

**BOARD OF MAYOR AND ALDERMEN**

**December 19, 2000**

**7:30 PM**

Mayor Baines called the meeting to order.

A moment of silent prayer was observed in memory of long-term State Representative Dan Healy, who passed away a short while ago.

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

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

Mayor Baines recessed the regular meeting to call the special meeting back to order.

Mayor Baines called the regular meeting back to order.

Mayor Baines stated in the autumn of 1998 application was made to the Community Development Finance Authority for tax credits to be used on Phase III of the Riverwalk project. In the summer of 1999, we were authorized to raise \$325,000 in pledges and donations for this valuable project. After raising \$96,000 through September of 2000 (obtaining two extensions) which we're very grateful to have received because there's a lot of money at stake with this in terms of other funds, I asked Bill Jabjiniak the Destination Manchester Office to take over the coordination of this project. I am extremely pleased and proud this evening to report that in the past three months he has raised an additional \$156,000 for the phase of the Riverwalk that runs from Granite Street Bridge to the south end of the Waumbec building. This was made possible by the likes of Merchants Motors Automotive Group, Riverstone Insurance, the Law Office of Tony Martz and the generous cooperation of *The Union Leader* gave us extensive publicity on this effort. I want to personally thank everyone who contributed to this program and I encourage anyone who is contemplating making a donation to do so in the very near future, so we can realize our goal of Riverfront redevelopment and I want to thank Bill for his efforts in this regard.

**CONSENT AGENDA**

Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

**Minutes Accepted**

- B. Minutes of meetings held on May 9, (two meetings), May 16 (two meetings), May 30, and June 5, 2000 (two meetings).

**Approve under the supervision of Highway**

- C. Pole petitions submitted by Verizon as follows:  
#942642 conduit on Cedar Street  
#942187 conduit on O'Malley Street  
#942634 conduit on Concord Street

**Informational – to be Received and Filed**

- D. Minutes of the Airport Authority meeting held on October 26, 2000.
- E. Minutes of the November 11, 2000 meeting of the Manchester Development Corporation.
- F. Minutes of the Manchester Transit Authority meeting held October 31, 2000 and reports for the month of October.
- G. Minutes of the Mayor's Utility Coordinating Committee meeting held November 15, 2000.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

- I. Communication from AT&T Broadband advising of annual customer notices and submitting copies of inserts for customers bills as follows: Notice to Customers Regarding Policies; Complaint Procedures and Services; Notice to Customers regarding equipment compatibility; Subscriber Privacy Notice.

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

- J. Communication from the Contributory Retirement System submitting a revision of Chapter 218, the Systems Plan Document.

**COMMITTEE ON BILLS ON SECOND READING**

- K. Communication from PD Associates, LLC Reference: Proposed Zoning Ordinance Change.

- L. Communication from One Bay Street Associates relative to proposed changes to the Zoning Ordinance.

#### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- M. Ordinance Amendment submitted by Alderman Levasseur:

“Amending Section 37.03, “Advisory board” by inserting new language prohibiting persons holding positions within the entity, association, or organization designated by the Advisory Board to manage services within the Central Business Service District from serving as members of the Advisory Board.”

#### **COMMITTEE ON FINANCE**

- N. Resolutions:

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY2001 CIP Adolescent Pregnancy Prevention Project.”

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Three Million Two Hundred fifty Thousand Dollars (\$123,250,000) for Three Airport Projects.”

- O. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seventeen Million Seven Hundred Thousand Dollars (\$17,700,000) for the 2001 CIP 740001, CSO Abatement Projects.”

#### **COMMITTEE ON HUMAN RESOURCES/INSURANCE**

- P. Communication from employees of the Welfare Department requesting the Board review all options available and change the position of Welfare Commissioner from an elected post to an appointed/hired position.

- Q. Ordinance Amendments submitted by Human Resources Director:

“Amending Section 33.076 (Special Leave) of the Code of Ordinances of the City of Manchester.”

Providing for amendment to Section D as follows:

“The Human Resources Director may recommend to the Mayor for his approval up to twenty (20) days of administrative leave, for employees, for purposes that are beneficial to the City. Such leave is chargeable to the employee’s department.”

“Amending 33.076 (Special Leave) of the Code of Ordinances of the City of Manchester.”

Providing for amendment to Section D as follows:

“In addition to other leaves authorized by this subchapter, a department head and/or the Human Resources Director with the approval of the Mayor, may authorize an employee to be placed on administrative leave with or without pay in the interest of the City, for a period or periods not to exceed twenty work days in any calendar year.”

“Amending Section 33.025 (Airport Director) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Manager, Airport operations and Facilities) of the Code of Ordinances of the City of Manchester.”

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

“Amending Section 33.048 (Advancements within Pay Range) of the Code of Ordinances of the City of Manchester.”

- R. Communication from Michael Roche, President, United Steel Workers of America requesting an opportunity to address the committee regarding the Yarger Decker Study.

#### **COMMITTEE ON LANDS AND BUILDINGS**

- S. Communication from Richard Allard opposing any development of Hacket Hill.

#### **SPECIAL COMMITTEE ON CIVIC CENTER ACTIVITIES**

- T. Communication from Jay Taylor, Economic Development Director relative to the Civic Center Interior Drywall Contract.

### **REPORTS OF COMMITTEES**

#### **COMMITTEE ON ACCOUNTS, ENROLLMENT & REVENUE ADMINISTRATION**

- U. Advising that it has accepted financial reports through the period ending October 31, 2000 and is submitting same for informational purposes.

#### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- V. Recommending approval of three airport projects totaling \$123,250,000; and for such purpose an amending resolution and budget authorizations have been submitted.
- W. Recommending that a request of the Health Officer to accept and expend funds for the Adolescent Pregnancy Prevention Project be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.
- X. Recommending approval of a bond resolution for the 2001 EPD-CSP Abatement Project; and for such purpose the bond resolution has been submitted.

#### **COMMITTEE ON LANDS AND BUILDINGS**

- Y. Recommending that a request of the Parks, Recreation and Cemetery Commission to name the Maple Street Youth Center after Regis Lemaire be granted and approved.
- Z. Recommending that the Chief of Police be authorized to expend \$2,450 for a feasibility study of the Police Department firing range contingent upon utilizing drug forfeiture funds.

### **COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- AA.** Recommending that regulations governing parking be adopted effective April 1, 2001 in an area bounded by Harrison Street, Auburn Street, Merrimack River and Union Street as follows:
- 1) Limited time metered parking not designated for handicapped parking only in zones less than 3 hours shall be limited to 3 hours for vehicles with handicapped placards or plates; provided however that the notice of said 3 hour limit is posted on the meter head or base;
  - 2) Handicapped designated parking spaces in all timed zones shall remain free all day for persons issued handicapped placards or handicap plates.
- AB.** Advising that it has granted a request from the Grace Church Property Committee to place signs in the right-of-ways subject to the review and approval of the Traffic Director.
- AC.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised.

### **SPECIAL COMMITTEE ON THE CIVIC CENTER**

- AD.** Advising that it has approved Change Order #15 for \$190,691.00 filed with the Committee on November 15, 2000.

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

- A.** Poll approving a transfer of \$15,000 from the Riverfest Account to the Riverfest Committee.  
(Aldermen Wihby, Levasseur, Sysyn, Clancy, Pinard, Shea Pariseau, Thibault Lopez and O'Neil voted yea; Aldermen Vaillancourt and Hirschmann voted nay; Alderman Gatsas did not cast a vote.)

Alderman Vaillancourt stated this is regarding a transfer of \$15,000 from the Riverfest Account to the Riverfest Committee...this was one of those poll items. Since I voted against it in the poll, I didn't want to let it go through the consent calendar and look forward to the opportunity to vote against it again now. The amount is very small, but it's time to make a stand. We shouldn't be spending taxpayer money on things like this. If Riverfest cannot organize itself so that it breaks even maybe they should raise the price of admission 50 cents or maybe they should raise the concession fees enough to cover it. The City should not be subsidizing this kind of activity, so on principle I will vote against it as I did in the poll.

Alderman Wihby moved to ratify and confirm the poll conducted. Alderman Cashin duly seconded the motion.

Alderman Hirschmann stated I refer this to your office for a resolution and what I thought would happen was that you would meet with these people and they would somehow put it in your next year's budget process. This fixes their immediate need, they have an invoice for this amount to pay one of their vendors, but what still remains open is the City's Highway and Police bills for this year. So, they will still be in a deficit, so this still needs to be resolved or referred to your budget process; that is what I'd like to do.

Alderman Levasseur stated one question I had when I was sitting on that board and before I got the answer they left, but I asked them how many people went through the gates that weekend and they said 70,000 people and at \$5.00 a whack that's \$350,000 in revenues and they only showed \$90,000 in ticket revenues, so I was wondering if your office or maybe one of your assistants could look into that for me as far as the amount of revenue that came in from ticket sales because I did ask them how many people and they said they had a pretty good amount of money and they didn't match up, so I was wondering if there was a different number somewhere else.

Alderman Gatsas stated I have a couple of questions...the \$15,000, I believe that this Board voted to give them some funds back maybe in April to cover a deficit that was from last year's deficit, is that correct or incorrect.

Alderman Hirschmann replied that is correct, your Honor.

Mayor Baines asked, Randy, do you have any information.

Mr. Sherman replied they were looking for some seed money to start paying the acts that were coming in this year, they had some open bills that they hadn't paid...mainly the Police Department's details, but they were really looking for money to start pre-paying some of the acts.

Alderman Gatsas stated this \$15,000 obviously is not part of those funds that we forwarded to them back in April or May.

Mr. Sherman replied they paid the City back what we had forwarded to them...that was almost first dollar out from their ticket revenues this year, but what remains open, I believe, is their bill for their electrician and this would cover that bill.

Alderman Gatsas asked what about bills that are owed directly to the City as far as Highway or Police or those.

Mr. Sherman replied I am not sure that there are any outstanding for cleanup or details, but I can certainly check into that.

Alderman Hirschmann stated I was under the impression that those were open.

Alderman Gatsas asked are is the Chief or Frank Thomas here.

Mayor Baines stated we will need to get some follow-up information for the Board.

Alderman Gatsas stated I guess my question is...is this the total amount or are there other bills that they are going to be coming in within in April or May for Police because that is going to affect the Police budget where employees have been paid and it's not on the surface here and I just would like that answered.

Mr. Sherman replied I don't have that. I would have to go back and see if there are any outstanding bills.

Alderman Gatsas asked do you have an accounting there, Randy, of what was paid by the Riverfest Foundation.

Mr. Sherman replied no.

Alderman Gatsas asked do they give us an accounting.

Mr. Sherman replied no.

Alderman Gatsas stated they have just arbitrarily picked a round number of \$15,000.

Mr. Sherman replied the way they justified it, I believe, was that this would cover their electrician's bill.

Alderman Levasseur stated they paid the Police Department off, but they had an electric bill that was outstanding. It's a Nashua bill and they came to us for that money and we sent them to you.

A roll call vote was requested by Alderman Vaillancourt.

Alderman Vaillancourt and Hirschmann voted nay. Alderman Pariseau, Cashin, Thibault, Wihby, Gatsas (with the condition that it be paid back)...

Alderman Hirschmann stated there is no provision for that.

Mayor Baines stated there is no provision. This is a motion to transfer that amount, so vote yes or no.

Alderman Levasseur asked, your Honor, you gave them that amount. Was that out of contingency or something.

Mr. Sherman replied last year when you voted to give them the money, the deal was that when they paid that back we would sort of hold that off to the side in case they ever needed funds again. So, this is really just giving them back the money they just paid you. So, we could really keep it as a revolving fund, if that's what the Aldermen chose to do.

Mayor Baines proceeded with the roll call vote.

Alderman Gatsas stated so if I understand correctly it is a revolving fund, is that what we've established.

Mayor Baines replied that is what was just described.

Roll call vote continued as follows:

Alderman Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez and Shea voted yea.

The motion carried.

**H.** Communication from Alderman Shea expressing concerns relating to marketing efforts of AT&T Broadband, suggesting clarification be made, and asking the Committee on Administration to review the situation on behalf of residents.

Alderman Shea stated this is in reference to marketing efforts of AT&T known as Broadband and there are certain questions that seniors have called me about as well as other people and I brought this to the attention of the Board and the Administration Committee, in terms of certain questions like what is in store for cable service, what are sales people telling people, what is the cable company allowed to do. I know that there have been instances where they've been allowed into homes under the guise of maybe repairing a wire on the outside of the building and then giving a sales pitch to the people and there is also the discussion about digital service overriding the computer or the regular cable service now, so I wanted to bring that to the attention of Administration and would be happy to appear before their Committee and cite different instances.

Alderman Pariseau stated relative to Alderman Shea's concern, I too, had a problem with a MediaOne customer and I contacted Jennifer Farrell at MediaOne in Epping and she advised me that MediaOne/Broadband is a no-nonsense organization and what you have to do, Alderman, is get the customer's name and phone number and Ms. Farrell would contact them and that contractor would be terminated, right then and there.

Mayor Baines stated so if citizens at home who are watching this that is what you'd recommend, Alderman.

Alderman Pariseau stated normally the customers are receiving a phone call setting up an appointment to adjust their box. So, they set up their appointment, the contractor goes to the home and the following month the customer is charged an additional \$20.00 on their cable bill and I guess MediaOne does have a problem and she assured me (this was yesterday) that they aren't putting up with it and they would contact the customer, but I gave the name and phone number out and the contractor will be terminated.

Mayor Baines stated it is Ms. Jennifer Farrell located at the AT&T office...where.

Alderman Pariseau replied Ms. Farrell is located in the Epping, NH office. I had the number, but I don't have it with me.

Alderman Lopez stated I just wanted to add to that and it can then go into committee...I went through the experience and what it is is that sub-contractors are hired by Media and they come in to put a box on for digital TV and they go through their sales pitch for telephone and everything else and whatever they can add to it, naturally they are going to get more money for it, so in committee I think we need to talk about it, I know from experience.

Mayor Baines stated we do have a telephone number. Mr. Robinson, as efficient as he is...Jennifer Farrell and her number is 603-679-5695 ext. 1024.

Alderman Shea moved that Item H be referred to the Committee on Administration/Information Systems. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

**N. Resolution:**

“Authorizing the Finance Officer to disburse Fifteen Thousand Dollars (\$15,000) from the Riverfest Account to the Riverfest Committee.”

Alderman Vaillancourt stated this was in reference to Item A, so I will vote against it at this point.

Alderman Lopez moved that the Resolution be referred to the Committee on Finance.

Alderman O'Neil duly seconded the motion. The motion carried with Alderman Vaillancourt duly recorded in opposition.

**5. Communication from Judith J. Gibson submitting her resignation to the Zoning Board of Adjustment effective immediately.**

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to accept Ms. Gibson's resignation with regrets.

Mayor Baines stated Judith Gibson has served with distinction of this Board and again I regret to accept her resignation, but her requirements require her to do so and accept it with regrets and sense of gratitude for her service to our community.

Alderman Levasseur asked as far as the positions being nominated, they will layover. When will the actual positions be filled and then take effect in their positions.

First of all, I'm moving up Robert Bennett...

Alderman Levasseur stated that is the one I am questioning.

Mayor Baines replied that could be done this evening, under suspension of the rules. I will go through all of the nominations in order that I presented them to you.

6. Nominations presented by Mayor Baines as follows:

**Water Works Commission:**

Don Couturier to succeed himself (he was fulfilling the unexpired term of Alderman Gatsas), term to expire January 1, 2004.

Robert Cruess to succeed himself, term to expire January 1, 2004.

Mayor Baines stated since both of these are presently Commissioners, I'd ask for a suspension of the rules.

Alderman Wihby moved to confirm the nominations as presented under suspension of the rules. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

**Arts Commission:**

Althea Haropulous to succeed herself, term to expire December 1, 2003.

**Elderly Services Commission:**

Ira Royer to succeed himself, term to expire January 1, 2004.

Connie Farr to succeed herself, term to expire January 1, 2004.

**Zoning Board of Adjustment:**

Robert Bennett as Alternate to fill the unexpired term of Judith Gibson, term to expire March 1, 2002.

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

Alderman Levasseur asked that the name of Robert Bennett be held over till the next meeting because of a very serious issue that is going down at the ZBA...there has already

been a vote taken...there was a suspension of a meeting and the same people will be called on to make that vote and if by moving this person into that position, I think it would...

Mayor Baines interjected I don't think that is the way that works...

Alderman Levasseur stated there was an alternate that took over Ms. Gibson's place because she was a full member wasn't she.

Alderman Pariseau stated then the alternate should sit.

Mayor Baines stated someone can't come in and sit on a case that's already been...that's my understanding.

Alderman Levasseur stated I want to be very sure that we know that.

Mayor Baines stated let's ask the City Solicitor.

Solicitor Clark stated our advice to the Board would be that the alternate would continue sitting for that case.

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

Alderman Wihby moved to confirm the nominations as presented. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

**Manchester Housing and Redevelopment Authority:**

Jeannette Gagnon to succeed Fred Kfoury, term to expire December 31, 2005.

As per the rules of the board, the nomination will lay over until the next meeting.

7. A report of the Committee on Bills on Second Reading was presented recommending that Ordinance Amendments:

“Amending Sections 33.024, 33.025 and 33.026 (Planning Department Reorganization) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, and 33.026 (Deputy Clerk of Licensing and Facilities, Deputy Clerk of Administrative Services, Deputy Clerk of Financial Administration, and Legislative Assistant) of the Code of Ordinances of the City of Manchester.”

ought to pass.

Alderman Wihby moved to accept, receive and adopt the report of the Committee on Bills on Second Reading. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

8. A report of the Committee on Community Improvement was presented recommending that the Board of Mayor and Aldermen authorize proceeding with Version D for the McLaughlin Middle School Addition as enclosed.

Alderman Pinard moved to accept, receive and adopt the first report of the Committee on Community Improvement. Alderman Levasseur duly seconded the motion.

Alderman Vaillancourt stated I did attend the CIP meeting last night, so I do know a little bit more about this than I would ordinarily. But, what this is is a request that the McLaughlin Middle School Addition...is about \$1.5 million more than budgeted for this year. I understand it will come out of the CIP budget next year and realizing that you can't as always spend the same dollar twice, I wonder if we have given any consideration to what we will cut out of next year's request to make way for this next year. Mr. MacKenzie explained last night that this would come out of next year's, have you given any consideration to what might be foregone next year in lieu of this.

Mr. MacKenzie replied I think it was made clear last night that the School Board was making that their number one priority. They have submitted or will be submitting a prioritized list and generally the Board tries to follow that. So, it is up to the Board and the Mayor to make his presented CIP proposal in a couple of months and this Board will decide, in essence, what will be cut out.

Alderman Vaillancourt stated I also opposed the question (having in my hand) the Planning Board denial of the request for the 95 lot subdivision on South Mammoth Road and asked if, in fact, this would mean less people in the school system and I was given the answer that regardless of whether that development happens or not that we need to go forward with this. So, apparently the number of new housing units we have has no regard to what we need as far as schools are concerned.

Mayor Baines asked, Mr. MacKenzie, would you like to respond.

Mr. MacKenzie replied I didn't to the Committee on that issue last night...the School Administration did. I would say that right now the primary impact on the school system is not necessarily growth because growth last year we only had 125 new dwelling units by building permit, the major impact that is impacting middle schools is the baby boom generation that's coming up through which is peaking at the middle school right now. Actually, the enrollments at the elementary schools have started to decline.

Alderman Vaillancourt stated in all seriousness if we have 95 new housing units, it's not going to impact the number of middle school children we have.

Mr. MacKenzie stated yes typically we do have some ratios on the number of students. There would be some impact by that project...I suspect that project will be back before the Planning Board again at some point because it's a relatively valuable piece of property.

Alderman Shea stated the children that go to McLaughlin School don't necessarily come from Green Acres School, they come from different schools: Beech Street, Hallsville as well as other schools so that the impact at McLaughlin School is really not essentially what units are built in and around the Green Acres School.

Alderman O'Neil stated if I recall points that the School District made last night there are currently five portables on the McLaughlin site with a total of ten classrooms. They were also hoping to lessen the amount of students at Southside...from what I understand is at the max at Southside and that is what they would hope to do through some redistricting is move some of the Southside families to McLaughlin and as we did a few years ago, the School District had actually suggested 16 classrooms at Parkside, we built 22 and the day it opened all 22 were utilized, so I believe we're doing this one right.

Mayor Baines stated for the record, School Committeeman Chris Herbert just entered the room who is Chairman of the Building and Sites Committee, so if people do have a question he would be prepared, as always, to answer.

Alderman Gatsas stated some of the questions that obviously arose last night were the five portables and the cost of them and I believe that cost is somewhere around \$660,000 that the School Department is now paying for portables. I think that with the addition, getting students out of the portables and into a fixed facility not only is going to make their education process a little bit easier and a little bit better, but is going to reduce the cost to the School Department where they can obviously start putting some money in other places.

Alderman Shea asked does the State given money for the addition to the McLaughlin School.

Mayor Baines replied yes.

Alderman Shea asked what percentage.

Mr. MacKenzie replied normally it would be 30% of the principle paid off annually over the life of the bond.

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

A second report of the Committee on Community Improvement was presented recommending that the boundaries for the Central Business Service District be established as follows:

Beginning at a point at the intersection of River Road and West North Street; thence easterly along West North Street and continuing along North Street to Bay Street;

thence southerly along Bay Street to Sagamore Street;

thence along Sagamore Street to a point at the rear property line of property at 1631 Elm Street (Rite-Aid);

thence generally southerly along the rear property line of property at 1631 Elm Street (Rite-Aid) to Pennacook Street;

thence westerly along Pennacook Street to an alley – Elm Street East Back;

thence southerly along Elm Street East Back Alley to Blodgett Street;

thence westerly along Blodgett Street to an alley – Elm Street East Back;

thence southerly along Elm Street East Back Alley to Brook Street;

thence easterly along Brook Street to Temple Court;

thence southerly along Temple Court to Harrison Street;

thence westerly along Harrison Street to the rear of the building at 1415 Elm Street (the “Sears Building” so-called);

thence southerly along the rear of the building at 1415 Elm Street (the “Sears Building” so-called) to Prospect Street;

thence continuing southerly along the rear property line of 1331-1375 Elm Street to Myrtle Street;

thence continuing southerly along an alley – North Church Street to Orange Street;

thence easterly along Orange Street to Chestnut Street;

thence southerly along Chestnut Street to Bridge Street;

thence easterly along Bridge Street to Pine Street;

thence southerly along Pine Street to Manchester Street;

thence westerly along Manchester Street to Chestnut Street;

Alderman O'Neil moved to accept, receive and adopt the second report of the Committee on Community Improvement. Alderman Pariseau duly seconded the motion.

Alderman Levasseur stated I'd like to give a big thank you to Alderman O'Neil who chairs that Committee and did a really good job and thorough analysis on this issue, but I would like to amend the motion that anyone who has been taken out of the district is still

allowed to the VIP/Façade Program...they call it two different things in the City...it's the Building Improvement Program...still be allowed to use that until July 1st.

Mayor Baines stated we'll take a vote on the original motion and perhaps the City Solicitor could work on the proper wording for the amendment.

Mayor Baines called for a vote on the motion to accept the second report of the Committee. The motion carried with Alderman Gatsas being duly recorded as abstaining.

Mayor Baines stated I want to add my thanks to everyone who worked very hard to bring resolution to that issue, it's been lingering for a long time. There were a lot of issues involved and the fact that we resolved it without any dissent is very commendable and again I want to thank Alderman O'Neil for his leadership that he provided in that area.

Alderman Levasseur stated because people have been paying for two-and-a-half years and there may be applications that are in Intown's hand right now that they be allowed to continue using the VIP Program until the end of this fiscal year.

Mayor Baines stated so I understand it...those who are no longer in the District and have applications pending would be eligible for the Façade Program until the close of this fiscal year.

Alderman Levasseur moved on the clarification to amend the second report of the Committee.

Alderman Cashin asked, Tom, how do you feel about this.

Solicitor Clark replied this is the first I've heard of it. I'm not sure exactly how that Façade Program is run...if it's run for the people in the district or if their money has anything to do with the Façade Program.

Mayor Baines asked would be it okay with the Aldermen if we got together with the City Solicitor and maybe re-introduce that motion at the next meeting, so we do it right.

Alderman Levasseur replied that would be fine, your Honor.

Mayor Baines stated why don't we delay that until the next meeting to make sure it's done properly.

9. A majority report of the Committee on Lands and Buildings was presented recommending that Singer Park B, as referenced herein, be chosen as the site for the Senior Center.

A minority report of the Committee on Lands and Buildings was presented recommending that the Board approve the Sears site for the Senior Center.

Alderman Shea moved to accept the majority report of the Committee on Lands and Buildings. Alderman Levasseur duly seconded the motion.

Alderman O'Neil stated I had suggested (I am not a member of Lands and Buildings)...I think there are still a number of questions to be resolved with both sites and I had suggested that they get a little more formal and get some of those questions that weren't necessarily raised by me, but by members of the Committee and other Aldermen answered. So, my suggestion would be and I don't know if it's a motion to table to just direct City staff to resolve some of those issues, I don't know what would be proper.

Mayor Baines asked for clarification for himself...this issue, if the Board votes this evening to select their number one site this will have to come back to the Board, obviously, on other occasions for additional votes just to analyze it and we still have the issue of the Riverfront Foundation, we have the issues of the viability of the site relating to the ravine, and we also have the financial analysis that Alderman Levasseur brought up because if I understand it properly the report in its concept is 25,000 square feet and there might be adjustment to that and then it has to come back and because of bond issue it must secure a two-thirds vote. So, going along a little bit without speaking for or against the motion and just stating position of fact, we still could proceed with staff to go through the analysis and the resolution looking at backup site(s) to make sure that as we proceed with the process if Plan A doesn't work for a variety of reasons...for example, we were unable to secure the cooperation of the Riverfront Foundation, if we had a report back that the construction which was actually Site B might not be possible then we should also be prepared with a second and third option for the Board to explore. So, even if this were to pass this evening we could also direct staff as I would do as the Mayor to look at alternatives as a back-up because we may, in fact, come back with this proposal and may not get a two-thirds vote, even that's a possible option. So, we could still accomplish what the Alderman-at-Large said even if this were to go forward.

Alderman Wihby asked what's the difference with Alderman O'Neil's proposal, it's doing the same thing. We're deciding today and not really deciding today.

Mayor Baines stated there isn't any finality because of the process I outlined.

Alderman Shea stated I really think we're talking about a site. I don't think we're talking about anything beyond that. I think that the other questions really have to be ironed out, but I think...let me be a voice for the seniors. They want some type of assurance in this season that they are going to get a self-standing building. Now, whether that comes to fruition or not depends upon many variables. But, we really as a Board have to say to

them...look, we're proud of the fact that you've lived in this City, that you supported the city, the Mayor has made reference at the Senior Luncheon about the seniors within the community, their contribution...he indicated last night that there's an obligation on the part of him as a Mayor and we as a Board to upgrade the schooling of the grandchildren and so forth. So, it's up to us as a Board now to make and to say to people we've been waffling about this forever, let's make a decision one way or the other. Let's get it done.

Mayor Baines stated I don't think anybody has any kind of a monopoly, if you will, on doing what is right by the senior citizens. We are all committed to that. There's a difference of opinion on approaches, but we all have the same goal in mind and I think that needs to be said very clearly. In discussions with this Board, individually and collectively, everyone is committed to doing the right thing, but there will be differences of opinion which should be respected.

Alderman Vaillancourt stated "point of order" Since, a motion for tabling is non-debatable, I assume you never accepted that motion. You did not accept the motion to table, thank you.

Alderman Thibault stated we've played with this for so long, I wonder if we couldn't collectively come up with a way that we could give them a time frame that we're going to come up with a decision not in 2010, but when, how fast can we get this done, that's the point.

Mayor Baines reiterated we know this is a very emotional issue for some; that there are some legitimate questions to be asked...let's talk about this from a planning perspective. How long would the planning process be, coming back for a vote, the budget process...could you just walk us through that in terms of determining an approximate time table.

Mr. MacKenzie replied if the Board directed us to attack a particular site, investigate it, get development underway or the planning and design we would do that fairly quickly. I would anticipate that would happen over the next two to three months...we'd start to get into the schematic design, would select an architect, we'd do tests, we'd hire experts to determine the permitting issues related to the ravine. We would negotiate with the Riverfront Park Foundation, we would look at utilities and other issues. Certainly, if there were any major obstacles we would come back to the Board fairly quickly. The Board will also have to make a decision come this March as to funding in the CIP Program. There is approximately \$1.2 million allocated already for the Senior Center...there would have to be additional funds, so that would be a key point that the staff would try to get back to the Board by that March deadline to tell you whether it is fully feasible and whether it could proceed. If the Board did approve that the funds

would become available in April and depending upon the amount of time required for design we could be ready for construction let's say year summer or mid-summer.

Alderman Thibault asked can we just say here tonight that by the end of March we will have made a decision as to what we're doing with a Senior Center.

Mayor Baines replied we'd have a report coming back to the Board...why don't you clarify, Mr. MacKenzie.

Mr. MacKenzie stated we would try to determine any unforeseen issues whether there's bad fill there and how much it would cost. The only unknown that I'm a little concerned about is whether we could determine whether we could get permits from the State for any wetlands, stream issues; that is the only one that would concern me about the March deadline. I am hoping that we could get a reaction fairly quickly from the State, but sometimes that does take time.

Alderman Cashin stated 17 years ago Toni Roux, myself and a few other people on the west side opened up the West Side Center in a storefront on the corner of Douglas and West Streets and that's been very effective and everybody's been quite happy there. I'll admit they've got some problems, some growing problems but I think that's good. It means that the program is working. We opened up the West Side Center because we tried to have one center at the time and it didn't work. Whether the people want to accept it or not the Merrimack River is still a dividing line in this community and we've seen it with the two hospitals. My concern is we are going to close the West Side Center, open up one center and it isn't going to work and the people on the west side are going to be disenfranchised and I don't think anyone has given that any thought. It's easy to go with the flow and it's hard to swim against it, but tonight I am going to have to swim against the flow and I am going to recommend and I am going to go with the Sears building because I believe that if it doesn't work at least we are going to have a building we can utilize as opposed to having a self-standing building for elderly that if it doesn't work what do we do with it. Let's try it in the Sears building and if it works, fine, then we can address it. But, gentlemen, I'm telling you we haven't given this enough thought.

Alderman Pariseau stated I think Alderman Cashin stated it very well, your Honor. I don't think anyone here is opposed to a Senior Center, it's just haggling over the location and going back to the days when we were talking about consolidating the Senior Center over at the current Police station when and if the new Police Department was ever built there was no opposition from the seniors at that time and now I don't understand why they want a private building. I don't think they've ever made it clear as to why they want to be alone and in stating with Alderman Cashin that if it doesn't work...the west side versus the east side. Then, yes, we will have the Sears building for other City departments. So, I don't know...unless someone can tell me why all of a sudden the

seniors want their own building, I don't know if it's an ego issue or what, but I think we have to look at the City as a whole.

Alderman Lopez stated I appreciate the comments from the Chairman in reference to the Senior Centers and the west side, however, these are two small areas and we have a lot of seniors. I'm not going to go through the committees that we talked about and the testimony on the Senior Citizen Center plus the feasibility study that was put together. We're selecting a site and that's what I'm voting on and you stated it very well. There might be some problems. I think the process will be that the Planning Director and Frank Thomas and them will look at it...it might be 16,000 square feet, it might be two-stories...who knows. But, at least the process is there, the site has been selected and I am going to vote for the site. If something happens in the end, that's a different situation. But, from all the facts that I have today I think that we can select a site, get the people who are making the big bucks to go down there and not create problems but work through problems like they work through all the other problems that we have in this City and see that the Senior Citizen Center is built.

Alderman Shea stated in all due respect to my colleagues to my right are we offering yesterday's answers to address tomorrow's problems and concerns. We can think back upon all types of different relationships between the east and the west side...these barriers are broken. We are a community...we are not east and west...we're one community...we're senior citizens one and all and I think, your Honor, that we have to make a decision predicated upon the facts of today rather than the concerns of yesterday.

Alderman Gatsas stated I think that the Aldermen who have been talking about a free-standing building fail to realize that obviously the free-standing building that best utilizes space is the best economic engine for the City to consolidate and I think that that's the issue that we're at here. At some point, and everybody talks about the Civic Center and streams of money flowing out. I agree that at some point and obviously the additional \$1.9 million that we put into the McLaughlin School over what this Board approved was because we wanted to get children out of portables and it made sense, economically, from a financial point of view that the School Department could carry it. I look at the seniors and say yeah they are the greatest generation because they have worked through the Depression and gone through the wars and I believe that obviously the quality...I don't know if they've been shown any differences other than going down and looking at some free-standing buildings that they've been shown. I think that the quality that anybody would give them...one, the Sears project gives them a free-standing building, the one that is the most economical to the City. The free-standing building in the back is a free-standing building, so if that's what we're talking about here then it's available. But, if we're not talking about a free-standing building, gentlemen, and we're just looking to see where we're going to put them because I believe that they are an integral part of this community. I don't believe that being at Singer Park when somebody finishes knitting or

doing whatever they're doing in the Senior Center and want to go to lunch and have the ability to walk to a restaurant, walk to a corner store, walk across the street to pick up laundry, to walk to a bank to do their banking...I think they're an integral part of our community. I think we need to keep them active, we need to keep them in that community and we need to not put them down on the river where...let's all remember where that is; that's Hobo Jungle...that's what it is, that's what it's always been and that's what's down there. Now, if you look at the course that somebody's got to drive to get to that, it's not a short road, it's not an accessible road, it's not like there's Police traveling by that building on a regular basis. So, I think if we're talking about a free-standing building then we should talk about where it makes the most economic sense for the entire City and not just one group.

Mayor Baines stated I went to visit my 90 year old neighbor who was lifting weights, so there's a lot of different things going on with senior citizens today and they're very active, as well.

Alderman O'Neil stated I just want to make it clear that we're not going to move forward just on one site. There will be a primary site, but we'll also have a backup plan because what concerns me...both these sites have challenges and we could move forward for the next two or three months with whatever site is chosen tonight and an issue comes back that can't be resolved and if we don't have a backup plan we start all over again. So, I think that's very important.

Alderman Cashin stated I'd like to summarize by saying this with all due respect to Alderman Shea...I was also involved in the merger of the two hospitals...Catholic Medical Center and Elliot Hospital and I heard the same thing then that we're one community and it would work and I'll leave you with this...you know how that worked out.

Alderman Sysyn stated I think a lot of this became personal too, the whole issue of the Senior Center and I was leaning towards Singer Park, but after hearing...I went to the Lands and Buildings Committee tonight...they could do a free-standing building on the east side of the Sears building...I've changed my mind and I hope that nobody takes it personally. I think it's become very personal.

Mayor Baines stated I appreciate your comments.

Aldermen Levasseur stated I agree with the Mayor that this is a step in the right direction, we're going to go with the site and then we're going to see if this is the proper place to go and I think we should go forward with that. It's call Singer Family Park and it's a family atmosphere down there and it's really a nice place and nothing like Hobo Jungle when I was a kid and the trains used to run through there and there was a slaughterhouse down

there. It's a much better neighborhood down there, much cleaner. You were talking about spending \$15 million or how much it's going to be at the end for a Riverwalk and I just can't see why we would want to put a Senior Center in a place that is a very high residential neighborhood when we have an opportunity to put it along what is going to be one of the nicest, prettiest walks in the State and this is going to be something that the seniors can enjoy every day during the day. When everyone else is working the seniors will have that Riverwalk for themselves and I think that if we don't go with the Senior Center down in that Riverwalk then I don't think there's a reason to continue with that Riverwalk and that's my point and I hope we go with the Singer site.

Alderman Clancy stated tonight we've had two sites in mind: Singer Park and the Sears building. It's about time we pick the free-standing building at the Singer Park. The elderly came up tonight saying they want their own free-standing building down by the Riverfront, they're going to get some fresh air down there, they will probably have a walkway down there where they can walk around and get some fresh air. If it's going to be up on Elm Street...of course, they can walk, but let's put the building down where they can get some nice lighting, fresh air and stuff like that and like Mr. McDonough said...one story with a nice big cellar/basement", it doesn't have to be 24,000 square feet. It can be 18,000 square feet and it will fill the needs of the elderly. Let's give them a Christmas present tonight and pick the Singer Park site.

Alderman Hirschmann stated I have been very quiet on this issue just listening and being respectful...that is the way I was raised to be respectful of your elders and with that in mind we all got cards mailed to our homes...overwhelmingly those cards from the public said Singer Park and there were all heartfelt sentiments written on those cards...why they wanted Singer Park...there were varying reasons...they wanted outdoor shuffle board...I don't think they want to play shuffle board on Pennacook Street or wherever that is. I think they want to be outdoors, down in the Singer Family Park area along the Riverfront and walk and do whatever they want to do (whatever it is), have their own free-standing building and that's the site. So, I'm listening to what they want...that's not my opinion...I'm going with what the public wants.

Alderman Wihby stated someone today talked about the number of postcards we got. Well, the number of postcards I got were definitely in favor of the Sears building and not for Singer Park. I got phone calls for the Sears building and not for Singer Park. But, let's not fool each other, let's make our decision today and let's not say well, there are things that are not answered and let's move forward on one site and we can always go to the other site because we are going to waste a lot of time and money if we're going to pick the wrong site today and then have to change our minds later. So, the vote today is whether or not you want it at Singer, whether or not you want it at the Sears building...not to say well, we've got a second choice...we're going to work on both or we'll come back in three months because you're going to waste a lot of time doing that, so

I think the vote, your Honor, has got to be one way or the other today and if you don't have all of the information then fine, you don't vote. But, don't say well I'm going to vote on this based on...we can always come back for the second scenario, but I just think that when I started this process I said I wanted to look at this financially and all I heard from people speaking today was that we want our own free-standing building and that's what they're getting on both sites. It's not going to be in the Sears building, it's going to be a free-standing building on the Sears site or a free-standing building at Singer Park. So, even though people are saying they want a free-standing building and, therefore, we want it at Singer, I think they're still going back to the first scenario where it was part of the Sears building and it wasn't a free-standing building and I don't even know if anybody has brought it to their attention that it is a free-standing building at Sears also because they are both going to be free-standing depending on the site that you pick.

Mayor Baines stated the point I would like to bring up again just in issues of fact...just so that everybody understands...for this project to advance ultimately you are going to need two-thirds vote on the Board for a bond. There is a distinct possibility emerging here that you could have one of those famous seven/seven nights here and I'm going to make it very clear that if there's a seven/seven vote on this, I will not be voting because we're going to have to go back and develop a consensus on this because it will not be able to move forward in a manner that has an eventuality of success. If that's the way it comes down, I'm going to make myself very clear on that point here because we have to develop a consensus around this issue at some point in time.

Alderman Pariseau asked would you accept a motion to table.

Mayor Baines replied I would accept it.

Alderman Pariseau moved to table Item 9. Alderman Sysyn duly seconded the motion.

Mayor Baines stated I see what's happening here and we need to face reality here; that we have to get consensus around this issue and it is imperative that we do so.

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

Alderman Hirschmann stated a lot of those postcards went to your office...what was the public telling you when they sent those postcards to your office, was it the Singer site.

Mayor Baines stated let me comment on that and I appreciate your asking the question. We did have the postcards and there was a majority that was looking at the Senior site and I have to tell you this that in all due respect to my attendance at the various senior

citizen functions and I have been to quite a few over the past 11 months, I heard just as many, if not more people say to me they wanted to be Downtown of the people who came up and spoke to me, but on the postcards it was definitely in favor of the Singer site. But, when people actually took the time to speak to me as I went around to tables or even as I've run into senior citizens at the supermarket or in the Downtown area more people have encouraged me Downtown than the Singer site. So, it's almost a mix...almost like what I'm hearing on this Board here.

Alderman Levasseur asked may I make a motion to move the question.

Mayor Baines replied no, let's continue discussion...

Alderman Levasseur stated I think we already know what we're voting.

Alderman O'Neil stated I learned tonight that the option being presented on the Sears building was a separate building; that was the first time I heard that was tonight; that is why I suggested that this project needed more work and some of the questions, not some a lot of the questions raised by members of the Board at the Lands and Buildings Committee need to be answered and that's why I suggested we need time and why I supported the motion to table. I don't think we're ready on either site to be honest with you.

Mayor Baines stated we've got to be ready at some point.

Alderman O'Neil stated we need some of these questions answered if we're going to be ready.

Alderman Pinard stated I've been listening all night and we don't seem to be going anywhere. I talked to Judge Cloutier today and obviously the judge only heard about this just a few minutes ago through reading *The Union Leader*, thanks to Garry, I guess. The price of \$3.5 million...Ray had never heard about it and I hear this gentleman tonight saying that \$3.5 to \$4 million. I go along with Alderman-at-Large O'Neil right now that we should look into this a little further because I don't think we have all of the questions and the answers on the Sears building or Singer Park. Again, we're going to jump into a hot tub and we're going to burn ourselves and we're going to be sorry. So, let's do what Mr. O'Neil says and let's work on this for another thirty (30) days. It won't hurt because we've been waiting two years.

Alderman Vaillancourt stated we just had a vote not to table this, I don't understanding why we're arguing the motion to table, which is non-debatable, so I don't understand why we are reploting that ground. I just want to say and I have been quiet myself tonight which is rather strange, rare perhaps...but, I don't understand this geography lesson and

perhaps for once I'm fortunate not to have lived here all of my life. I don't know Hobo Jungle from anything, I don't think we're in danger of hobos coming up and attacking us. As somebody who lives about as far from either location as either in Manchester, someone who lives in the south side of the City, I don't understand this east/west dichotomy...if I did, I think without geographically challenged I would have to say that Singer Park is closer to the west side than the Sears location is, so I don't quite understand why we're going down that road, but I guess I'd just like to say that one of my constituents in Ward 8 spoke earlier today about being a member of the Senior Dart Club and I think I will take his words into my deliberations because I don't want to be in the center of that dart board when they go back to playing darts.

Alderman Thibault stated I think just going back to what I said before...it's time we made a decision and give a direction as to where we're going with the Senior Center and I guess that is what I was trying to bring up.

Mayor Baines interjected we do have a procedure if people wish to speak. They can raise their hands and they'll be called upon. Go ahead, Alderman, I apologize for the interruptions.

Alderman Lopez stated I think many a times Mr. Jay Taylor, Bob MacKenzie appear before this Board and has said that there is nothing to be had in the City of Manchester, so what happened we got the Hackett Hill...we had a gentleman a few meetings ago come and say that there was nothing in the City of Manchester...we've got to go to Hackett Hill for a Corporate Park and now we want to take under reval that's going on now a building with almost two acres up there...which Alderman O'Neil said we need facts...we had a feasibility study, we had the analysis that Bob MacKenzie just gave us at the Committee meeting. We talked about a \$2.7 million Senior Center up at the Sears building which is about 15,000 square feet (give or take). We weren't comparing apples-to-apples and my first statement was to go to Singer Park...let's work out the details and stuff like that. But, I wonder, with some of the people that are in the audience to include Bob MacKenzie or Jay Taylor...if we're successful in this City in economic times to move forward even with the Civic Center what's wrong with somebody coming in with some big bucks and buying that building and making it a 300-room hotel. Wouldn't we get more taxes out of it that way. We've been through all of this, so we're selecting the site of Singer Park. I say let's go with it and move it and decide.

Alderman Shea stated I don't really think that we should try to predicate the way we treat seniors on a financial basis. I don't really think that's a fair way to do it. We don't do it with any other segment of our society. We don't do it with the Police Department, Fire Department...we don't do it with the Highway Department, we don't do it with the children of the City, we don't do it when we have to deal with economic development, we don't do it when we have to do with renovating parks...we will spend more money to

renovate Livingston Park than we will on a Senior Center, that isn't fair, that isn't fair to the seniors. We will spend approximately (I would say) \$130 million for a Civic Center than we will for a Senior Center. We're talking about spending approximately \$24 million for a Riverwalk. Where are our brains, let's help the seniors. Let's try to do what's right and get a site now, investigate the different ramifications and let's get on with the business of this meeting and other meetings. We've gone on long enough, your Honor, and that's my final word.

Mayor Baines stated I just want to correct something...projects are a substantial expenditure of monies so whether you're for the Singer site or the Sears site there is a very strong commitment to the seniors. It's just a matter of developing the number of votes needed to pass a site and again ultimately we do need when all is said and done two-thirds support here.

Alderman Gatsas stated we've hired the experts, the experts have come in and told us the Sears site is the best site. Mr. Clark made that statement, Mr. MacKenzie made that statement...those are people that obviously are there full-time and I would like to think that somebody is going to go down and buy the Sears building and put up a 300-room hotel, however, at the corner of Bridge and Elm Streets is a vacant lot that been sitting there for 10 years that nobody has developed which is a far less cost than the million dollars and we're looking for \$1.5 million on the corner of Bridge and Elm. I think it's time, obviously, that the impact to the seniors is a great one. Certainly, it's substantial to say that if they have quality space if they were going to the Police station two years ago and a lot of the members of this Board didn't oppose that as a consolidation they were there and at no time did anybody complain about...I think the vote there was 13 to one and Alderman Girard was the only one that voted in opposition to it. I think that, obviously, a free-standing building at Sears is giving the seniors what they're looking for and I'm still confused if we're talking free-standing...what is the difference of the Sears building where we can do consolidation in the other portion of the building to save the taxpayers of the City some additional funds and give the seniors their free-standing building with parking. There's a bank there, a drive-thru bank...wouldn't it be convenient that we could put something in there that people could pay their taxes or register their cars on a drive-thru. Isn't that something that's a little bit unique that we could look at where people don't want to wait in City Hall in line and trying to find a parking space here to do those things; that might be a novel idea and I'm not looking to say to the seniors that Singer park, if tomorrow or six months from now there's a problem there we're back to square one. I think that the Sears building gives them an opportunity on not waiting and not wondering, but it obviously gives them an opportunity to move forward and understand where they're at. Still, with the Singer Park we could vote that in tonight and three or four months from now Mr. MacKenzie could come in and say the ravine's not there, we can't get this, that or whatever and we're back to square one and the seniors are sitting there wondering what's going to happen again and we're going to go through

this whole volley again. The Sears site gives them the free-standing building, gives the opportunity to the taxpayers to consolidate and it's the best opportunity for a win/win situation for everybody.

Alderman Levasseur stated when you come in from the Airport there's a sign and that sign says Manchester #1. Well, we've lost our #1 status and what they look at on a national scale when they look at cities our size is how we treat our people, our community and if you take that Singer site and you put a nice Senior Center down on that Singer site that is going to be another reason why we can pull ourselves back to Number #1 as a small city in this country and that's my goal is to become #1 again and I think putting it there is going to do that for us, at least push us in that right direction.

Alderman Wihby asked to review what steps will be taken.

Mayor Baines stated we are going to take a vote on this motion. If this motion fails, it does not garner any votes then we will then consider the minority report and if the minority report does not garner eight votes then I will accept a motion to go back and provide more detailed information with an admonition that the time has come for us to develop a consensus around that...I'm a realist in terms of this issue, ultimately you need nine votes and we have to commit for bonding...ten votes.

Alderman Hirschmann asked, your Honor, why won't you use your vote.

Mayor Baines replied for the reasons I stated. I have stated it very clearly about the way I feel about that...I will call for a vote and I will call for a roll call starting with Alderman Wihby.

A roll call vote was taken on the motion to accept the majority report which was to accept the location at Singer Park. Alderman Wihby, Gatsas, Sysyn, Pinard, Pariseau and Cashin voted nay. Alderman Levasseur, Clancy, O'Neil, Lopez, Shea, Vaillancourt, Thibault and Hirschmann voted yea. The motion carried.

Alderman Shea moved for reconsideration. Alderman Vaillancourt duly seconded the motion.

Alderman Vaillancourt stated so that the senior citizens of Manchester will not wake up tomorrow morning and find that somebody with the minority has reconsidered this, it will be put off another week, I seconded Alderman Shea's motion to reconsider the majority and would urge everyone to vote no on the motion to reconsider so that it will be put to bed once and for all.

Mayor Baines stated that is not the procedure.

Alderman Vaillancourt stated it is according to Rule 10 of the Board of Mayor and Aldermen.

Mayor Baines stated I am just going to ask for clarification as you were in the other one, but I'd just like clarification on reconsideration.

Solicitor Clark stated under your rules someone voting in the majority can make a motion to reconsider tonight.

Alderman Vaillancourt interjected and it can only be reconsidered once, right.

Solicitor Clark stated right, it can only be reconsidered once, however, as this Board has been advised in the past it may only be reconsidered once at this meeting. In the future, an Alderman could bring up the matter again because each session of the Aldermen is a separate meeting and not a continuing body and this matter does still take a two-thirds majority vote.

Mayor Baines asked I thought you had to serve notice of reconsideration.

Solicitor Clark replied not under your rules, if you're in the majority.

Alderman Levasseur asked, your Honor, could you explain what just happened because I don't know if you said it just carried, but what carried.

Mayor Baines replied it's in favor of Singer Park.

Mayor Baines addressed the matter relative to reconsideration.

Alderman Vaillancourt stated not to argue with the City Solicitor, but Rule 10 clearly states "and only one motion for reconsideration of any vote shall be permitted." It doesn't say at the meeting. There's a period after the word "permitted".

Alderman Wihby stated I think we discussed this when Alderman Vaillancourt brought this up once before wanting to do the civic center every meeting and he was told that that could be told at every meeting.

Alderman Vaillancourt stated it had nothing to do with the reconsideration that was a separate motion. You may bring forth a separate motion at any time, but this is to reconsider this motion and put it to bed.

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

Alderman Hirschmann asked why do you want to vote yes.

Mayor Baines replied because I'll vote yes. What we are going to be doing is instructing the staff as I said early on in terms of the site so that eventually we can come to a decision where there will be ten votes to pass this project. So, I think that is the prudent and the correct thing to do and the responsible thing to do.

Mayor Baines recessed the meeting.

Mayor Baines called the meeting back to order.

Mayor Baines stated what I'd like to do is go to Round 2. What I would like now...for the City Clerk to explain where we're at in terms of the process going forward and then I will call upon Alderman Cashin.

Deputy Clerk Johnson advised the Board that at present there is a motion on the table because of the reconsideration to accept the Committee report...in essence, it's your main motion that's on the floor to accept the majority report.

Mayor Baines reiterated that the majority report is back on the floor for discussion for going forward or a motion...

Alderman Cashin moved to table. Alderman Pinard duly seconded the motion.

Mayor Baines called for a roll call beginning with Alderman Wihby.

Alderman Lopez asked could you explain what you're doing here.

Mayor Baines replied it's not what I'm doing. They motioned to accept the Singer site as the site which is back on the table...that is what reconsideration did. So, you had a variety of options...Alderman Cashin moved to table. So, you're voting to table the recommendation of the Singer site.

Alderman Wihby stated with the votes we took I don't see what else you could...

Alderman Vaillancourt interjected move to table is non-debatable.

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

Mayor Baines stated I am going to vote yes to table and I'm going to explain why I'm doing it. My point on this from the very beginning is...I will reiterate...we need a consensus of this Board to move forward. In order for this project to advance whether it be at the Singer site or the Sears site we have to have ten votes; that is the reality of it. And, the only way I believe we're going to get the necessary votes is to resolve some of the lingering issues. Therefore, at this time, I will be directing the Director of Public Works, the Planning Director, the Building Commissioner, the Director of Elderly Services with the advice of the City Solicitor to proceed with the majority wish of this Board as voted on 8 to 6, at this point anyway, to analyze and explore all of the obstacles to the Singer Family site including the preliminary negotiations with the Foundation, explore the obstacles with the ravine and construction obstacles and deliver a preliminary report back to the Board of Mayor and Aldermen no later than the first meeting in February. It is my belief, my hopeful belief that these issues can be resolved...maybe at that time we will have the ten votes in support to proceed. So, I am directing the staff to proceed at this time.

Mayor Baines having voted yes, the motion to table carried.

Alderman Wihby stated point of order. The motion on the table is the majority report...this Board with the reconsideration vote has not said that they favor the senior center at Singer Park. So, I think the right approach would be...if you're trying to get information to two Aldermen who said they wanted...which is why they went along with not going with the Singer site would be to investigate both possibilities.

Mayor Baines stated the second part to that was going to be...also, to explore all of the various situations related to the Sears site, related to its availability...in talking to the ownership of it, to talk about a negotiated price that may be viable for the City and acceptable to the ownership and come back again to the Board...the same people, no later than the first meeting in February and it is my hope, at that time, that if any of the lingering issues related to pricing, negotiations and other issues related to that site including the possibility of constructing a free-standing site on that facility/piece of land be brought to the Board with a preliminary report no later than the first meeting in February and at that time I would like to be in a position to advance this project in the interest of our community.

Alderman Wihby stated there were seven proposals that I saw at Lands and Buildings today...could we at least cut that down to two proposals for them to work on...they're both free-standing possibilities and not all of the other ones that are in there.

Alderman Cashin interjected there are only two proposals.

Alderman Wihby stated there was A thru E on that sheet. So, are they only looking at the two free-standing proposals, is that all we want them to look at.

Alderman Cashin replied that is my understanding.

Mayor Baines stated I appreciate everyone's attention and passion about this issue and I believe an end is in site.

Alderman Shea stated what you're suggesting is the investigation of Singer Park as well as purchasing the Sears building and putting a free-standing building in that property that's there towards Chestnut Street, is that what you're saying.

Mayor Baines replied that is correct, that is what we talked about this evening.

Alderman Shea stated so in order to put a free-standing building at the Sears site you have to purchase the building.

Mayor Baines replied yes. I understand the confusion, but that's basically the essence of the discussion this evening and Alderman O'Neil indicated that was one of the first times he had heard about that particular option.

Alderman Levasseur stated the next time we have a really big vote on an issue I'm not going to the bathroom. I should have sworn when I left we had an 8/6 vote that said that we had accepted the Singer site...that was the motion on the floor by Alderman Shea and seconded by myself and then we took a vote of 8 to 6. Now, all of a sudden we've reconsidered this and we're not going to go with Singer Park as our first site. How did that happen, did a bunch of lawyers walk in when I was gone. What's going on with this.

Mayor Baines replied we followed the Rules of the Board and we went through the process as outlined by this Board and this is democracy at work.

Alderman Vaillancourt stated perhaps a motion, at this time, would be in order to take that off the table. I believe the motion is always in order to take something off the table, so I would move to take this off the table.

Mayor Baines replied I am not accepting that motion.

Alderman Vaillancourt stated I think that motion is always in order, am I incorrect.

Solicitor Clark replied since the Mayor is the parliamentarian he can decide which motions to accept or not accept subject to appeal to the Board.

10. A report of the Committee on Traffic/Public Safety was presented recommending that a request to institute traffic calming measures in the Gold Street area as attached be approved.

Alderman Pariseau moved to approve the request. Alderman Clancy duly seconded the motion.

Alderman Hirschmann asked did that go through the Traffic Committee.

Deputy Clerk Johnson answered yes it did, through a poll.

Alderman Hirschmann asked through a poll.

Deputy Clerk Johnson answered yes through a poll.

Alderman Vaillancourt stated I was never polled on that.

Deputy Clerk Johnson stated a letter was sent to your home.

Alderman Vaillancourt stated a letter was sent to my home and that constitutes a poll now. So, we have gone from having telephone polls to having letters sent to our home without any answer at all.

Mayor Baines stated well we have a vote coming up this evening so if you wish to vote yea or nay your are certainly welcome to do that.

Alderman O'Neil asked is this a trial.

Alderman Pariseau answered yes. This is a trial for no longer than a month.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Hirschmann being duly recorded in opposition and Alderman Vaillancourt abstaining.

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

Mayor Baines called the meeting back to order.

- 13.** A report of Committee on Finance was presented recommending that Resolutions:

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY2001 CIP Adolescent Pregnancy Prevention Project.”

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Three Million Two Hundred fifty Thousand Dollars (\$123,250,000) for Three Airport Projects.”

“Authorizing the Finance Officer to disburse Fifteen Thousand Dollars (\$15,000) from the Riverfest Account to the Riverfest Committee.”

ought to pass and be Enrolled; and, further that Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seventeen Million Seven Hundred Thousand Dollars (\$17,700,000) for the 2001 CIP 740001, CSO Abatement Projects.”

ought to pass and layover.

Alderman Clancy moved to accept, receive and adopt the report of the Committee on Finance. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

- 14.** Mayor Baines to provide status update concerning Welfare Department.

Mayor Baines stated Members of the Board of Mayor and Aldermen we are distributing at this time an Executive Summary of issues related to the Welfare Department and the Commissioner of Welfare. I am going to ask Mark Hobson and Christine Martinsen to come to the microphone and give a brief overview of what you're receiving this evening. Following their presentation I respectfully ask the Board to support changing the status of the Welfare Commissioner from an elected position to an appointed department head position through the provisions of the New Hampshire Statute that I have attached. This is enabling legislation that was passed in the 1970's for communities over \$80,000...it was passed, I believe, at the request of the City of Manchester for whatever reasons in the 1970's...I believe that that is the proper way to handle this matter, so we can handle it expeditiously and bring the Welfare Department under the umbrella of other City services so we can treat the employees in that department and respond to them in the same way that we are able to respond to other departments in the City. There is also another option...that is, a Charter amendment and I'll be asking for that to be referred to consider both options both to the Committee on Bills on Second Reading and to the Human Resources Committee following the presentation. I want you to know that I have been very heavily engaged in this issue. Early on in my administration, as you know, it

originally started with a Police investigation and reports that have been delineated in the press and other means to people in this community. It's a situation that dates back originally to around 1998 when the first problem started to surface, continued into 1999 and landed on my desk shortly after I took office. As I said, we have been heavily engaged, we've tried to be very respectful of both the Commissioner and the employees of that department. I personally visited with the employees on two separate occasions to try to help them address the issues and respond to the needs of that particular department which is one of the most critical departments in our City. I have to tell you...as many of you know, I have been visiting all of the departments in the City and I have to tell you that I was struck that the Welfare Department, in particular, with the deep sense of conviction and dedication by the members of that department...working in extremely difficult situation(s) trying to do the best for some of the most needy of our community. So, that has been the foundation of my concern and I present this also with great respect for the work that Commissioner Lafond has done. As many of you know she was a member of my transition team coming into office. I have watched her career with admiration from a different perspective in this community and this in no way is meant to, in any way, reflect negatively upon her wonderful service to this community. However, it is a change which I believe is in the best interest of our community to provide the kind of services that our community deserves for this critical department and it is also done with great respect for the employees because we should be able to respond to their needs as we can respond to every other employee group in the City...we are unable to do that with the present structure that is in place. At this time, I would like to turn it over to Mark Hobson to do a brief summary of what we've been dealing with with this very important situation in our City.

Mr. Hobson stated I would like to introduce Christine Martinsen who is a Human Resources Analyst with our department, has been with the City for over six years and she was asked by the Mayor to work specifically on this project with me. What you have before you is a letter from the Mayor and then an Executive Summary underneath that says that there were specific alleged complaints filed against the Welfare Commissioner...those complaints began in May of 1999 under the former administration. To our knowledge, the former Mayor attempted to reconcile these issues on three different occasions, but did not. The complaints continued into 2000 and one allegation resulted in a criminal investigation that found no evidence of criminal conduct but listed several management and operation concerns. Since that time, the Mayor and the Human Resources Department attempted to work with the Welfare staff and with the Welfare Commissioner to resolve these concerns and these concerns basically focus on four areas. The first area is inappropriate disciplinary tactics, employer/employee relation practices, and a general lack of leadership over the department. The second allegation was excessive and chronic absenteeism by the Welfare Commissioner from the Welfare Office...employees alleged at one point that the Welfare Commissioner was absent for over a four-month period without any formal communication to staff or the Mayor about

that absence. The third item was poor interpersonal relationships and a general lack of communication with employees, clients and other departments. These interpersonal relations caused, at one point in time, an employee to file a hostile environment complaint against the Welfare Commissioner and several other employees...in fact, all of the rest of the employees in the department with the exception of the Deputy Commissioner brought together similar complaints to Christine and myself. Unfortunately, during the investigation process the Welfare Commissioner did not respond to phone calls and letters from the Mayor or Human Resources to meet about the process. Finally, the fourth item, was a lack of attention to basic Welfare Department operations...those two issues mostly center around following the budget process for Fiscal Year 2001 and for not complying with City directives on Federal Fair Labor Standards Act laws and regulations that the department follows. For example, a failure to maintain timesheets for Welfare staff and for the Welfare Commissioner position. After several meetings led by the Mayor with the Welfare staff, the Welfare Commissioner, two different attorneys representing the Welfare Commissioner, the City Solicitor and Human Resources the Mayor outlined a directive and a course of action for the Welfare Department; that course of action centered on training and development for the staff and for the Welfare Director. Mrs. Lafond informed Human Resources that she would not follow the plan of action from the Mayor...Mrs. Lafond also told Human Resources that her staff "wanted to have fun at meetings instead of training". In October of 2000, Mayor Baines called for a meeting to discuss the plan with Mrs. Lafond, Alderman Cashin and Alderman Wihby, myself, Ms. Martinsen and the City Solicitor...Ms. Lafond failed to attend the meeting and she had failed to inform the Mayor the reason for her absence. Since September of this year...September 27th to be precise, Ms. Lafond has been out-of-work. On October 27th the City received a letter from an attorney representing Mrs. Lafond...on October 30th the Welfare Commissioner was placed on medical leave. The Welfare Commissioner was due to return to work on November 20th according to her physician...Mrs. Lafond left a voice mail message for the Deputy Welfare Director that she would not return to work "for a while due to continued illness"...Human Resources did not receive any additional information from Mrs. Lafond, her attorney or her physician regarding a leave extension. The Welfare staff requested to meet with the Mayor's staff in December to express their concerns about Mrs. Lafond's return to work...all of the staff at the meeting expressed a fear of retribution due to the fact that they have come forward with their concerns to the Mayor and Human Resources. On December 12th, Human Resources sent a letter to the Welfare Commissioner regarding issues on her leave time...to date, at this point, we have received no further information from the Welfare Commissioner or her attorney or her physician about her condition or her expected return to work. A summary of this report or I should say a more extensive summary of our work was given to the Mayor and the City Solicitor's Office for review in early October and then updated as results happened from October until December to the report that you have before you today.

Ms. Martinsen stated I was asked to work with Susan Lafond at Susan Lafond's request and it's been very difficult to work with her. Basically, she's been doing her own plan and it's been very difficult for her staff and her staff has approached the Mayor on several occasions. This has also been difficult for the Mayor because it's been hard dealing with Susan. We're at a standpoint now where she's not present, we don't know when she's returning, and she's not communicating with anyone. So, the situation is difficult for her staff right now and it's difficult for the Mayor and we need some type of resolution to the problem.

Mayor Baines stated one of the things I didn't mention...I meant to mention...I sincerely appreciate the patience and understanding of the Board in allowing us to deal with this situation, it's been a very sensitive situation and we still are very sensitive to the Commissioner in regard to her illness, however, we do the people's business here and that's why we're bringing this as a report to the community and to the Board this evening. I have to commend especially Christine. When I first got involved in this, I felt very optimistic that we were going to be able to resolve the issues. In fact, I asked the Commissioner specifically the person she felt most comfortable, that she could work with to develop a plan to resolve this in the best interest of the department and the employees involved and the Commissioner and she identified Christine and I thought we were on the verge to it being a successful resolution, however, that soon broke down and we were told basically there was not going to be any cooperation with the plans that we had outlined and there were a series of meetings...too numerous to go into in detail...that's been an on-going issue and very frustrating for Christine...who is a very high caliber employee and the City is very fortunate to have her in our employ, so I will entertain and I would ask you to respect the parameters that are inherent here in this discussion, but I would open up the discussion at this time.

Alderman Wihby stated even if you do that and we vote on that tomorrow that she's got a term because of the fact that she was elected and so all of next year even if she didn't want to report to work, even if we changed it nothing more could be done anyway and that we're really changing this for future problems, not necessarily for next year's problems.

Mayor Baines stated it is my understanding under this appointment authority that that position would then revert to a Director of Human Services...the Commissioner would be entitled to keep that position for the completion of her term, however, I believe inherent in this is that she would be directly accountable and reportable to the Mayor as all other departments are and ultimately to the Board of Aldermen. Am I correct in that, Mr. Solicitor.

Alderman Wihby stated I'm talking about next year.

Mayor Baines interjected upon passage.

Solicitor Clark replied all of those details would still have to be worked out, Mayor, but there's no doubt that she would continue to serve out her term as an elected official.

Alderman Wihby stated so basically what you're doing in P is just to try to prevent this from happening and from future administrations when the taxpayer elects the person anyway. So, you think they're going to reelect somebody who has this kind of attendance, I don't think so. So, I don't know what we're trying to fix with this for next year...

Mayor Baines stated let me explain this a little bit further and perhaps Christine and Mark could help with this. The frustration that's been with this...and, again, this is going to be referred to Committee for discussion...these are my recommendations because I believe very strongly that this position should be a department head position for the following reasons. We have a group of employees that from time-to-time, in any department, are going to need the services of Human Resources...that is why we established that entity within City government. In any other department of the City if we had an issue related that we wanted to deal with professional development for employees, responding to the needs of employees that would be coordinated through Human Resources under the direction of the Office of Mayor. If that department is headed by an elected official...inherent is that I don't work for you, I don't work for the City, I'm elected by the people...that's why I believe it's a very important change. In fact, if you look at this position as a model in cities across our State and across our country it is my understanding you're more apt to find it as an appointed official and the department head status like you would find in other departments in the City, so that's why I'm making that recommendation.

Alderman Wihby stated we're not changing it this year, this is for the next term.

Mayor Baines stated you could do it two ways. Number one, you could put through a Charter amendment or you could pass this and this would be effective immediately.

Alderman Wihby stated that is why I'm getting at. Is this effective...if we were to do this tomorrow, does she...even though she's been elected for this next year to come, does she report to the Mayor.

Mayor Baines stated it is my understanding she would stay in that position...my understanding and again we would have to explore it in detail which is why it is going to go to committee...at that time, she would then report to the Mayor.

Alderman Wihby stated I thought Tom just said no.

Solicitor Clark stated I did not say she wouldn't report to the Mayor, I believe that she should be reporting to the Mayor now. However, the old Charter or the Charter that we have is not very clear on it. I believe that the Welfare Department is a department of the City and the Welfare Commissioner even though elected as a department head, but that is not clear in our Charter.

Mayor Baines stated for an example, Alderman. Let's say if I gave a directive to a department head in the City and the directive was failed to be followed I have certain options under the Charter as my authority as the Chief Executive Officer. It would be my understanding that I would have that same authority and again we'd have to explore it...if this were passed immediately that that Commissioner or the person that was the Director of Human Resources would have to respond to the directive and if they failed to do so, I would have various options including...suspension, discipline, etc., etc., removal, appointment of a temporary administrator and those things...I believe those options would become available to me, however, that person would continue with the employ of the district throughout the term and you may end up paying the person for the time, but we could actually change the functions.

Alderman Wihby stated at that point if this was voted in you could treat her as another department head and if she wasn't doing her work, even though she's been elected, you could terminate the employment.

Mayor Baines stated no, I couldn't terminate her. It is my understanding she would have to stay on but you could take action with pay for the completion of the term or whatever other options might be available to us which is the way I understand it, but we could explore those further in committee and get further legal clarification.

Alderman Shea stated according to 48-21 this is Conflict with Charter and in it it says on the last page..."in such case the incumbent in such office shall hold (in this case her office) for the duration of her term provided that such term shall not exceed two years from the date of said adoption" and provided further that "if a vacancy occurs in said office, the provisions of this subdivision shall take effect immediately." So, basically, what Alderman Wihby is saying is I'm sure that there are certain different types of expiration we have to do here...

Mayor Baines interjected and I agree with that, Alderman. I agree with what you just said too, but I think in terms of where the authority of the Mayor and other directors would come needs to be explored and then the committees could grapple with that and make a final recommendation to the Board.

Alderman Cashin stated this is being referred to the Human Resources Committee... why don't we just send it there and they can discuss all of these things.

Mayor Baines stated I agree, that's what I'd like to do.

Alderman Pariseau stated I just got a thought here...that the Welfare Department is listed in the Charter as a City department. You are the Chief Executive Officer of the City and whether it's an elected position or not, it's still a department of the City and you ought to have that authority to either terminate employment or do something. We can't let this lady...

Mayor Baines stated we can't allow the situation to continue, I agree. It's what's the best approach in terms of handling it.

Alderman Vaillancourt stated as I understand it Welfare is a department as Alderman Pariseau points out on page 149 of my City Charter and department heads could be removed by nine votes of the Board, however, I am not sure that would apply to elected officials. My question and my concern is, however, and I'm not a lawyer...say with some degree of ambiguity but on page 163 of the City Charter it refers to the Welfare Commissioner...so, I'm wondering if this can be done completely without some kind of vote by the people to change the Charter because this is (in my cursory glance) the only place it refers to Welfare Commissioner, I'm sure there are others, but it speaks of filing for Welfare Commissioner, so I would say that no matter what we do the Charter has to somehow be changed.

Solicitor Clark stated as I read RSA 48 the Legislature has given the City the authority to do it by vote of the Board.

Alderman Vaillancourt asked how do you read Section 5.19 of the City Charter then.

Mayor Baines interjected we can pursue this but this is the type of thing that would be done in Committee and then Tom would have a better ability to do further research to perhaps consult at the State level at what needs to be done and we could answer those questions.

Alderman Vaillancourt stated so the question for us tonight, I think, becomes whether we want to do this by a vote of the people or by vote of this Board.

Mayor Baines stated that will ultimately be a recommendation that could come out of the Committee and...

Alderman Vaillancourt stated my point is that I do believe that once the legalities are ironed out that something has to change in the Charter even if it's housekeeping work.

Solicitor Clark stated 5.19 sets out that the Welfare Commissioner is an elected official. RSA 48:20 states "that notwithstanding the provisions of any charter you can change that by going to the Board." However, you could also do that through the Charter amendment process and the Mayor has asked that the committees explore both options.

Alderman Lopez stated I just have three things. One, on 48-21 if you created a division of Human Services, I think that would apply and I'm just saying this you don't have to answer it. As we go into committee we should look at that but if you don't create a division of Human Services, I don't think it does apply. Secondly, has the party been given copies of this document that we received tonight since we're making allegations and statements about her.

Mayor Baines replied this has been an on-going situation with conversations and it's being sent to the attorney as has been requested.

Alderman Lopez stated the last question I have, your Honor...

Mayor Baines interjected we are dealing with a public official.

Alderman Lopez stated correct, public official. Why would not this under the Charter be referred to the Conduct Board.

Mayor Baines replied I don't have the answer to that this evening, but certainly the committees can discuss that with the advice of legal counsel.

Alderman Levasseur stated that would have been one of my questions. I want to make a statement, but I will say that I will vote to send this to committee. But, in the meantime, the best political line that I've heard this year was by Alderman Cashin "everybody is connected to everybody in this town"...well, I'm not connected to everybody and the only opportunity I had to get into government and see how government works or does not work is through an election. If Mrs. Lafond has not been doing her job then she will not be elected again and someone who is not politically connected could have a chance to become so and I think that's what this whole process of democracy is about, is allowing people to get inside and not have to be appointed. But, I do want to say, however if there was an opportunity to omit this position by Charter amendment I would back that because I think that they don't need that person and they could probably run their department without an extra person in there and save the City some money. But, I would like to ask one question and that is the hostile environment complaint...I know that was the charge, what was the outcome of that.

Mr. Hobson replied it was investigated with the employees involved and there it was brought to the attention of this report.

Alderman Levasseur asked was there a finding by whoever did that.

Mayor Baines interjected basically these are the issues without getting into specific details that we were discussing to try to resolve the problems within that department because as you know when you investigate an issue of that nature one of the issues is does it rise to a certain level, is there an ability to bring the parties together to remediate the situation. We tried all of that, we were stalled and we were unable to move forward.

Mr. Hobson stated we are here because the issues could not be resolved at levels below you.

Alderman Levasseur stated I worry about this because we're talking about one person who possibly isn't doing her job and then we don't know what the reasons are for that. If somebody does something wrong as an Alderman, as a Mayor, as an elected official then the public has the opportunity to vote that person out. So, as it goes down to the Human Resources Committee, I hope you people take that into account.

On motion of Alderman Lopez, duly seconded by Alderman Thibault, it was voted that the matter pertaining to the Welfare Commissioner's position be referred to the Committees on Bills on Second Reading and Human Resources.

Alderman Vaillancourt stated regarding what Alderman Lopez talked about and you did appoint a new member of the Conduct Board...Section 9.04 says this Board has the authority to report things to the Conduct Board to get an advisory opinion and moved that this matter be referred to the long-neglected City Conduct Board.

Mayor Baines asked wouldn't it have to be a violation of the Charter.

Solicitor Clark replied I believe it also says for an interpretation of actions...

Alderman Levasseur duly seconded the motion.

Solicitor Clark stated if this Board wishes to send it there, it has the authority to do so.

Alderman Vaillancourt stated I think if we did that it would give you...it would take the government out of it and put it in other hands and you'd have a double...

Mayor Baines stated if that is the will of the Board, I haven't accepted a motion or a second yet, however, I will. I believe the first process is to go to the Aldermen themselves because you have to understand with the Conduct Board the Aldermen are the ones that ultimately decide on what happens there. So, I still think the Committee review is the appropriate one before we do anything further.

Alderman Vaillancourt stated I think we're pursuing parallel tracks at this point. Your idea is perfectly acceptable to send it to Human Resources and that's kind of looking toward the future, but I think that this individual deserves a Conduct Board review, an independent review which is what they're doing.

Mayor Baines called for a vote on the motion that this matter be referred to the Conduct Board. There being none opposed the motion carried.

15. Communication from Alderman Lopez advising of previous actions relative to ordinance amendments submitted by the Mayor, and requesting the Board allow the Committee on Human Resources/Insurance to review the administrative and financial functions of the city with an eye towards improving the organizational structure and efficiency of these operations and associated internal controls with a recommendation to be brought forward to the full Board.

Alderman Lopez moved to refer this item to the Human Resources Committee.

Alderman Shea duly seconded the motion.

Alderman Lopez stated I just want to bring the point out that this is not intended to slight any Committee whatsoever. This is a follow through so that the people who the Finance Director recommended can come in and look at the finances and tell us whether or not...I am not going to read everything. You can read the minutes on your own. That was the whole idea - to look at the whole situation and see if these people can help us or if they come in and tell us that we have the greatest Finance Department in the world. That is the whole idea.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Wihby and Levasseur being duly recorded in opposition.

Alderman Levasseur asked is this for the Committee that is going to...it is going to be an outside auditing kind of a team.

Mayor Baines answered these are some names that were suggested.

Alderman Levasseur replied that is right and that list was given to...I think I will change my vote and say yes to that one. I was wondering if this was about the auditor. This is about actually looking at the whole Finance Department?

Mayor Baines responded that is my understanding.

Alderman Lopez stated that is correct.

Alderman Levasseur changed his vote to yea.

Mayor Baines stated the internal auditor is part of that study.

Alderman Levasseur replied it says it in the minutes, your Honor and that is why it is confusing.

Alderman Lopez stated I think you are absolutely correct. The internal auditor is part of it, but not singling out the auditor. The idea of these people that Kevin has submitted to both Committees was for them to come in and say yes, the auditors might be the answer or they might come back and say they do not belong in Finance, they belong separately under the Accounts Committee or something like that or we don't need 17 business service officers out there. Let's just let them look at it. They are all qualified CPA's.

Mayor Baines replied so it is a general review. I do feel compelled to say one more time at this time that I feel very strongly that the internal auditor belongs as a separate independent office in City government.

Alderman Levasseur responded I disagree with you, your Honor.

Mayor Baines replied that is democracy. I feel compelled to say it as the Mayor and Chief Executive Officer of the City that in order for us to function the way that from I have been told in terms of talking to people both inside and outside of City government, that it should be an independent auditor.

Alderman Lopez stated I want to make one point very clear. The auditors, I believe also, that they report to the Board of Mayor and Aldermen and the Accounts Committee.

Alderman Cashin stated my understanding was that this new auditor position was going to be put in the City Solicitor's Office or something. What happened? Where is that?

Alderman Gatsas stated I believe when this first...I appreciate Alderman Lopez giving us these minutes because it is pretty clear when you read them. I think if you look through them, when it came up as the auditor and let me find the page because I have already read them once, but I said that the auditor should report to the Mayor and the full Board and also in the Committee report or in Accounts, or in Administration, I am sorry, I believe I went through the litany of the fox watching the hen house with the auditor being in the

Finance Department. I asked Mr. Clougherty what his opinion was and I don't know...do you have a copy of the minutes Kevin. Oh, Kevin is not here. Do you want me to read them in or do you want to take a look at...let's see.

Mayor Baines replied read them in.

Alderman Gatsas stated it starts with "Alderman Hirschmann stated I think it is quite opposite of the way you are portraying it. I think the expertise in his department and all of the questions and the internal auditor as the Mayor and his staff certainly cannot answer this fellow is going to have to run down the hall every 10 minutes and ask them a question. Alderman Gatsas replied well let's let Kevin answer. If you don't believe what I am saying, let him answer. Mr. Clougherty stated I appreciate the support, but I think from purely an internal control standpoint it should be separate and it should report to a Legislative Committee, which would be an Aldermanic Committee.

Alderman Hirschmann replied that is the way it is now.

Alderman Gatsas responded but it is separate from Finance is what Kevin stated in here. I think that he made it clear and I believe the question that we had in Administration and I think that is why we received and filed it...it was tabled for awhile to send it to Alderman Hirschmann's Committee on Accounts because you use the internal auditor more than anybody else does but I think the reply was to send it there so you folks could pick the five people for the Committee or the five members from the list that was prepared for us. I believe Alderman Pariseau brought the suggestion up are they from Manchester and things like that and we left it in your hands to determine which of those people would be chosen to come in and actually say yes, he should be in Finance or no, he shouldn't be. That is why we...we took it off the table in Accounts under your, I think, if I read on here but I don't think I see the minutes. The minutes aren't here, but I believe that because it was coming to your Committee, Alderman Hirschmann, we took it off the table and received and file it in Administration.

Alderman Hirschmann stated administrative policy is always done in Administration. Accounts takes up financial data. I, at this point, agree with you Alderman Gatsas and with Kevin Clougherty that this person should be elevated to the point where he is not intimidated by any department head, a Mayor, in fact, as a department head or anybody and he should be elevated to a department head status so that he is beyond reproach and he does dotted line report to our Committee. I don't feel at this point that the auditor should be pulled into anyone's office. He should get his direction from a Committee or a Board and he should be left alone. I think there is a lot of tug of war with the internal auditor at this point so I will support this.

Mayor Baines replied well we already sent it to the Committee so I am not sure what you are saying. It is going to the Committee.

Alderman Hirschmann stated we are sending it to Alderman Lopez's committee.

Mayor Baines replied that is fine. We already passed that.

Alderman Wihby stated I thought Alderman Hirschmann said he liked it the way it was.

Mayor Baines replied I did too.

Alderman Wihby asked why are you saying it should go to the Committee.

Alderman Hirschmann replied that is a good question. Recently, the internal auditor has been pulled into the Mayor's office quite frequently during the day and I don't think...

Mayor Baines interjected first of all, that is not true.

Alderman Hirschmann responded yes it is, your Honor.

Mayor Baines stated let me correct it. The internal auditor was brought into a meeting that I was having with the Finance Director of the City at the request of the Finance Director of the City to clarify some points. I had never met the gentleman until that time and we talked to him briefly, probably about five minutes, following that meeting that we had at City Hall the other day to make sure that he was okay with the meeting and felt comfortable with the direction he received. I had never met the gentleman until Mr. Clougherty had him come up to the meeting and that was the only other meeting. Am I correct on that, Mr. Robinson?

Mr. Robinson answered that is correct.

Alderman Hirschmann stated since we are going to have an internal auditor, he cannot be at anyone's beck and call. He has to be his own department head at this point and he has to have the authority to go into different departments and do a clean, professional audit without...every department.

Mayor Baines replied we agree with that. That was basically the premise of my original recommendation, I think, back in March was to have it jointly report as is common practice as has been given to me in talking to our present external auditor, that they have joint reporting generally to the CEO and to the Board. I believe the best place for that position is in the office of the City Solicitor and that is how it would function with that independence. However, an internal auditor in an organization and again there are people

here who have been around bigger organizations, will do certain things at the request of the Chief Executive Officer of the City to insure that certain things are...for example efficiencies within departments. As we had explained by Mr. Buckley the other day, the normal function that an internal auditor and Wayne, say it exactly the way that Kevin said it the other day in terms of having a plan to go out into the departments and work with the departments. Explain it.

Mr. Robinson stated under normal circumstances it is the job of the internal auditor to establish his own audit schedule and it is not dictated to him by a group.

Alderman Hirschmann replied we asked him to do that this week, your Honor.

Mayor Baines responded let Mr. Robinson speak without being interrupted.

Alderman Hirschmann stated sure, speak.

Mayor Baines stated excuse me. I have asked you to allow Mr. Robinson to speak without being interrupted. Thank you.

Mr. Robinson stated it is the course of the internal auditor to establish his own audit schedule and to seek out those departments on a yearly or every two years...especially the larger departments, in which to audit those departments because those are the departments that have the greatest risk for fraud or any misuse of funds.

Alderman Wihby stated at the State, I don't think the internal auditors pick what department they want to do. They are told by the head of something to go out and do these audits. What is wrong with the internal auditor reporting to the Committee on Accounts and having them establishing who they want him to go and do. That is what is happening now I thought. Isn't that what is happening now? I don't understand...

Mayor Baines interjected that is not what is happening now.

Alderman Hirschmann stated it is supposed to be.

Mayor Baines stated that is another story for another day, I think. Let's let it go to Committee and let the Committee grapple with it and come back to the Board. Is that fair? I am going to proceed with the agenda now.

Alderman Levasseur stated I think there is a statement that needs to be made because I think...

Mayor Baines interjected hold on.

Alderman Levasseur stated I would like to say something about this.

Mayor Baines replied hold on. Wait a minute. We will call upon you but we will follow the procedures of the Board. People just don't start speaking whenever they want...

Alderman Levasseur interjected well I just...

Mayor Baines interjected excuse me, Alderman.

Alderman Levasseur asked what are you snapping about.

Mayor Baines answered the procedure is to be called upon to be recognized.

Alderman Levasseur stated yes and you said it would be over...you were not...

Mayor Baines interjected excuse me. You are out of order.

Alderman Levasseur replied okay I am out of order. May I speak, your Honor.

Mayor Baines stated I will call you to be recognized.

Alderman Levasseur asked may I speak.

Mayor Baines replied Alderman Levasseur.

Alderman Levasseur stated well I want to make sure that the record is set straight because I don't like the way you were talking to Alderman Hirschmann and I don't like the way you put him down in that moment. Now I am going to back up...

Mayor Baines interjected excuse me.

Alderman Levasseur stated I am going to back up Alderman Hirschmann.

Mayor Baines replied excuse me, Alderman, stop.

Alderman Hirschmann asked now what.

Mayor Baines answered if you want to talk on an issue, fine. I am the Chairman of this Board and the meetings will follow the flow that I have directed this meeting to follow. I have responded and it is my job to maintain order at the meeting. We will proceed with the agenda.

Alderman Levasseur stated we were going along in order fine, Mayor.

Mayor Baines replied we are going to proceed with the agenda.

Alderman Levasseur stated Mayor, I haven't finished speaking.

Mayor Baines stated we are going on to Item 16.

Alderman Levasseur replied Mayor, you should allow me to finish my thought.

Mayor Baines responded if you will keep it in the general order of business, you can proceed.

Alderman Levasseur stated I was going to talk about the exact thing we were talking about as far as the auditor goes. That is what I was going to say.

Mayor Baines replied let's proceed.

Alderman Levasseur stated I thought we were going along pretty well here, Mayor, and I don't know what made you snap but I will back up Alderman Hirschmann by saying that I spoke with Mr. Buckley who is the auditor in question that you were talking about today and he said that he agrees that there should be one Board of Mayor and Aldermen who should direct who the person is for the audit, but he also stated that...he told me today and I will put this on the record that he is not going to be working here very long because of the malarkey out of the Mayor's Office and in particular you and the way you treated him in the last couple of days. This is why we are scared in Accounts and Enrollment because of this issue that is going on. I want it on the record that that is what was said to me.

Mayor Baines replied Alderman Cashin has been involved in these meetings and I take great personal offense to that. If we are going to get into that, we will get into it in terms of the Alderman who just spoke...

Alderman Levasseur interjected be careful.

Mayor Baines stated no, I am not going to be careful.

Alderman Levasseur replied I will tell you that you opened up a can of worms.

Mayor Baines stated with your loose lips.

Alderman Levasseur replied yea.

Mayor Baines stated we have a situation here...

Alderman Levasseur interjected here we go folks. We are going to debate this. Are you debating me?

Mayor Baines replied excuse me.

Alderman Levasseur stated step down from the Chair, your Honor. You are debating this, your Honor.

Mayor Baines asked Alderman Cashin to proceed.

Alderman Vaillancourt asked, Mayor, are you stepping down from the Chair.

Mayor Baines answered no, I am not.

Alderman Cashin stated I don't know what the problem is here. You are making some accusations, Alderman.

Alderman Levasseur replied they are not accusations, they are facts.

Alderman Cashin stated well facts, I don't know anything about that. Evidently you have had a conversation with Mr. Buckley and I guess what I would like to do is sit down with Mr. Buckley and find out what is going on.

Mayor Baines replied absolutely.

Alderman Levasseur stated we shall. That is fine.

Mayor Baines asked Mr. Robinson would you like to add, since you have been part of every discussion we have had, what has been the tone. The only two meetings I have had with me is one with Kevin Clougherty and the meeting we had in the room the other day with the Intown people.

Alderman Cashin stated he certainly didn't have any problem at those two meetings.

Mayor Baines stated the follow-up was is everything okay.

Mr. Robinson replied that is correct. It was very congenial.

Mayor Baines stated those are the only conversations I have had with him. I am, however, at this particular point in time going to talk openly about a situation in a meeting that was attended by Alderman Cashin and Alderman Hirschmann dealing with some allegations that have been leveled by people involved with the Intown Manchester situation and the Façade Program. We have had conversations with the City Solicitor today because some of these accusations or comments have risen to the level of an investigation with information provided to the Internal Auditor by Alderman Levasseur...

Alderman Vaillancourt interjected point of order.

Mayor Baines stated there is no point of order at this point.

Alderman Levasseur stated let him have his point of order.

Alderman Vaillancourt stated I do have a point of order.

Mayor Baines replied excuse me. I will proceed. We have a list right now that was generated and given to us by the auditor who was involved with conducting an audit of Intown who has now said that he is unable to complete the audit because of information that was presented from him, from the Internal Auditor, with information given to him by Alderman Levasseur making allegations specifically against arrangements that were approved by Intown. That is the essence of what we are talking about here today, which I believe truly and I have had conversations with the City Solicitor today about it, which constitute in my view a misuse of the office that Alderman Levasseur has been elected to in terms of involving...

Alderman Hirschmann interjected I object to that, your Honor.

Alderman Vaillancourt stated, your Honor, I do have a point or order. I don't understand why you are not allowing a point of order.

Alderman Hirschmann stated I object to what is going on now. This is a witch hunt on your part now, your Honor.

Alderman Levasseur stated you have crossed the line, Mayor. Today is the day you crossed the line. You have crossed the line, Mayor, today and let everybody know that this is a crossing of the line.

Alderman Cashin asked can we have some decorum here, gentlemen. This is not going to accomplish anything.

Alderman Levasseur stated you have crossed the line, Mayor.

Alderman Cashin stated if you want to talk to the Mayor in his office, that is perfectly okay.

Alderman Levasseur replied he has brought it out. It is in public.

Alderman Cashin stated let's get some decorum here. Let's go through the agenda. Let's finish it up.

Alderman Vaillancourt replied that was exactly my point of order. Where are we on this agenda? This is no place on the agenda.

Mayor Baines stated I feel very comfortable with having this pursued with vigor and enthusiasm.

Alderman Levasseur stated Mr. Buckley asked me to provide him with a list and I provided him with a list.

Alderman Vaillancourt stated point of order, where it is on the agenda.

Alderman Hirschmann asked may I have the floor, your Honor.

Alderman Vaillancourt stated the Chairman of the Board is correct. This is not on the agenda.

Alderman Gatsas asked can we have a five minute recess.

Mayor Baines called for a five minute recess.

Mayor Baines called the meeting back to order.

- 16.** Communication from Finance requesting authorization to process payment of up to \$18,000 from the EPD Replacement Account for replacement of a Sodium Hypochlorite storage tank as requested by EPD.

Alderman O'Neil moved to authorize payment of up to \$18,000 from the EPD Replacement Account for the replacement of a Sodium Hypochlorite storage tank as requested by EPD. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

- 17.** Communication from Public Works Director requesting that the \$2,000.00 received for a baler be transferred to the Highway Department Recycling Education Account.

Alderman Pinard moved that the \$2,000.00 received be transferred to the Highway Department Recycling Education Account. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

- 18.** Communication from Parks, Recreation & Cemetery requesting authorization to work with the non-profit group, Friends of Valley Cemetery, to raise funds for projects outlined under the Senior to Senior Program enclosed.

Alderman Clancy moved to authorize Parks, Recreation & Cemetery to work with Friends of Valley Cemetery as outlined. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

- 19.** Communication from the Rita Roy Memorial Fund requesting a civic contribution in the amount of \$2,500.

Alderman O'Neil moved to approve a civic contribution in the amount of \$2,500.00 for the Rita Roy Memorial Fund. Alderman Shea duly seconded the motion.

Alderman Shea stated since we're donating \$2,500.00 I wondered if tickets could be donated to seniors. Maybe they would agree to...

Mayor Baines stated I think they're trying to raise money for a scholarship and they have to sell the seats at The Palace, so that's the intent of it.

Alderman Shea stated maybe they could donate a few tickets.

Alderman Vaillancourt stated I don't think I understand this now. The City is giving \$2,500.00 for a scholarship fund, is that how I follow this.

Mayor Baines replied that is correct.

Alderman Vaillancourt stated so we believe that the role of government should be to take people's money and to give to a scholarship fund.

Mayor Baines replied only if the Board wishes to vote that.

Alderman Vaillancourt stated I understand. The Board will be saying that if it votes this.

Mayor Baines stated the Board does historically set aside some money for civic contributions, so occasionally groups will come in from different organizations and the Board has the authority to say yes or no.

Alderman Gatsas asked have we contributed to this fund before.

Mayor Baines replied no, we have not contributed to this fund before.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Vaillancourt duly recorded in opposition.

**20. Resolutions:**

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY2001 CIP Adolescent Pregnancy Prevention Project.”

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Three Million Two Hundred fifty Thousand Dollars (\$123,250,000) for Three Airport Projects.”

“Authorizing the Finance Officer to disburse Fifteen Thousand Dollars (\$15,000) from the Riverfest Account to the Riverfest Committee.”

On motion of Alderman Thibault, duly seconded by Alderman O'Neil, it was voted that the Resolutions be read by titles only, and it was so done.

Alderman Clancy moved that the Resolutions pass and be Enrolled. Alderman Sysyn duly seconded the motion. The motion carried with Alderman Vaillancourt duly recorded in opposition to the third Resolution relative to the Riverfest Account.

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

A True Record. Attest.

City Clerk