIP Committee which all the Board members were encouraged to attend, many did. There was a vote that same night by the Board. I think to clear it up, I hope there is nothing new for anyone because we have seen this before. And this is the second time Bill that this has been done in the City if I recall.

Mr. Jabjiniak responded I believe that's correct. The last time was ten, fifteen years ago

Alderman Shea stated in reference to Alderman Hirschmann, I think the wording if it were a maximum of three that would limit the amount of developers, this is a minimum of three meaning that you can go from three, to ten, to twelve.

Alderman Hirschmann stated the question is will it be posted in the newspaper for people to bid on.

Mr. Jabjiniak responded yes.

Deputy Clerk Johnson stated this item was submitted as a follow up to discussions by the Board during the last meeting, and part of it was whether or not the Department of Housing and Urban Development would require them to follow the City's procurement code in this instance. In this instance it is our understanding that they are not going to do that, and the City is encouraging them to follow some process and this is why it has been brought before the Board.

Alderman Levasseur asked if they had checked to make sure this does not obviate, are we using federal money on this.

Deputy Clerk Johnson responded that those were the guidelines that she had just referred to.

Mayor Baines called for a vote. The motion carried with none recorded in opposition.

Ordinance:

“Establishing a special purchase procedure for the Bond Building Renovation Project.”

On motion of Alderman Clancy, duly seconded by Alderman Sysyn, it was voted to read the Ordinance by title only.

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

21. Communication from City Clerk suggesting the following actions:

- 1) That the Board of Mayor and Aldermen order the proposed zoning ordinance as submitted by the Planning Director October 3, 2000 to public hearing on November 27, 2000 at 7:00 PM; and
- 2) That the board refer the proposed ordinance as presented October 3 to the Committee on Bills on Second Reading

Deputy Clerk Johnson advised that the Clerk's office would withdraw this item based on the communication received from the Planning Director stating the ordinance would be submitted at the next meeting.

- 22.** Communication from the City Clerk requesting the Board suspend the rules and order one regular meeting of the Board of Mayor and Aldermen to be held in the month of November, that being on November 21, 2000.

Alderman Wihby so moved to suspend the rules and hold one meeting on November 21, 2000. Alderman Pariseau duly seconded the motion.

Alderman Vaillancourt stated he was opposed to this stating he thought that given the nature of the hour tonight it should be quite clear that this Board needs to meet twice a month. He understood there was an election on the first Tuesday of November, this matter actually came up at the last meeting and I asked at that time and was told that the meeting would be scheduled for the day after the election. I don't think this Board has the ability to deal with a full range of the agenda once a month meeting.

Mayor Baines stated I think we could with some modifications.

Alderman Hirschmann stated he agreed that in order to proceed with the city's business you really have to have two meetings a month, the month of October, November, December are very critical to the people of Manchester to get their business done, and this is their business, and I don't see any need for this.

Alderman Levasseur stated he wished to concur with the sentiments of Aldermen Hirschmann and Vaillancourt, there was too much work to be done. We need two meetings in November

A roll call vote was taken. Aldermen Vaillancourt, Hirschmann, and Levasseur voted nay. Aldermen Pariseau, Cashin, Wihby, Gatsas, Sysyn, Clancy, Pinard, O'Neil, Lopez, and Shea voted yea. Alderman Thibault was absent.

- 23.** Communication from City Clerk suggesting the Board of Mayor and Aldermen order a public hearing on Monday, November 20, 2000 at 5:30 PM in the Aldermanic Chambers for discussion of the So-Called Hackett Hill Masterplan.

Alderman Pariseau moved to order a public hearing on the so-call Hackett Hill Masterplan on November 20, 2000 at 5:30 PM in the Aldermanic Chambers of City Hall.

Alderman Wihby seconded the motion.

Alderman Wihby asked if they were expecting a lot of people on the 27th and the 20th.

Mayor Baines advised that he believed they would need some time.

Mayor Baines called for a vote. The motion carried with none recorded in opposition.

- 24.** Communication from the Department of Finance requesting the Board accept funds in the amount of \$132,483.96 for a scholarship fund in the name of Carolyn L. Chase and remand the funds to the Trustees of Trust Funds for final acceptance and fiduciary responsibility in accordance with the terms of the endowment as outlined.

Alderman Shea moved to accept the funds as outlined by the Department of Finance. Alderman Lopez duly seconded the motion. There being none opposed the motion carried.

- 25.** Communication from the Health Officer requesting the Board authorize acceptance and expenditure of grant funds totaling \$1,160 for education materials and that same be remanded to the Health Department special project account for the purpose intended.

Alderman Clancy moved to accept the funds and remand for the purpose intended as requested. Alderman Pinard duly seconded the motion.

Alderman Shea commented that they were educational materials which he fully agreed with.

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

- 26.** Ordinance:

“An Ordinance amending Chapter 118, Vehicles for Hire, of the Code of Ordinances of the City of Manchester, Sections 118.01, 118.10, 118.11, 118.12, 118.15, 118.16, 118.33, 118.37, 118.39, 118.42, and 118.99 relative to taxicab definitions, regulations, fares and penalties.”

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

This Ordinance having had its third and final reading by title only, Alderman Sysyn moved on passing same to be Ordained. Alderman Pariseau duly seconded the motion. Alderman Levasseur asked who had the jurisdiction to make sure that items 1 through 7, do we go and inspect them.

Deputy Clerk Johnson advised that the City Clerk had an enforcement inspector within their division and he who enforced the taxi ordinance and worked with the Police. They were presently working with the Police to have them take over some of the enforcement of these provisions in exchange for the Clerk's office taking over the alarm permit billing functions.

Alderman Levasseur asked if they would then come back and amend the ordinance so the police could enforce.

Deputy Clerk Johnson advised that it was not a matter of amending the ordinance, if they did not comply they were in violation of the law and the police could enforce at any time.

Chief Driscoll stated for a long period of time regularly checked the cabs. We will continue to do that, with the Department of Safety they are very helpful, and we intend to work with the City Clerk's office to see this thing through.

There being no further discussion Mayor Baines called for a vote. There being none opposed the motion carried.

27. Resolutions:

“Amending the 2000 & 2001 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Two Hundred Fifty Thousand dollars (\$250,000) for the 2000 CIP 760100 Crystal Lake Phase I Project.”

“Amending the 2001 Community Improvement Program, MAA funds in the amount of Fourteen Million Dollars (\$14,000,000) for CIP 730101 Residential Sound Insulation Program.”

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

Alderman Pariseau moved that the Resolutions pass and be Enrolled. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Levasseur asked if the \$250,000 for Crystal Lake was for clean up of the Lake or for sewage around it.

Mr. MacKenzie stated that it was for the sanitary sewer system, the extension of it out there.

TABLED ITEM

Alderman Vaillancourt moved to remove the following item from the table. Alderman Levasseur duly seconded the motion. The motion carried.

- 28.** Copy of 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.)

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

29. NEW BUSINESS

Communication from the City Clerk requesting that the polling hours be set from 6:00 AM to 7:00 PM on November 7, 2000.

Alderman Wihby moved to approve the request. Alderman Pariseau seconded the motion.

Alderman Wihby asked if the 6 to 7 PM if that was set by the state, was it a minimum time it could be open, asking if they could not try to open until 8 o'clock as there are a lot of people that come and leave at 7:00 in Ward 1 and they don't have time to vote, why can't we try to keep them open later.

Mayor Baines stated he would accept an amendment to the motion to set the hours from 6:00 AM to 8:00 PM.

Alderman Wihby so moved to amend the motion. Alderman Levasseur duly seconded the amendment.

Alderman O'Neil stated the amendment is to move it to 8:00 PM, noting as a former worker someone who has served as a moderator in a ward, I think you've got to let the people running the elections give them some notice. I don't disagree with keeping it until 8 I just don't know that there is time to do it.

Alderman Pariseau stated I would be opposed to extending the polling hours to 8PM only because the salaries figured out for these poll workers have been set and to burden them with an extra hour after being there for a 13 and now you are making it a 14 hour day, and it would be too much.

Alderman Wihby stated we should be able to accommodate everybody that wants to vote. We talk to people and tell them they should vote, we should enable them to come the extra hour; that it was a presidential election, it was going to be packed so give them the opportunity to do it if you are going to do it it should be this year.

Alderman Hirschmann stated all the national press and media by 7:30 or quarter to 8 have already projected the winner at when our polls would be open.

Alderman Vaillancourt stated he agreed with Alderman O'Neil and Alderman Pariseau. These people who are working the polls are working tremendously longer hours now. He

believed that anyone who wanted to vote had a great opportunity between 6:00 AM and 7:00 PM. I don't think we are inconveniencing anybody. I don't think this is necessary.

Alderman Sysyn commented that someone stopped by today and said they should be thinking about raising the amount of money they give the people that work at the polls because you can't get anybody to work there.

Alderman O'Neil stated he did not disagree with Alderman Wihby's intent but if we open till 8 somebody will say why don't you keep them till 9, and there are people I'm sure that if we opened them at 5 there would be people there between 5AM and 6AM so I agree with Alderman Vaillancourt I think we give that 13 hour window, if somebody really wants to vote they get there.

Alderman Levasseur stated they are expecting a 67% turnout, this is one of the rare instances where a president is actually leaving he is not running again, so we have a big race, a big governor's race, could we also make an amendment to add the extra hour onto the selectmen's pay and just give them an extra \$10.00.

A roll call vote was taken on changing the hours to be from 6:00 AM to 8:00 PM.

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

Alderman Thibault was absent. The motion to amend failed.

Mayor Baines called for a vote on the main motion to set the polling hours from 6:00 AM to 7:00 PM. The motion carried.

Mayor Baines advised that a motion was in order to execute an extension of the current Cable television renewal franchise, dated July 8, 1990, with MediaOne of New Hampshire, Inc. through October 20, 2000.

Alderman O'Neil so moved to authorize the Mayor to execute an extension of the current franchise agreement with MediaOne through October 20, 2000. Alderman Clancy duly seconded the motion.

Deputy Solicitor Arnold stated we are in the process of finalizing a draft cable franchise contract, unfortunately I couldn't produce that for tonight, at the last meeting the Board

voted on a extension through the end of this week, I need a contract extension to the 20th so I can go before the Committee on Administration and bring the contract forward.

Alderman O'Neil questioned if the 20th was giving it enough time, or would they need to come back for another extension.

Mayor Baines stated he believed this was the real date now, the contract would go to administration and then to the Board.

Alderman O'Neil questioned if the contract would get to the Board before the night of the meeting.

Mayor Baines stated it would as soon as Administration was done with it.

Mayor Baines called for a vote. The motion carried.

Alderman Pinard reminded everyone that Sunday was the annual Fire Prevention Parade and that all elected officials were invited to participate.

Alderman Pinard noted that Friday night the Mayor would be the speaker with a lady from Colorado about the tragedy there, there was a new committee being formed against violence in the schools and they were looking for support.

Alderman Wihby noted that yesterday they reviewed the locker rooms at Central and the \$100,000 we gave them we thought was going to finish the whole project and really they need \$121,000, so I would like to send CIP a recommendation to look for finding the \$21,000 so they can finish the locker rooms at Gill

Mayor Baines commented that if we have a situation like that, we would like people to come back to us because when we put that investment in and don't do it right you don't really appreciate the full impact of what we did over there.

Alderman Clancy seconded the motion to have CIP look for the \$21,000 in funding. The motion carried.

Alderman Levasseur asked if that would be to finish the visitor's side.

Alderman Wihby stated no, they had not gotten there yet, this was just to finish the locker area.

Alderman Wihby asked if they knew where they were with the School deficit. The season is running short.

Mayor Baines advised that the audit was not finished. He noted that they had talked to them today, the audit should be finished within the next month.

Alderman Wihby noted yesterday we talked about there was some communication from the school department that the interest was that problem of \$250,000. Should we bring that up tonight.

Mayor Baines stated just so everybody understands it the Finance Department submitted a bill to the School District which charged interest on their chargebacks going back a whole year. I have concerns about that. I've asked the City Solicitor to issue me a ruling on that, on whether that is proper. I've also asked for some background information, and I'm waiting for that, however, I know the Board would have the authority to simply nix that concept, because I do not think it's an appropriate concept to be charging the school district interest on chargebacks when they get the bills, they don't get the bills in a timely manner, they are being charged interest on services that go back 12 months and sometimes on services that might only be for the last month, so I don't think it's appropriate charge to the school district so I discussed it with the leadership of the Board.

Alderman Wihby stated when we voted that budget in, we said it was going to be \$6.8 million, plus or minus it didn't matter whether we were going to gain or the school department was going to gain and my feeling is that that is the number we should be charging, not \$6.8 million plus the \$250,000 it was decided that it was \$6.8 million and that was going to be the number. I can see the reason on throwing interest on it if we are not getting our 6.8, but I think it is after the fact. I think what we ought to be doing is taking \$6.8 million. That was the number we agreed upon in the budget, that was the number we threw around all budget year, then maybe this year, during the course of this year, bill them appropriately, give them 30 days and if they don't pay now charge them the interest in this year's budget, but we should not be going back and the 6.8 number was the number that the Board in the budget process and when they sat in front of us that we said we were going to accept.

Alderman Wihby moved that the City take the \$6.8 million, not charge interest to them, have them pay the \$6.8 million, I don't know if they paid it all or not, but in the future this year's budget, we bill them appropriately, we bill them on time so they can check the bills, and we give them a certain amount of days to pay it and then charge the interest.

Alderman Cashin duly seconded the motion.

Mayor Baines stated he had sent the directive out to all the department heads about submitting the bills on a quarterly basis to the school district.

Mr. Clougherty advised that the letter had been drafted and was being reviewed by the school district and we have not heard back from them, we expect to hear from them tomorrow.

Alderman Shea stated this is all new to me I didn't get any correspondence relating to this at all.

Mayor Baines noted it was an internal discussion at this point in time. Mayor Baines stated he did brief the leadership of the Board on this recently and that is why it is coming to your attention. I have that issue being reviewed by the City Solicitor.

Alderman Shea asked for clarification as to who was briefed.

Mayor Baines stated the leadership of the Board, the Chairman of the Board.

Alderman Shea stated you briefed Alderman Cashin as well as Alderman Wihby, commenting we don't count necessarily I guess. Alderman Shea stated my concern is why are we charging the School Department to begin with, who's concept is that.

Mr. Clougherty stated under the statute I am required to invest idle funds, and I am required to apportion those earnings to different funds that are contributing, so whenever we have an advance of funds to the airport or water department we always have to charge the interest.

Alderman Shea noted those were enterprises.

Mr. Clougherty stated it was the same thing here the school district is not part of the general fund, it is a separate arrangement, so we have to apply that same theory. We

have to disclose it, but on hand I have to account and disclose it, if I don't disclose it I am writing it off which I don't have the authority to do. So we do the disclosure certainly if the Board wants to write that off, that is the authority of this Board and I don't have a problem with that but I do have to account for what I have to ensure that I have met my disclosure requirements.

Mayor Baines asked if they were charged interest last year.

Mr. Clougherty responded no, because they were part of the general fund, we had their other revenues coming in, this year we do not.

Mayor Baines stated I don't think it is an appropriate thing to be doing, I have an issue with that. To let you know I did not bring this issue up tonight Alderman Wihby brought this up. I had advised the Chairman of the Board on this issue which I do routinely out of respect to his role as Chairman of the Board. Alderman Wihby happened to be in at the same time, I briefed them both on the issue, that is routine and I believe that is my responsibility to keep Alderman Cashin informed. But Alderman Wihby brought this issue up tonight. I would not have brought this up tonight.

Alderman Shea asked if he needed the authorization of the Board of Mayor and Aldermen to charge interest to any city department, or can you do it on your own.

Mr. Clougherty responded we are required to allocate that interest based on the earnings under the statute.

Alderman Shea stated that is not my question. My question was are you allowed to do it on your own or do you have to get the authorization of the Board of Mayor and Aldermen in order to charge interest to the school department or any other department.

Mr. Clougherty responded I believe I am required to do it by state law, to do the investment and to properly record that investment. Mr. Clougherty noted he had spoken with the solicitor today.

Mayor Baines stated I have had some discussion on the school side with it and with the city solicitor, and it is in dispute, but the reality is you have the right to say we are not going to do that.

Alderman Shea stated my question is if they can do that to them, can they do that to some other department.

Mr. Clougherty stated he did not think so, there was no precedent here because this is the first time we have had to deal with the situation because of the school's unique situation this year being different. In the past it was part of the general fund, and we had their revenues in place. This year there is a different bank account they are separated out entirely. We have to treat them more in the fashion that we have the enterprises over the years. And that is all we are trying to do is apply that rule. I have to do that, it doesn't mean, if I did not go out and do that interest calculation then somebody could come back to me and say well wait a second, you are writing off this interest because you are not disclosing it, and I don't have the authority to do that.

Mayor Baines stated he had a disagreement here, but the fact of the matter is we are charging interest to the school department on bills they haven't received quarterly, haven't even had the time to review them and have the proper back up that is necessary to determine if they are right. I don't believe this was an appropriate thing to do

Alderman Cashin asked if the school department had not been waiting for an itemized breakdown from Finance for 8 or 9 months.

Mr. Clougherty responded he did not know, noting they had given them information right along.

Mayor Baines stated I guess different department had not given the information they wanted.

Alderman Cashin stated they have been waiting for an itemized breakdown for some time and you are charging them interest on that money. Who authorized you.

Mr. Clougherty stated it's a cash flow issue, we are not charging on the chargeback, it's a cash flow issue, we are advancing cash for the district and I have to apply the same regulations.

Alderman Cashin stated that Mr. Clougherty had no authority to do that without the authority of this Board as far as he was concerned.

Mayor Baines stated they got a bill for finance services for \$225,000 that they did not anticipate, and were they charged interest under your formula to pay the \$225,000, were they charged interest on that money.

Mr. Clougherty responded the interest is charged on the cash flow.

Mayor Baines stated answer the question for me, were they charged interest on the \$225,000 that you used as a charge back for the finance department services for the school district for this past year, which they received sometime after the fiscal year closed. Were they charged interest on that money?

Mr. Clougherty responded yes.

Alderman Lopez stated I really think that there is a lot of information here that is privileged between the leadership and on going working thing as to what the numbers were going to be. I really don't think to ask us to vote on something tonight is it absolutely essential that we vote tonight, can't we just table this and get the actual facts.

Alderman Wihby stated maybe I shouldn't have brought it up but my feeling is that I sat here and chastised the school department and my feeling here is that I tried to do what is right. For instance, Alderman Shea I am telling you they are going to have a deficit, well this helps their deficit by \$250,000 so what this does I think is it enforces what we told them from the beginning of the budget process, and that is the \$6.8 is the number, we sat there and agreed to that number and it was \$6.8 I don't want to get into should finance have charged them money or not or are they waiting for bills on not, because they should have paid the \$6.8 it didn't matter what the bill added up to, it didn't matter whether it was \$6 million or \$9 million, we had agreed on \$6.8. What has happened is we billed them for \$6.8 but we also billed them for an addition \$225,000, my feeling is that is not appropriate. We had agreed on \$6.8 so with this motion we are going to be charging them the \$6.8 that we had told them in the budget process that we had all agreed upon was going to be in the budget process, we are not going to charge them any interest, going forward I feel that we should be charging the interest. Because if we are giving them a bill and they are not paying it within 30 days or 60 days whatever number it is, they should pay interest on it, but in this case we told them \$6.8, they should have paid it to us by now, but that's beyond, they don't have the money to pay us anyway, I don't think they should have to pay the interest on it.

Mayor Baines stated I asked the finance officer today to give me any evidence on whether that was being applied anyplace else in the city, and one was in enterprise, the only other area, it doesn't happen in the airport because they bill them quarterly and they pay their bills for it. If the school district receives their bills quarterly they'd be in the situation, but when they are getting a bill at the end of the fiscal year and trying to reconcile them, then charging interest on bills they never received, those are the facts.

Alderman Vaillancourt stated I'm going to do something I hardly ever do, in fact I don't believe in doing it, but the Chairman of the Board said what I was going to say. I sense an outrage on the part of almost every member of this board so I move the question.

Alderman Gatsas asked if this was an accounting procedure for bonding issues.

Mr. Clougherty stated he believed it was, they had to give the full disclosure of what they are doing for investment purposes.

Alderman Gatsas stated so what you are saying is that you have done it because of a bonding issue and because of an accounting issue and it is only up to this Board as to whether we want to say we don't want to charge it and we write it off directly.

Mr. Clougherty responded in the affirmative.

Alderman Gatsas stated you have only done as an officer of this city, your job.

Mr. Clougherty stated that is what I believe.

Alderman Gatsas stated and I agree with what you are saying because you have to show full disclosure because there are bonded funds there.

Alderman Levasseur stated I agree with Alderman Gatsas on this, the finance director is following the statutes then there is no reason to be sitting here being outraged and chastising him this is a very unique situation we just changed the system the way we do it now the school board is separate now so this is the way it's done. I don't understand the outrage in the man doing his job, he follows his accounting principles and remember that he has kept the city at a nice bond rating for the last 12 years.

Alderman Shea stated what we are concerned about is people being billed when they don't receive their bill. That's the problem. In other words they are charging interest to

the school department on bills that they hadn't received. Now how in the world can they pay a bill when they haven't received the bill?

Mayor Baines stated we are going to move the question and call for a vote. We have a motion on the floor by Alderman Wihby, asking that the clerk read the motion.

Deputy Clerk Johnson stated my understanding is the motion made by Alderman Wihby, seconded by Alderman Cashin was to request the \$6.8 million from the school department with no interest to be billed and that the next year it will be a monthly or quarterly billing and if the bills are not paid on time then interest will be charged.

Mayor Baines asked if that was what Alderman Wihby intended in his motion.

Alderman Wihby stated he wanted to make sure that they knew they would have to pay it.

Mayor Baines advised there was a motion on the floor, which had been seconded and called for a vote. The motion carried with none recorded in opposition.

Alderman Levasseur asked if that was legal, what they had just done.

Mayor Baines stated we were advised that the board had the authority to do it.

Alderman Lopez noted they members should have received an invitation that NH celebrates its National Hispanic Heritage month and there is a kick off breakfast Tuesday, October 10, 7:30 AM at the Executive Court. He also noted the NH Minority Health Coalition health fair is on October 12, 2-7 PM at 1000 Elm Street. The Latin American Center was putting on a dance at the Radison Hotel in celebration on it.

Alderman Hirschmann stated he wanted to make a motion. He wished to recess to executive session to discuss a personnel issue.

Mayor Baines stated I am accepting the motion to adjourn. The Mayor called for a vote. Alderman Levasseur requested a roll call vote.

Alderman Wihby asked can I ask you a question before we vote. Normally when you have a personnel issue, if it is about somebody you have to notify that person before you go into executive session. Are we going to be talking about an individual person? We

can go into executive session, but we have to give that person the opportunity to answer...

Mayor Baines stated there are some legal procedures that have to be followed before you move into executive session on personnel issues.

Alderman Wihby asked are we talking about one individual.

Mayor Baines answered I don't know anything about it.

Alderman Hirschmann stated actually I would like to discuss two separate personnel issues that we are not allowed to discuss in public.

Mayor Baines replied before we do that I think we should get the advice from the attorney on how to proceed properly.

Deputy Solicitor Arnold stated under 91:A, the Right-To-Know law, if you are dealing with personnel issues such as hiring, discipline or that type of thing you can vote to go into non-public session, however, if you are discussing an individual, they have a right to request that it be an open session. I would recommend to the Board that if you are going to discuss individuals that they ought to be notified and given the opportunity to request an open session.

Mayor Baines stated right now we have a motion on the floor to adjourn.

Alderman Hirschmann stated there are two problems that exist. I am being asked to write-off money in my committee that is out right stealing and I want to discuss it, your Honor.

Mayor Baines replied I wish I had known about this in advance because I could have helped you advance this.

After discussion with the Deputy Solicitor, it was decided to have Kevin Clougherty contact the individual and ask him if he wants his business discussed in public at a future meeting.

Mayor Baines replied again, if we are dealing with issues I would appreciate as a courtesy the Board contacting me. We could sit down with the City Solicitor and discuss

proper procedures and deal with the cities business in an appropriate manner. That is all I am asking. We have a motion to adjourn. Mayor Baines called for a vote. There being none opposed, the motion carried.

A True Record. Attest.

City Clerk