

**BOARD OF MAYOR AND ALDERMEN**

**February 20, 2001**

**7:30 PM  
Aldermanic Chambers  
City Hall (3rd Floor)**

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, Hirschmann

Presentation from the Londonderry Board of Selectmen regarding the  
Manchester Airport.

Marty Bovie stated I would like to introduce my fellow councilman, Dr. David Wallace. Thank you for allowing us the time to engage in dialogue regarding the Manchester Airport. We come to you as citizens of Londonderry, New Hampshire as elected officials and as neighbors. We recognize the tremendous transformation of the Manchester Airport and its contribution to the local and regional community. We recognize its importance in drawing and nurturing industries, businesses, commercial and residential development and its impact and influence on broadening the tax base. We would like to acknowledge Airport Director Kevin Dillon's relationship with Londonderry. He has been extremely responsive. He has visited us often and updated us on the airport and its expansion. He has made himself available to the Londonderry Town Council and its citizens at meetings and has invited input from everyone. He has been very cooperative and open. He has patiently explained what is being done and what can be done. He is usually only a phone call away, but this alone has not and cannot answer all of the questions that the people of Londonderry have. We know that you have struggled with complaints from your own constituents regarding the expansion. We know that there are many of your citizens who are concerned with noise, air and water pollution as well as traffic problems. We know that many residents have been displaced and that many homes have been soundproofed. These and other problems we share. We are here tonight in the hopes that we can start a dialogue to deal with all of these common concerns. As I have stated, our major concerns have to do with noise, air and water pollution and traffic problems. As you know, we in Londonderry are the main corridor for flights in and out of the airport. This is nothing new, but with the expansion of the Airport over the past 10 years and the future expansion of the runways and planned terminal expansion, we have experienced a tremendous increase in the number of take-offs and landings and expect more. This has added to the noise, air and water pollution

that we have seen and we expect it to increase as the airport expands. One of our major concerns is the limitation of residents to be able to qualify for soundproofing. Not only that they may not qualify, but those that do wait for long periods of time before the situation is rectified. We would like to enter into a cooperative effort to monitor the major areas of complaint and to proactively resolve them. We would like to put into place monitors that measure the noise, air and water pollution so that we can accurately determine the levels and move to resolve any identified problems in a timely manner. We are sure that your citizens have the same concerns that we do. The majority of Manchester's residents have the benefit of an established infrastructure like sewer and public water. What safeguards do we have in place to check wetlands and safe drinking water supplies, i.e. Goffstown? The majority of drinking water in Londonderry comes from private wells. We would like to note the City of Manchester has set aside any money designated towards monitoring of the Manchester Airport for water and air pollution, noise and related noise abatements. If not, would it be appropriate to set aside some of the airport income to be designated to set-up and monitor specific quality measurements in Manchester and the surrounding communities? Also, what current ordinances do you have in effect or what prospective ordinances are you considering for the protection of your citizens? Would the Mayor and the Board of Aldermen be willing to attend our next airport public forum and deal in open dialogue with our citizens as well as yours? Maybe we can have a cooperative and joint meeting. These are the concerns of our constituents. They have been brought to us a number of times at a number of meetings. We are trying to address them. We have other issues as well. We are very concerned about pollution in Londonderry and trying to monitor it, but realize the airport is a regional facility and it has a regional problem, as well as regional benefits and hopefully our presence here tonight will start a dialogue above and beyond the advisory board type stuff of representatives on the Airport Commission. We understand that the City of Manchester really benefits only from the fact that the Airport is here. You have invested millions of dollars and we understand that. You are the ones who took the risk and you are the ones who put it in place. You should be reaping the benefits, as well as the region. With you, hopefully with some cooperation, we can start a dialogue of dealing with common problems.

Mr. Wallace stated Marty and I are pretty much in agreement on all of this, but I would like to add one thing. As most of you know, the regional air quality in this area of New Hampshire does not meet NH standards right now. You probably also know that a very large, huge, 720 megawatt power plant is going to be built in Londonderry. As the price of gas goes up, they already have a permit to burn oil and they have applied for a permit to burn coal, which frankly I hope the state will deny. Now we would like to get a base line on some aspects of water and air quality now because as the airport expands and as the power plant is built and goes into operation we expect that the regional air and water

quality, both in Manchester and Londonderry, will change. I don't know...I am not asking Marty or anybody else to agree with this. I am going to tell you that I have a very strong point of view about who is going to pay and it is going to be many hundreds of thousands of dollars in testing. My feeling is that the State of New Hampshire has told Londonderry you will have a power plant even though our citizens voted against it and our town council does not support it and we don't want it. We are being told we are going to have it. The Federal government, in effect, is saying you have a large airport, we are going to expand it, you have no authority and that is that. I am willing to accept that, but I feel that the state and Federal government should pay for the testing that the City of Manchester and the Town of Londonderry need to do because I am not going to whack our taxpayers with another half a million in testing for pollution that they are not creating and that the many small businesses in Londonderry are not creating.

Mr. Bovie stated we had a meeting yesterday with Senator Smith. He was in and we talked about a number of regional issues that we had and specific issues with Londonderry. He agreed to look at and try to help us in dealing with the more regional pollution issues. It would go beyond just Manchester and Londonderry, but obviously you being the biggest neighbor and being that is the Manchester Airport Authority, we thought we would come to you first and try to open the dialogue with you and possibly our other neighbors, whether it be Bedford, Merrimack, Goffstown or whoever else may be affected by the regional expansion. So, with that in mind we are not looking for specific answers tonight at all. We are using this as an initial step to try and set-up some meetings or dialogue, whatever you feel may be appropriate and whatever medium you would like to use to try and deal with these common complaints.

Mayor Baines stated thank you for being good neighbors and good partners. Also, we appreciate your compliments to our Airport Director too and we share those thoughts.

Mr. Wallace stated I would like to emphasize that we do get very heated, very angry complaints from some of our citizens. I don't think they have all the information, but I would like to emphasize that the Town Council in Londonderry does not regard Mr. Dillon as the enemy or even in any adversarial light. He has done everything that he can do. We understand the constraints that he is under, but without going into it, they have appeared before the Planning Board, they have worked with Londonderry as much as possible and we appreciate that. My concern is that we continue to have good relations with the airport and not approach this in an angry, adversarial manner.

Mr. Dillon stated I just have a couple of quick comments. There is no doubt as I have said before we are trying to be a good neighbor to the Town of Londonderry as we are with our neighbors in Manchester. It is a very important thing to me personally and certainly to all of the staff at the airport. I guess, though, a couple of things should be

pointed out. When we talk about airport expansion, what the airport is simply doing is carrying out the Master Plan that was put together for the airport back in the mid-90's. There is nothing that has changed. It is the same plan that was agreed to back then. Agreed to by not only the City of Manchester, but also the town of Londonderry and a lot of surrounding towns as well had considerable input into the plan. So, simply what is happening today is carrying out those plans. Along with the approval to move forward with that Master Plan, the FAA issued a recited decision that allowed the airport to go forward. That recited decision required that a lot of the environmental issues that the two town councilors are talking about be addressed. Some of the specific requirements that we have at the airport in terms of what we are allowed to build were based upon a review of those environmental needs at the airport. Certainly it is something that I think the airport has taken a very hard look at, but we are also under considerable reviews by the state environmental agencies. It is not that the airport is just operating on its own. We constantly have to have our permits updated and we undergo annual audits, environmental audits out at the airport. We are also subject to the rules of the Federal EPA, as well as the Federal Aviation Administration. It is certainly something that we need to continue to monitor as the airport continues to grow, particularly in terms of the noise area. We have started some additional initiatives. We have combined forces with the Town of Londonderry, as well as our own folks here in Manchester to urge the FAA to make more homes eligible for soundproofing and move the contours out from the 65 DNL to the 60 DNL. The town has asked for the 55 DNL. I do believe that is a little bit unrealistic at this point, but it certainly is a request that the town can make and we are also pushing the FAA to provide extra funding. It is something that I would like to work in conjunction with the Town of Londonderry on and I think we have been doing that.

Alderman Pariseau requested that the comments be reported to the Special Airport Committee.

Alderman Vaillancourt stated I echo the kind regards for our Airport Director and I am most appreciative of the comments made in the paper, the *Union Leader*, I believe it was last Thursday. In kind of dousing the flames of what I think was a most unfortunate headline...I know people that write stories don't write headlines but the airport access road is not in danger because of an eagle or two. I called Bob Barry at the DOT so I think it is very important for the citizens of Manchester and Londonderry to go forward with this project and I want you to know that the eagles aren't going to stop the access road.

Mr. Bovie stated in due respect to what Kevin says we understand and he is doing a fantastic job, but I think you can all relate as elected officials that despite the fact that these things may have been in the planning for a long time, the reality is you now have

people who are being affected by what is going on and those are the people who are calling and asking and are concerned not for just today, but for tomorrow. I think that is what we share and I think that is why we wanted to come to you because you have the citizens as well as we do who are in the same position and we need to recognize and deal with their concerns because they are valid concerns to them and that is the most important thing and as their elected officials, that is the way we need to treat them.

Alderman Hirschmann stated these gentlemen have some very valid points and what I would like to see is someone in a leadership role, someone like Executive Councilor Tom Colantuono who loves Londonderry and Manchester equally, put a collaborative meeting together like these gentlemen want. Tom Colantuono is a good facilitator. He is from Londonderry and now lives in Manchester. He represents the State of New Hampshire and all of our concerns and I think a meeting is necessary and I would like to make that request.

Mayor Baines replied I can work with Kevin on that. I agree that communication is the key and the more information the better. The dialogue is extremely important. I have watched Kevin at these neighborhood meetings because they were my neighbors and Alderman Vaillancourt's and Alderman Pariseau's neighbors and the information, they just want to know. Like I said even though it is in the plan, whenever they hear about some kind of expansion or something else, for many of them it really is the first time they are hearing it and we have to keep that in mind whenever we make announcements about the airport.

On motion of Alderman Hirschmann, duly seconded by Alderman Thibault, it was voted to refer the issue of having a joint meeting with Londonderry and Manchester to the Special Committee on Airport Activities.

**4. Presentation from representatives of the Mayor's Civic Center Alcohol Policy Partnership.**

Mayor Baines stated the next presentation is from the representatives of the Mayor's Civic Center Alcohol Policy Partnership and I would like to introduce at this time Renie Denton, Chris Stawacz and Doug Blais who have helped spearhead this effort in anticipation of opening the civic center in November.

Ms. Denton stated I am the Director of the Manchester Community Resource Center, which is located right down the street from the civic center. We are here tonight to talk about the findings of the Mayor's Civic Center Alcohol Policy Partnership. I would say around July or so I attended a meeting with New Futures, which works on hopefully the elimination of the accessibility of alcohol to our teenagers. At a meeting, somebody

mentioned what are we doing to develop alcohol policy so that our teenagers are not receiving alcohol or even permitted to go into a building when they have been drinking. So, they kind of planted a seed in my head and I became a little obsessed with it. I then stalked the Mayor for a couple of months and every time I saw him, I asked him what are we doing to develop a policy. He always very nicely answered my questions until finally I saw him and he said send me an e-mail on it. So I did. I sent him a two-page e-mail making recommendations on what I thought this Committee should look like, who should be on it and the diversity of it. My biggest concern, as I mentioned, was the accessibility of alcohol, tobacco and other drugs for our teenagers, but I also worried about whether or not we would be promoting the responsible sale of alcohol and what we would be doing for the people who did not abide by these laws. The biggest concern was that the civic center would open and there would be no local representation on any committee setting up our policies, our policies would be set-up by somebody outside of the area so fortunately the Mayor agreed with me and we came up with a great committee of people to work with us. These two gentlemen will take over now and talk about what our findings have been.

Mr. Stawacz stated I am from Rockingham Ambulance. Thank you for allowing us the opportunity this evening to tell you about our committee. The committee met for a total of eight sessions and had membership, as you can see from the presentation, it was very diverse. We had people from the Manchester Development Corporation, NH College, Aldermen Levasseur and Lopez in addition to Alderman O'Neil, the State Liquor Commission, the Manchester Police Department and a number of civic and youth groups throughout the City who were with us formulating these policies. We came up with a mission statement and I think it took us the first three meetings to do that. I will read it to you, "In the spirit of cooperation, the City of Manchester recognizes that patrons of the Manchester Civic Center may chose to enjoy alcohol beverages during sporting and entertainment events. In order to create an environment that is safe and comfortable for all patrons and City residents, strict guidelines must be followed to promote legal and responsible distribution and consumption of alcohol." We felt as a group that this was a cornerstone to an effective and safe alcohol policy at the civic center. Next we looked at suggested guidelines for the distribution of alcohol before, during and after the event. Before the event, no alcohol may be brought into the civic center by any patrons. The restaurants around the civic center will be encouraged to post signs saying no drinks outside the premises beyond where they are allowed on the street. The civic center's public address system will have the alcohol policy put forth on it before, during and after events. Lastly, patrons who appear to be intoxicated when they try to enter the civic center will not be admitted.

Mr. Blais stated to continue with the before the event, there will be no empty containers allowed in the civic center. All bags will be subject to search and there will also be signs

posted regarding this search policy. There will be no food or beverage allowed inside. Police will be summoned to handle intoxicated guests during the event. Annual training and an alcohol awareness program will be held for all employees. This could have been put in under general guidelines or under the subheading of during the event. All i.d.'s will be checked. If a patron appears to be under the age of 27, ushers will check identification of suspected underage drinkers, this would be people in the stands, and report that to the police. Security will confiscate any fake i.d.'s and notify police. During the event, there will be no in-stand hawking of alcohol, which means there will be no vendors selling alcohol in the stands. The luxury boxes will have a wait service. Sixteen ounces will be the maximum cup size for alcohol. These cups will be coded to distinguish them from soft drink beverages. There will be a two-drink purchase limit per trip to the concession stand. Alcohol sales will end at a predetermined time. For example at the beginning of the third period for a hockey game, the beginning of the fourth quarter for basketball, an hour prior to the ending of a concert and guests will be required to vacate luxury boxes at set times after the event. Some general rules. Alcohol will not be served at events that attract a young audience or a family event. Some of the examples we used were an \*NSYNC concert where SMG is aware that the majority of the patrons attending will be under the age of 21 and family events such as Disney on Ice. Patrons who appear to be intoxicated will be shut off. There will also be "no drinking" sections established. Signs warning of alcohol danger and drunk driving will be posted throughout the facility on the walls, on the tickets, on the menus and on the various promotional material used.

Mr. Stawacz stated continuing on with the general rules, SMG has agreed to look for corporate sponsors to fund safe ride programs and non-alcohol beverages for designated drivers. They would not commit to providing that themselves, but they did commit to looking for a sponsor within the community to help them do that. SMG also committed to providing space within the civic center for a booth for Mothers Against Drunk Driving. They also agreed not to allow any low price alcohol promotions to take place at the facility, such as \$1/beer night or things of that nature. A number of members on the committee were concerned with some of the other outstanding issues that they felt existed around the civic center and we felt we should list them here. Parking was obviously a concern within the neighborhood around the civic center. A police presence before, during and after the events and the proliferation of secondary parking lots around the civic center. Lastly, we want to thank all of the members of the committee who assisted us throughout these meetings. SMG was very cooperative and very willing to work with us. We seem to have a number of good policies in place and I would be happy to answer any questions that anyone may have.

Alderman Vaillancourt stated it seems all in all that this is a very reasonable attempt to weigh two conflicting ideas. One of giving people the freedom to drink and the other to

make sure that they do it in a reasonable manner. Just a couple of brief questions. You say non-drinking sections will be designated. Can you tell us what percentage of the building will be non-drinking?

Mr. Stawacz replied I don't think SMG had a fixed number as of yet.

Alderman Vaillancourt asked ballpark.

Mayor Baines asked Alderman O'Neil do you have any insight on that.

Alderman O'Neil answered no. There isn't a fixed number yet. We are going to continue those discussions with SMG but they have agreed to the concept of it.

Alderman Vaillancourt asked are we looking at less than half or less than a quarter. No idea at all? A couple of bullets down there seems to be a contradictory point that SMG will attempt to seek corporate sponsors to take care of intoxicated patrons when the whole goal is not to have intoxicated patrons. I realize that you notice or SMG seems to recognize that from the parenthetical phrase, which follows that, they conclude that such a program actually might encourage alcohol consumption. It seems to me that this is something contradictory. If you are going to provide for intoxicated patrons, then you are recognizing that you are failing in stopping intoxication.

Ms. Denton replied unfortunately, Alderman, no matter how much we try to have policy in place we are always going to have some people who are going to abuse and drink a little more than they should. I think the safety factors...it is not a bad idea to have something in place and I don't believe it is promoting the idea of overdrinking, but again you are always going to have a few that will just have a few extras.

Alderman Vaillancourt stated it seems to be that the fourth quarter of a basketball game gives you about 25 minutes and the third period of a hockey game about 25 minutes, but the 10 minutes after intermission of a concert gives you about an extra hour before the end. Is there an intentional differentiation between a sporting event and a concert?

Mr. Stawacz replied I believe those were standard policies. SMG showed us policies from, I believe, the Worcester Centrum and several other large venues that they currently manage and recommended that we go along with those guidelines.

Ms. Denton stated I believe that is because of the amount of consumption during these events.

Alderman Shea stated I want to mention that the policy is excellent and I totally agree with it but there is nothing about drugs and drugs...of course alcohol is a drug but when we do have or in the previous venues that have brought concerts here obviously there has been difficulty with young people consuming different types of drugs that are illegal. Does your committee plan on doing something in that regard or do you feel that you don't want to venture into that territory at this time or may I ask what you propose to do in that regard?

Mr. Stawacz replied I think we were focusing on what was legal at this point and we pretty much assumed that that was an illegal activity and that it would be prohibited.

Alderman Shea responded in other words what you are saying is that you are not going to have any kind of recommendations to anyone regarding the fact of anyone coming in and being involved in anything like that.

Ms. Denton stated it is an illegal act.

Alderman O'Neil stated I think that anybody who is impaired and if it is obvious that they are not impaired from alcohol but from illegal drug use, I think the police officers will address that and take proper action against that individual.

Alderman Shea asked well then should it be some kind of a guideline here that alcohol policy partnership as well as something else obviously as a deterrent before the fact. I am not sure exactly...if nothing is said about it then obviously there would be no...probably forewarned is forearmed and in this regard there would be no forearm so there would be no forewarning. I would think that there might be some discussion with the committee regarding the fact that it is a prevalent problem in our country and in our community obviously it will occur whether we like it or not. When you do attract a large segment of people there should be some discussion in that regard. I am not sure how you want to approach it.

Ms. Denton answered actually when it comes to illegal drugs there is no discussion.

There is no tolerance for it and I believe the Manchester Police Department agrees with that. Absolutely no tolerance for the use or possession of illegal drugs. So, if you would like we could always consider putting something in there, but again there is no tolerance for illegal drugs.

Alderman Shea asked down in Worcester or other places have you consulted with them regarding that. Have they mentioned to you any problems they have had or what their approach is?

Ms. Denton asked related to the illegal drugs.

Alderman Shea answered yes.

Ms. Denton stated I haven't read anything.

Alderman O'Neil stated SMG played a very active role in developing this policy since they came on board. They actually...one of the first meetings we had they flew in a corporate vice president from California to attend the meeting. He was the vice president of food and beverage, to help us in starting the discussion of developing a policy. Later on, Sandy Dunn who is the general manager of Worcester and will be the regional vice president or is the regional vice president, has attended meetings as well as reviewed this policy and what we believe is the final draft tonight and they agree with everything although I think it is obvious tonight that a few questions have come up that may need some continued discussion by the committee. I would hope tonight that we could approve the policy as it is presented and then work on some of those issues, such as the one you are talking about Alderman Shea.

Mr. Scannell stated I worked with this committee a lot and one thing that SMG was very clear about is they do a lot of surveillance. If a concert is coming to Manchester on April 1 and is in Worcester the night before, they are there and if there is any trouble in terms of drug usage or things of that nature, they then take steps to address that at the next venue and indeed before any major concerts they have a meeting with the Police Department and sit down and they will say this band is known for this and here is what we have to do in order to address it. So, they are I think, very equipped and ready to deal with those problems depending on the concerts that are coming up.

Mayor Baines stated I think Alderman Shea's suggestion that we make a very clear statement that we have a zero tolerance for the use of illegal drugs, I think, is a very important one that I think we can incorporate at some point in time.

Alderman Lopez moved to adopt the policy. Alderman Pinard duly seconded the motion.

Alderman Levasseur stated I think this should be sent down to the Civic Center Committee, your Honor, before we adopt anything so that they can go over it.

Alderman O'Neil stated the discussion I had with Alderman Wihby as Chairman of the Civic Center Committee he thought it would be appropriate to present it to the entire Board and save a step. There has been a lot of work. There has been at least eight meetings on this thing and a lot of correspondence back and forth. Again, SMG played a

very active role in this. We are not reinventing the wheel here. They do this in Worcester and Lowell and all of their other facilities so I think this is...

Alderman Hirschmann stated I would like to adopt the policy, but send it to the Civic Center Committee to discuss the issue of the non-alcohol seating section because seats are being sold every day so we need to tackle that issue right away.

Alderman O'Neil stated the two issues of the designated non-drinking sections and the zero tolerance policy for drugs maybe should be referred to the Civic Center Committee.

Mayor Baines called for a vote on the motion to adopt the policy and refer the issues of a non-drinking section and a zero tolerance policy for drugs to the Civic Center Committee. There being none opposed, the motion carried.

Alderman O'Neil asked may I make another suggestion. The three items at the end of this report really are not in the scope of the committee's job. May I move that those three items be referred to the Civic Center Committee. Alderman Pariseau duly seconded the motion.

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

Alderman O'Neil stated I just personally want to thank Renie for co-chairing this Committee with me and for Chris and Doug for all of their work and their presentation tonight. I have already mentioned SMG and the other person that should be recognized because he put a lot of leg work into this is Dave Scannell of your office.

Mayor Baines stated I would also like to commend all of the people who participated on the Task Force. I think we have done good work here. We have anticipated a situation well in advance. We brought all of the people to the table and I think it sends a very good message to the community that we are working toward the opening of the center to insure that it remains an environment that is conducive to the quality of life that we have here in our community. I know that our Chief is committed to have his department insure that this facility is an enhancement to the neighborhood in particular, but I also want to join Alderman O'Neil and the entire Board and thank all of you for your hard work on behalf of our community. Thank you very much for a job well done.

On motion of Alderman Cashin, duly seconded by Alderman Lopez, it was voted to officially commend the committee for their work.

5. Presentation from representatives of the Manchester Police Department regarding crime statistics during the year 2000.

Chief Driscoll stated good evening Mayor and members of the Board. I am here tonight with Rachael Barbarossa, the Manchester Police Department Crime Analyst. She is a four-year employee of the City of Manchester and has worked both in communications and as our crime analyst. She is the person that is basically responsible for compiling the information that you have before you. Annually, the Police Department gathers crime stats to report to the community and to the Board shortly after the first of the year. We did that on February 12 of this year. Those crime figures normally indicate the reported Part I crimes in the community, the number of arrests in the community and it breaks arrests down a little bit, the number of calls for service as well as the motor vehicle stats. This year, as I reported on February 12 to the community, Part I crimes are down 4%. I would point out that is in the third section of your booklet and that since 1990 crime has gone from almost 8,000 Part I crimes for the year to for the first time this year below 4,000 Part I crimes, one again a decrease of 4%. We at the Police Department are very pleased with the progress that we are making and that the community is making. I will try to be very brief, but I would like you to look at the inside cover of your booklet and in order to go through the booklet and I won't ask you to certainly do that tonight nor will I take time to do it tonight but I would point out to you that there are a couple of explanations there. There is an explanation as to how we categorize and receive calls for service. It talks about what response times are and how we stack and prioritize calls. It talks about the time spent on a call and it also talks about something called citizen response times. If you read through that, I think you will be better equipped as you go through the booklet. The first section is what I would call the ward crime reports. It breaks down each of the 12 wards. We have 250 different categories into which our computer sorts crimes. We have only identified the most significant ones. There are probably 20 there and then there is an "all other" category. It will show by ward the number of calls, the number of total calls in the City, which was 93,000. It will show the percentage of crime in each ward. It will show the response time of the Police Department to respond to that call. It will also show the average time that the call took the Police Department and it will also show the amount of time, once again the citizen's response time, which shows from the time the person placed the call until a police officer arrived at that residence or at that business. The second part of the booklet compares each of the 12 wards and shows the 4 different categories that we measure and it will allow you to compare your ward against the other wards. It shows them by time of day, the three different shifts that the Police Department operates – the day shift, the 4 PM to 12 AM shift and the midnight shift. It will basically give you some insight as to what is going in the community in general and then more specifically in your ward. We think the City is headed in the right direction and we are very pleased with the community policing

program and the job that all three of the divisions of the Manchester Police Department are doing. Certainly, in order to digest this information it will take you some time and I wouldn't expect you to do that tonight, but if anybody had any questions, I would be pleased to try to answer them for you.

Alderman Wihby stated if you look at where it says average response time, the calls, lets look at Ward 3, 4 minutes...actually I think they are all pretty much the same, 4 minutes or so for almost every ward. That is from the time that somebody calls in? It takes 4 minutes...

Chief Driscoll interjected that is from the time the officer receives the call until the time he goes off at that residence.

Alderman Wihby asked what is that other number then.

Chief Driscoll answered the other number is the time from the time the person called and initially makes contact with our dispatcher until the time the officer goes off.

Mayor Baines asked can you clarify that.

Alderman Wihby stated I think it says average officer's response time in minutes and it lists all the wards. What is that time?

Chief Driscoll replied that is the time from the moment you are dispatched until the time you arrive. The variable here is that that officer may be doing something already and we may not be able to dispatch him right away. We may bring in another car from a different sector or route and depending on the seriousness of the call, send that officer or we may stack that call. If, for instance, it is a barking dog or a reported stolen bicycle, we may stack that call and tell that person well we don't have an officer available right at this moment, but we will dispatch one as soon as we have an opportunity and that person understands that there is not going to be an officer dispatched for 10 or 15 minutes.

Alderman Wihby asked if you look at the page before that, how does the 4.5 minutes say in Ward 1 correlate to the 13.25 minutes on the page before that.

Chief Driscoll answered I am not sure I follow you.

Alderman Wihby stated in the graph. The second part on the second page and third page where it has average officer response time. You just take Ward 1, it says 4.5 minutes.

On the page before that it says citizen response time 13.25 minutes. How do those two numbers...

Chief Driscoll interjected the average response time of the officer is the amount of time from the time he receives the call in his car...

Alderman Wihby asked go back to the 13.25 minutes first. What is that? Is the 4.5 minutes in the 13.25 minutes?

Chief Driscoll answered yes. That is from the time our police officer or our dispatcher in the Police Station picks up that call from the citizen. They type it into the computer. The dispatcher then may dispatch it right away, hopefully, or he may stack the call or prioritize the call and it may be five minutes, eight minutes, fifteen minutes or in some cases longer than that before he has a unit that he can dispatch at that time.

Alderman Wihby asked so is the 4.5 minutes in the 13.25 minutes.

Chief Driscoll answered yes.

Alderman Levasseur stated well you can imagine how delighted I am with this report, Chief.

Chief Driscoll replied Ward 3 does stand out.

Alderman Levasseur stated it looks like a skyscraper compared to everybody else in there. It looks like New York City with my skyscraper in there. Compared to everybody else it looks like we are the island of Manhattan and the rest of you guys are the surrounding towns of New York City. Especially what I am looking at here are the thefts during the day shift – 322 thefts during the day. Obviously downtown has a lot of cars and a lot of business down here and I look at Ward 8, which is the Mall of New Hampshire in there and they don't have any numbers compared to ours as far as thefts and miscellaneous mischief and such. I would like to point this out to the Aldermen because there is always this sort of abrasiveness that comes whenever anybody requests anything for Ward 3 as far as extra garbage cans or extra help with police down here or sidewalks or any kind of lighting down here. There is always this battle for things. These statistics show that most of the crime is centered down here in this area, in the downtown Manchester area. We need help down here. You look at these numbers and it is absolutely amazing to me the amount of thefts and the amount of miscellaneous...look at just the motor vehicle stops. It is unbelievable the numbers and how many people drive down here and how many cars come down here and how many people use our

streets and park down here and use our sidewalks. I know, Chief, you have your guys on your bicycle patrol. I can't imagine how many more crimes there would be if we didn't have those bikes down here. I don't know if there is anything we can do to get these numbers down, but these are pretty scary numbers. I am wondering if it is possible for you to give me another report where you could actually take the numbers that you have here and put that into more of a...if you could locate those. Are they actually in the area where I think they are because I don't know if it is above Webster Street. My ward goes all the way up to W. Clarke Street. I would imagine that if you took all of the crimes and stuff from that area and you pulled it down to the center city, probably 85% of these statistics would be within a certain area. It just goes to show, your Honor, that there is still a lot more work to do down here.

Chief Driscoll responded we can certainly work with you on that. Rachael would be pleased to do that I am sure. The greater the population density in any community, the higher the number of incidences of reported crime. There is no question about that. As high as that is and it is significant, there is no question about that and that is one of the reasons we wanted the Aldermen to see what is going on in the community so they can compare the different activity during the day, but certainly I want to point out once again that crime is reduced 4% in the City and this is one of the safest cities in this country for our size. New Hampshire is one of the safest states to live in. Crime is down almost half in the last 10 years and we are certainly headed in the right direction. Do we certainly have more work to do? Absolutely.

Alderman Levasseur stated I would love to live in Ward 1 and 2. They have it made out there. You say there is a density...Ward 12...you should see the density of my inner City. There are no buildings over there. They are all burning down. As far as density goes, you are saying that more people live in my little area of the City than Ward 4 or 5?

Mayor Baines stated we do have a baseline for comparison and I think that is the most significant part of this report. Because of the statistical breakdown, we now have baselines that we are going to be able to measure our successes or our failures against. Obviously from your perspective as an Alderman you now have statistics to, when you start advocating for things for your ward, to follow-up on.

Alderman Shea stated Chief I think that you and I have discussed the fact that density does create problems and I know that in every ward there is a certain section which has a predominance of either over population of people within a restricted area...meaning that a lot of people occupy high density types of structures and some of the problems that your department is trying to address are in those areas, at least in my ward, which obviously I commend your department for in terms of trying to get the people together so they can form a communication type of relationship with the police. I think that where

there is more of a transit type of population in Ward 3 where people do come into the inner city for different concerts whether they be held down on Mechanic Street or at the Center of New Hampshire or even at a future civic center that will kind of weigh the statistics but my concern is when and I guess it is the topic related to when we cut off entertainment and also other types of functions within a certain period, I don't want any ward and I will speak specifically for my ward, for the police to have to gather together to undo certain types of problems that the bad guys create in a certain section and leave the rest of the ward vulnerable for the rest of the bad guys to invade those places. I think that is a major concern when we talk about entertainment types of restrictions as well as other types of formats.

Alderman Lopez asked about domestic violence. It seems to be on the rise. Am I correct or incorrect? I think from the statistics there, there is a lot of domestic violence. What is the law if you are called in on domestic violence? What are the procedures so that the public can understand?

Chief Driscoll answered domestic violence is a very, very serious problem in every community in this nation. It is one that wasn't recognized probably 10 or 12 years ago. We have a 10-person domestic violence unit. Our dart team is out every night. They respond to calls and if, in fact, there is a domestic violence incident they will take appropriate action. NH has a mandatory arrest law, which we take very seriously. We think that early intervention is very important and we have been very successful in that regard.

Alderman Clancy stated what I have been hearing from my constituents recently is they want to know how much time the Police Department spends in the substation on Cedar Street. Also, do we have any walking cops? They know that you have bicycle cops but they want to know if we have any walking cops.

Chief Driscoll replied generally if we can keep a police officer on a bicycle and have him move within a certain section of the City, we believe that is more advantageous than a walking police officer. The officers do go into the substation on Cedar Street. They also use the location on Lake Avenue, the community center there. They spend time in both locations. I don't want them spending a lot of time in the substation. I want them out in the community making their rounds and talking to the people and local businesses. Certainly they go in there but they are supposed to be out in the community. They certainly do go in and out of Cedar Street.

Alderman Clancy stated if somebody gets a call on the corner of Spruce and Union for a dispute it takes the average officer 4 minutes and 30 seconds from the time they get the call. I just want that to be known because the people out there listening tonight will know

when they call the Police Department how long it does take because people have the misperception that the police can come quicker than that.

Chief Driscoll replied I would like to qualify that in that if you call the Police Department for a serious crime, you are going to have one or more police officers there in hopefully under a minute. That time that you see is an average time based on a Code 1, Code 2 or Code 3 response, which means simply the officers are dispatched there...once again it might be a barking dog and he might stop and talk with a group of kids on the corner or he might do a lot of things on route to that but that is an average time, 4 minutes, and I think it is a pretty reasonable response time. If the citizens call, the officers are going to be right there.

Alderman Levasseur stated in your statistical analysis you say average response time compared to average time from when a citizen calls to when an officer arrives. What is the difference between those two?

Chief Driscoll replied that is the question that Alderman Wihby asked. The difference between being dispatched and the time the call was received and being dispatched.

Alderman Levasseur asked in other words when somebody calls it takes 2 minutes and 15 seconds for them to get through to you on the phone.

Chief Driscoll answered no. I am not sure I follow your question, but from the time the operator receives the call until that call is dispatched is the amount of dispatch time. The amount of time it takes for the officer arrives is the citizen's response time.

Alderman Levasseur asked so if I added the 2 minutes and 15 seconds to my 6 minutes and 45 seconds, I would be somewhere around 9 minutes and 15 seconds from the time they call to the time they actually get there.

Chief Driscoll answered depending on the circumstances. I would have to look at your...

Ms. Barbarossa stated the citizens response time like the Chief said is you want to report a theft so you call the Police Department and a dispatcher answers and we take the information. The citizen's response time refers to the time that you place the call until an officer gets there. That also includes the officer response time so the actual time a citizen in your Ward 3 waits for an officer to respond is 6 minutes and 45 seconds. That is the time...it is all computer generated and the citizens response time refers to the time when a citizen calls until they actually see a policeman at their door. That is what citizen's response time refers to.

Chief Driscoll replied that doesn't mean that some people won't wait a half an hour. That is an average, but some people will be right around the corner and many of those calls are self-initiated.

Ms. Barbarossa stated these are all averages. Like the Chief said, a barking dog and everything is included in this.

Alderman Levasseur asked you could break it down by Code 1, Code 2 and Code 3 and give us different response times.

Ms. Barbarossa answered we determine by our SOP's what a Code 1, Code 2 and Code 3 response is and certain calls for service have those codes. I could look into it, but I don't believe I can break that down.

Mayor Baines asked, Chief, are you going to put this on your website.

Chief Driscoll answered yes. I have two things that I want to say. It should be on the website as we speak. It was going to be put on tonight. The second thing is the one question that no one has asked and the one question that I don't want to answer is the deployment of police officers on each of these routes. We have that information for you. It is not included in your book, but we will show you an overlay of your ward and where the police officers are deployed because I think that is significant information for you to have.

Alderman Shea stated the word that people in my ward and I am sure others do not like is the word priority. They simply do not like that word because sometimes the dispatcher receiving the call is obviously making a judgment concerning what is of a priority nature and that word does not sit well with the constituents. They really don't like that word priority. I don't know if you can find a different word, but they don't like that word.

Chief Driscoll replied certainly I understand that. If I only called the Police Department once or twice in my life and had something that I believed was very important to myself and my family, I would not want to hear the word priority, but on the other hand if we have on the dispatch screen at any one time 30 calls and only X amount of officers, that becomes a reality in our City that we have to prioritize calls and categorize them. We get to everybody but we try to make people understand that it may take a few minutes for us to get there.

Alderman Shea responded I don't want to belabor this, but does the dispatcher decide what is of a priority nature or does the officer in charge make that decision.

Chief Driscoll stated there are general guidelines, but our dispatchers are very experienced. They handle 100,000 calls a year and they know what the priorities are. They listen to the people and do a good job.

Alderman Shea asked so in the nature of their position, they are making that decision.

Chief Driscoll answered absolutely. Those are the judgments that they have to make.

Alderman Gatsas asked do the response times include one police officer that may arrive or two.

Chief Driscoll answered the first police officer there.

Alderman Gatsas asked so the second one is not in that average.

Chief Driscoll answered no.

Alderman Clancy asked on one shift, how many police officers do you have working.

Chief Driscoll answered it depends upon the day of the week and the shift.

Alderman Clancy replied well let's take tonight for instance, right now, the 4PM – midnight shift. How many officers do we have out in the field?

Chief Driscoll responded as many as 25 depending on the assignments and staffing levels and so forth.

Alderman Levasseur stated I know, Mayor, that you are about to commend the Chief for having a 4% decrease and that is all great, but what about last year. Do you have this actual report for last year or is this the first year you use these bar graphs and these statistics?

Chief Driscoll replied if you look at the end of the report, in the very last section, it will show Part I crimes with graphs and property crimes over the last 10 years.

Alderman Levasseur stated the reason why I am asking, obviously Chief, is that I wanted to see my ward compared to last year and I don't see that here.

Chief Driscoll replied this is the first year we have done the wards, but we could probably do that for you.

Alderman Levasseur stated I am sure that you got the same letter that I did from Felix Torres and it seems like Ward 3 has gotten worse in the last year. We still have a problem with the substation down in my ward that doesn't seem to be being manned and Neighborhood Housing has also stated in that letter that they would volunteer to put some people in there and help out on a regular basis. I want to commend Felix Torres for that letter because Felix Torres was very vociferous against a new police station going into this area as I was and other Aldermen and there are a lot of people down in that area that feel they are not getting the attention that they used to get in years prior. Are there reasons for that that you can particularly point to? Like I said, the statistics that I am seeing for Ward 3 bother me very much. Also, I get a lot of calls and Felix Torres has also been getting a lot of calls.

Chief Driscoll replied I am comfortable that we are providing...with the manpower that we have that we are providing the very best service we can for the community. There are needs throughout the City. There are needs on the West Side and on the North end. We do the very best we can to balance the resources we have. I think that our community efforts in the inner City are going very well. Once again, it is not our intent to have an officer sit in a substation. That is not the purpose of a substation and the fact that they are not manned, although we would like to have officers there more often than they are...sometimes that can't be a reality with the resources that we have.

Alderman Levasseur asked with the civic center coming in, do you foresee in your budget that you will be asking for more personnel because of this. Obviously, Ward 3 is going to be inundated with at minimum a half a million more people. How do you think that is going to affect this ward and the statistics for next year? Are you going to need more people for this?

Chief Driscoll answered certainly there will be challenges as a result of the civic center. We thought them through. I would hope that the Aldermen would fully fund this year's budget and provide us the tools to work the inner City.

Alderman Levasseur stated I see how you very carefully have made a statement that we do the best job we can with the resources we have. Are you saying by that statement that the resources you have are adequate, not enough or...how much more of an improvement do you need? This is your opportunity to shine so go ahead and take it.

Chief Driscoll replied last year the Aldermen cut my budget by \$428,000. It is difficult to provide the same level of service with reduced funding.

Mayor Baines responded just to be fair, you got an increase from the previous year and I forget the percentage but you got cut from what you requested.

Chief Driscoll stated actually Mayor what happened was they fully funded the salaries and then backed it out 2.5% and then another .5% and reduced the overall budget by 3%.

Mayor Baines replied your overall budget increased by 7% or 8% or something like that from the previous year. We didn't cut your allocation from the previous year.

Chief Driscoll stated that is true, but it certainly impacted our ability to...

Mayor Baines interjected I understand but the people at home have to understand that your budget increased anywhere from 6%, 7% or 8% from the previous year. They have a hard time understanding when they hear cut that people still got an increase in their budget. Could we do more? That is what you are saying.

Alderman Levasseur asked as far as the amount of people that are living in the City and we know that we are at a 0% occupancy rate now and obviously with the influx of maybe 5,000 or 10,000 more people in the City that has placed more demands on your police officers. Would you say that is fair?

Chief Driscoll answered absolutely.

Alderman Levasseur stated and the inner City seems to have been filled back up because we were probably the lowest vacancy area and now it has increased so you are going to need more police officers for this area correct.

Chief Driscoll replied dispatch calls for service were up 4%.

Alderman Hirschmann stated this is an excellent report. What I would ask the Police Department to provide are statistics...all of the parents in the City are very concerned about safety in schools and we funded you fully to give you a police officer in every school so could you tell us about crime in schools? We want to know about drugs and assault. We want to know what is happening in our schools. These statistics are great but everyone wants to know what is going on in the schools as well.

Mayor Baines replied those reports are provided to the School Board every month.

Alderman Hirschmann stated I understand that but what I am asking is that the citizens of Manchester see that because they are not seeing it. This report is going to be provided for

everyone to see and I want the citizens to see what is happening in our schools so that if there is something wrong, they can come down to City Hall and make sure that it gets corrected.

Chief Driscoll replied we can work on that.

Alderman O'Neil stated just to touch a little bit on manpower, there used to be a statistic out from the FBI and Chief I don't know if it is still true but at one time it said that you should have 2.7 police officers for every 1,000 people. Based on that, we should have about 270 somewhat sworn police officers. If I recall, the statistic used to say that in the northeast that number should be 3 meaning that we should have 300 police officers. We have 190 sworn?

Chief Driscoll replied 200.

Alderman O'Neil stated so we are behind a little bit on this and I think you are doing a fantastic job with the number of people you have.

Mayor Baines stated I want to commend the Chief and the department for doing an outstanding job.

Chief Driscoll stated just in closing it was not our intent to do anything other than to come down and report what happened last year. We believe that awareness is good.

### **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.

### **Informational - to be Received and Filed**

- A. Communication from Alderman Vaillancourt regarding the recent passage of HB116 relative to the naming of public places for the living.
- B. Communication from the Director of Planning submitting a copy of a State report entitled "Managing Growth in New Hampshire: Changes and Challenges".
- C. Communication from AT&T submitting the franchise fee for the 4th quarter of 2000.

### **Informational - to be referred to the Manchester Transit Authority**

- D. Communication from Mr. Dindia seeking reimbursement of \$8.00 for the replacement of a Senior Citizen MTA bus pass.

**Accept Funds and Remand for the Purpose Intended**

- E. Communication from the Deputy Finance Officer advising of the receipt of \$1,500.00 from Thomas and Melanie Gaiser towards the purchase of ballistic vests for the Police canines.
- F. Communication from the Deputy Finance Officer advising of the receipt of \$17,235.67 which is the City's share of forfeiture funds.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON ADMINISTRATION/INFORMATION**

- G. Communication from Jennifer Farrell of AT&T advising of an upcoming change to the packaging of AT&T's video programming which will become effective on March 1, 2001.

**COMMITTEE ON BILLS ON SECOND READING**

- I. Building and Fire Code Ordinances submitted by Building Commissioner:

"Repealing the 1987 BOCA National Building Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances, and the Housing Code as adopted in Section 150.001 of the City of Manchester Code of Ordinances, and adopting the 2000 editions of the *International Building Code*, *International Property Maintenance Code*, *International Mechanical Code* and the *International Fuel Gas Code*, as well as the 1999 edition of *The National Electric Code* and the 1993 edition of *BOCA Plumbing Code*; establishing minimum regulations governing buildings and structures; and establishing fees for the issuance of permits and certificates for the construction and occupancy of buildings and structures."

"Repealing the *BOCA/National Fire Prevention Code*, 1990 adopted in Section 92.05 of the City of Manchester Code of Ordinances, and adopting the 2000 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Manchester; and providing for the issuance of permits and the collecting of fees for hazardous uses or operations.

**COMMITTEE ON FINANCE**

- J. Bond Resolution:

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2001 CIP Manchester Water Works, Distribution System General Improvements Project."

**K. Resolutions:**

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the 2001 CIP #410201 - MHRA Public Housing Community Policing Program."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Nine Thousand Eight Hundred Seventy Six Dollars (\$99,876) for the 2001 CIP #410901 - Juvenile Offender Locator Team (JOLT) Program."

"Amending the 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eighty Thousand Dollars (\$80,000) for the 2001 CIP 830001 ADA Access Improvements in City Buildings."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Thousand Dollars (\$300,000) for FY2001 CIP 830401 ADA Compliance - Parker Varney Project."

**REPORTS OF COMMITTEES**

**COMMITTEE ON ACCOUNTS, ENROLLMENT  
AND REVENUE ADMINISTRATION**

- M.** Recommending that the Police Extra Detail Revenue Policy, as enclosed, be adopted.
- N.** Advising that it has accepted the enclosed quarterly report from the Board of Assessors and is submitting same to the Board for informational purposes.
- O.** Advising that it has accepted monthly financial statements through period ending January 31, 2001 from the Finance Department, as enclosed herein, and is submitting same to the Board for informational purposes.

**COMMITTEE ON COMMUNITY IMPROVEMENT**

- R.** Recommending that a request from the Director of Parks, Recreation and Cemetery Department seeking authorization to enter into a contract for construction of the hillside bleachers and lighting at West Memorial Field, and asking for a commitment of funding in the amount of \$265,000 be granted and approved. The Committee notes that the contract will need to be brought before the Board for approval prior to final commitment of funds.
- S.** Recommending that a bond resolution for the 2001 CIP Manchester Water Works, Distribution System General Improvements Project be approved, and for such purpose a bond resolution has been submitted.
- T.** Recommending that a request of the Director of Planning for various project extensions, as enclosed herein, be granted and approved.

- U.** Recommending that a request from Superintendent O'Mara of the Hillsborough County House of Corrections to assume possession of an old police cruiser (asset #2350008115) for administrative use and occasional transportation of prisoners be granted and approved; and further that ownership of said vehicle be transferred to the County for \$1.00.
- V.** Recommending that a request from the YMCA for \$2,674 for infrastructure repair cost to the asphalt sidewalk leading up to the YMCA entrance on Hampshire Lane be granted and approved, and that funds be taken from the Central Business District Revitalization Fund.
- W.** Recommending that the Board of Mayor and Aldermen find that portions of paper streets Davenport and Regent Avenues, as enclosed herein, have been released and discharged pursuant to RSA 231:51.
- X.** Advising that it has given approval to the Deputy Director of Parks, Recreation and Cemetery to submit two applications for the NH Land and Community Heritage Investment Program in partnership with the Manchester Conservation Commission.

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

- Z.** Advising that it has directed the Planning Department to:
  - 1) cost out a 15,000 square foot freestanding building on the Singer Park site; and
  - 2) cost out both the acquisition of the Sears building for consolidation of City departments and a 15,000 square foot freestanding building on the Sears site and provide such information to the full Board of Mayor and Aldermen.
- AB.** Advising that it has given Jay Taylor authorization for the issuance of an RFP to tower companies doing business in the state in order to determine if further market potential exists.

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

- AE.** Recommending that a request for "No Parking" and closure of certain streets on Sunday, March 25th for the St. Patrick's Day Parade be granted and approved. The Committee notes that closure shall be from 11:00 AM - 4:00 PM and No Parking will be extended on Elm Street from Webster to Valley Streets. The Committee additionally recommends that a request for painting of the Shamrocks be granted and approved. The Committee further notes that such approvals are subject to the supervision of the Police, Fire, Highway, Traffic, Risk and City Clerk.
- AF.** Recommending that a request from Charles Gordon requesting closure of certain streets for the purpose of holding the 4th annual "Cruising Downtown" event, as enclosed herein, be granted and approved under the supervision of Police, Fire, Highway, Traffic, Risk and City Clerk.
- AG.** Advising that it has requested the Traffic Director to install "Suggested Speed 25 MPH" signs in the vicinity of the Kelley Falls Housing Development.
- AH.** 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 O'NEIL, DULY SECONDED BY ALDERMAN SYSYN, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- H.** Communication from the Director of Planning recommending a change to the Zoning Ordinance dealing with the Floor Area Ratio (FAR) for the special elderly housing overlay.

Alderman Wihby stated I was going to move to suspend the rules to do this rather than to refer it to Bills on Second Reading because it was an oversight that the Planning Director didn't do, but it is my understanding in talking to the City Solicitor that we have to send it to public hearing so at the same time we are sending it to Bills on Second Reading, I would like to refer it to a public hearing on March 14 at 7 PM.

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to accept, receive and adopt the report as amended to also refer this item to a public hearing on March 14 at 7 PM.

- Report of Committee on Accounts, Enrollment and Revenue Administration**  
**L.** Recommending that a communication from the Deputy Finance Director relative to a funding deficit in the Riverfest account be referred to the Mayor's Office for consideration during the FY2002 budget process, and referred to the Finance Department for further review and report to the Committee.

Alderman Shea stated this item has to do with the Riverfest account and there has been a repeated cash flow problem connected to this and I wanted to know why this is being referred to the Mayor's Office. Is this going to be part of the 2000 budget process?

Mr. Clougherty replied this item came up at the Committee on Accounts meeting and the thought was that if this is going to be a recurring type of thing every year we need to take a harder look at it rather than just dealing with it on an itemized basis. By referring it to the budget, we can have all of the agencies involved take a look at it and that is what we are going to do and come back to the Board with a policy.

Alderman Shea asked if the police work at a particular function and they aren't paid, are they paid or do they have to wait a year before Riverfest comes up with the money.

Mr. Clougherty answered they are paid. We front that money.

Alderman Shea asked so we pay them with taxpayer money and then we go after the Riverfest people in order to get the money back and we give them money in order to sustain them so I think it is a good idea for the Committee to look at it.

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

Alderman Levasseur stated I know this is going to come to your office as it did once before and I think it is very important that you take a look at the gate receipts because they don't seem to match.

Mayor Baines replied we will be taking a look at that.

Alderman Vaillancourt stated I just wanted to take this opportunity to say that this is something that government should not be doing. When government tries to do things it should not be doing, we find that it always is lacking money. If private enterprise were doing this properly without government support, it would be getting the job done properly and wouldn't be running a shortage every year. If we got out of this business, Riverfest would be better off and so would we.

**Report of Committee on Community Improvement**

**P.** Recommending that requests to accept and expend funds for various projects be approved as follows:

- 1) accept and expend funds in the amount of \$99,876 for FY2001 CIP 410901, Juvenile Offender Locator Team (JOLT) Program;
- 2) Revision #1 for FY2001 830001, ADA Access Improvements in City Buildings to allow for an increase of \$80,000 in CDBG funds;
- 3) accept and expend funds in the amount of \$70,000 for FY2001 CIP 410201, MHRA Public Housing Community Policing;
- 4) Revision #1 for FY99 831699, City Space Improvements to remove \$145,000 in funding for the Brown School design in order to acquire 2 Bethel Court for Library usage;
- 5) Revision #1 for FY97 420108, Violence Against Women to allow for additional funding in the amount of \$340,412 and Revision #2 to extend the project completion date to 3/31/2001;
- 6) Revision #1 for FY2001 650701, Bond Building Renovation to extend completion date to 12/31/2001 and to transfer responsibility of project administration to the Destination Manchester Coordinator;
- 7) Revision #1 for FY2001 830301, Central Neighborhood Infrastructure Reconstruction to close out the project and transfer \$300,000 to 830401 ADA Compliance – Parker Varney; and
- 8) accept and expend funds in the amount of \$300,000 for FY2001 CIP 830401, ADA Compliance – Parker Varney

and for such purpose amending resolutions and budget authorizations have been submitted.

Alderman Levasseur stated I was opposed to buying the building on Bethel Court behind the Library and I just want to make that note.

Alderman Hirschmann asked, Mayor, are you going to reimburse an account for the Brown School study in your next budget because you are using the money for the Brown School for this acquisition.

Mayor Baines answered yes. That was the commitment that we made when we decided to do that.

Alderman Hirschmann asked so in FY02 you will fund that.

Mayor Baines answered yes, I am going to be recommending that we fund that.

Alderman Clancy asked on #7 what are they closing out.

Mr. MacKenzie answered that is an account that was tended for typically street reconstruction in various parts of the City. That has not gotten underway this fiscal year at this point. There is a demand for the handicap accessibility at Parker Varney. Those monies will be expended in next year's program at a higher amount to kind of offset. At this point the designs are not done for the street reconstruction so we felt that we had to take care of the Parker Varney ADA program but the monies will be reimbursed into next year's program.

Alderman Clancy stated the reason I asked this question is because it says the Central Neighborhood Infrastructure so that would be something in the inner City area, particularly in my ward somewhere.

Mr. MacKenzie answered I think a couple of the areas have been funded like the Wilson Street reconstruction and the Central Street reconstruction.

Alderman Wihby moved to accept, receive and adopt the report. Alderman Cashin duly seconded the motion. The motion carried with Alderman Vaillancourt being duly recorded in opposition and Alderman Levasseur being duly recorded in opposition to #4.

**Report of Committee on Community Improvement**

- Q.** Recommending that a request from Timothy Clougherty, Facilities Engineer, seeking authorization to enter into a contract for construction of the McLaughlin School Addition and asking for a commitment of funding in the amount of \$3,708,705 anticipated to be funded through the FY2002 CIP process be granted and approved. The Committee notes that the contract will need to be brought before the Board for approval prior to final commitment of funds.

Alderman Shea stated I have a question and I am not sure if Tim Clougherty is here but it has to do with the McLaughlin addition.

Mayor Baines called Frank Thomas to the microphone.

Alderman Shea asked in terms of the addition, I know that you want the money as soon as you can get it obviously, but will the addition be ready in time for the children to go back in September.

Mr. Thomas answered no. There is a 15-month construction period. We have bids due in this Friday, February 23. What we hope to do is have the cafeteria done for the fall of this coming year. However, the classrooms will not be done until the following summer. We are hoping to get them done at the end of the school year and that will give us the summer to work out any bugs or punchlist items so that the following year everything will be completed. The cafeteria this fall and the following fall the entire addition.

Alderman Shea asked how many rooms are you putting on.

Mr. Thomas answered I don't know offhand.

Alderman Shea asked enough to service the needs of the children and then some.

Mr. Thomas answered yes.

Alderman Levasseur asked did this already go out to bid and you already have the contract or is it going out to bid.

Mr. Thomas answered we have advertised and the bids are coming in this Friday. What we are trying to do is seek authorization to award as quickly as possible because of the 15-month construction schedule.

Alderman Levasseur stated I went to one of the school facilities meetings and they were talking about and I know for a fact that NH College uses the prefab and there is a company that specifically has these prefabs already done and they can put these things up

in like eight months. Do you know anything about that company? Have you been told about that company or given one of their brochures?

Mr. Thomas replied I am sure that Tim Clougherty, our Facilities Engineer, is aware of that. I know that subject has been discussed quite frankly but I don't know why it has been ruled out.

Alderman Levasseur stated if we ever were going to do anything...after going to a CIP meeting a week ago we realized that our CIP budget is going to be lower this year and wouldn't it make sense to go out and get a bid from these guys now. What I have heard is that this costs 1/3 of what a regular addition would cost and this comes directly from the facilities committee.

Mayor Baines asked and do they only last 1/3 of the time.

Alderman Levasseur answered no. NH College just did both of their buildings this way. Mr. Kaliski who sat on that committee also came to my restaurant and had a sit down with me and told me about this plus I attended NH College and saw these things go up. They go up very quickly and they are supposed to be very good. I would think that we would want to go towards that direction if we could knock the price down by 1/3 and they could be built much quicker.

Alderman Gatsas stated maybe this is a time to broach the subject of procurement code, Frank. I think that I have been patiently waiting for this.

Mr. Thomas replied we are still looking at it.

Alderman Gatsas stated I am sure that we could wait until Christmas for it to be looked at, but I think we need to get into the 20<sup>th</sup> century with procurement to protect the City's interests and costs.

Mr. Thomas replied I agree but I think we are looking at two different subjects here. What I will do is have my facilities engineer prepare a memo regarding modular units because I know they have been looked at. Unfortunately, I think the decision for whatever reason has been made to go ahead with a full-blown design and it is out right now. To change course now I think would not get the project done on time. As far as the procurement code...

Alderman Gatsas interjected give me a timeframe please.

Mr. Thomas replied quite frankly once I get through this budget process that you people are working on I will probably be able to devote quite a bit of time to that.

Alderman Gatsas asked can you have it done by July 1.

Mr. Thomas answered I will do my best to have it done by July 1.

Alderman Hirschmann stated Alderman O'Neil and I worked on Parkside's new addition and with his input we actually added more rooms than we were going to add. We added, I think, 18 rooms. This is 14 rooms and Parkside was \$1.9 million and this is \$3.7 million. How come we can do it so cheap on the West Side? What is going on? How come this is \$3.7 million?

Mr. Thomas replied there is a cafeteria expansion involved, which is quite costly and there is some additional office type space also included.

Alderman Hirschmann asked how come Parkside's cafeteria didn't get expanded. I know that was crowded.

Mr. Thomas replied I can't answer that question for you.

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

**Minority report of Committee on Lands and Buildings**

- Y. Minority report submitted by Alderman Cashin recommending that the Planning Department evaluate the Teamster's Hall building on 265 Maple Street as a possible site for a senior center, and provide such information to the Board of Mayor and Aldermen. Enclosed for your reference is a copy of a communication from Mr. Jabjiniak regarding the aforementioned site.

Alderman Shea stated this has to do with a minority report submitted by our distinguished Chairman, Alderman Cashin, regarding an evaluation of the Teamster's Hall and it was accompanied by a letter that you submitted as far as the senior center options are concerned. Let me just state that with all due respect to both of you, I am really concerned that a Pandora's Box is being opened up and instead of directing our attention to a primary target, we as a Board are initiating a process whereby we will be evaluating moving targets. Please recall that a feasibility study was done. Numerous sites were professionally evaluated and four sites approved for final consideration. It will mark two calendar years in April that former Mayor Wiczorek formed the Senior Center Committee. That is a longer time than it will take to build the civic center and to occupy it. Why are so many feet being dragged on this matter? Your Honor, we had 55 sites

evaluated. Out of that, four possible sites were selected. One was Derryfield Park, which was not feasible. The other two were down at Singer Park and the other one was the Sears building. If everyone decides to submit an option, everyone will be submitting something that will range from South Manchester to the North side of the City to the East Side and the West Side. We really have to narrow this down. We really have to decide that we are going to center our attention on the other proposals that were suggested, namely, how much is it going to cost to build a 15,000 square foot free-standing building at Singer Park or whether we are going to acquire the Sears building and build a free-standing 15,000 square foot building on that site. This could go on forever and personally I think that we have to say thank you, but let's not submit options. Let's start deciding once and for all. As far as I am concerned, I would say let's receive and file this.

Alderman Levasseur duly seconded the motion.

Alderman Cashin stated with all due respect to my colleague, I understand where you are coming from and I understand the actions behind this and I understand everything else that has gone on over the last year and a half, but also I understand that we have issues with the Bond Council and a few other things and we may not have the money available. All I am asking is for the Planning Department to look at the Teamster's Hall, evaluate it and come back with a recommendation to this Board. I don't see why any Alderman should oppose that. Now my understanding is we might be able to acquire this at approximately 10% of the cost that we have been talking about for the other two sites. All I am asking is give it an opportunity to be evaluated and come back. If this Board finds that it is not feasible, then vote it down.

Alderman Wihby moved to accept the minority report. Alderman Pariseau duly seconded the motion.

Alderman Vaillancourt stated point of order. I don't understand how a minority report gets on the consent calendar to begin with.

Deputy Clerk Johnson replied the Clerk apologizes but when this portion of the agenda was prepared I was not in the office. Normally it would appear under other business with both reports together. That does not preclude both reports from being accepted by the Board.

Alderman Hirschmann stated I read the letter in the agenda from Mr. Jabjiniak and isn't this building only 7,000 square feet. Isn't that smaller than the existing facility that we have now?

Mayor Baines replied I am not sure about the square footage, but if Bill could come to a microphone he might be able to answer that. The thing that we looked at over there is the ability to expand on the site. There is a lot of land that is available and a lot of parking that is available. We have also toured other sites over the past few weeks.

Alderman Hirschmann asked our existing senior center on Hanover Street is larger than this isn't it.

Mayor Baines answered I don't think so.

Alderman Hirschmann replied I apologize. The recommendation was 15,000 square feet.

Mayor Baines responded correct. This is 7,000 with an ability to expand.

Alderman Levasseur stated first of all, we came out of Lands & Buildings Committee 4-0 on the vote to look at two sites. We were going to look at the Singer Park site or the Sears site. This was just the last time we went into Committee. Now, Alderman Cashin, with all due respect to my esteemed colleague has made the statement that the West Side people are not going to come over to the East Side. Now I don't know why they are going to go even further east over to Maple Street. I agree with Alderman Shea. It has been a year and six months that we have been working on a senior center. We have determined as a Board that we are going to come down to two locations. Why can't we follow that process through? We have already spend \$35,000 on site selection. Now we are going to have to spend more money for another study on this process. Now, I don't know what you people on this Board think but I am not going to sell the seniors short by sticking them in a small place on Maple Street when we have already promised them two locations and we have been working diligently as a Board on this. In Lands & Buildings we had a 4-0 vote. I don't even see how this came out as a minority report. We didn't vote on this in our Committee.

Alderman Cashin stated I have a right to come in with a minority report just as well as any other member of the Committee has a right to come in with a minority report and that is what I have done here.

Alderman Levasseur stated you never asked us for a vote on it.

Mayor Baines asked for the Clerk to clarify the process.

Deputy Clerk Johnson stated a minority report was requested by Alderman Cashin at the meeting and it was stated as a request for a minority report. Any time that any member

of a Committee requests a minority report be submitted, the Clerk works with that Alderman, prepares the minority report and submits it to the Board along with the majority report.

Alderman Levasseur stated we are being told right here and right now in public, which is good, that we don't have enough money for these two locations or we are not going to be able to fund it in CIP. So, we have given a directive to Mr. MacKenzie who has been working God knows how many days, nights and weeks and months on this project to now go out and do two more studies. If we don't have the money for those two sites, why are we going to go forward with those two sites? Why don't we at least make the decision on whether we are going to go with those two sites or not? What happened to consolidation? Now all of the sudden we are talking about this place over on Maple Street. This is confusing the issue more. This is just another delay tactic to not get this done and I think it is the wrong way to go. I think we should make a motion...I thought there was a motion on the floor to receive and file this. Did you not accept that motion?

Mayor Baines replied I did not accept it because Alderman Cashin didn't have a chance to speak and he was the presenter of the minority report.

Alderman Lopez stated this is a very difficult situation in relation to the CIP budget and the stalemate we have on the senior citizens to be at Singer Park. However, I don't see anything wrong, as long as this is a freestanding building for the senior center. The only thing we really need to get on the Teamster's Hall is an appraisal because there is plenty of land over there to expand. I took the liberty of going over there and it is 7,100 square feet. We don't want to go...the seniors don't want to go there but that might be the end result. Until we get the final report, which the Committee and the Board has directed that we get and Alderman Gatsas voted to do the same thing for the Sears site...if we are saying that the Teamster Hall is a free-standing building and we are just going for an appraisal, we don't have to do a lot of stuff over there. It is just an appraisal as to how much they want for it. My preference is still Singer Park.

Mayor Baines replied I think everyone knows how they are going to vote on this. I think we should go ahead with a vote and I will request a roll call.

Alderman O'Neil asked what is the motion.

Deputy Clerk Johnson answered the motion on the floor is to accept the minority report.

Alderman Wihby asked are we saying that there is a 7,100 square foot building there with a potential of another 10,000 square feet so we are looking at 17,000 square feet.

Mr. Jabjiniak answered that opportunity does exist.

Alderman Levasseur asked is there another building there or a parking lot.

Mayor Baines answered the whole lot in the back is available.

Alderman Levasseur asked is that going to be included in the price that you are talking about or is that a separate price.

Mayor Baines answered it is all included.

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

**Report of Committee on Lands and Buildings**

**AA.** Recommending that a request of M. Jeanne Trott to purchase two (2) parcels of land located at the corner of North Bay and Bennington Street, be denied; and further that the Board adopt a resolution prohibiting erection of structures or removal of trees to allow the property to remain in its natural state, and for such purpose a resolution has been submitted.

Alderman Cashin moved to refer this item back to the Lands & Buildings Committee.

Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Levasseur being duly recorded in opposition.

**Report of Committee on Lands and Buildings**

**AC.** Advising that it has reviewed the communication from the Director of Planning regarding the possible land acquisition of a piece of property on the westerly edge of Wolf Park, and has referred same to the Committee on Community Improvement for further review and report to the Board.

Alderman Hirschmann stated I had a discussion with the Tax Collector of the City of Manchester, Joan Gardner, and she is not here because she is on vacation but these particular parcels that are located in Wolf Park, the property taxes have not been paid on those parcels since 1994 and I advised her that a ruling came out...the Municipal Association of NH gave a new ruling that tax deeded properties can be taken. There was a point, your Honor, that tax deeded parcels could not be taken but as of right now they can. I move that these pieces of property not be bought and that we take them. If these people do not pay their taxes, we should take these parcels.

Mayor Baines responded I also think it should go to the City Solicitor's Office for review.

Alderman Hirschmann replied absolutely.

Alderman Clancy duly seconded the motion.

Alderman Wihby asked what is the motion.

Mayor Baines answered the motion is to refer this item to the City Solicitor to explore the possibility of acquiring the property due to lack of tax payment since 1994.

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

Alderman Levasseur asked does that mean that we will not be sending this to the CIP Committee.

Mayor Baines answered that is correct.

Deputy Solicitor Arnold stated I would certainly be willing to look at this but I would point out that even if we can tax deed this property, the Tax Collector has to send out a 30 day notice letter pursuant to statute and the taxes may well be paid. I just want to advise the Board of that in light of the decision as to whether to send it to CIP or not at this point.

Alderman Levasseur moved to send the notice out. Alderman Cashin duly seconded the motion.

Deputy Clerk Johnson stated you already had a motion on the floor to send it to the Solicitor for review with regards to acquiring the property. It is my understanding that he would like to look at it before any order of notice is sent out. The motion on the floor would stand if you want to follow what your Solicitor is asking you to do.

**Report of Committee on Traffic**

**AD.** Recommending that a request from Alderman Sysyn for the painting of a Greek flag in front of all three Greek churches in the City and adjacent to the shamrocks on Elm Street to celebrate Greek Independence Day, March 25 be granted and approved.

Alderman Sysyn stated after discussing this request that I had made with some of my fellow Greek Americans, we decided that painting the flags on the street wouldn't be such a great idea. It is a little bit disrespectful, I think, to the Greek flag because you would have cars running over it. I went to the City Clerk's Office and he said that we could do a flag here at City Hall and Dan O'Neil suggested that we might be able to do one at the reviewing stand on March 25. I would like to move to receive and file this item.

Alderman Pariseau duly seconded the motion.

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

Nominations to be presented by Mayor Baines, if available.

**Manchester Airport Authority**

Gary O'Neil to succeed himself, term to expire March 1, 2004.

Robert Bossie to succeed himself, term to expire March 1, 2004.

**Board of Trustees of Trust Funds**

Sylvio Dupuis to succeed himself, term to expire January, 2007.

**Conduct Board**

Doug Weners to fill the unexpired term of Janice Higgins, term to expire October 1, 2002.

**Highway Commission**

James Connolly to succeed himself, term to expire January 15, 2004.

Alderman Pariseau moved to suspend the rules and confirm all of the above nominations.

Alderman Thibault duly seconded the motion.

Alderman Vaillancourt stated too often we sit back and we allow these nominations to go through without being challenged, without being studied, without being scrutinized. I hereby pledge never to do that again and I have tremendous problems with one appointment. The name Gary O'Neil comes up. When Gary O'Neil was appointed to this Board a couple of months ago you asserted to us that he needed to be appointed because he had a pilot's license.

Mayor Baines replied yes, the vacancy required that.

Alderman Vaillancourt stated I then managed to procure your financial statements and learned that only five weeks before you nominated Gary O'Neil to this position he contributed \$500 to you. I don't like the appearance of this so I cannot accept this. Whether or not he is the best-qualified person, it appears that he has bought himself this position so I simply will not vote for him.

Mayor Baines replied I categorically reject that. I don't even know Gary O'Neil. Gary O'Neil was recommended a couple of months ago by Pat Duffy. I categorically reject that because they are voluntary positions, as you know.

Alderman Vaillancourt asked so somebody is contributing \$500 to your campaign that you don't even know.

Mayor Baines answered I don't know Gary O'Neil. I just met Gary O'Neil recently.

Alderman Cashin stated I think it should be noted that Gary O'Neil was on the Airport Authority before you were even elected Mayor, I believe, wasn't he.

Mayor Baines replied no. Gary O'Neil is a new appointment.

Alderman Cashin stated this is a very small town. If we are going to start this stuff...it is foolishness.

Alderman Vaillancourt replied well what you consider foolishness is what I consider something other than foolishness or I wouldn't have brought it up.

Alderman Cashin stated to even make an accusation like that, I think you are off. To say that Mr. O'Neil or anybody else bought a position on anything, I think, is not even worthy...

Alderman Vaillancourt interjected I believe I said there is the appearance of that.

Alderman Cashin replied well that is not even worth discussion as far as I am concerned, your Honor. I certainly don't have any problem with it and I am embarrassed that it even came up.

Mayor Baines stated I guess there is a feeling that you can't have honor and dignity anymore and I regret that. Gary O'Neil...I never even met Gary O'Neil. He attended a fundraiser for my campaign as a lot of people do in this community and support various candidates including Aldermen sitting here but if anyone who contributes to a campaign cannot be considered for a position in City government as small as the City of Manchester, I think, is a sad state of affairs. I have conducted by public and private life with honor and dignity at all times and if there is an appearance of that, I will make sure that Mr. O'Neil has his check returned to him. I think it is a disturbance. I think it is an insult to Mr. O'Neil and an insult to me and if we are going to go through everyone's financial reports and look at anybody who was ever appointed to anything, we would have a very difficult time in City government. These are volunteer positions that people serve. They have no authority at all. They serve as volunteers to the public and I guess when you are in the political season you are in it, but I didn't enter this foray into politics to give the impression of that at all and if we stoop to that level then I think we all need to reflect on what we are doing via serving the public. I take personal offense at that. I think it was only intended to do that and again I will emphasize that I have lived my personal and public life at all times with honor and integrity and I think it is very

unfortunate. If every Aldermen would like to go through their campaign list and look at all of the people who contributed to their campaign and none of them can be considered for these positions I think is absolutely insulting. I will look at this and decide what I need to do.

Alderman Wihby stated I remember at the last meeting when you brought in Gary's name I asked if we could suspend the rules and put him on the Airport Authority. Gary lives in my ward. He was asking to be on that long before you were Mayor. He asked Mayor Wieczorek to put him on and there were no positions available. Gary donated to my campaign and I think he has donated to a lot of campaigns in the City, both republican and democrat. I don't think you have to give back your money. I think he gave it to you because he gives to both sides and I don't think it had anything to do with wanting to be on the Authority or not. He had asked a long time ago. I know that he wanted to be on it. I asked if you could suspend the rules and you said yes the last time when we brought him in and I appreciate it and I would hope that we would endorse him today.

Mayor Baines stated I am so disgusted. I have to say that I have been calm and I have tried to be respectful throughout all of this but if we are going to sink to that level I think we all need to reflect upon what we are doing here in public service. I am absolutely disgusted that that insinuation would be made. I am personally offended.

Alderman Levasseur stated I am sorry that it has to come like this and I am not going to get involved in your problem with Alderman Vaillancourt. I think it is appropriate that Alderman Vaillancourt could ask the question and I don't think he meant it in a negative way. I think he was just saying that it didn't look good. I am not going to get involved in that with you guys, but I have a problem with this Conduct Board. It seems like...I don't know how this got into the Charter or if there is any way we can get it out but it looks like one of those Boards that you can use as a political weapon against each other and I just don't like it. I don't think it is something that...just the way it seems to have been used in the last six months or so it seems to have come up a lot more than it ever has before. I worry about the person we are putting in here right now and he is a very good friend of my, your Honor. He is the Chairman of my Committee, but he is also a democrat who is a Ward 1 Democratic Chair and we are getting to the point now where we are appointing political people on the Conduct Board and I think that we should be very careful when we do this because I don't think we are actually putting together a Conduct Board that is really unbiased. I can say that only from my party also. I think there are people on there from the Republican Party that I don't think should be. I am not talking about this particular person, I am just talking about this in a general and philosophical sense. Maybe there is a way we can work on this a little better.

Alderman Pariseau stated the Conduct Board does not involve itself in politics so I don't know where this guy is coming from.

Alderman Lopez stated every time something comes up we want to change the Charter. When Charter revision comes around again, you can be on the Charter Commission and you can change it. Let's try to work with the Charter as presented.

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

Alderman O'Neil moved to confirm the nominations as presented. Alderman Pinard duly seconded the motion. Mayor Baines called for a vote on the motion. The motion carried with Alderman Vaillancourt being duly recorded in opposition.

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

Mayor Baines called the meeting back to order.

#### **OTHER BUSINESS**

A report of the Committee on Finance was presented recommending that a Bond Resolution:

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2001 CIP Manchester Water Works, Distribution System General Improvements Project."

ought to pass and layover and further that Resolutions:

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the 2001 CIP #410201 - MHRA Public Housing Community Policing Program."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Nine Thousand Eight Hundred Seventy Six Dollars (\$99,876) for the 2001 CIP #410901 - Juvenile Offender Locator Team (JOLT) Program."

"Amending the 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eighty Thousand Dollars (\$80,000) for the 2001 CIP 830001 ADA Access Improvements in City Buildings."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Thousand Dollars (\$300,000) for FY2001 CIP 830401 ADA Compliance - Parker Varney Project."

ought to pass and be Enrolled.

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

**11. Ordinances:**

"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."

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

These Ordinances having had their second readings by titles only, Alderman Thibault moved on passing same to be Enrolled. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

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

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

"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."

were properly enrolled.

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

**Report of the Committee on Lands and Buildings** advising that it has reviewed the communication from Public Service Company of New Hampshire requesting that the City execute a Quitclaim Deed relating to the March Avenue Discontinuance, and referred same to the Committee on Bills on Second Reading and to the Assessor's Office for a determination of value to be submitted to the Committee on Bills on Second Reading.

On motion of Alderman Levasseur, duly seconded by Alderman Pariseau, it was voted to receive and file this report, noting that PSNH has withdrawn their request.

Communication from Alderman Vaillancourt requesting the Board refer the question of eliminating the Aldermen-at-Large and School Board-at-Large positions to public hearing on Wednesday, March 14, 2001 at 6:00 PM.

Mayor Baines asked didn't we already vote on this and voted it down. What are the rules of the Board?

Alderman Hirschmann stated it is a new meeting your Honor.

Alderman O'Neil moved to receive and file this item. Alderman Pariseau duly seconded the motion.

Alderman Vaillancourt stated I thought the normal procedure would be to allow the person that brings something in to make the motion, but this is fine. No, we haven't considered this this year. It was a year ago that we considered this and I think it is a timely thing to consider once again. The NH House last year passed the Martin Luther King Day bill by a rather substantial margin. I think it was about 12 times before it was considered and passed. The Monday Memorial Day holiday took about 12 times before it was voted upon and finally passed. It may take 12 times for this to be voted upon and passed, but if I am here I will offer it every year because I don't believe that this is a good spending of about \$30,000 of taxpayer money. I think this is an experiment, which failed. All this letter asks to do is have the courtesy to send this to the public hearing on March 14, a public hearing that we already have scheduled, so that the people of Manchester can give their opinion and we can have a full and robust discussion on this very important item. It did pass the Board last year by a margin of 8-6 and then was vetoed. I suffer under no delusions that it will succeed this time, but I do feel compelled to do what I believe is in the best interest of the taxpaying citizens of Manchester. At least once a year, I think this should be considered. Now for those who might say that we have this Charter, this immutable document, that is simply not true. The Charter, as part of its language, calls for how it should be amended and I believe this should be amended or at least it should be sent to a public hearing where this could be considered. I mean no disrespect for either of the Aldermen-at-Large. This is not based on any particular individual who has or may have held this seat or may hold it in the future. It is simply a

philosophical point that I don't believe this enhances the role of our government and it is something that we could conserve taxpayer money on. I don't think it is asking too much for the citizens of Manchester on March 14 to voice their feelings on this important topic.

Mayor Baines replied I do know that people know how they are going to vote on this so I would ask that we don't belabor this issue.

Alderman Hirschmann stated we aren't supposed to talk about personalities at all, but I really enjoy Dan O'Neil being on this Board. Danny and I work on a lot of things very well together and this isn't about any personalities or anything like that. There are a lot of groups and a lot of individuals in the community who want smaller government and my only point of view on this is to let the citizens come forward and tell you that hey they like Danny O'Neil too and they want to keep him or they want smaller government and that is the other side of the coin. That is it.

Alderman Wihby stated I would like to echo those same sentiments, your Honor, and I will request a roll call.

Mayor Baines called for a vote on the motion to receive and file this item. Aldermen Gatsas, Sysyn, Clancy, Pinard, O'Neil, Lopez, Pariseau, Cashin and Thibault voted yea. Aldermen Wihby, Levasseur, Shea, Vaillancourt, and Hirschmann voted nay. The motion carried.

Ordinances:

"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."

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

These Ordinances having had their third and final readings by titles only, Alderman Thibault moved on passing same to be Ordained. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Resolutions:

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the 2001 CIP #410201 - MHRA Public Housing Community Policing Program."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Nine Thousand Eight Hundred Seventy Six Dollars (\$99,876) for the 2001 CIP #410901 - Juvenile Offender Locator Team (JOLT) Program."

"Amending the 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eighty Thousand Dollars (\$80,000) for the 2001 CIP 830001 ADA Access Improvements in City Buildings."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Thousand Dollars (\$300,000) for FY2001 CIP 830401 ADA Compliance - Parker Varney Project."

On motion of Alderman O'Neil, duly seconded by Alderman Lopez, it was voted to read the Resolutions by title only, and it was so done.

On motion of Alderman Wihby, duly seconded by Alderman Clancy, it was voted that the Resolutions pass and be Enrolled.

Resolution:

"Prohibiting Erection of Structures or Removal of Trees to Allow Property Located at the Corner of North Bay and Bennington Streets to Remain in its Natural State."

Deputy Clerk Johnson noted that this item should be withdrawn from the agenda because the item was referred back to the Committee on Lands and Buildings.

**TABLED ITEMS**

**20. Report of the Committee on Accounts, Enrollment and Revenue Administration**

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 project, bank and legal fees for uncollected checks.

(Tabled January 23, 2001 pending presentation from the Finance Department.)

This item remained on the table.

**21. Report of the Special Committee to Review Energy Contracts and Related Projects**

Recommending that the Board of Mayor and Aldermen authorize the Mayor to execute the enclosed agreement with CHI Energy, Inc. relating to the management and operations of the Amoskeag Hydro Station, subject to the review and approval of the City Solicitor.

(Tabled February 6, 2001)

This item remained on the table.

**NEW BUSINESS**

Alderman Pariseau stated at the request of Public Service Company who has asked a response this evening, I humbly request that the item that is before the Committee on Bills on Second Reading relative to the rezoning issue of March Avenue be taken out of the Committee and I would move that the request for rezoning be denied. Alderman Wihby duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman O'Neil stated it is my understanding with regards to the Wolf Park situation that those taxes are going to be paid and it may be appropriate to send it to the CIP Committee after all.

Deputy Clerk Johnson stated concurrent with the review by the City Solicitor. The Solicitor is requesting that it go to the CIP Committee.

Alderman O'Neil moved to refer Item AC to the Committee on Community Improvement. Alderman Pariseau duly seconded the motion.

Alderman Hirschmann stated we referred something to the Solicitor's Office about 10 minutes ago. Is it still going there?

Mayor Baines replied could you explain what we are doing here, Tom.

Deputy Solicitor Arnold stated in order for the Tax Collector to tax deed if she can do so, she has to send a 30 day letter to the property owner notifying them of an impending tax deed. There has been some indication that once that letter goes out that the taxes will be paid. If the taxes are paid, this Board may want to consider sending it to CIP for action.

Alderman Hirschmann responded let's wait until they pay their taxes.

Alderman Cashin asked, Deputy Solicitor Arnold let's assume that they do pay the taxes. Now we know that the left field fence, I believe, is on their land at Wolf Park. Let's assume that we threaten them with taking it by tax-deeded property or whatever. Wouldn't they have a right to force the City of Manchester then at that point to tell us to take our fence down and take the bases off of their land?

Deputy Solicitor Arnold answered they may have, yes.

Alderman Cashin asked wouldn't it be better if we just sent it to CIP and didn't even talk about tax deeded property at this point in time and not even send out a notice. I think we are on pretty thin ice here if we are not careful.

Deputy Solicitor Arnold answered I am not sure what the question was. Whether the Board wants to have the Tax Collector attempt to tax deed the property of course is a Board decision. There are various parties presently working with the property owner to try to resolve this situation to everybody's satisfaction taking into account the taxes that are owed on the property.

Alderman Hirschmann stated if I didn't pay my taxes for seven years, I am sure you would take my house. I think we should do what would be done to everybody else...collect those taxes and that is what we are asking you to do.

Alderman Cashin replied with all due respect, part of the reason why these taxes haven't paid is because the City Solicitor's Office has been trying to work on some kind of a land swap and everything else. There are reasons for this.

Alderman Lopez stated I agree with the Chairman. This has been going on for a long time. I think at the last meeting when it was referred to the CIP Committee, I think we suggested that the lawyer go back to the owner and come back to CIP with some recommendations. I think that it ought to go through the Committee process and then if there is nothing there then maybe we could work out the other angle. I would like to move this.

Deputy Clerk Johnson stated the Solicitor is advising that the best approach would be to send it to the CIP Committee if there is an interest in acquiring the property. I guess beyond that if you are going to discuss it, his suggestion is to consult with your attorney in terms of negotiating acquisition of property. I guess those are your two choices. Either accept the motion on the floor or oppose it if you want to oppose it.

Alderman Levasseur stated now that this is being rectified and the bill is being sent out for the collection of the taxes, I think it should go back to where it originally belonged and that was to Lands and Buildings. There is no reason for it to be sent to CIP, your Honor. It was a Lands and Buildings issue since I have been here and we haven't been able to rectify the situation but now that we know we are passing out the tax bill, if they are going to pay we can make a decision in Lands and Buildings. At least we will know where we are going from but I don't see why this should be referred to CIP.

Deputy Clerk Johnson replied the recommendation of the Committee was to send it to CIP initially, but I guess there is some confusion here because there hasn't been an order by the Board to order the Tax Collector to send out that letter. It was sent to the Solicitor to review. His feeling is that it should be reported in to the CIP Committee and decided there if that is where the Board was going to send it in the first place. If you want to send it back to Lands and Buildings, that is fine too.

Alderman Wihby stated I can see if you are sending it to CIP in order to get money to buy the property, but it has not been determined from Lands and Buildings yet whether or not they want to buy it so it should stay in Lands and Buildings until there is a recommendation either to buy it or to go forward and collect the taxes and then send it to CIP or the full Board.

Alderman O'Neil stated I believe what happened was the Lands and Buildings Committee has reached some kind of stalemate on this and that is why they referred it to CIP. I am not a member of the Lands and Buildings Committee, but that is my understanding. They were looking for some help and for somebody to take a different look at it. The CIP Committee has its hands full and it is certainly an extra item that we don't need, but maybe the CIP Committee is becoming like Alderman Gatsas' Administration Committee. I think Alderman Wihby is right. The appropriate place for it is Lands and Buildings, but they seem to run into a snag and were just looking for some help. If it goes to Lands and Buildings, that is fine with me.

Mayor Baines called for a vote on the motion to refer the item to CIP.

Alderman O'Neil withdrew his motion to send it to CIP. Alderman Pariseau withdrew his second.

Alderman Levasseur moved to refer the item to the Committee on Lands and Buildings. Alderman Cashin duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Levasseur stated I don't know if this was because...usually don't you ask for tabled items to come off. Should we not have gone forward with Item 21. I think the reason why we didn't do it last time was because it was very late. I thought we were going to go forward with this and I see that the key players seem to be in the room. I think we know what we are going to do or are we going to wait?

Mayor Baines replied I think we need to wait for more information.

**A report of the Committee on Traffic** was presented recommending that a request of Homebuilders and Remodelers Association of NH for closure of a portion of Pleasant Street, from Elm to Franklin Streets on March 7, 2001 in conjunction with the 2001 New Hampshire State Home Show be granted and approved under the supervision of the City Clerk, Fire, Highway, Police, Risk and Traffic Departments.

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

Alderman Vaillancourt stated we have been getting several communications from various department heads regarding their testimony before various bills at the State House. Did you have a policy established wherein they have to notify you and get your permission to testify first or am I imagining that?

Mayor Baines asked, David, what is the process we are using right now.

Mr. Scannell answered the process is that there be some type of notification to the Mayor's Office and the Mayor would review it and make a determination.

Alderman Vaillancourt asked am I to understand that if they do testify or appear before a bill it means that it has your stamp of approval or not.

Mayor Baines answered no, unequivocally. There are certain positions of the departments that are consistent with City policies and procedures. A lot of it are predetermined positions taken by the Board.

Alderman Vaillancourt stated I certainly appreciate all of the bills that the Water Department has brought to my attention, not as an Alderman, but as a State Representative I appreciate the position there and I think it might be more appropriate to send these along to either Chairman Pepino or Chairman Baroody so that the Manchester Representatives can consider this. It may be more advantageous for them. There are some, however, that I don't believe the City should be taking a position on. I don't want to stir up anymore of a hornet's nest tonight, but I do have a problem with some positions

that don't affect the City of Manchester that department heads are taking. I do understand that you are reviewing them personally.

Mayor Baines responded David reviews them and brings to my attention any that stand out in terms of being contrary to the position of City government and policies of the departments and previously established positions of the Board. That is what we are doing.

Alderman Gatsas asked, Alderman Vaillancourt, which ones are you talking about.

Alderman Vaillancourt answered I don't think the City of Manchester should have its Police Chief testifying against the growth of hemp as a crop.

Alderman Gatsas stated I thought you were still on the Water Works.

Alderman Vaillancourt replied on the Water Works I received, in my pile of communications there was a position on six or seven bills and I think those are important for the delegation to look at.

Alderman Gatsas responded there was one just so that you know, the one that we tried to amend in the Senate, Senate Bill 101 had to do with moorings on lakes and we tried to get an exemption on that for Massabesic Lake because the bill said 25 residents had the ability to come in and petition for moorings. The Committee agreed to the exemption of the amendment for Massabesic Lake.

Alderman Shea stated this is kind of a sensitive point here and I just would like you to kind of bear with me. I cut this out of the Hippo News and you are quoted...it says "after being pounded mercifully by the Aldermen following the Welfare Commissioner fiasco, Mayor Bob Baines couldn't help but use an opportunity to take some digs at the Aldermen during a Youth Council meeting this week. The only regret I have about becoming Mayor is that I am forced to spend more time with Aldermen, well some of them anyway, than with students" he said. "Often when I sit in the Aldermanic Chamber I have to convince myself that enduring the tedium and frustration is necessary to build a better future for the students I worked with for so long." The Mayor continued saying that, "bickering public officials are sometimes accused of behaving like children." In the case of the Youth Council, the Mayor suggested that "the world would be a better place if more adults did behave like those young people. I wonder if it were possible to amend the Charter to allow members of the Youth Council to run for Aldermen" he wondered. Mayor, that isn't a good way to consolidate the thinking and the will of the Aldermen.

That is very insulting to use the youth to divide the Aldermen. That is not an appropriate comment, your Honor.

Mayor Baines replied I think we were just joking around. Thank you for your comments.

Alderman Shea responded I am not finished, your Honor. I feel...

Mayor Baines interjected you have made your point.

Alderman Shea stated I am not finished talking. I don't think joking is an appropriate forum for you to use to insult the Aldermen because I work very conscientiously as an Aldermen and I feel that you insulted both me and the rest of the Board and I think, your Honor, that you have been guilty of this in the past and I would suggest that you restrict your comments to your own personal self rather than to accuse the Aldermen of being young and immature.

Mayor Baines replied thank you for sharing that with me.

Alderman Pariseau stated I commend your statement, your Honor. Because of the actions of some of the members of this Board I don't blame you for saying what you said. It is a disgrace. A number of comments that I receive from constituents relative to the conduct of some individuals in this hallowed Chamber, it is awful and I don't blame you for getting upset the way you have and for stating unequivocally that some of us are awful people and they are.

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