

BOARD OF MAYOR AND ALDERMEN

January 23, 2001

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

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

Mayor Baines recessed the regular meeting to allow the special meeting to continue.

Mayor Baines called the meeting back to order.

CONSENT AGENDA

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

Minutes Accepted

- A. Minutes of meetings held on May 30, 2000; June 5, 2000 (two meetings); June 20, 2000 (two meetings); and June 22, 2000.

Approve Under Supervision of the Department of Highways

- C. Neon Communications, Inc. conduit petition #000 248.

Accept Funds and Remand for the Purpose Intended

- D. Communication from Mayor Baines advising of the receipt of two (2) grants for the Youth Council, one from Delta Dental and another from the Bishop's Summer Reception Fund, totaling \$2,762.
- E. Communication from the Director of Public Health advising of the receipt of a \$500 donation from the Wyeth-Ayers Pharmaceuticals for community education on immunizations.

Informational - to be Received and Filed

- F. Copies of the minutes of a meeting held on December 20, 2000 of the Mayor's Utility Coordinating Committee.

- I. Communication from the Assistant Director of the Manchester Water Works advising of his planned legislative testimony during the pending session relative to SB330.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- J. Communication from Mark Reilly, Vice President, Corporate Counsel of AT&T relative to certain price adjustments and programming notice which become effective February 1, 2001.
- K. Communication from Lorraine Cloutier expressing her displeasure with the closure of the Hampshire Plaza AT&T Cable TV office and asking that it be reopened for the convenience of those doing business in the downtown area.
- L. Communication from Marie Vigneault advising of AT&T's disregard of her request of October 2, 2000 to suspend service at 164 Alsace Street while in Florida noting they are still receiving bills showing balances due.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- M. Communication from Michael Roche, President of Local 8983 advising of a statement by the Chief Negotiator who requested the City be reimbursed \$60.00 for a filing fee to the State Public Employee Labor Relations Board.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- N. Communication from Daniel O'Neil, President of the St. Patrick's Parade Committee requesting "No Parking" and closure of certain streets (as outlined herein) on Sunday, March 25th, and the painting of shamrocks.

REPORTS OF BOARDS/COMMISSIONS

CONDUCT BOARD

- O. The Conduct Board established under the provisions of Section 9.04 of the City Charter advises as follows:
 - 1) That on January 8, 2001 the Board met and elected James Craig to serve as Chairman;
 - 2) That on said date members reviewed Sections 9.01 through 9.03 of the City Charter to determine the jurisdiction of the Board;
 - 3) That the Board considered the December 15, 2000 "Executive Summary Management and Operations Issues Susan Lafond, Welfare Commissioner" addressed to the Mayor and Board of Mayor and Aldermen at such meeting with the understanding the Welfare Commissioner was defined in Article IX as a city official; and
 - 4) That the Board considered items 1 through 4 of the aforementioned

summary presented and found that nothing alleged in each of the items presented violated any of the standards set forth in Section 9.03 of the Charter. A copy of said summary and Charter section is attached hereto and incorporated by reference.

The Board of Conduct notes that because the allegations presented did not fall within the jurisdiction of this Board, no comments are provided on the nature of the allegations and no opinion is being expressed regarding the allegations.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- Q.** Recommending that an invoice to Manchester Water Works in the amount of \$7,333.24 for chargebacks relative to Salary Reimbursement, as enclosed herein, be written off.
- R.** Advising that it has accepted the attached financial reports through period ending December 31, 2000 and is submitting same to the Board for informational purposes.

COMMITTEE ON COMMUNITY IMPROVEMENT

- S.** Recommending that \$30,000 be appropriated with the expedited projects in the upcoming FY2002 CIP budget process for locker room improvements at Gill Stadium.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- T.** Advising that it has reviewed Ordinance amendments:

"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."

and recommending same be referred to the Committee on Bills on Second Reading as enclosed herein.

- U.** Recommending that a request of the Health Officer for organizational changes to the Community Health Division, as enclosed herein, be approved.
- V.** Recommending that a request of the Parks, Recreation and Cemetery Director to reclassify a Maintenance Worker I position, grade 13 to a Carpenter position, grade 15 be granted and approved.

- W.** Recommending that a request of the City union leadership (COPE) that affiliated and non-affiliated employees be treated equally under the Demotion Policy be granted and approved.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- Y.** Advising that it has accepted the project financial reports, architect's, engineer's and contractor's reports for the month of January of 2001 relative to High School Stages, Henry J. McLaughlin Jr. Middle School, ADA Accessibility/School Elevators - Webster School Elevator/ADA Improvements, Central & West Heat & Ventilation Improvements Phase V, NORESCO Performance Contract, Roofing Projects - Weston & Manchester School of Technology, Facility Audit, Asbestos Abatement - McDonough & Green Acres Schools, CHS/WHS Electrical Improvements, and McLaughlin Middle School Addition and is submitting same to the Board for informational purposes.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- Z.** Recommending that a request from the Central New England Chapter of the National Multiple Sclerosis Society asking for the use of Arms Parking Lot for its annual MS Walk on April 7, 2001, as outlined herein, be granted and approved under the direct supervision of Police, Fire, Highway, Traffic, Risk and City Clerk.
- AA.** Recommending that a request from the University of New Hampshire to have the Arms Park area included within the proposed groundwater management zone be granted and approved.
- AB.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

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

Ratify and Confirm Poll Conducted

- B.** Approving change of date for proposed Charter amendment public hearing from January 29, 2001 @ 7:00 PM to February 13, 2001 @ 7:00 PM.

Alderman Wihby stated I understand that February 13 is not a good day for you so the recommendation from the City Clerk is February 27.

Alderman Wihby moved to change the date for the proposed Charter amendment public hearing to February 27 at 7:00 PM.

Mayor Baines asked is that day okay with my calendar.

Alderman Pariseau duly seconded the motion.

Alderman Shea stated when we approve a change of date, what we are doing is...we meet together here and once a date has been agreed upon it shouldn't be changed, particularly at a very late time, your Honor. As a Board, we discuss a date and we vote on a date and then we make our professional and personal schedules accordingly. First of all, we had a date for January 29 and then we had a date for January 31 and then we had a date for February 13 and now we are going to February 27. What kind of an outfit is this anyway? Can't we agree on a date and set it? I don't understand why we keep changing dates all the time.

Mayor Baines stated I do have a major problem with that date also. They didn't check thoroughly.

Alderman Shea stated regardless of whether you have a personal date or not, when we schedule for a hearing...

Mayor Baines interjected this was a recommendation that came forward. I have not recommended to change the date. I agreed to a date change. I have a problem with February 27.

Alderman Shea responded you weren't listening to me, your Honor, when I said before we agreed on January 29 originally. That is where we should stick. Why do we keep changing a date? It doesn't make any sense. We have changed it four times already.

Mayor Baines replied first of all I was listening to you and secondly if you don't wish to change the date we won't change the date. That is what is before the Board at this time.

Alderman Vaillancourt stated I must say that I agree with Alderman Shea, however, I do understand why January 29 was not acceptable and, therefore, it is one of the few times that I did vote in favor of changing it because as I understand it you have to act within seven days of the hearing and the next Aldermanic meeting would not have been within seven days of that date. So, I did agree with that, however, I agree with Alderman Shea's principle that once a date is set...I mean we all ran for election and we all realized that our priorities would be being here at this Board and taking care of the City business. If one or another of us cannot make a certain meeting, so be it. We can't simply change things around until we can get the people here that claim to be more important than other people. I think we should stick with the original date that we came upon after the 29th.

Alderman Wihby stated the reason why February 13 didn't work and I don't care if we have it on the 13th, the Chamber had an event that day and we were trying to...if you want to do it the same day, that is fine. I will move February 13.

Alderman Shea stated that is not the problem. The problem is that we continuously change dates all the time. When we as a Board decide on a date here at a certain night then we should examine whether or not that date is the right date for all of us at that time and then from there, because of certain circumstances, we shouldn't have that date but when we agree on a date we should keep that. February 13 is a very bad day for me. I am going to be out of state. The point of the matter is that when the original date is set, if it is set incorrectly, we shouldn't set that date. We should have all the facts down. That is what I am saying.

Alderman Wihby stated if we knew it was incorrect, we wouldn't have set that date but what happened was what good is having a public hearing when you can't come and vote on it. That is why it was changed originally.

Alderman Shea replied I agree with you on that, but why did we have it originally when we didn't take into consideration whether it would be a date that was adequate or not. That is what I am trying to say.

Alderman Wihby stated the Clerk picked the date. We sat here and said pick a date and they picked the end of January. That was the date. They didn't realize it had to be seven days and it was eight days so it didn't matter if we had a public hearing or not, we couldn't have any input to vote.

Mayor Baines stated first of all with due respect we do try to accommodate different commitments that people have and I think that is the right thing to do when we can do it and I think that is all this is an attempt to do. I do have to ask out of respect to the Board that this is an important matter that all of us need to be at. We changed it from January 29 and I don't remember the exact reason why we did that but that new date in February I do have an extremely important family commitment during that time and I would ask the Board not to move it to that date.

Deputy Clerk Johnson stated I did confer with your staff on your schedule and with the Chambers schedule of events and February 14th is an available date. The Republican Committee was scheduled to meet here but I am sure we can move them.

Alderman Shea replied February 14 is a bad day for me.

Alderman Wihby moved to change the date of the public hearing on the Charter amendment to February 14 at 7 PM. Alderman Thibault duly seconded the motion.

Alderman Wihby asked when is Alderman Shea coming back.

Alderman Shea answered February 16.

Alderman Wihby stated February 14 would be the public hearing and the vote would be on February 20. You would be here for the vote.

Mayor Baines stated what if we did this...

Alderman Shea interjected I don't mind when it is conducted. Don't get me wrong because basically what I am saying is we should respect all of the people on the Board when we make a date we should keep that date. We have changed so many dates this year for different Board times and different Board meetings. I don't believe that we have changed them in other years that frequently. This is not in disrespect to the Mayor, but when Mayor Wieczorek was here you conducted the meetings. When he ran as a representative, he wasn't here half the time. You ran the meetings and I am saying to everyone here if we agree on a date, whether the Mayor can be here or not, we are a Board and we should meet on the date. That is my contention.

Mayor Baines replied in all due respect, I did not request this date to be changed.

Alderman Shea responded I am not arguing with you, your Honor. Don't take it personally.

Mayor Baines replied I never do, but I just want it very clear that I did not ask for that date to be changed. I think we need a spirit of compromise here. Could we do it like on the night of a Board meeting and have it at 6 PM when we know everyone is going to be here?

Alderman Wihby stated well Alderman Shea said he didn't care whether or not he was here for the public hearing as long as he was here to vote. That was his main consideration.

Mayor Baines asked, is that okay with you Alderman Shea.

Alderman Shea answered schedule it any time you want. I mean that is the point. If you want to schedule it for February 14, Valentine's night, go ahead.

Mayor Baines stated seriously, how about the idea of a regular Board meeting. When is the Board meeting in February?

Deputy Clerk Johnson replied it would be February 20. You could do it the same night as the Board meeting, but you do have public participation also scheduled unless you change those rules.

Mayor Baines stated we could suspend the public participation that night and have the public hearing before the regular Board meeting. Would that be okay?

Alderman Wihby asked why don't we just do it in March.

Mayor Baines stated you know he is absolutely correct on that in terms of setting a date. If we are going to get it on the ballot, we can do it in March, we can do it in April, we can do it in May. We could work on a date that is good for everybody and come back to the Board with a date at the next meeting. Let's do that. We will leave that date open and at the next Board meeting we will come in with a date.

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

G. Communication from the Director of Planning submitting a status on the Senior Center Site Evaluation process.

Alderman Lopez asked, Mr. MacKenzie, will this be completed prior to the Mayor submitting his CIP budget or what.

Mr. MacKenzie answered we did get quotes from...one of the key items here is the appraisal of one of the properties. That one we did get some estimates as to how long it would take. At the present time, I am not sure if Mr. Taylor is here tonight but he was getting both quotes and time estimates. I am not sure if it will be available for the Mayor to present his CIP budget in the first week of March. Could we have Jay Taylor speak to the matter?

Mr. Taylor stated I did get a couple of quotes on appraisals. In one instance, the time was 30 days and the other one was a four to five week timeframe so we are looking at a 30 day to five week time period to get this done assuming they get an order to proceed.

Mayor Baines stated so it will be close to it.

Alderman Lopez asked when we receive the CIP budget and get into Committee and that will we hope to have this particular information.

Mr. MacKenzie answered yes. The staff will certainly try. There are several things we have to do including environmental issues and appraisals, but we will certainly try to get it in so you can consider it in the CIP process.

Alderman Lopez stated you indicated \$20,000 to \$40,000, where is this money coming from.

Mr. MacKenzie replied there was money set aside for feasibility and early design...roughly \$150,000 I believe for the senior center before the Board appropriated the additional \$1 million. So, there is money set aside for this work.

Alderman Lopez stated they did borings down at Singer Park, which was testified by Mr. Fong who is no longer here, during the feasibility study. Are you going to use any of that statistical data that Singer Park had on borings or are you going to do your own?

Mr. MacKenzie replied actually the Building Commissioner was going to look at the existing boring data from what the Riverfront Park Foundation has done in that area to see if we need additional borings. There are certainly questions about the quality of the fill and whether there are any contaminants in that fill, but we were going to check to see if any existing soil borings would satisfy that information.

Alderman Levasseur stated I think that Alderman Lopez brings up probably the most important point about what this whole senior center issue is about. First when we all brought this idea together we thought we were building a senior center and then all of the sudden we got into consolidation and now we are combining the consolidation of a bunch of other departments with the senior center and the issue is always about the senior center. Now, I can't understand, your Honor, how we can go out and bond \$4 million for the purchase of that building and then throw the price of the senior center on top of what we have for a bonding capacity. I think that we are just chasing after our tails. We are going to go through these battles and we are going to spend another \$40,000 on a site that there isn't enough support for even if the site came out...there is still not enough support on this Board to even go down that path. Now how can you keep going down this path, your Honor? I don't know if you have a plan of some support but where are we going to get \$4 million to bond that if you have to buy that property? The price of \$7.4 million doesn't include a lot of other things. I mean when I look at this list there are 39 things that we have to look at and I know there are going to be more things because more things are coming to me on a daily basis. I just think that this Board is just wasting a lot of time...it was a simple issue. Let's build a senior center and just get it done. Now look at

it. We are going to be going until March or April on this, your Honor. I don't know if you have some sort of a comment to make on this. I don't see us spending \$4 million to buy a building, your Honor or what you think of that?

Mayor Baines replied I appreciate your comments. I think that at this point in time the Board has asked the Planning staff and Economic Development staff to proceed. I think that is the only prudent course of action at this time to try to get accurate information out to help us make a decision. In the meantime, I am actively seeking some alternatives in case neither proposal has the ability to move forward and I will be reporting in the near future on some alternatives for the Board to consider and some definitely less expensive alternatives that may be a requirement. I agree with you. We have tremendous financial demands upon our City relating to schools, the Granite Street Bridge and multiple other projects and challenges that are facing us and financing these projects is going to be extremely troublesome and challenging for all of us. You have raised a very good point.

Alderman Levasseur stated I have a problem with one of the most important things and, your Honor, we talked about this...when we talked about this issue and I saw the tape and the statement was made by yourself and myself and a few other Aldermen that nobody has ever once even made a decision on the size of the building and yet we are doing these feasibility studies and we are comparing apples and oranges on these two properties. You have an 18,000 square foot plan for the Elm Street location and you have a 24,000 square foot for the Singer Park site and I don't even think that we have our parameters narrowed down enough to have to spend another \$30,000 or \$40,000 on a feasibility study. We are just wasting money. I think it should come back to Lands & Buildings and we should knock this down and narrow it down to a better issue. Are we going to consolidate the departments? I don't think there is an agreement on that. I don't even think that this Board has agreed to a consolidation yet. Am I right? That is something that has to be discussed. I just don't like to see us spend all of this money and find out the answers and come all the way back and still not even have the basics down. Are we going to consolidate at the Sears building even if we want to? I haven't spoken to any department heads in Lands & Buildings, your Honor, and I think it should go back down to that Committee for another round of negotiations or talks or whatever we have to do.

Alderman Vaillancourt stated, your Honor, you stated that the Board voted to send this to the Planning Board or the Planning Department to look into this. I was just wondering if that is accurate? As I recall at the meeting three weeks ago, the vote was 8-6 to go with Singer Park and then it was 7-7 to reconsider and then it was 7-7 to table it and then I believe the Mayor decided to do that without a vote by the Board. Was there a vote I missed there or was there a vote to that extent?

Alderman Levasseur stated point of order, your Honor, we never even discussed that in Lands & Buildings.

Mayor Baines replied Alderman Vaillancourt just raised a very good concern. It was my recollection that I did ask the Planning staff to proceed and I believe at this point in time they are proceeding on the basis that the money was set aside to participate in the feasibility analysis of the situation. Am I correct on that?

Alderman Vaillancourt stated my question was did the Board ever vote to do that.

Mayor Baines replied I think you are right on that. I directed the Planning staff to report back to the Board with this information hopefully no later than the second week in February. Am I correct on that, Mr. MacKenzie?

Mr. MacKenzie stated that is how I remember it. I do not remember a vote, but I do remember that there was a directive.

Alderman Levasseur asked do we need to take a vote.

Mayor Baines answered I don't believe so.

Alderman Hirschmann stated if you are going to reopen the site selection process, I mean the site process that we already went through, we went through an extreme criteria point system where Singer Park was the winner by a point system. What I would endorse is that just like Singer Park is a City owned property and parcel, I would endorse, if you are going to open that process up, to make sure that it is a City-owned parcel so that we don't have to purchase a property.

Mayor Baines replied I am very concerned and it sort of goes along with what Alderman Levasseur has been saying that we are going to reach the end of this and still not have the necessary votes, if you will, to proceed. I think it is a prudent thing on my part to explore various options that may need to get into the mix again because I do believe very strongly that it makes a lot of sense fiscally to consolidate our departments and stop wasting this money on rental space. There may be some options for us to accomplish both things that might be more economical. I believe that it is my responsibility to do that and I am going to proceed along those lines recognizing that the Board, at this point, has identified two sites that it wants to explore.

Alderman Lopez stated I think the point was already made and I don't want to hold everything up here but when we do a feasibility study I remember Alderman Shea mentioning to me and a few other Aldermen that we would have to have a feasibility

study and that was done. We spent \$25,000 and six months. Now, the other point that I wanted to make is I want to clarify whether Mr. MacKenzie was telling me that there is \$150,000 for a feasibility study for the senior center and now we are looking into other aspects of it utilizing that money for the senior center. I just wanted clarification.

Mr. MacKenzie replied there was money set aside and I can't remember if it was \$150,000 or \$175,000 for feasibility and design of a senior center.

Alderman Lopez stated that is correct. It was \$175,000 for a senior center. It had nothing to do with consolidation so I was wondering if that is in the range of what you have directed them to do as to whether we can use that type of money because that was specifically for a senior center.

Mayor Baines asked is the money being used in the way that was described, Bob.

Mr. MacKenzie answered there was a start-up approved under City space improvements and it was for design of various projects. It did specifically mention the senior center. The Board has directed us to look at the two sites for a senior center. One site does have the other issue of future City space. If the Board is uncomfortable with that, they can change direction but we believe there is a direction for us to look at both of those sites with that feasibility money.

Alderman Vaillancourt stated I believe parliamentarily the proper course would be to deal with this by removing Item 15 from the table and discussing it there since G is only a communication. That would be my suggestion.

Mayor Baines stated or we could discuss it under Board communications and leave that tabled, which might be a better thing at this particular point in time. Why don't we proceed with that so we can go through the rest of the agenda?

Alderman Vaillancourt moved to receive and file this item. Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

H. Communication from the Business Administrator of the Manchester School District submitting the latest School Finance Statements.

Alderman Wihby stated basically these are the two pages that the School Department sent us. One was the revenues and one was the expenses. Also, your Honor, I don't know if everyone has it but I had the City Clerk send a letter letting them know that we voted that if they owed us money for chargebacks that we would charge interest. That should have

gone out to the Board. My concern with the numbers that they gave us was first of all in the FY00 unaudited number they are still using \$6.483 million when the amount we told them was \$6.8 million. So, there are \$316,000 there and I would like to know where it is going because we had told them \$6.8 million and they agreed to \$6.8 million and they are still using \$6.483 million. My other concern, your Honor, is in that same line item for the following year. My understanding in watching them on TV is if the number was \$6,641,000 that your office had asked them to supply before they did the numbers. That was a number, your Honor, that would fluctuate depending on what they wanted to use from the City. That was based on the actual expenditures that were going to be billed to them. They had a choice whether they wanted the City to do it or whether they wanted to have someone else do it. My understanding, your Honor, was they chose to do \$6.641 million or \$541,000 more than what they budgeted for. That was their number that they picked. Now, they can always decide that they don't want certain things done from the City and reduce that expense and that is their prerogative on this year's budget. The problem with that, your Honor, is that that hurts our City side by that \$541,000 and affects the tax rate on the City side because we have counted that as revenue. I heard that discussion on TV. They are somehow trying to say it was the Aldermen and they gave us \$6.1 million and the number is \$6.6 million, but that number I thought was decided and your office was involved. That \$6.6 million that had okayed originally themselves and that was the work they wanted the City to do. I am looking at what they are saying they are going to project and they are still projecting \$6.1 million, which tells me that they over a \$500,000 problem going into the next six months.

Mayor Baines stated Kevin and I have made very clear to them that it is their responsibility to enter into agreements with the various departments to review the chargebacks, if you will, on a quarterly basis to sit down with them and review them. You are absolutely correct on that assertion.

Alderman Wihby stated that is on this year's budget. Last year's budget, though, the agreement was \$6.8 million. So, the money that they are holding up that comes to the City, the \$316,000, they don't have to go through any invoices or decide what is right or what is wrong because it didn't matter what that number was. That was a set number that both sides had agreed that they owed. So, that is still owed the City, your Honor, and my understanding is and if you remember the last meeting they still owed \$1.5 million. I wanted to know now if we are charging them interest after I sent that letter to the Finance Department and if they have done any more paying of the bill that they owe the City.

Mayor Baines replied Kevin has assured me that we are charging them interest. Have we received any more payments, Kevin?

Mr. Clougherty stated we have been charging them interest since the beginning of this year and I talked to Ron Chapman this afternoon and he said that we should expect payments against the \$1.5 million this week.

Mayor Baines stated the other thing is that at the meeting I made it very clear that we did expect the full payment because that was agreed to.

Alderman Wihby asked on the \$6.8 million.

Mayor Baines answered that is right.

Alderman Wihby asked on the \$6.6 million that is a different number but it sounded like when I watched them on TV they expected the City to come up with doing all of that extra work and reducing the expense to \$6.1 million. That is not right, your Honor. If they asked us for a bill and we decided it was going to be \$6.6 million and they are the ones that chose what items they wanted to do and they wanted to use the City services for that so that should be the number. The number is the number.

Mayor Baines replied the only thing I would disagree with you on is that it will be what it is. We kept saying that during the budget. It could be \$6.6 million or \$7.2 million. It is not necessarily going to be \$6.6 million. It will depend upon the bills they receive from our departments for the services and they will be what they are.

Alderman Wihby responded I agree with that, your Honor. My point is that they budgeted \$6.1 million in their number and if it is over \$6.1 million they have to...

Mayor Baines interjected it is going to affect their budget.

Alderman Wihby stated right and I don't know if they know that. It sounded like they wanted to get a break from the City side but they have to realize that if that number goes higher and they are going to use all of the services that they had asked to use, that that number will go higher and it is over \$500,000.

Alderman Shea stated when we look at our chart here, it says that the chargebacks are \$6.1 million and in speaking to Ron Chapman he informed me today that under item 0441, which is rental of land and buildings, that the Parks & Recreation Department had been given \$350,000. There is \$752,000 and they have asked for \$897,000 and what they are doing is they paid back, according to what he told me, \$350,000 which would bring up the chargebacks from \$6.1 million to \$6.450 million, leaving approximately \$150,000 for the difference between what they project as revenues and what they actually projected as far as chargebacks and they plan to make that up, your Honor, according to what he

said. So, Mr. Wihby is not getting all of the facts according to what the Administrator of the School Department is indicating to me. I don't know, Dave, where you are coming from? A TV program or are you checking with the Business Manager?

Alderman Wihby stated I am getting it from the sheets they gave us for the numbers. If they are not giving us the right sheets, then what can we go by? I guess what Alderman Shea is saying is that the 0441 account where they said that they were going to spend \$897,000 and now they are projecting \$875,000 that part of that number was a chargeback number. So, basically the chargeback number should be...the sheet that we have is outdated already that they gave us. That \$6.1 million should reflect the \$350,000 on it and that they have paid \$6.450 million or whatever.

Mayor Baines stated the sheet is dated 12/31/00.

Alderman Wihby replied things change every day. That is fine. If they found an error that they had projected some of the chargebacks up top and it should be below that is fine, but that should be reflected in the next statement that we get. My concern though is that if you look at the numbers that...we had given them \$106,832,000 in that second column. That was the budget. What they have done is they have taken out School Food and Nutrition and that is why they come up with \$103,376,000. If you do that, your Honor, the School Food & Nutrition has gone up \$350,000. I am just wondering if that is an error also or if it has gone up that amount because that is an extra \$350,000 that if it didn't go up they could allocate back to their expenses on the top. If we could find that out.

Mayor Baines asked Mr. Robinson to follow-up on that. I can assure you that Ron Chapman is doing a very credible job in trying to get the finances of the School District in line. He has been very cooperative and responsive and is very much committed to resolving these lingering problems. We feel very good that Ron is doing that and is in that position.

Alderman Shea stated I would like to inform the Board that there are a couple of expenditures here that are over...I believe if you were to check professional services, 0322, there is a projected balance remaining and that cost according to my discussion with Ron Chapman, in regards to the fact that we have special needs students who are requiring court mandated services. Services of occupational therapists, physical therapists and these are on a contractual basis per order of district court. This is a result of inadequate budgeting for this item. As we all know, special education is an item nationwide that we haven't been able to handle here on a local basis and you have in turn been working with the Representatives. Also to bring the Board up-to-date, Item 0561, which is tuition and this pertains to out-of-district placement of special need students as

well. These items are going to continuously plague us until the necessary mandated types of proposals at the Federal level filter down to the state and local level.

Mayor Baines replied thank you for your comments. I will be meeting personally with Senator Gregg who is coming to visit me on Friday. I think all of you got a copy of the correspondence that Senator Gregg sent to me following up on the special education issue where he talked about his commitment of getting the government to pay its full share of special education. All of you need to know that if and when that occurs, that will probably be the most significant educational reform that could ever occur at the Federal level of freeing up those dollars for us to do the job that needs to be done across the board. I will be meeting with him on Friday to personally follow-up with him and I have also talked to Senator Smith about it and also Congressmen Sununu and Bass about this issue.

Alderman Wihby stated I know watching that TV show that the School District has a new auditor or whatever.

Mr. Clougherty replied I don't think he is their auditor. I think he is somebody they contracted with to give them some consulting assistance.

Alderman Wihby asked is he going to be there for the rest of the year at least. He did a good job.

Mayor Baines answered we are working very hard to get that in order. As you know, one of the things that I asked for in my role as Chairman over there was to have an analysis done because I was concerned about whether they were on track with spending for this fiscal year. I felt somewhat relieved that his findings were in fact that they were. It was going to be tight, but they were on board. I have a very good feeling that this whole financial quagmire that the School District has been in for much too long will be cleared up in the very near future.

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

Report of Committee on Accounts, Enrollment & Revenue Administration

- P.** Recommending that the City request the State Legislature amend RSA 80:56 which would authorize cities and towns to charge a fee of \$50 plus all protest, bank and legal fees for uncollected checks.

Alderman Lopez stated I am very much opposed to this particular item with respect to the Committee. I voted against this and some of the reasons I will tell you are that this is an RSA and this was ever done that would mean in our revenue policy, which we are

working on at the present time, they could charge up to \$50 for just about anything. The Tax Collector wasn't present at our meeting because she was attending another meeting in Concord on behalf of the City. One of the most important things that was brought forth by Finance was there was no justification, no work study to justify the increase of \$25 and go to the State to have them change the law. The State law affects all of the towns and cities. At this time, your Honor, I would like to have testimony from the Tax Collector because I understand from doing some research that most of the towns and cities only charge \$25 and they are very happy with it. I am wondering if we are just wasting our time on this.

Ms. Porter stated first of all I do apologize. I had every intention of going to the Committee on Accounts meeting and I was held up at a meeting in Concord for motor vehicles and couldn't get back in time. When this was proposed, my feelings were as the department that deals mostly with the public, I knew what the \$50 reaction was going to be with the public. So, before the Committee on Accounts meeting I had polled four towns around here and the City of Nashua. All of them...well Hooksett charges \$20 and the others charge \$25 for a returned check. I asked all of them if they think it covers their cost and what bank did they use. Four of them use the same bank that we have and all of them said it covered their costs. Two days after the Committee on Accounts meeting, I had to be at a Tax Collector Executive Board meeting where 10 communities were represented and I asked the same question. They all agreed that \$25 more than covered their cost. That obviously doesn't relate to Manchester as far as what our costs are but my thought was our department is going to deal with these constituents who are going to get a letter from us that says you have to pay us \$50 for a returned check. In a lot of cases, a lot of the checks that are returned to us aren't even \$50 so to tell them that they have to pay \$50 and then an additional \$3.74 for the certified letter, it seemed excessive to me and my reaction was our vision for the City is to make this a first-class place to live and work and do business and I think it is sending the wrong message. It seems like it would be a public relations disaster.

Alderman Hirschmann stated what the full Board doesn't have the benefit of tonight is the presentation by the Finance Department. I would like to table this so that the Finance Department can come before the full Board and give the same presentation that they gave the Committee, which made this pass.

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

Alderman Levasseur stated as far as the phone calls we get from the constituents as far as not being able to pay their checks or bouncing their checks, they are irate with the fact

that they have to pay extra money because you have to go after them for not paying their money, but you should see the phone calls I get when their cars or trucks are towed and they have to pay \$100 to get it back. That is part of the thing about the City. We did go over this. I agree to table this for another meeting.

Report of Committee on Human Resources & Insurance

- X. Recommending that the Welfare Commissioner position remain an elected post.

Alderman Shea stated this is recommending that the Welfare Commissioner position remain an elected post.

Mayor Baines replied my understanding is that it is still in the Committee on Bills on Second Reading. Isn't it?

Deputy Clerk Johnson stated this is the report from the Committee on Human Resources.

Mayor Baines stated it still has one more Committee to go through. It was referred to two Committees. What is the procedure when you have something in two Committees?

Deputy Clerk Johnson replied you can table this pending the report from the other Committee if you want or you can accept this report or act on it as the Board so desires.

Mayor Baines asked the Solicitor what the procedure would be on this.

Solicitor Clark answered there is really no set procedure. The Board can accept this report as they wish or they could table it pending a report from Bills on Second Reading.

Alderman Shea moved to accept, receive and adopt the report. Alderman Vaillancourt duly seconded the motion.

Alderman Pinard stated I am one of the Aldermen who took time to go and sit with every employee of the Welfare Department and I was hoping that other Aldermen would take that opportunity to see that we have a very serious problem in the City. In talking to these people, they have a fear and everybody should know working in fear what it means. I think that I would like to recommend now to put this on the table and let Mayor Baines work with the City Solicitor or name a couple of people to work on finding a solution to this so that nobody gets hurt in the long run. I think that some of us here are trying to rush something that is very serious. We had a similar situation last night, but this is very, very serious. Mayor Baines, I am asking you on behalf of the employees and on behalf of the City of Manchester to not let anything happen. With what is going on in this

country today, anything is possible. Mayor Baines, I would like to ask you to continue to study this before we make any decision. Thank you very much.

Alderman Pinard moved to table this item. Alderman Pariseau duly seconded the motion.

Alderman Hirschmann stated I have a point of order question. There has been an allegation of a serious nature of maybe some possible harm or something like that but this person can come back to work. By tabling this, what are you doing? This person can still come back to work.

Mayor Baines replied I will defer a response and discuss this further depending on what happens on this motion. We will have a roll call vote on the motion to table.

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

Alderman Levasseur stated before we go any further with this, because of information that was brought to this Board by a person who came in front of us, I was surprised and a little bit interested to know that there was a meeting that took place with three Aldermen with Mrs. Lafond and I don't know if it would be appropriate, your Honor, to recess the meeting so that we could hear what these Aldermen have to say concerning that meeting. It is kind of new information because I know you, yourself, your Honor have tried to meet with this person and we haven't been able to. As far as meeting with the Welfare employees, I would have loved to have been there but their meeting was from 12 PM until 1 PM and obviously I couldn't be there because of the restaurant but if you guys are having meetings with Susan Lafond, I would have liked to have been invited to that, your Honor.

Alderman Wihby stated if you want to blame me, blame me your Honor. I talked to Sue because I had gotten a call from a department head from the City telling me about concerns from the Welfare Department and Welfare employees so I guess if they want to say that there was something going on that was wrong, I guess the three of us were there and trying to protect the rights of the employees. I asked her to meet with us. I called Alderman Cashin and Alderman Gatsas and asked if they would like to come and we met with her and talked about what was going to happen after February 1. She is coming back to work, your Honor. There is nothing...by changing Item X and making it a regular position rather than elected, nothing is going to affect her coming back to work on February 1. So, we sat down and tried to talk to her regarding what the employee side was going to be and tried to iron out some of the stuff that was going to happen after February 1 and make sure that we had assurances from her that there was not going to be

any kind of getting back at the employees. No matter what we do with Item X, she is going to be there on February 1 and that was the whole intent of sitting there and talking with her. It wasn't to tell her that we were in favor of what she was doing or not, it was to see if we could come up with some sort of procedure on what was going to take place. I had gotten a call from Alderman Lopez on this issue who has been a backer of the Welfare change. He brought to my attention what was going to happen and I told him I would talk to Sue. That is what we did, your Honor, and I asked Alderman Cashin and Alderman Gatsas to come along to make sure that there were more than one of us there listening to her and getting some assurances that she was going to act like a Welfare Commissioner and not pick on employees and do what was in the best interest of the City.

Mayor Baines replied first of all, I wish I had been invited but here is a concern that I have. I have great respect for Alderman Wihby and Alderman Gatsas and Alderman Cashin. This has probably been one of the most difficult and challenging issues that I have faced and I have been a manager for over 32 years and resolving personnel issues. I have devoted a considerable amount of my time and energy since about April trying to find a fair and equitable resolution and protect the interest not only of the Commissioner but the employees. I am in a situation now that I work regularly with Mr. Arnold and Mr. Hobson and others to try to resolve this. We have been unsuccessful. We have been told that we can't even communicate with the Commissioner directly and that the only conversations or correspondence that we can have, and I am the Mayor of the City in charge of all personnel in the City and all departments in the City, is with the attorneys. This is the second attorney that we have been dealing with. I have always been very careful that we followed those recommendations. We are dealing right now and I realize that they are two separate and distinct issues and I appreciate that and I have great respect for that. I also will reiterate once again to make sure that this problem is in context that I have great personal respect for the job that Commissioner Lafond has done as the Commissioner of Welfare. I had such great respect for her that she was a member of my transition team. However, I was confronted with a very serious personnel problem. The most serious personnel problem, I will reiterate, that I have ever dealt with. It is ongoing. It is more difficult than ever right now. We are at the point where we tried to get professional services over there. We are at the point now where the people we are contacting for our professional services will not do it because of the volatile nature of the situation. I have met personally with these very distinguished, very committed, very dedicated employees whom we all should be proud of but we are in a position as a City government where we are not able to provide them with the support and services they deserve. If Aldermen can have the privilege and I appreciate the fact that a meeting occurred personally with the Commissioner of Welfare which I am committed to resolving this problem and if you go back and look at the course of action we had

chartered for that Commissioner to help us bring that department together, they were reasonable, they were prudent and they were agreed upon by the Commissioner and things fell apart for whatever reasons and in conversations that I had and Mr. Clark was with me the entire time. This is a very sad situation for our City. I respect the democratic process. I gave you a recommendation that I believe was a prudent course of action that this position deserves to be an appointed position. We don't elect the Public Works Director. We don't elect the Health Officer. We don't elect any other department heads in the City, however, you have spoken on this issue and I will respect it but please leave the personnel matters to the structures that have been established under our Charter so we can resolve these issues, protect these employees and get people working together as every other department in the City seems to be able to do and that is what we are committed to doing.

Alderman Vaillancourt stated for the record and I don't mean to speak for anyone else on the Human Resources Committee, but Alderman Sysyn moved and Alderman Shea seconded and I and everyone else on the Committee went along with the concept of separating these into two distinct issues – the current individual in that office as one issue, which will be followed in a manner we set forth at that Committee and we tabled it at the time until we could get more information and we did also decide to go ahead and the vote was unanimous not to have this position be appointed. Now we can debate that tonight and had Alderman Shea not removed this from the Consent Agenda I would have because I think it deserves a thorough hearing tonight but they are two separate and distinct issues and I think it is unfortunate that we have to combine them. I, on the other issue, want to say that I agree with your Honor and I am only going to speak for myself but I believe that it is unethical of an Alderman to be meeting personally with either side. I was contacted by an employee from the Welfare Office and asked to attend that luncheon and I decided that it would be unethical for me to do that since I would be deciding on the fate of this individual if not in contrary to the City Charter. The next morning I called the City Solicitor and he seemed to agree with me that it would be unethical if not in violation of the City Charter so I think I would like to put that to rest but I think we should concentrate tonight on whether or not this should be an elected position.

Mayor Baines replied I agree and I appreciate your comments.

Alderman Shea stated I, in turn, was asked to go to a luncheon and I returned the call and indicated that I would not go to the luncheon for the simple reason that I felt that it was...in other words I didn't want to be prejudice either way. I realize and I give the credit to the employees who came tonight and are speaking from the heart. We understand that, but when I talked to constituents and people, they have indicated to me that they want to keep it as an elected post. The general public that I have spoken to, my

constituents and people who have spoken to me, the people from the office may get a different reaction and I am not sure if you are but the point of the matter is that I make it a point never to meet with individuals for a lunch or for anything, not because of the fact that it may or may not be ethical or unethical, it is simply because when one is making a judgment of a particular matter, you have to have the two sides to do the particular issue. You people will have a forum before the Human Resources Committee. We have invited you to come. You can state whatever you want to state. We can go into executive session. This is a person that you are dealing with who has dealt with the City for approximately 14 years. That person has a right to speak. Now maybe that person is going through emotional, social or other kinds of problems. I don't know that and you don't know that but basically that person performed in that office for several years and this is the first year, to my knowledge, that we have received serious complaints concerning that workmanship. So, basically I agree with the Alderman to my right that we should settle it but I am telling you now that the general public that has contacted me have indicated that they want to keep it as an elected post.

Mayor Baines responded I have respect for those comments and as I said I made recommendations that I thought were prudent. I also have great respect for the democratic process and obviously will abide as I have to with the decision that you make.

Alderman Lopez stated as Chairman of the HR Committee, I can assure you that a lot of the information that you have doesn't come before the Committee and shouldn't come before the Committee because it is a personnel issue to a degree until you need help. I think we all know what the situation is being an elected position. The City Solicitor's Office is doing some research on subpoena power and whether this Board has subpoena power or the Committee has subpoena power given by this Board to try to help solve this problem. One of the most important things that I wanted to mention to the employees is I think that knowing the Mayor and the City Solicitor and Red Robidas and everybody else that the safety of the employees will be upheld no matter what policies or decisions we have to make as the Board of Mayor and Aldermen. Now somebody can say that it is an elected position, but there are procedures and some policies that this Board can make to protect the employees and those ideas have to come forward. I think this has been lingering a long time and I would hope, your Honor, that if it can't be resolved maybe some policy or some ideas will come from this Board that we can make it law and if they want to go to court, let them go to court. You know the employees have to be protected.

Mayor Baines stated and we are committed to doing that. I met with Mr. Clark today and Mr. Hobson. It is a conversation that takes place almost every single day about what are the proper steps to take. I will be communicating, because I thought I had to deal directly with her attorney, Mrs. Lafond's attorney, to set up a meeting with the Mayor who is responsible for overseeing all of the departments and responsible for personnel situations

within the City sometime next week prior to her return. I remain committed to working with her to resolve the problems as I stated way back in April when I first started dealing with this situation. However, we have to have that cooperation to mend the fences and heal the wounds. Absent that, Aldermen and citizens of the City, we are going to be facing a situation of perhaps unparalleled proportions with personnel in that department. You need to know that we have had Tom Jordan over there talking to all of the employees and he has expressed very grave concerns about the situation. He is a man very well respected for what he does. I have also had Mr. Robidas over there who has talked to all of the employees and his report back to me, again, is something the likes of which I have never ever seen in terms of the way employees are feeling. My responsibility is to the employees and I have a responsibility as Mayor to make sure that these employees are treated with the same respect that any other employee in City government should receive. We also have a responsibility legally to protect these employees from any form of intimidation, harassment or any other kind of behavior. We also have a responsibility to respect and protect their safety and security and there is a perception over there right now that that is in jeopardy. That is very real. It has been verified by both Mr. Robidas and Mr. Jordan in conversations. As you know, I have had Christine Martinsen working very diligently with the Commissioner. The Commissioner identified her as someone who could work with her to help resolve this problem. We have committed professional staff, money and resources with different agencies to try to deal with the situation, but the situation is so bad and has deteriorated to a point where this professional staff no longer feels even comfortable going over there and working with the situation because they don't feel it can be resolved under the present circumstances. So, everyone needs to understand how serious this situation is and again we are going to work to resolve it. We are committed to doing it, but I am going to tell you that it is taking considerable time, resources and energy but I am committed to working with you and I will be over there next week to meet with you.

Alderman O'Neil stated I don't think there is a member of this Board that doesn't recognize how serious a situation this is and for better than a month there has been no movement with regards to correcting this situation and I know there has been a lot of effort and a lot of time by yourself and others. I just want to say that if for some reason the Commissioner felt comfortable in sitting down with Alderman Cashin, Alderman Wihby and Alderman Gatsas and I knew nothing of the meeting but I will tell you that if the three of them were able to bring some closure to the situation then I think it was a step in the right direction and they have my support in doing that.

Alderman Cashin stated it is appearing like there was some clandestine meeting this afternoon and I can assure you it wasn't. We met at the Merrimack Restaurant in the open. We weren't trying to hide anything. I spoke to a young lady who spoke here

earlier for about half an hour to 45 minutes on the telephone last night and I think I pretty much explained to her my feelings and how I felt about throwing the baby out with the dirty water and I think we discussed all of this. I also spoke with another employee from the Welfare Department a week ago Saturday for a length of time. I was asked to meet with them last Friday and I couldn't make it because I wasn't feeling well. I wasn't going to shy away from that. I was going to meet with them and I had every intention to. It is true. We have to protect the employees, but let's not forget the fact that Susan Lafond is also a City employee. Don't we owe her anything? I met with her tonight and I will be quite frank with you, I am concerned. I am not going to tell you what happened at that meeting anymore than I will talk about a conversation that I had with any other employee. I don't think that is relevant. We have a problem and there is no question about it. We can't just turn our back on the Commissioner. You are right about this. There are two different things here. One is are you going to make it an elected position and how are you going to handle the management portion of it. I am not even sure and Dave or Ted can correct me if I am wrong, but I am not even sure she is coming back to work on February 1. She certainly didn't come right out and say she was. You may have a problem there, too. There are a lot more problems here, ladies and gentlemen, than just being...let's be fair to everybody that is all we are trying to do.

Mayor Baines replied I support your comments.

Alderman Hirschmann stated the Chairman of the Board, Alderman Cashin, is in a position right now where he enjoys information that the rest of us don't share and I request that we recess privately because this is a personnel matter under the Charter. The City Solicitor's Office could advise us further, but I think that all of us should know before we vote on something what the rest of the people in this room know, your Honor, including yourself. It is fair to all of us. The Chairman of the Board fills in the Board of Aldermen.

Alderman Cashin stated I have no problem if you want to meet in executive session and I will tell you what I know.

Solicitor Clark stated if you are talking about going in to discuss a personnel matter, the employee who is being discussed has to be informed of it and has the right to ask that it be public. You are not allowed to do it unless that employee is present.

Alderman Hirschmann asked then how can that information be disseminated to the Board of Aldermen. Through a memo or other action by the Chairman of the Board who had this meeting?

Solicitor Clark answered it would be awful hard for me to give you advice. I don't know what the information is. I don't know.

Alderman Hirschmann replied neither do I.

Alderman Cashin stated and I am not going to discuss it publicly.

Alderman Levasseur stated I think about three or four months ago we could have saved ourselves a lot of this by just deciding whether we wanted to vote to send it to Charter and then let the people decide whether this position should be elected or appointed. I think that would have been the easier thing to do. I asked you to do that a long time ago. I will tell you that another reason why is before you sat on the City Charter Commission the Mayor was not a strong position and it wasn't a strong position as it is now. I can see that if we voted to remove this position, your Honor, we would be under a legal challenge because their argument, Susan Plafond's argument, would say that we don't have the authority as a Board to do that because I still don't believe that you and I am not trying to say this to the Mayor that is here but we don't have a strong Mayor form of government. The Aldermen still control a lot of the bottom line. I have spoken to a few people on this, your Honor, who agree with me that the argument would be that we don't have what the Statute says is a strong Mayoral form of government. Now, I would say that would open us up to legal challenge if we tried to get rid of it as a Board. If we want to get rid of this and do it legally and not come under a legal challenge, your Honor, the right process would be to put it to Charter and I feel that if you put it to Charter most people would say that you could eliminate the position because they have been doing the work over there for how many months now without somebody there. I think if we are going to do it why don't we just do that?

Mayor Baines replied the only other thing I would add and I gave you two recommendations. I asked both Committees to consider the Charter amendment and the issue of making it a department head position. I did recommend the latter, however, asking the Committee to consider both. Secondly, I would say that if we were going to consider a Charter amendment I don't think it would be prudent to do it this year because we have the same situation that developed with the Aldermen At-Large one time. You had them running for positions at the same time there was a Charter amendment on the ballot. I don't think that is a very good situation.

Alderman Levasseur stated point of order. They voted on it and they are actually in here. She is not part of this Board.

Alderman Thibault stated I would just like to explain the reason I voted the way I did. As Alderman Shea just said, I had many of my constituents that have called me also and

expressed their desire to leave this as an elected position. However, I want everyone to know that I sympathize with their problem also and I certainly want to find a resolution to it and I want you to know that I am also committed to finding an amicable solution to the problem.

Alderman Lopez stated I just have to ask this question for the remarks that have been made and telephone calls that I have had. You say it is a grave situation over there. Do you think at this point that it is such a major problem over there that we have to have a full-time police officer over there?

Mayor Baines replied no. We did talk about the situation today, but I am not prepared to recommend that at this time.

Alderman Pariseau stated I voted for the tabling only because this problem has been ongoing in prior administrations. Ms. Lafond has flaunted the fact that she is an elected official and is on the same plane as the elected Mayor so that has created the problems within the department and within the City. I believe that we as a Board and the Mayor should have authority over the Welfare Department and the only way to do it is to have it appointed by the Mayor with approval of this Board. The person can't have her cake and eat it too all the time. She is probably 80% of the problem over there because of the attitude of being an elected official and the problem is just going to be ongoing.

Alderman Clancy stated today I went down and talked to a couple of my constituents that I know visit the Welfare Office and they told me that they personally had dealings with Ms. Lafond and they said they respect her highly and they wanted me to keep the job as an elected position. I asked them how long they have been doing this and one of the constituents said she had been there for almost a year and a half and the other one was there for two years. They are single mothers who have children and they said they had problems and they called me and I did talk to Ms. Lafond and she was very good to them. As far as I am concerned, I have no problems with Ms. Lafond because I have talked to people and I know people in the ward and I know what kind of dealings they had with her so as far as I am concerned up until recently she has done an excellent job.

Alderman Cashin stated we have got to divorce ourselves from the fact of who is in the position right now. You are talking about a position not a person. If you are going to vote, vote on the position.

Alderman Gatsas stated certainly I think that this Board owes the employees whatever protection...I have not heard of any complaints from recipients. I don't know if your office has, your Honor. Have there been any problems?

Mayor Baines replied no.

Alderman Gatsas stated so obviously the scenario of the Commissioner being out of work for what period of time...

Mayor Baines interjected since September of this year.

Alderman Gatsas stated I would say that the department has been doing a good job because there are no recipient complaints. All I am saying is that for us to sit here and judge anybody as an elected official, I don't think is right because we could all be in that same position and I don't think that today if we said we want to remove here, we don't have that ability. Now certainly we need to protect those employees but she is an elected official and we can't remove her from that position. Is that true, Tom?

Solicitor Clark replied that is correct.

Alderman Gatsas stated so we are sitting here debating an issue that if she walks in the door tomorrow and decides she is going to work, we can't stop her. Now there is nothing that says that those employees must stay there. All I am saying is we can't stop that individual as an elected official to not go to that office tomorrow.

Mayor Baines replied you are absolutely correct.

Alderman Gatsas stated I don't know what you would do if an employee of that department comes in and says she has done harm to me. I think that is a different issue. All I am saying is that I don't believe the position we are looking at...you know talking to an individual that maybe if anybody else on this Board has an employee or a department head that if we had this problem that they talked to and had some sort of conversation with them that would get us to a point where maybe something was going to be different I certainly would not object to it.

Mayor Baines replied I appreciate your comments. I also want to remind the Board that I worked on this for eight months before I brought it to the Board. We were very, very patient in trying to deal with the situation but Alderman Gatsas is absolutely correct. The reason that we reviewed the State law is because I had asked the City Solicitor many months go what options do I have as Mayor and he researched and came back with this RSA that was adopted for Manchester, which enabled us to make a change to make it a department and I think just by that nature would have made that position more accountable not only to the Mayor, but to the Board of Aldermen and the citizens of the City. I think that would have been legal and I think it would have been proper and would have allowed us immediately to take charge of this situation on behalf of the employees

but it appears that you are choosing not to do that. I respect that. I will do all the other things necessary to make that situation right.

Alderman Wihby stated I just want to take you back to something that Alderman O'Neil and Alderman Gatsas said and what they were talking about as far as taking care of the employees. Again, when I got the call from Alderman Lopez who was concerned with what was going on as Chairman of the Human Resources Committee and I said to him I will try to reach Sue. I did call the attorney, your Honor. I didn't call Sue. The attorney said he would have a response for me and Sue called back and said she was willing to meet. The whole reason why we met, your Honor, was that again she is going to be there February 1 and we wanted to assure and see what was going to be the response from her as far as coming back to work and what was going to happen to the employees like I told Alderman Lopez I would do because knowing no matter what happened with this thing it was a separate issue and it wasn't going to affect as far as what happened to the employees over there.

Alderman Pinard stated could I ask Mr. Robidas to give us some kind of a report on the safety of these people seeing that he has been over there and so on and so forth. I think that maybe Mr. Robidas could clear the air for all of us so that we know that safety is in place.

Mayor Baines stated I would like at this time to have Mr. Robidas go to the Human Resources Committee who we have asked to take care of this responsibility and at that time I will also have Mr. Jordan there as well as the people from the Human Resources Department to fully brief you. I would urge you, if necessary, to have a special meeting of that Committee as soon as possible so that you get a true sense of the gravity of the situation. In the meantime, we will continue to work with the employees. As I said, I will meet with you personally in the very near future and I am in the process of scheduling that now so I would recommend that we do that and then ask for a vote now.

Alderman Lopez stated we brought this particular point up with the City Solicitor and again we want all parties aboard and to notify them and that includes the present Welfare Commissioner.

Alderman Levasseur asked if the motion fails, your Honor, would you accept a motion to send it to a public hearing.

Mayor Baines answered absolutely.

Alderman Levasseur asked would I have to bring that up under new business, your Honor, or would you accept that right away.

Mayor Baines answered we could take it up right away.

Mayor Baines stated there is a motion on the floor recommending that the Welfare Commissioner position remain an elected post. The only thing I find interesting about this and I need a clarification, is that it is already. I mean let's say they voted a certain way and I vetoed it. It would still remain an elected post so I am not even sure why we are voting on this.

Alderman Levasseur replied I don't think we legally can.

Mayor Baines stated let's take a vote anyway. Alderman Vaillancourt requested a roll call vote.

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

Alderman Vaillancourt stated I have done some creative thinking, your Honor, regarding Alderman Hirschmann's request. Under Section 91:A(3)II-A I am asking the City Solicitor, who said according to his previous ruling that the employee would have the right to be present and request that the meeting be in open...I am asking the City Solicitor to rule that since the employee had this private meeting that she has abandoned the right to have that in the open and that we in fact do have the right now to go into Executive Session and have the three Aldermen that were meeting with her today inform us as to what happened. I am asking for that ruling.

Solicitor Clark replied I can't agree with your ruling. I don't believe that a person can waive their statutory rights.

Alderman Levasseur moved that the question of whether the Welfare Commissioner should be an elected or appointed position be sent to a public hearing. Alderman Pariseau duly seconded the motion.

Alderman Wihby asked can we have it on the same date as the other one.

Mayor Baines answered yes.

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

Copy of a communication from Janice Higgins submitting her resignation as a member of the Conduct Board due to her relocation to Florida.

On motion of Alderman Hirschmann, duly seconded by Alderman Thibault, it was voted to accept the resignation with regret.

Nominations to be presented by Mayor Baines, if available.

Mayor Baines stated this position on the Airport Authority requires somebody with a pilot license. It is a unique position and I worked with Kevin Dillon to identify some people and Patrick Duffy was also doing some inquiries and recommended Gary O'Neil. I talked to Gary. He has the necessary qualifications. He is the only applicant and I would like to recommend approval of this nomination. As per the rules of the Board, this would layover until the next meeting unless there is a motion to suspend the rules.

Alderman Wihby moved to suspend the rules. Alderman Levasseur duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Wihby stated one of the things I would hope, you Honor, is there is going to be a new Chairman coming up at the next meeting in a couple of days and it is important, I think, to have full representation on that Committee to pick the Chairman. One of the things, I would hope, your Honor, and nothing against the person from Londonderry who has been there the longest but I remember when we sat on this Board and we were going to spend an extra \$10, \$20 or \$30 million just to move the Airport onto Manchester property so we wouldn't have any problems with Londonderry in the future. I would just hope, you Honor, that since there are five representatives from Manchester that they do elect a Manchester person as Chairman as Patrick Duffy was rather than pick somebody from Londonderry. I would hope that we could send that message to the Manchester delegation.

Mayor Baines replied we do have a Commission and they, by Charter, meet at an organizational meeting and decide as a group who to name Chair. I want to remind the Board that this is an advisory group only. They don't make any policies.

On motion of Alderman Wihby, duly seconded by Alderman Levasseur, it was voted to approve the nomination of Gary O'Neil to the Airport Authority, term to expire March 1, 2001.

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

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A **majority report of the Committee on Traffic/Public Safety** was presented advising that they have approved a request from Granite Systems, Inc. to place a pedestrian cone in the center of Elm Street at the Pearl Street crosswalk to alert drivers to their responsibility under the motor vehicle laws to stop for pedestrians in crosswalks; and further that Granite Systems, Inc. will be responsible for putting the cone out in the morning, taking it in at night and paying for said cone.

A **minority report of the Committee on Traffic/Public Safety** was presented objecting to the approval by the Committee of a request by Granite Systems, Inc. to place a pedestrian cone in the center of Elm Street at the Pearl Street crosswalk to alert drivers to their responsibility under the motor vehicle laws to stop for pedestrians in crosswalks and recommending that the Board of Mayor and Aldermen request the Committee on Traffic/Public Safety to reconsider the request and deny same.

Alderman Wihby moved to accept, receive and adopt the majority report. Alderman Clancy duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Alderman Wihby requesting the Board ask the Water Commission and Highway Department to approve the same discounts for water and sewer billings given to elderly residents qualifying for exemptions to those who would qualify for deferred tax payments.

Alderman Wihby moved to approve the request. Alderman Thibault duly seconded the motion.

Alderman Wihby stated right now there are on disability only 28 people that this would affect. It is not a big list, but we would just like to take care of those people who can least afford it.

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

Communication from Deputy Clerk Matthew Normand submitting an Ordinance amendment at the request of the Committee on Administration relating to placing a curfew on entertainment license activities and advising that the Committee has requested the Board adopt an ordinance under the suspension of rules this evening.

Alderman Pariseau stated I would like to hear from the Police Chief.

Chief Driscoll stated with me this evening is Deputy Chief Dale Robinson whom I am sure you all know. Thank you for the opportunity to speak regarding Ordinance 111.70. Ordinance 111.70 basically was the dancing ordinance that the City has had for many, many years. I guess by way of explanation I would tell you that I am opposed to parts of the ordinance, but very much in support of other parts of the ordinance. I did not have an opportunity to go to the Committee meeting and didn't realize that it was going to be discussed at that time. The Ordinance came through very quickly and I thought it was real important that I come and speak with the Board tonight relative to its content. The present ordinance restricts dancing after certain hours on Saturday, 2 AM and on Sunday at 1 AM. There is no provision for exemptions at this time in the present ordinance and there is presently no restriction on entertainment. This came to our attention as a result of a request for an entertainment license at the Center of New Hampshire. They wanted to run an all-night hemp fashion show, whatever that might be. The license came to the City Clerk's Office and we had discussion with them and found out that there was no way we could restrict that as much as we wanted to. We did tell them that there could be no dancing past 2 AM and although we were opposed to it, agreed with the City Clerk's Office and the City Solicitor's Office that a license should be issued because there was no way to further restrict that, however, there could be no dancing past 2 AM. As a result of that, the issue was discussed at the Committee on Administration. There has been this ordinance that has come through. Basically, it is 111.70 and now 111.71, which covers both dancing in the first instance and entertainment in the second instance. The ordinance does basically three things. It extends the dancing hours on Sunday nights from 1 AM to 2 AM. It prohibits entertainment after 2 AM on all days, which we believe is a good thing and then it does a third thing, which very much concerns me and probably is the reason I am here. It creates criteria in which the Committee on Administration may waive the 2 AM curfew and allow entertainment. As you know, the Police Department has worked very closely with the Aldermen on a variety of issues relative to nightclubs throughout the City. On the West Side we have had a variety of issues and in the north end we have had issues. On the East Side and center City and on the south end we have had a variety of different problems. We have basically reached out to the Aldermen and asked for their help and support and in working with the Liquor Commission we have been able to resolve some of these problems. I think it would be a real step backward if, in fact, the full Board would pass this ordinance tonight rather than give it a full examination. To allow entertainment into the wee hours of the morning is certainly going to have a negative impact on our neighborhoods and our entire community. Some of the all-night businesses that have had problems in this regard in the past I am sure would have a problem and it is going to have a huge impact, not only on public safety but on the cost of public safety if we allow some of these all-night rave parties and different organizations to come in. I don't think these are people from our community. I think they are people from outside the community who look simply at the profit that they can

generate. I basically don't think it is a good thing. Individuals promoting their own self-interest are not something that I believe is in the best interest of this community. We have done a little research on what other communities do that have civic centers and what their requirements are not wanting to inhibit the civic center in any way and I guess I would ask Deputy Chief Robinson if he would just review that for you real quickly.

Deputy Chief Robinson stated at the request of the Chief today, I contacted the following locations – the Hartford Civic Center; Cumberland County Civic Center; Springfield Civic Center; Tsongas Arena in Lowell, MA; the Centrum in Worcester, MA; the Pepsi Arena in Albany, NY and the New Haven Veteran's Memorial Coliseum in New Haven, CT. The question I posed to them is what type of entertainment they had at these centers and at what hours did they normally close. IN each instance I was told that nothing normally goes past 10 PM or 11 PM at the latest. Occasionally, a concert may go a little bit past 11 PM. In each case I asked if there was anything after midnight and again in each case I was told that there was nothing ever scheduled after midnight and there were a variety of reasons for this. The main reason was money and the union contracts paying double time after a certain amount of hours and then the contracts with most of the groups that come in.

Chief Driscoll stated I did have an opportunity to meet and speak with Sandy Dunn, the general manager of the Worcester Centrum who was here tonight. She is the person who will be involved with our civic center and I posed that same question to her and asked her if a restriction of 2 AM would in any way inhibit the Manchester Civic Center and she said absolutely not. She said she would be very supportive of that and work with the Police Department on that. I guess I would encourage the Board of Mayor and Aldermen to give this ordinance real consideration. I think that it needs to be sent back to Committee or amended here tonight before there is any serious consideration given to it.

Alderman Hirschmann stated what I remember serving on that Committee is that there was a loophole in the ordinance and as a Committee we wanted to close the loophole. We did not want to amend the ordinance to make it easier to have entertainment after 2 AM. We wanted the Police Chief to come in with a recommendation to close the loophole, but instead we got a letter from Matt Normand on how to amend the...this isn't what we asked for as I remember. Can I ask Alderman Gatsas if that is his recollection?

Alderman Gatsas replied after a lengthy discussion in the Committee, I believe that we wanted to close the loophole, but did not want to tie the hands of the Board if there was an event that was coming in that after they came in to the Committee for licensing that we could approve it or disapprove it.

Alderman O'Neil stated that was my understanding of what happened there. We wanted to close the loophole, but not close the door completely in case there was a special event. I don't believe the intent of the Committee was to allow this regularly. We certainly have been burned by some of the events that we have allowed against the recommendation of the Police Department, but I think we wanted to with the City on the move and changing a little bit we didn't want to close the door completely. We wanted to close the loophole, but allow it at least to be reviewed by the Committee on Administration.

Alderman Wihby asked, Chief Driscoll, what are we doing to loosen the requirements here.

Chief Driscoll answered what concerns me are two things. One is the fact that on Sunday night it would allow dancing and entertainment to go from 1 AM until 2 AM. That would be a change in the ordinance. The second thing is that although it would restrict entertainment to 2 AM, it would also provide an opportunity for people to come and pitch to the Aldermen or pitch to the Committee and say we would like to do this and it would give the opportunity that is not there now to say yes.

Mayor Baines asked can't we just refer this back to the Committee for further study.

Alderman Pariseau moved to refer this item back to the Committee on Administration for further study. Alderman Thibault duly seconded the motion.

Alderman Cashin asked can this also be sent to the Police Department for their recommendation.

Mayor Baines answered yes. That will be part of the motion.

Alderman O'Neil stated if we don't close this loophole, Joe Hemp Productions can be in tomorrow getting another permit. That was the intent with rushing it here tonight – to close the loophole.

Alderman Shea stated I am a little bit confused and I am not on that Committee, but the point is does "Joe Hemp" have the right to have whatever it is on whatever...

Chief Driscoll interjected it is a Hemp Fashion Show. The City has issued a license. I don't think any action you take here tonight would make a difference as far as that license goes. Maybe the City Solicitor could tell me differently but certainly we want to address this, but we want to do it right for the future.

Alderman Shea asked so that particular show will be allowed to go on. When is that scheduled for anyway?

Alderman Levasseur answered February 10. I am going.

Alderman O'Neil stated I just want to clarify that I think we are all in agreement that we can't do anything about what has been approved, but what we were trying to do was prevent him from walking in tomorrow or the day after and scheduling another show. By sending this back to the Committee, you are allowing that opportunity.

Alderman Thibault asked why couldn't we make a ruling right now on this tonight and go along with the Police Department's request. We could stop it right here.

Mayor Baines asked could we get some advice from the City Solicitor. What would we need to do to prevent something from going forward?

Solicitor Clark answered the Board has the ability to suspend the rules tonight and amend the hours if that is what they wish to do or to pass the proposed 111.71 without the extension provisions to it. We just need to know what the Board wants to do so it could be drafted properly.

Alderman Vaillancourt stated it seems that this whole issue has come up because of the "H" word. I think this Board should be ashamed of itself. This is not hemp that you smoke. Nobody is going to go to this show and rip off his or her shirt and start smoking hemp. Hemp is a legally recognized product for clothing manufacture and these Aldermen, who are sponsoring a civic center in the City where you are going to have thousands of people not wearing hemp but smoking it and causing a real problem...it is just a disgrace that we go so far out of our way and react in panic and shock and horror over the word hemp. This is a tempest in a teapot that should never have happened and I am ashamed to sit here.

Alderman Levasseur replied I agree with Alderman Vaillancourt, your Honor.

Alderman Hirschmann stated the ordinance amendment that we want to make...the City Solicitor's Office informed the Committee that the reason the license could be granted to the production that was happening was because the ordinance said you could not dance after 2 AM, but you could have entertainment so the word we want to put into the corrected ordinance is no entertainment, as well as no dancing. That way, nobody can do anything after 2 AM and the police are not going to be busy dragging people out of

establishments. If this goes forward, you can have barrooms full of people loitering legally from 2 AM until 5 AM.

Mayor Baines asked does this mean that we have to end the Aldermanic meetings before 2 AM also.

Alderman Hirschmann moved to add “no entertainment as well as dancing” to close the ordinance loophole. That is the loophole we are discussing. Alderman Thibault duly seconded the motion.

Mayor Baines stated I want to make sure that we are doing the right thing before we accept a motion.

Alderman Gatsas stated there was no intent of that Committee to roll back the hours on Sunday night. I see it says that here. I believe the Sunday night hour is currently 1 AM. There was no intent by that Committee to roll it to 2 AM. I see it here...

Chief Driscoll interjected that is the reality of what happened, Sir.

Alderman Gatsas replied so let's change that. We were not looking to change the current ordinance. It has nothing to do, Alderman Vaillancourt, with what kind of show was going on there. It was the problem of not having anything that could stop anybody else from coming in and saying we are going to meet from 4 AM until 5 AM but we are not going to dance. We couldn't stop that. There was no ordinance in place. I think there should be something that says they have to come to the Committee on Administration for a license and let us see what you want to do. If you are looking to congregate at 2 AM there has to be a reason for it. I don't know if this Board wants that or not. It is the Board's choice.

Mayor Baines asked would Alderman Hirschmann's motion, if I accept it, resolve the problem or are we going to discuss it for another hour.

Alderman Wihby asked doesn't 111.71 talk about entertainment.

Alderman Vaillancourt stated we already have a motion on the floor.

Mayor Baines asked we don't have a motion on the floor right now do we, Carol.

Deputy Clerk Johnson answered there is a motion on the floor to refer this item back to the Committee.

Alderman Pariseau withdrew his motion to refer this item back to the Committee on Administration. Alderman Thibault withdrew his second.

Mayor Baines stated I want to ask the question again. Would Alderman Hirschmann's motion solve the concerns of the Board?

Alderman Gatsas stated the reason why we did this was because the process was going to take, from what we understood, two months so we decided in Committee let's bring it to the full Board and suspend the rules so that we can get this passed. That is why we did it. I think we need to at least get an agreement as a group here that what we were attempting to do in that Committee was to close the window. Not to say we are shutting somebody down. We just said you need to come to this Board and ask for permission if you want to stay open to do something beyond 2 AM if you are not having dancing. It has nothing to do with Joe Hemp Productions or anything else.

Chief Driscoll stated I would like to try to answer your question, Mayor. It is my belief that Alderman Hirschmann's motion to insert the word entertainment in the right place, and I don't have that in front of me, would resolve the problem from our perspective.

Alderman Wihby stated 111.71 talks about entertainment. It seems like entertainment is covered there.

Chief Driscoll replied 111.71 is the new ordinance.

Alderman Wihby stated it talks about entertainment.

Chief Driscoll answered that is the new ordinance. What alderman Hirschmann was suggesting is that we amend 111.70 and insert the word entertainment.

Solicitor Clark stated the simple insertion of the word entertainment would not be enough because entertainment is too broad a term and it is not defined. You would need to...our office tried to work with the City Clerk's Office in drafting 111.71 to focus the entertainment or to define it as to those items that are already regulated by the City for which licenses are issued. You would need to keep it to the similar terms.

Alderman Wihby stated a way of doing it would be to take out Monday through Sunday and say Monday through Saturday and then on Sunday say 1 AM instead of 2 AM and that solves the problem in both of those cases. What I am hearing, though, is the Committee still wanted to be able to waive some so you would leave that in.

Alderman Hirschmann replied no.

Alderman Wihby asked the Committee didn't want to be able to waive any.

Alderman Hirschmann answered no. Somebody put that together. We didn't ask for that.

Alderman Gatsas stated I believe being a member of that Committee that what was coming forward was we wanted the ability to say yes we want to waive it if there was a function going on that the Committee or the Board wanted to waive. That was my understanding.

Mayor Baines replied somehow we have to find the wording...I am about to call a recess or something so that we can get this resolved.

Alderman Lopez stated I was going to send it to the Committee a long time ago but can I ask my question. I am confused on one thing. Under the State law for the Liquor Commission somebody mentioned that they can hang around in local bars and that versus entertainment. In this particular situation, I understand that the drinking will all be done and the entertainment would continue. Could you enlighten me on that? Are there different laws here?

Chief Driscoll replied I think there are three different issues. One would be entertainment, one would be alcohol and one would be dancing. There are different ordinances and State laws that cover each one of those issues. I think that if the owner so chose, he could shut off alcohol and get all of the drinks off the table and that party could go on into the wee hours under the ordinance that we have now.

Alderman Shea stated I agree with Alderman Wihby that we should limit it to 1 AM.

Alderman Wihby replied that was for Sunday.

Alderman Shea responded yes and for the rest of the week too. I say 1 AM is time enough.

Mayor Baines asked could somebody craft a motion that would deal with this problem.

Alderman Wihby moved to amend the ordinance amendment by changing the Sunday hours to 1 AM for dancing and do the same for entertainment. That way, it would still allow the Committee to waive and it would fix the Chief's problem with the Sunday hours. We can pass that today and get that on the books and if you want to come back to some Committee next week or whatever to look at the waiving or not, that is fine but at least we have something on the books today. Alderman Thibault duly seconded the motion.

Alderman Vaillancourt stated I guess I don't understand why Sunday night is a great deal different than other nights except that we have perhaps 10 or 11 Monday holidays on a regular basis so Sunday night would be a night that we would least want to make it 1 AM.

Mayor Baines replied I go to bed around 11 PM on Sundays.

Alderman Vaillancourt responded I don't think we should impose our own morality on other people really. If somebody wants to stay out until 2 AM, who are you to say they have to go to bed at 1 AM?

Mayor Baines replied I am not telling anyone to go to bed.

Alderman Shea asked just to clarify, Monday through Saturday nights, what time are you suggesting.

Alderman Wihby answered 2 AM.

Alderman Shea stated I am not in favor of that.

Alderman Levasseur stated I am kind of worried about this 111.71 curfew for entertainment. It says no exhibit of natural or artificial curiosities. Natural curiosities, does that mean we have to stop the lunar eclipse. The way some of these are written is absolutely insane. "Must be of sufficient good character to leave no substantial doubt that the person"...I mean no substantial doubt that he has morally sufficient good character to get a license. Who makes that decision? Is that made by you guys or is that made by someone in the City Clerk's Office? The way this thing is written, your Honor, is atrocious in my mind. They are trying to say it is rationally related to some whatever but I think this is a Constitutional Amendment situation where you have the right to assemble. You have so many words in here that are not correct. I think this should be sent back to the Committee and they should rewrite it.

Mayor Baines called for a vote on the motion.

Alderman Vaillancourt asked we are voting on the amendment, correct.

Mayor Baines answered Alderman Wihby has made an amendment to this ordinance.
Could you repeat it please?

Alderman Wihby stated it is amending the ordinance as written by the City Solicitor's Office and the City Clerk's Office changing the Sunday time to 1 AM instead of 2 AM, which was recommended by Chief Driscoll and leaving the waiver in there for the Committee to waive and we can look at that at a different time.

Alderman Clancy stated sometimes the Liquor Commission makes a ruling where drinking can be done an extra hour on weekends and certain times of the year for holidays and stuff. What are we going to do about that if we have this ordinance?

Solicitor Clark stated you could ask the Liquor Commission, but...

Mayor Baines interjected I don't know how many of us are really following this discussion here.

Alderman O'Neil stated I was one that supported this and thought I understood what happened at the Committee on Administration, but it might be in the interest of all parties here tonight, the Board of Aldermen, the Police Department, the City Solicitor's Office and the City Clerk's Office to send it back to the Committee because we are all over the place on this thing.

Mayor Baines asked for a vote on the motion to amend the ordinance.

Alderman Wihby withdrew his motion to amend the ordinance. Alderman Thibault withdrew his second.

Alderman O'Neil moved to refer this item back to the Committee on Administration. Alderman Clancy duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from the Airport Director seeking authorization to accept and execute Residential Sound Insulation Program Avigation Easements on behalf of the City, and requesting same be approved without referral to committee.

On motion of Alderman Wihby, duly seconded by Alderman Pinard, it was voted to approve the easements and authorize execution of same, subject to review and approval of the City Solicitor.

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

Deputy Clerk Johnson stated the Clerk would note that the amount is \$86,141.26 and we would ask that it be committed at that amount.

Alderman Wihby moved to commit the sewer warrant in the amount of \$86,141.26 to the Tax Collector under the hand and Seal of the Board of Mayor and Aldermen. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

NEW BUSINESS

Deputy Clerk Johnson stated the Clerk distributed two communications to the Board at the beginning of the meeting. The first had to do with referrals to Committee and after review the recommendation would be that the Board return to the process of having items submitted directly to the Committees. This was done prior to 1992. Since all members of the Board now receive the Committee agendas with all attachments, they all have that information.

Alderman Pariseau moved to approve the recommendation. Alderman Vaillancourt duly seconded the motion.

Alderman Shea asked, Carol, could you be a little bit more specific in your explanation of what transpired in 1992 versus what is transpiring now please.

Deputy Clerk Johnson answered prior to 1992 when the Clerk's Office received communications for the Board, if it was an item that was normally taken up by a Committee we would frequently direct people if we got a call to address the item to the Committee. For instance, AT&T Broadband complaints obviously belong in the Committee on Administration but because of the Board's policy that had been adopted in 1992...the Board adopted a policy that they wanted everything to show up on the Board agenda to be referred to the Committee rather than have items go directly into the Committees. So, we have been telling people that they need to address it to the Board and then it gets referred to a Committee. Sometimes it slows up the process for people to get their business conducted or to get an answer from the Committee or whatever. There have been suggestions from some Aldermen that some of the discussions of going into Committees let it go into the Committee and come back out so we said let's look at it and

we did a historical perspective and thought that was the best recommendation we could make and we sat with the Mayor on the issue.

Mayor Baines replied again we received a request from several members of the Board to try to come to the Board with recommendations to streamline the agendas so that we can focus on issues of substance such as curfews and things of that nature.

Alderman Wihby stated there are some items that go to Committee that the Committee just okays and the Board never looks at it anyway. In that case at least if it came this way for those items at least we would see it otherwise it is never going to be reported to the Board.

Mayor Baines replied you would see everything that was going to Committee on the...

Alderman Wihby interjected I know there are items that don't come to the full Board. It is voted on in the Committee and then the full Board doesn't see it again.

Deputy Clerk Johnson replied any item that a Committee takes up a Board member could bring before the Board and the Board is receiving all of the information that all of the Committees are receiving.

Alderman Hirschmann stated when the consent calendar is being put together, it is being viewed by someone that those are trivial items that are going to be routinely passed but as you frequently see here those items are not routinely passed and they are debated passionately here. I kind of like the way the process works. I don't see why we should change it at this point.

Alderman O'Neil stated I have no problem with...obviously actions of Committees would come back to the full Board but we end up beating up items that are being referred to a Committee. I took us an hour and a half to go through the consent agenda tonight and most of them were referrals to Committees.

Alderman Lopez stated I would like to know how this would...Rule 14...I think Alderman Wihby is right. Some of the Committees turn around and kill things in Committees and we never get it as the Board of Mayor and Aldermen. Does Rule 14 have to be changed in this particular situation?

Deputy Clerk Johnson asked are you referring to reports coming out of Committees.

Alderman Lopez answered no. I am referring to “it should be the duty of every Committee of the Board whom a subject has been referred to to report out.” What happens in a situation when Committees are not reporting out?

Deputy Clerk Johnson replied the standard for all Committees that the Clerk has established and followed over the years has been that if a Committee takes a physical action that is reported out to the Board. If a Committee receives and files an item, then that is generally not reported out to the Board. However, there have been occasions where an Alderman has requested that that report be submitted to the Board for informational purposes and we can do that. Sometimes we bring out things advising that a Committee has taken a specific action and we get questioned as to why that is on there so we generally only do that if we are submitting a report for informational items now.

Alderman Levasseur stated I like Alderman O'Neil's point about the fact that this stuff is being referred to Committee, but a lot of us cannot make those Committee meetings and I think it is important sometimes that a point could be made by an Alderman here before it is referred to a Committee and you can make an argument so they can think about it. I would rather leave this the way it is and if we are going to make this change, make it for the next term.

Alderman Wihby stated for instance the Committee on Administration met and they voted to allow the license for the hemp fashion show. Now, this full Board didn't vote on that, right?

Deputy Clerk Johnson replied that is a licensing issue.

Alderman Wihby asked so I would have seen it on the agenda as a referral to the Committee on Administration and I could have gone to speak at that Committee but they are going to vote and I may have had a point and talked to the Aldermen on the Committee and convinced them that it wasn't the right thing to do.

Deputy Clerk Johnson answered there are specific items that are not brought to the Board even now and they are items that are taken up...for instance in the Traffic Committee or by the Committee on Administration because the Board has designated them with specific authority either by Statute or by Ordinance or by rule of the Board.

Alderman Wihby stated but we can see it before it gets there and we can think about it.

Deputy Clerk Johnson replied you don't see it. You won't see a license come before the Board.

Alderman Wihby responded on the agenda I saw a license going to the Committee on Administration. I saw that on the agenda.

Deputy Clerk Johnson replied circuses and carnivals you do because it has to come before the Board.

Alderman Wihby responded right and at that point I could have brought it up in front of this Board and said when it gets down there we are going to have some concern rather than it gets there and I can go to the Committee meeting but it is done without coming back here.

Deputy Clerk Johnson stated there are some licenses that are done by the Board and some that are done strictly by the Committee and that is under Ordinance. In the case of and I am going to use the hemp fashion show as the example because that is the one that you refer to, that particular license was a license designated by ordinance, which did not come to the Board and was not referred by the Board to the Committee. It was strictly a licensing item that the Clerk's Office dealt with and it was an appeal to the Committee by ordinance. There are other licenses, such as circuses and carnivals, which are issued by the Board of Mayor and Aldermen upon recommendation of the Committee on Administration. The Committee on Administration under those circumstances does not have complete authority. So, if you have a Committee that has complete authority over something, those items go directly into the Committee. Items where the Committee doesn't have complete authority over it would come to the Board and then be referred at this time.

Alderman Wihby asked so with a circus that would show up on a Board agenda to be referred to the Committee and the Committee says yes or no and then does it come back to the full Board.

Deputy Clerk Johnson answered yes it does.

Alderman Wihby asked can we send this to the Committee on Administration and have them look at it.

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

Alderman Wihby stated I think there are certain instances where we could do this but some where we don't want to.

Mayor Baines replied I would hope so so we can focus on issues...this was an attempt. You asked us to do it and there are very few things we can do. We went back and did a history of the Board and how did the Board used to do it. When I hear some of the former Aldermen tell me about how the meetings used to go...we tried but if you want to make a motion to refer the issue to Committee, which Committee would it go to?

Deputy Clerk Johnson responded the Committee on Administration.

Alderman Wihby moved to refer the issue of Board agendas to the Committee on Administration to see if it can be streamlined. Alderman Sysyn duly seconded the motion.

Alderman O'Neil asked if the Committee makes a recommendation are we going to get some support or are we wasting our time. It is a pretty clear message that the Board approves of the way we are doing business. We are wasting time then and I personally think, having served back in the 1980's, that we waste time with items referred to Committees. It should not take an hour and a half to go through a consent agenda.

Mayor Baines replied I agree.

Alderman Pariseau stated being here in the 1980's, not as early as Alderman O'Neil, but things seemed to work a lot smoother when items went right to Committees and the Committees reported back out to the full Board. It was only at the request of Alderman Girard, I believe, in 1992 who had to nit-pick...

Mayor Baines interjected when he was an assistant to the Mayor.

Alderman Pariseau replied right. It just overburdened the City Clerk's Office to no end having to increase the paperwork. They have to send the Committee a report and they have to send the full Board a report and then the Committee reports back to the full Board. You are talking tons of paper. I think to get a little ahead of the ballgame if we did it back like we used to do it in 1980 I think we will all appreciate it. Give it a try.

Alderman Gatsas stated the Committee on Administration came out with a recommendation tonight 5-0 and this Board just sent it back in again. We came out with a recommendation on the ordinance issue because we felt that we were protecting the City and trying to cover a loophole. We decided to suspend the rules and bring it to the full Board. We could have sat around and let it sit for months.

Mayor Baines replied welcome to democracy. It can be ugly at times.

Alderman Gatsas stated it doesn't make sense to me.

Mayor Baines replied you asked us to look at streamlining the Board meeting. We did it. Leo has been around for quite awhile and Carol has been around. We came up with what we thought at least was worth trying. If you don't want to accept it, that is fine.

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

Deputy Clerk Johnson stated we have another item of new business on a rule change. There was another communication that we distributed from the City Clerk and it is suggesting a change to Rule 2A. Special Meetings for Public Participation. The basic change would be to change it from...

Mayor Baines interjected basically in summary what it does is instead of having public participation at both meetings we would have one hour...since the first meeting of the month is usually busier we would start that and do our business and start the second meeting an hour ahead of time and have one hour of public participation.

Alderman Pariseau moved to approve the change to Rule 2A. Alderman Thibault duly seconded the motion.

Alderman Vaillancourt stated I am opposed to that, your Honor. The reason we decided to set it up where we would have public participation at every meeting was because as you see tonight this was the second meeting of the month and there was a tremendous amount of interest on various issues. I didn't write them all down, but three of them happen to be as a result of your very own Voices & Choices, which came out of Wards 8 and 9 over the weekend. I don't think it is good that we make these people wait three or even four weeks before they can come out and voice their concerns. I think we should keep it the way it is. There is no telling which meeting is going to go longer and I think we should keep with the spirit of letting people have a voice.

Alderman O'Neil stated again going back to serving in the mid-80's before we had any public participation, the public still has ways of voicing their views. Either by picking up the phone and calling and Aldermen, which most of them do or writing letters, which some citizens do. We are not shutting out the citizens from the ability to contact the elected officials in this City. I don't think government is any better for holding two public meetings every month.

Alderman Hirschmann stated some of the issues that the constituents and City employees bring to us are in a timely manner. We don't want to have them wait until that second meeting. Instead of coming to us tonight, they would be waiting until February so I think that staying with what we have makes sense for the public.

Alderman Levasseur stated I agree with Alderman Vaillancourt and Alderman Hirschmann that again look at the people who came before us tonight and anything that brings more people downtown twice a month is really good for downtown so I want to keep it the way it is.

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

Mayor Baines stated I have some brief announcements. We need resumes for Boards and Commissions, especially those interested in the Conservation Commission and Historic Commission, but also citizens who are interested in serving on any other commissions as well. Please send a letter of interest and a resume to my office. The State of the City Address will be tomorrow at 7 PM on MCTV and the Mayor's Night Out in Ward 1 will be on January 31 at the Webster School from 7-8:30 PM hosted by the Mayor and Alderman Wihby.

Alderman Lopez stated we had the Civic Center meeting tonight and I didn't want to get involved in the question there but Alderman Thibault brought up something during the meeting and I was wondering if there was any status on the surcharge for the City on tickets so that we can get some revenue. Has anything been done on that or is that something that is going to be negotiated or what?

Alderman Thibault responded it is supposed to be included in the price but I am not sure if that has been done. I think it should be looked at definitely.

Mayor Baines asked could we look into that and report back to the Board at the next meeting.

Alderman Clancy stated during this past weekend we had a snowstorm and there was the snow emergency. I had some constituents of mine call me up who said they were towed at 3 AM and there was no snow on the street. I don't know what the procedure is, but I was talking to a few City officials today who are supposed to look into it. One of my constituents has both cars towed to the tune of \$170 at

3 AM and there was no snow on the street.

Alderman Thibault replied one thing you have to remember is there was a snow emergency and you were right that the snow didn't start until 5 AM and I know because I go out and plow but you can't blame the City for that. The snow was supposed to be here at midnight and never arrived until 5 AM.

Alderman Clancy responded my contention is why give him a ticket and tow him for parking on the street if there was no snow.

Mayor Baines replied we will bring that to the attention of the Highway Director.

Alderman Levasseur stated I had the same problem. One of my constituents had both of their cars towed and five inches of snow I don't think constitutes a snow emergency in the City of Manchester, especially with the apartments as full as they are and vacancy rates as low as they are. We had 180 cars towed. We are not in the towing business in the City of Manchester and I think it is time that we get this matter resolved because we don't have the snowstorms that we used to have. When you are talking about a blizzard, I can see that but this is happening way too often. Your honor, you are giving the State of the City Address tomorrow evening. Would you be open to having me give the other view as the minority party?

Mayor Baines replied absolutely not but thank you for asking.

Alderman Vaillancourt stated I understand, your Honor, that of course you want me to give the opposing point of view...

Mayor Baines interjected you do every week.

Alderman Vaillancourt stated as you may have read or heard or otherwise learned, the court system in the State of NH has struck down the statewide property tax. It appears that the Governor will include a statewide property tax in her proposal to fund the Claremont solution and it appears that the mechanism will be set in place whereas we come up with a means of making the statewide property tax fair and acceptable to the court. You may know that this would involve reappraisal and Manchester is going through a process that is costing us about \$1.375 million. I handed out earlier tonight the listing of your State Representatives, all 36 of them, and your three State Senators so that you would have that information. I would hope that the Manchester Legislative Delegation would commit itself that any legislation that passes would make sure that all communities be treated fairly. In other words if Keene is paid by the State to do revaluation that Manchester has the revaluation be paid for by the State as well.

Alderman Levasseur stated we are supposed to pull Item 15 off the table. That is what we have been waiting for all night.

TABLED ITEM

On motion of Alderman Levasseur, duly seconded by Alderman Hirschmann, it was voted to remove this item from the table.

Majority report of the Committee on Lands and Buildings recommending that Singer Park B, as enclosed, be chosen as the site for the Senior Center. (Note: minority report also enclosed; no previous action having been taken.) (Tabled 12/19/2000)

Alderman Pariseau moved to refer this item back to the Committee on Lands and Buildings. Alderman Levasseur duly seconded the motion.

Alderman Hirschmann stated the discussion earlier in the evening was that as a contingency other sites were to be possibly considered. Should Aldermen be thinking of other sites if they want them considered?

Mayor Baines replied I think so. I think that is fair. I think it may take a third or fourth option to be considered to resolve this issue and that is the reality. We have to deal with the reality of the situation. I think when you are in government you have to consider options and I would say yes to that.

Alderman Pariseau asked could we look at the Public Service property.

Mayor Baines answered I think we could look at any number of pieces of property.

Alderman Shea stated I wonder if there are two separate issues here. One has to do with the senior center and the other has to do with the consolidation so I am wondering if we shouldn't make a motion to look at both because we are really examining one issue compounding the other.

Mayor Baines stated we have a motion on the floor to send the item back to the Committee.

Alderman Shea moved to amend the motion to include discussion of consolidation. Alderman Thibault duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Lopez stated you know this continuous delay of the senior center is unreal. We have spent \$25,000. We have a study. It is done. There was an opportunity for

everyone to come in and voice their opinion. There were 42 sites that we all went through. I really cannot understand it and what is the Committee going to do? What are we charging them to do, open this up to another 42 sites to go through for another six months? This is totally ridiculous.

Mayor Baines replied democracy...

Alderman Lopez interjected I understand democracy 100%, but this is some tactic that is not the right thing to do. It is not right for the citizens of Manchester. We are not going to get anything done on this thing and we are looking at other sites? We have looked at every site in this City. Every site. Now the Committee is going to hold this up. Does that mean that Bob MacKenzie doesn't do anything and spend \$20,000 to \$40,000 or what? What direction do we give him and his staff? To stop dead in their tracks until the Committee decides?

Alderman Gatsas stated I am sure the entire Board is very well aware of the survey that I sent out, the bias survey that I sent out according to some Aldermen on this Board. I sent out a survey to as best as I could round up in Ward 2 to 902 seniors. I am sure that falls short of how many seniors are in Ward 2. Most surveys that are sent out have a response return of between 3% and 5%. I was absolutely amazed that I received a 38% return. I am sure you are all aware of what my letter said because you all had it. Let me just tell you that I was a little embarrassed when I got that return. Some Aldermen said and I am certainly in a position in Ward 2 where a lot of people respect me but I can tell you with the results that came in that I didn't carry that kind of a vote in Ward 2. The response cards are in. We have proof of mailing. We also took back the returns so on a daily basis there were returns that we were charged for that show that there were a total of 344 responses. I have these responses and I told the constituents of Ward 2 that the cards would be available and we would not show their names. Now they are there and available for people if they want to come in and see them. 294 people responded for support of the Sears building with consolidation, which is 85% of those people who sent cards back in. Ten people or 3% of the total respondents chose the Singer Park location. Thirty-seven people or 10.7% responded that they didn't want a senior center at all and three had no feeling and just sent the card back blank. I would say that if we are going to spend the money and again if somebody wants to put something together we gathered numbers that were given to this entire Board by the Planning Department so the fuzzy math we had came from them. I would say that before we spend \$40,000, we have two sites on the table that I think Alderman Shea as the Chairman of the Senior Center Committee and Alderman Lopez looked at over 50 sites. So, if we are looking to explore more sites, they looked at every site. I participated in three out of those four Committee meetings looking at sites. They had experts that we paid who came in and evaluated sites

from beginning to end. Again, I think there are two sites that we are talking about and we are talking about consolidation and I understand that people want to separate but if we are looking to spend the money, it is probably going to cost \$700 per ward to do this. Now maybe we should have instead of a public forum, let's send it out and see if that response is the same because I don't think it should be any different. When you see this kind of a response of 344 people and they are still coming in, responding to a survey, I think that the people out there, the seniors especially, are well versed on what is going on. I would say that if we are going to spend the money, let's spend it in a direction where maybe we could get some input as Aldermen. Gentlemen, I think you all know me and if the response came in at 294 for Singer Park I would not hesitate for one second to say that is where it should go. I gave that commitment to my constituents in Ward 2 and that is what I would do. Now if the rest of us want to sit down and put something together that every Alderman feels is feasible to send out, then fine. Whatever the people decide, then we as a body should say that is what we should do. This shouldn't be an issue that is dividing the seniors because I don't think that is what we are here for.

Alderman Levasseur stated first of all, I think we should send it back to the Committee because we need to discuss the point that Alderman Shea has brought up – should we consolidate or not. That is one issue. If we get that out of the way, then we can go onto the sites. If we want to consolidate, then the Sears site would stay in play. As far as Alderman Gatsas's survey, it was not too long ago, Alderman, that Chairman of the Board, Alderman Cashin, ripped my head off in front of all of you for going out and doing a survey of my own; by going to my constituents and asking them whether they wanted to pay an extra tax to be down here or not. I looked at that and I took that criticism pretty hard but when I look back in retrospect I think that Alderman Cashin was correct. I had put a taint on that because no matter how hard you try to put a survey out there, you have to be exceptionally careful to not put your opinion into it. If you look at the letter that you were sent by this Alderman, you notice that the two sites were compared. Alderman Gatsas did not tell the people in his ward that \$80,000 to \$100,000 was coming off the tax roll. He also compared a 24,000 square foot building to an 18,000 square foot building. Those two numbers are completely different. That survey is misleading. I am not saying that he did it intentionally, but he also stated in his letter you know my position on this but I will go with you if I have to. That is an opinion that he is telling the people in his ward. People have a lot of respect for Alderman Gatsas because he has been very, very good with the numbers in the City of Manchester. He has been on top of the numbers as far as the School Board and he was very strong with the numbers on the budget and everyone knows that he has run a very successful business. So, people who see Alderman Gatsas's name on a survey that is misleading, intentionally or unintentionally, and I don't believe that Alderman Gatsas intentionally did that. I think there was just some misinformation in that and if you are going to send out a survey it is

very, very important that it be fully factual and have no bias statements or leading statements in there whatsoever. So, I would ask this Board to disregard that. I will bring up one more point to close this. I received 36 cards from seniors. Thirty of them were for the Singer site. The Mayor received over 100 that were sent to Alderman Cashin. Overwhelmingly they were picking the Singer site. I have received many phone calls from people who want the Singer site. So Alderman Gatsas hears from the people in his ward who want the Sears site when he sends out a survey that he gives the information for. The seniors sent out their own survey and the survey came back overwhelmingly for the Singer site. If we are going to start doing surveys and stuff I can do one and make things look much better towards my side and people will send them back to me picking the Singer site.

Alderman Gatsas replied I would invite Alderman Levasseur that if he would like to do a survey be my guest and if he gets a 38% response on that survey no matter how he taints it, good luck.

Alderman Levasseur responded you know Alderman Gatsas can afford to go out and send out a 900-piece mailing and also pay for the postage to have it sent back. I can't do that and I don't think that puts us other Aldermen in a fair position, your Honor.

Mayor Baines stated the situation is now going back to the Committee. The Committee can look at consolidation. They can look at the site issue. They can also look at the survey issue and there are ways and I talked to Alderman Wihby a couple of weeks ago about trying to do some kind of an objective survey. I think there are ways to do that and that may end up being part of the process that we do something and look at contingency to come up with a survey that just goes out after we get all of the information out and the analysis is complete to help us with the decision making process and allow people to weigh in on this issue. I could support something like that at the end of this.

Alderman Levasseur replied you made the best point the whole night on this situation. We do not have all of the information, your Honor, for the people to make a real decision. We don't know what the cost of these two sites are. We don't know what size square foot building we are going to go with. Those are pretty important things to know before you send out a survey.

Alderman Vaillancourt stated push polls are illegal in the State of New Hampshire. If I am a politician and I conduct a poll saying would you vote for Governor so and so if you knew that she beat her husband regularly, that is illegal. To me, this survey was little more than a push poll and I will but absolutely no credence in it. Whenever you do a

survey, in order for it to be legitimate it should have fair and unbiased data. This was a push poll and I will listen to no push polls.

Mayor Baines replied the only thing that I would add is I would offer a bit of respect for the intent of the individual Alderman in this regard. I think his intent was to get feedback and I don't think we should prejudge his intent or characterize what he was trying to do in any way other than an honest effort to try to provide a service to his constituents.

Alderman Shea stated in a discussion like this, we should always, members of the Board, stick to the issues. Everyone is trying hard to do the right thing and I agree with you and I concur. It is a very emotional issue. Just by way of kind of tracing history a bit, we have had seniors come before us, different seniors stating their preference as far as a senior center was concerned. We have had people from the Council of Aging who have studied the problem on a state-wide basis, community-wide basis, and county-wide basis indicate their particular preference because of the background. We are not, your Honor, going to settle this issue this evening. We are going to keep talking and people are going to plead their cause. I accept the good judgment of a Committee to study it. We will study it again, but as you have indicated it takes 10 votes so basically unless people decide one way or the other are we going to have a consolidation or are we going to have a self-standing building, it isn't going anywhere.

On motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to move the question.

Mayor Baines called for a vote on the amended motion to refer this item back to the Committee on Lands and Buildings and include discussion relative to consolidation of City departments. There being none opposed, the motion carried.

There being no further business, on motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to adjourn.

A True Record. Attest.

City Clerk