

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC PARTICIPATION)**

February 20, 2007

7:00 PM

Mayor Guinta called the meeting to order.

Mayor Guinta called for the Pledge of Allegiance, which was led by Alderman Duval.

A moment of silent prayer was observed.

The Clerk called the roll. Ten Aldermen were present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil Lopez, Shea, Smith.

Absent: Aldermen DeVries, Garrity, Thibault, Forest.

Mayor Guinta advised that the purpose of the special meeting is to give residents of Manchester the opportunity to address the Board on items of concern affecting the community; that each person will be given only one opportunity to speak; that comments shall be limited to three minutes to allow all participants the opportunity to speak and any comments must be directed to the Chair.

Mayor Guinta requested that any resident wishing to speak come forward to the nearest microphone, clearly state their name and address when recognized, and give their comments.

Frank Weaver, 8 Derry Street, Manchester NH (Re: Liability Auto Insurance) stated:

Ordinarily you don't see me too often. I'm one of these people that's out in the mainstream just seeing what's going on and what help I can give to people that need it. Recently I've been working with and involved with a lot of the elderly and something that's come up only a day or two ago, but it's been around a while. It's the subject of mandatory automobile insurance. What, of course, they're afraid of, not all of them because most of them have it, but those that don't are on fixed incomes. And this, of course, if it becomes mandatory will, like everything else, drive up the cost once we have mandatory insurance. I lived in a state that didn't have it many, many years ago and once it came up, the cost doubled over a two year period. They're afraid of this. Also we have the deterrent factor. Uninsured motorists are, out of necessity, more cautious than insured drivers. I've talked with a lot of people about this and this is the kind of feedback I get. It makes sense. I mean, if you're not driving with a helmet on, you have a problem. Three, the safeguards that are in place insure that unsafe drivers are required to post financial responsibility for a pre-determined time.

This is the best way I know of keeping them off the road. Also, more government interference in people's lives is not the New Hampshire way. Here in New Hampshire people can decide these matters for themselves. If insurance is mandatory, as I mentioned before, the price of auto insurance could double here. It has gone up everywhere it's been implemented. Back to number one however. As one senior citizen said to me, We're on fixed incomes. We can't afford any more and we're always careful. Can't they decide for themselves? I think this makes sense. This is something we should look at very carefully. It's a good idea, but I think we already have the safeguards in place to see that we have what we need now.

Robert Tarr, 318 Spruce Street #3, Manchester NH (Re: Parking Permits Referendum) stated: I'm just here to talk to you tonight about a couple of things that I want to talk to you about. First is the Mill Street parking and the revoking of the permits. You may say it's a good idea for the customers that will be coming to those businesses; however, we must consider this completely that if you are to force the tenants of those buildings, the employers and employees, to walk about a block from Canal Street to their business, they may move out of the area. How does this help the customers if there's no business there to come to? So again we have to look at the economic impact that this is going to cause if we remove those permits. The second thing I want to talk to you today about is the referendum. I'm not against the referendum, as you heard just previously, but I would like to see that there be some safeguards or some provisions for people that are low income or fixed income families. Like myself, I make about \$1,700 a month, that's including my disability and my stepson's social security income. A thousand dollars from him pays for the rent and \$700 pays for the utilities and my food. What's left over? There's nothing. I went on line last night to Progressive Auto Insurance and looked up a 1992 Ford Escort, two-door hatchback to see what the insurance would be. It was \$488 just for the first six months. That's \$107 plus, you know, initial costs, if you do it in five payments for the first six months. So again, on a fixed income, there would be no way I could afford something like that and maintain a vehicle. So when we think about putting this referendum on the ballot tonight, we should take into consideration those who have low incomes, senior citizens, and those going out to secondary education as well, especially students who are just starting to work and trying to pay off their student loans. They really don't have the money for this liability insurance.

Glenn R.J. Ouellette, 112 Auburn Street, Manchester NH (Re: Petition for Mayor and Aldermen) stated: I'm sure you've all read this this week, about cleaning up our neighborhoods. My advice is to get to it. All we do is talk. We need action. To the Board of Mayor and Aldermen of the City of Manchester, New Hampshire: We the people are working diligently as we the undersigned petition you, the Board of Mayor and Aldermen, and demand the laws and ordinances on the books today be enforced to the limit as they were meant to be for the protection and safety of the citizens of Manchester. As residents of Manchester, we ask that the City take action immediately on Mr. Richard Berlingette, whose properties all reside on the West Side of the City in Ward Ten, and are in gross violation of

City codes and ordinances within the streets on these two neighborhoods. That the junk be removed within thirty days or the City will give out Dirty Citation, as the law allows. This should not be the job of the City employees, to determine who has the right to break City ordinances or who should or should not pay the fines set by you, the Board of Mayor and Aldermen. As neighborhood decline breeds blight, blight breeds. As lack of enforcement is the toxin that incubates it all. Article 1-02(a) of the City Zoning Ordinance is designed to promote the public safety, convenience, aesthetics, prosperity, health and general welfare of the inhabitants of the City of Manchester. The Zoning Ordinance of these continuous infractions need to be brought into compliance yesterday. But of course the City hasn't decided yet today when to start enforcing certain violations and who should or shouldn't have to follow such ordinances with the community of pockets throughout many of our City neighborhoods. Well, please take notice that many instances of indifference to the neighborhood as lack of pride or outright colossal defiance of the law have been witnessed by many, because you choose not to be tough on those people responsible and laying down the law of the land at the top. Where some properties are glaring, snubbing their noses to the extreme of the City is because you talk but you aren't walking the same walk in the form of taking the necessary actions needed to confront the quality of life issues that need to be moved forward in order to prevent certain crimes from reoccurring in this City. It's not to say that there are gradations of violations or infractions of Ordinances, but disgusting to say the least is an understatement. If you were made to live next door to such neighbors, you as Aldermen, I know that none of you would tolerate it without complaining. It has come to my attention that it is possible that some Aldermen may be playing possum on the issues of enforcing certain Ordinances, sections pertaining to illegal dumping of unregistered or abandoned vehicles on one's property out of reluctance to deal with complaints from them to your constituents. Well, please again take notice that we are here tonight conveying to any Aldermen that these quality of life issues are for real and in reality, no ward will be singled out. You only need to remind a complaining constituent that the problems are real and City-wide, and we are asking that all complaints be taken seriously for a change. That they all be followed in accordance with the law in regards to all infractions in each and every ward of the City, and finally, thank you for your attention to this City-wide problem and we hope that within the next thirty days we shall not have to come back to you, our elected officials, in order to readdress the most important quality of life issues that have infested our great City. Please, I beg of you that you listen to the people's cry to date, and know that we are not going away. After all, this is our City too. It's time to act and put the broken window theory into action for the sake of taking back our City from those who insist on committing crimes, week after week, because our elected officials are not taking a bite out of enforcing City crimes. Thank you, and I present to you, Mayor, a petition of we the people.

Katherine Gatsas, 568 Island Pond Road, Manchester NH (Re: Crime) stated: You know, I agree with Mr. Ouellette. If we have rules and regulations and laws and we're not going to enforce them, then what's the point? We might as well just have a city based on chaos. Tonight I'm here to introduce you all to a very special letter that I received from Joe Kane.

This is a letter written by Fire Chief Joe Kane, confirming a firefighter lied during a criminal investigation conducted by the Manchester Police Department. The Police Investigator, eager to protect the firefighter, conducted a faulty investigation by never confirming the lie. Joe Kane's confirmation of the lie proves the firefighter violated New Hampshire State Law, RSA Section 641:3. New Hampshire State Law says deceiving a public servant during performance of official duty is punishable by prison sentence. Joe Kane's confirmation of the lie proves the firefighter violated Fire Department rules of conduct. Provision Ten says, firefighters shall not deceive or evade laws. Joe Kane's confirmation of the lie proves the firefighter violated his sworn oath to uphold the laws of the United States of America. You, Mayor Guinta, are the chief executive officer of this municipality. Executive discretion over the Police and Fire Departments is within your scope of authority. You have the power to demand justice from your Police Chief. Enforcing the law and protecting citizens is your job. We are left unprotected. John Jaskolka and Joe Kane create barriers, preventing a fair and impartial, internal investigation. I place you on notice, Mayor Guinta, of an alleged cover-up, a conspiracy against my rights. I have a constitutional right to demand protection. I've been denied protection by the cops for over two years now. I hold you accountable, Mayor Guinta, for all unwelcome conduct committed by the assailant and for the injuries, the injuries and pain we have sustained from his repeated assaults against us. The assaults continue. I am begging you for protection.

John Dodge, homeless, stated: I live on the streets. My street name is Johnny Three Toes. I'm still fighting for homeless advocacy. The man over here has got a copy of the book that I wrote and why is people dying out here? So far, there's been a few deaths in the last couple of weeks. Why is all these old buildings not being used, just rotting away when you've got a lot of talent out there and people want to go to work. The only problem is they don't have an address. I sleep out in the snow. I sleep out in the alleyways. I see what's going on in this town. I see the death, the destruction, the stupidity, as a matter of fact. The only people that I go to is to the Manchester Police Department because they're great. They help me a lot. Last night I slept in a parking garage and it was twenty below zero, because I can't get in a shelter because of my political views. What's happening out there? You've got men, women and children out there. If I have to, I will go to the Governor, and I'm going to get a lot of people, hundreds. Why can't you use these old buildings? Is it revenue? Money? Well, maybe tomorrow I'll be the one they found dead. Friday they found Tattoo dead. How many more?

Ginger Ferrier, 521 Pine Street, Manchester, NH (Re: Color of Law statutes) stated: My greetings to the Mayor and to the Aldermen members. I am here to read from the Color of Law Statutes, provided by the Federal Bureau of Investigation website. I will be reading parts of each of the statutes referenced herein because of time constraints. I have provided copies for the members of the Board and Mr. Mayor. The first is titled 32 U.S.C. Section 3631, Criminal interference with rights to fair housing. The statute makes it unlawful for any individuals, by use of force or threatened use of force, to injure, intimidate or interfere

with or attempt to injure, intimidate, or interfere with any person's housing rights because of that person's race, color, religion, sex, handicap, familial status or national origin.

Punishments vary from \$1,000 fines to a year in prison, or both. If bodily injury results, shall be fined up to \$10,000 or imprisoned up to ten years, or both. If death results shall be subject to imprisonment for any term of years or for life. That is the end of that section. It's not in total but time constraints won't allow a full reading. Title 18, U.S.C. Section 242, Deprivation of Rights under Color of Law from page 2 of Section 242, first paragraph. This statute makes it a crime for any person acting under Color of Law, statute, ordinance, regulation or custom to willfully deprive or cause to be deprived from any person those rights, privileges or immunities secured or protected by the Constitution and the laws of these United States. Page three, second paragraph: Acts under Color of Law include acts not only done by federal authority, but also acts done without or beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official while such official is purporting or pretending to act in the performance of his or her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes, ordinances, or customs. The statute reference concludes. I ask how many victims will it take and how many property owners and officials of this City will continue to get away with violating Title 18, U.S.C., Deprivation of Rights Under Color of Law. I would think that that would include housing inspectors at the city, state and federal levels, as well as resettlement agencies, absentee or Manchester property and landlord owners as well as some of the housing officialdom of the Manchester Housing and Redevelopment Authority. Resettlement agencies appear to inflict unlawful harm on refugees or newcomers to this community by housing them in lead paint contaminated and other non-code compliant housing. And while Commissioner LaFreniere and Mr. Al Kula continue to take exception to the perception of their callous and legal violations of the Color of Law, one cannot help but perceive them as being non-participants in remedying what is ongoing and going on at the cost of the lives of children, the disabled, and other residents of this City. The perception that many illegalities have a free pass continues to take place, and no perception of remedy is forthcoming in the very immediate future of this City's legal tenancy rights and needs. How many victims have to die and who will be brought to answer for the death and disabilities of children who are subjected to the worst in housing because of the appearance of disregard for Federal Statute Law? Has any official of the Housing Department or the resettlement agencies been made to answer for the death of Sandy Adek (inaudible) and the illnesses inflicted on helpless children and families? How typical is it and almost foreseeable to expect that because of inexperience and trust in the system of the American way of life, people from all walks of life and abilities or disabilities are victimized over and over again by the unscrupulous mindsets of agencies and property owners. It is as predictable as the weather. Kick people when they are down and most vulnerable, those who have not yet learned to defend themselves with the Color of Law. Landlord property owners are being given code compliance certificates, having not passed code compliance. Surely it appears to be self-evident that something untoward is amiss at the housing at special levels

of this city's officialdom. When if ever will it be corrected? And when will the Color of Law be upheld and those who violate it made answerable? Thank you.

Richard Duckoff, 380 North Bay Street, Manchester, NH (Re: Zoning Enforcement) stated: I want to speak tonight once again...an ongoing saga about zoning code enforcement. But I want to preface what I'm saying by congratulating the Mayor, and I want to wait until he's composed here, I want to congratulate the Mayor for really having started the NET program. No question about it, when it was started I don't think there was any way of knowing how many problems would surface. I've noticed in the last two or three years, I know in the north end, I've noticed it gradually going down hill as there's more and more infractions in the north end. Ward One has got...its worse than I ever realized, until you open your eyes. If you drive around there's so many zoning infractions. And I just want to congratulate the Mayor and I hope that good comes of all of this. It can, and it's going to take a lot of hard work and a lot of decisions making and some bullets are going to have to be bitten and bitten hard. There's no other way of doing it. Sometimes, you know, when the going gets tough, the tough get going, as they say. What I came here tonight to talk about really is kind of a sad story. This last summer I noticed in the north end that there were some changes going on in houses and people were doing some good things. They were improving their property and they were putting in new steps. They were revitalizing the inside, renovating the outside of the house, and they put wonderful steps in and there were no rails. So, being safety conscious, because I don't want people to fall down and kill themselves, I was at the Building Department and I happened to mention to a gentleman who was walking by, I said, I came in really...I didn't know I'd see you here but I came in because there were a couple of occasions here where there's a couple of problems with possibly a building inspector could look at it and check it out. And I explained to him what they were and I got a sarcastic flip comment from a public servant that I'll never forget to my dying day. Why don't you go talk to him yourself? Nose up in the air, sarcastic tone of voice, and that was that. I didn't say anything for a while. Then, it was about a month ago that I was in their Department again and I was just standing, waiting at the counter. And I looked to my left by the printer and the same gentleman was at the printer and I said, How are you today. Good to see you. He said, I'm fine, thanks. How are you? I said, No complaints. He said...little did I know that I would mention the dangerous word. In innocence I said that, but I got reamed out by the same gentleman, reamed out. What he told me was this: Talking about complaints, talking about complaints, you're really creating a problem for the NET program, Mr. Duckoff. You're making a mess of the whole situation. I said to him, What are you talking about? He said you're driving all over the City (implying I'm some kind of nut). And I threw it back in his face and I said, That's not true. There's so many violations you don't have to drive around the City. You just drive around a few blocks and you'll see them. He said, Whatever, whatever. And I said, I'm glad you said everything you said. I'm going to bring it before Public Session and I do tonight. And I have ridden and the head of the Building Department almost begged me on the phone. He called me up at my home at the end of my week and berated me, at the end of the week, and I told him very simply that I

wasn't going to just simply allow him to handle it internally. A public servant gets so sarcastic and so arrogant that the public is treated...so they forget that they're public servants. It's a real problem. That man's name is Matt Sink. And his boss, Mr. LaFreniere, put an order out that Al Kula, who is a fine, fine gentleman in the Housing Code Department. Never had a problem with him. Never will have a problem with him. He never had a problem with me. He wasn't to speak to me. When Frank King started the Housing Code Department and I was one of the first hires, and ever since then, there's been not the slightest problem. But this is what...Al Kula can talk to other people, no problem. But he's not to talk to me. And the head of the Department has absolute power. He answers only to God, and if God's on vacation, there's a real problem. Thank you very much.

Mayor Guinta recessed the Special Meeting and called the regular meeting of the Board of Mayor and Aldermen to order.

Mayor Guinta called the Special Meeting back to order.

Howard McCarthy, 105 Randall Street, Manchester, NH (Re: Ordinances) stated: I just brought my homework with me. Good evening everyone. Tonight I hope to indent a couple of thoughts about ordinances, but before I do that, I have some good news and bad news. The bad news is I'm taking singing lessons. The good news is I'm not going to sing tonight. Anyway, I do want to say that Manchester is not going to the dogs, not in east, south or west. Manchester is not a podunk. But actually it's the gleaming star of New Hampshire. There's a lot of people that don't know much about ordinances. I'm one of them. However, if the word was out there that newspapers such as the Union Leader, the Hippo, Manchester Daily, and all these types of sources of information was out there to tell people and explain to them what ordinances are and that they should adhere to them. Now all the ordinances are not necessarily up to snuff as far as I'm concerned. We got a couple here that...one is pertaining to front lawns, back lawns, automobiles. Did you know you can't park a car on the lawn in front of the house, nor can you park it in the back? Something seems wrong there, especially the backyard. What happens when you have an emergency? What is an emergency? An emergency is something that has to be taken care of. What do you do in a case when you have a couple cars and a truck, and a snowstorm is predicted. And you have a neighbor who is very nice to you and thinks a lot of you to snowplow your driveway. That saves a lot of backbreaking work. What do you do with your cars? Well, according to the ordinances, you can't park it on the lawn. But some people will see that as an emergency. And they'll put it on the lawn, but this is just for the night. This is not permanent. Okay, that's that one. And, okay, let's get right to the crux of this thing about doubling the fines and that's not the way to go. You have to try to get the information out there to the people, of the ordinances and try to get them interested in it. And because of this time element, I'll finish up by saying regardless of the infractions of some people here, you read about them in the paper, right now I'm not for doubling the fines. I still think a hundred dollars is a lot of money. And, I think we should have a little...right now it's still the winter time. And I think that a couple

months wouldn't hurt to have a little amnesty and a little compassion to these people that you read about in the paper. I don't think delaying things a couple months...we're right around the corner to spring. And anyway, I advocate going what is known as poco poco. Be gradual in this thing. Naturally if somebody is poco cu curate...that's a good word I just learned. And it means apathetic and an I don't care attitude. Of course that's a different case and that's up to the inspectors to handle and I can't talk too much about that because I'm not a disciplinarian and I'm just a citizen that's learning about ordinances and I think if you put a lot of ads in the paper and get the word out there and get in touch with Joe McQuade or Jody Reese and...because I've taken a little survey asking different questions of different people and most people don't know about ordinances and a lot of them, I don't think they care.

Thank you.

Chris Leone, 503 Granite Street, Manchester, NH (Re: Lack of Response from City Officials) stated: Thank you, Mayor and Aldermen, for allowing me to speak. I'd like to bring something to your attention and this is related to quite a few people in certain departments, certain officials. I'm not here right now to point fingers and name names or departments. I just want to state, and bring it to everybody's attention, that myself and certain people that I work with try to accomplish certain tasks have been getting a lack of response, whether it be through phone calls, emails, or written letters. Like I said, I'm not here to point fingers, name departments or name names. But I would like to see this addressed, and in the future see it taken care of with better response from certain people. If we don't see a better response, next time I will come back and point fingers, names, and departments of who is not responding to some of us. I'd like to also at this time point out to George Smith, you are not one of the people on this list. I appreciate all the help you're doing for us over there and thank you very much. The last thing I'd like to say is that in my area, we still have some ongoing issues and we need to get them addressed. I'd like to see things go a little faster, but I do see progress being made, things being done. And I just wanted to thank everybody involved in that. Your efforts are noticed and appreciated. That's all I have to say. Thank you.

There being no one else present wishing to speak, on motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to take all comments under advisement and further to receive and file any written documentation presented.

This being a special meeting of the Board, no further business was presented and on motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

City Clerk