

COMMITTEE ON BILLS ON SECOND READING

June 10, 1997

Aldermen Wihby, Elise, Clancy,
Pariseau, Cashin

6:15 PM

**Manchester High School West
9 Notre Dame Avenue (Room 202)**

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby , Elise, Clancy, Pariseau, Cashin

Chairman Wihby addressed item 3:

Ordinance Amendments:

“Amending Sections 33.024 and 33.025 (Archive/Records Supervisor, Information Support Assistant and LAN Administrator) of the Code of Ordinances of the City of Manchester.”

“Amending the Code of Ordinances of the city of Manchester by inserting a new section, Section 96.06.1 Smoking at Gill Stadium”

On motion of Alderman Pariseau, duly seconded by Alderman Elise, it was voted that the ordinance amendments ought to pass.

Chairman Wihby addressed item 4:

Proposed changes to the Code of Ordinances of the City of Manchester relating to the Heritage Commission submitted by Alderman Elise.

Alderman Elise moved that the proposed ordinance changes ought to pass.
Alderman Cashin seconded the motion.

A somewhat lengthy discussion ensued where Asst. Solicitor Arnold advised that when the new Charter went into effect, the proposed ordinance changes would be in contrast with the law. Alderman Elise commented on the need to pass this because of what had recently happened with the Bernie Cowette situation. Mayor Wiczorek felt that the proposed changes took authority away from the mayor. Alderman Elise disagreed with this view.

Chairman Wihby called for a vote. The motion carried with Alderman Pariseau duly recorded in opposition.

Chairman Wihby addressed item 5:

Communication from Thomas Seigle, EPD, submitting proposed changes to
Title 5, Chapter 52 of the City's Code of Ordinances.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted that the ordinance changes ought to pass.

Chairman Wihby addressed item 6 of the agenda:

Petition to rezone property located at 1466 Bodwell Road from Residential to Neighborhood Business submitted by Edward Houle.
(Note: additional communications submitted by the Director of Planning and Attorney Hodes enclosed.)
(Public Hearing held on May 19, 1997.)

Alderman Cashin noted that the abutters had all testified in opposition to this rezoning and that it was spot zoning.

Alderman Pariseau stated they also had pages of signatures from people in the neighborhood who were in support of the change, it was difficult, it was spot zoning either way you looked at it. He noted that there had been granted several variances and special exceptions, and outlined a history of the property changes in the area since the 1980's.

Alderman Soucy stated this had been a difficult issue, she had mixed feelings on it. She had heard from a lot of people in the ward who live in Meagan's Meadows, etc. who say "I bought a house out here, I'm miles away from the store - I want a store." Alderman Soucy stated that she agreed there should be something out there. The problem that Alderman Soucy was having was the abutters, and with creating convenience for people who live a mile away at the expense of the people who live right next door to the project. Alderman Soucy noted that the aldermen had received copies of letters from both sides of the issue. Alderman Soucy stated that the three problems she had with this rezoning was one that they went to the ZBA made a formal request, it was granted and it was being challenged in court, so in essence this is an attempt to by-pass the legal process which is permissible and can be done but it was never something she felt comfortable with doing. The other issue is that whether or not another property on Bodwell Road was zoned or not zoned correctly, this appeared to be a spot zoning, it's sitting in between two residential properties, people that are in opposition to the project. As much as she wanted to do something to benefit the people who live in Meagan's Meadows, she felt uncomfortable with doing it at the expense of homeowners that lived in these homes, 15 or 20 years to convenience people who bought homes a few years or less ago. It was a tough issue but she tended to come down on the side of not being in favor of it because of the abutters. Alderman Soucy noted that she had spoken with the abutters several times, they were trying to be good neighbors, they don't want to inconvenience everyone else but once the use is there they had concerns.

Alderman Pariseau noted that the petition really did not have that much opposition at the hearing, noting comments made.

Alderman Elise moved to deny the petition. Alderman Cashin seconded the motion.

Alderman Clancy noted that he wanted to see something down there for these people they really did need a local store, but felt they should start from scratch, the video store was small they needed something decent.

Chairman Wihby called for a vote. The motion carried.

Chairman Wihby addressed item 7:

Petition to rezone properties in the vicinity of Goffe, South Main and West Hancock Streets from B-1 (Commercial) to B-2 (General Commercial).

On motion of Alderman Cashin, duly seconded by Alderman Pariseau, it was voted to recommend the petition be referred to public hearing. The clerk was requested to determine an available date and time.

Chairman Wihby addressed item 8:

Proposed reorganization of the City of Manchester's Human Resources Department.

Alderman Pariseau moved to recommend ordinance changes ought to pass. Alderman Clancy seconded the motion.

Alderman Cashin requested they wait for the Personnel Committee to have an opportunity to review it before sending it on.

Alderman Elise concurred with Alderman Cashin feeling they should have an opportunity to review it first.

Alderman Wihby noted that the motion to approve would be subject to the Personnel Committee as well because it was referred to them.

Chairman Wihby called for a vote. The motion carried. Alderman Cashin and Alderman Elise were recorded in opposition. Chairman Wihby voted yea and the motion carried.

The clerk noted that they had no ordinances prepared in this proposal and questioned who was going to prepare the appropriate ordinances.

Chairman Wihby stated the Solicitor, or Tom Arnold would prepare them for the next Board of Mayor and Aldermen meeting. Chairman Wihby asked if that would be a problem. Asst. Solicitor Arnold stated he would prepare one.

Alderman Cashin questioned how anyone could write an ordinance until such time as the personnel committee has an opportunity to look at it, discuss it, and come in with some recommendations, noting he thought they were putting the cart before the horse.

Alderman Wihby stated in the budget process , if they did it one way with the money and if after July voted to do it a different way, how could they transfer the money.

Alderman Cashin noted concerns with the reorganization commenting on the change in payroll from Finance to Personnel.

Alderman Elise questioned if it was not the committee's purpose to review ordinances.

Chairman Wihby stated that his concern was that whatever they do, if they do it after July, does this kill the whole thing cause the money is set somewhere.

Chairman Wihby addressed Mr. Clougherty stating if for instance if they don't okay the Personnel function, and then sometime after the budget is set they do, how do you transfer the money.

Mr. Clougherty advised that he believed the Board could issue him a directive to do that, but he would want to check it further to be sure he could do that.

Asst. Solicitor Arnold stated he was not sure he would have to review it.

Mr. Clougherty stated that they hadn't done it in the past, and they shouldn't do it, but if they were asking if it could, if the Board gave him a directive that would be the only way that he knew of that it could be done, but he needed to review it and could answer them at the next meeting.

Chairman Wihby noted that they would take a vote on this now, and they could discuss it at the meeting next week (Finance Committee) to see what the full Board's feeling will be. He stated that if there was no problem in drafting the ordinance, they knew the job titles and salaries already, they could pass it subject to the ordinance drafted and it would come up at the full Board meeting in July and it will come up next week for discussion at the budget meeting. Chairman Wihby noted the other option was to table it until after July.

Chairman Wihby noted he had a motion by Alderman Pariseau seconded by Alderman Clancy to pass it subject to the ordinance being drafted and they can talk about it on Tuesday.

Alderman Cashin stated his prime concern was that Connie Roy was never given the opportunity to accept this position, and he had a problem with that. He had nothing against Mr. Hobsen, he thought he was a great guy, he admired him for a great job at the school department. He felt that the Board could do something about it, and that the matter should be discussed at the Personnel Committee level.

Alderman Elise stated that she was concerned about the former employee (Connie) also; that if this had been another type of business she may have been able to slap a sex discrimination law suit against the city because initially when the study was done to look for a person for this particular job, one person was named and she was the next person in line, and this was after a solicitation of resumes, and she wasn't given consideration for this job. Alderman Elise stated that she thought this was the proper way to do things, to solicit resumes and review them, and she was in support of that process when it took place and she thought this was another example of us forcing good employees out of the system. Alderman Elise additionally noted that she could separate the two issues, voting on restructuring the department and the situation with Connie, but she really felt they should see what they have before voting, she wanted more information and to see the ordinances, and so she would oppose it at this time.

Alderman Wihby noted that they would have to bring something up on Tuesday, the numbers he had included the restructuring. Alderman Wihby additionally noted that Connie was gone and is now making a lot more money than if she was working with us, and we needed to go forward. He noted that they had looked it over and it made some sense to have the auditors auditing payroll rather than payroll being done and audited.

In response to question, Alderman Wihby noted that the reorganization there is one new position, a payroll auditor, was added.

Chairman Wihby called for a vote. Alderman Pariseau and Alderman Clancy voted in favor. Alderman Cashin and Alderman Elise voted in opposition. Alderman Wihby voted in favor. The motion carried.

TABLED ITEM

9. Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by deleting Chapter 17, Section 17-12, Curfew for Children, and replacing it with a new Section 17-12, Curfew for Children.”

(Tabled 8/26/96)

On motion of Alderman Clancy, duly seconded by Alderman Pariseau, it was voted to remove the above item from the table for discussion.

Alderman Clancy noted that this ordinance would help the center city and moved that it ought to pass. Alderman Cashin seconded the motion.

In response to question the clerk advised that the committee had initially tabled it pending appearance by the Police Department. They had been requested at a previous meeting to attend.

Chairman Wihby called for a vote. The motion carried.

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

A True Record. Attest.

Clerk of Committee