

CHARTER COMMISSION

February 20, 2013

6:00 p.m.

Chairman Duval called the meeting to order.

The Clerk called the roll.

Present: Commissioners Duval, Girard, Martin, D'Allesandro, Lopez, Pappas,
Ashooh

Commissioners Clayton and Infantine arrived late

Chairman Duval called for the pledge of allegiance, this function being led by
Commissioner Martineau.

Chairman Duval addressed item 3 of the agenda:

3. Minutes from meeting held February 6, 2013 and February 13, 2013.
(Note: Previously distributed to the board via email for review)

On motion of Commissioner Ashooh, duly seconded by Commissioner D'Allesandro, it was voted that the minutes be accepted.

Chairman Duval addressed item 4 of the agenda:

4. Discussion regarding campaigns and elections.

Chairman Duval stated we have presenters for this evening who have been invited to attend. There are several who were not able to make it. Former Clerk Leo Bernier extends his regrets; he was not able to make it due to a scheduling conflict. He has repeatedly offered his services to the commission in any way and encourages commissioners to call him should they want his input on any one of these subject areas. As we know, he has a long history with the City as formerly serving as our clerk for several years. Former Mayor Emile Beaulieu phoned me this morning and extended his regrets; unfortunately he is a bit under the weather. Again, he has extended himself to the extent that he is open and willing to discuss with any commissioner one on one any specific topic that they would like. Also, Clerk Leahy, I think former Mayor Guinta was invited once again. Were you able to connect with him?

Clerk Leahy replied yes, he called me this morning and said he was interested in expressing his views to the commission, but he is unable to attend tonight, but he would like to set up a future date.

Chairman Duval stated thank you very much for that effort, Clerk Leahy. I guess at this time, regarding campaigns and elections, it was the suggestion of commissioners to invite some officials. At this time, would the commissioners want Clerk Normand and Commissioner Martineau to come forward?

Commissioner Girard stated Mr. Chairman, if I might. I think I would like to have Clerk Normand come forward before Commissioner Martineau.

Chairman Duval stated that's fine. Also, I would like to recognize Alderman Joyce Craig, from Ward 1, who has taken time to be with us for another work session. Thank you, Alderman Craig, for being with us and showing tremendous interest in the affairs of the Charter Commission.

Mr. Matthew Normand, City Clerk, stated thank you, Mr. Chairman and honorable commissioners, for inviting us. I have asked Maura to hand out some papers. We did some bullet points and some research in advance of the meeting in terms of what other municipalities in the state are doing as it relates to elections and campaign finance. I have had some conversations in the many months leading up to the Charter Commission with some of the representatives so I know there are some specific questions. We have some points that we can offer as considerations for revisions for the charter, but if you have specific questions, I can answer those.

Chairman Duval stated I haven't taken the lead on any of the issues that have come before the Charter Commission, but I am going to exercise that right tonight as a charter commissioner and as chairman. Just a question that I posed to Clerk Normand a number of weeks back at the start of this process and I don't have a definitive position on it, but I asked the clerk if thought had been given at any point to the City of Manchester hosting elections on any other day but a Tuesday. Specifically I asked him if it would be possible to holding elections on a weekend. Of course it is not being done in any other municipality in the State of New Hampshire and I wanted to allow the clerk some time to ponder it and to maybe do a little bit of research on what opportunity might exist for the City of Manchester to be a leader in changing the dynamic of how and when voters vote. I know years ago it was discussed to maybe hold an election on a Saturday or Sunday and for religious reasons there was objection to be found. With an aging population of poll workers who certainly, especially on a presidential election year, can work very long days, I would like to hear the clerk comment on the feasibility of getting people to man the polls. I know it is a challenge in a lot of the city wards as the population gets older.

Also, just because our demographics have changed and the lifestyle of people have changed over the years, is it worth the City of Manchester taking a leadership role and redefining when elections are held. I would be curious to explore that with the clerk. I'll just open that up as my initial comment.

City Clerk Normand stated I was remiss in introducing JoAnn Ferruolo. For those who don't know her, she is the assistant city clerk and works heavily with the elections. She comes from a strong election background. Prior to the City Clerk's Office, she worked for the Secretary of State's Office, worked a lot in the HAVA Department, helping voters with accessibility issues. I have asked her to come tonight and she can really talk about specifics if that is necessary. In terms of the Saturday elections...

Chairman Duval interjected Saturday and/or Sunday.

City Clerk Normand stated we don't have a strong position one way or another. I would first say that however the charter reads at the end of all this, we are going to run the elections that the charter reads, whether it be partisan elections or whatever. We will certainly do the job to the best of our ability. As you mentioned, there are no other communities in New Hampshire that do Saturday or Sunday elections. The couple biggest things that we see that could be a challenge that we would have to consider would first be the security of the ballots if the election were to run for two days. The ballots have to be taken care of; they have to be brought back to City Hall. None of that is something that could not be worked out. Particularly in terms of existing laws, I think the charter would need a significant rewrite if we were to pursue that and that is because we follow this mishmash of charter rules as well as state election laws. This is the rule book just on election law for the State of New Hampshire. A lot of the deadlines are centered around Tuesday, such as when your absentee requests have to be turned in, testing of ballots and posting of warrants. It would have to be specifically identified in the charter if we were to have that. Again, that is not insurmountable, but significant amount of

rewrite work for the commission. As you noted, recruiting election officials and volunteers is a tremendous challenge for any municipality and certainly Manchester is no different. Many of the positions, such as moderator, ward clerk and ballot inspectors are on the ballot every two years. I have actually had to, during the filing period, go to people's houses who I know had done it in the past and recruit them. We have an aging population of workers right now. We have done more work in the colleges around here with events, centered around election activities in the last two years, hoping to foster a newer generation of involvement. It is a monumental task, not only to get people to run for these positions, but to be there all day long. It is a long day. The rules get more and more complicated each year. We had voter id, which was a big thing, this last election.

Chairman Duval asked do you think there would be a possibility to perhaps... Would the pathway to doing this be easier if it were only applied to City elections, Matt?

City Clerk Normand replied I don't think we actually could do anything with the state level. That is a whole different authority and would require numerous State law changes. As I said, it is something that could be addressed in the charter for municipal elections and if that is the way the commission wanted to head, you could articulate the points on both sides, for or against, a weekend election. It is really up to the commission. I'm sure that doesn't answer your question.

Commissioner Lopez stated Matt, could you comment on filing financial forms and listing everyone who runs for election in the primary in reference to the city charter.

City Clerk Normand responded from my perspective as city clerk, what I would strongly ask that you consider is tightening up the campaign filing and finance requirement. I can give you an example. Right now only incumbents need to file quarterly reports. However, PACs, political action committees, can currently be raising money in the community today and there are no filing requirements. I think that is an

oversight. We should know what these committees are doing out there as they are raising money. It should be filed. I believe it was in 2008, possibly 2009, there was some discussion about campaign limits, finance limits, contribution limits, but the charter does not recognize contribution limits. Going back, at least until the early 1980s, I can definitively say that the office has never, through former City Clerk Bernier, there has never been any limitation on what someone can contribute. Obviously that is a sensitive issue for some people. My philosophy is just to report it; if you are getting money report it. If I, as a citizen, wanted to donate money to an election official or candidate, I should be able to do that and I should also have to report that or the candidate should have to report that. I can tell you that if a limit is put on it, you can't contribute more than \$1,500 and I want to give you \$5,000, my wife is going to give it to you, my family is going to give it to you, I'm going to spread it out so it is still going to get to you so I'm not sure what we serve. I understand both sides of the argument, but I think reporting and complete transparency are what are important. We have that here in the charter, but there are some limitations. As I said, the political action committees are not identified as having to file. You also have, what I believe, is a typographical error in the charter and that is in section 5.29(k) (1) where it essentially says that all candidates and political committees who have to file ten days preceding and ten days following if they exceed \$500 in expenditures or receipts. It currently says 'or'; ten days before or ten days after. The practice, as I can tell you going back to the early 1980s when former Clerk Bernier was in office, has always been that you file both reports, before and after. That is a minor correction that I think should be made. I can tell you that it is very difficult to get all the officials to file their reports in a timely manner. The State of New Hampshire has a penalty clause in their finance rules that mandates a \$5 penalty for every day after the report is due and has not been filed. I think that is something that should be contemplated locally. I believe that Nashua has a \$100 a day penalty. Those are really the largest suggestions that we have. I have draft copies with a markup of these sections that I can provide to the commission before I leave tonight. In terms of the primary, I think you had asked about putting all the names on the ballot. Currently in Manchester, a primary

is only required if three or more candidates file for office, regardless of what the office is. I believe your question is why couldn't we put everyone on the primary ballot, regardless of if there are three or more; if there are two candidates they should both be on there. It is certainly something that you could do. As long as we are going to have primaries in the City of Manchester by charter, there is no real additional cost associated with adding the names. I would just ask what does that vote total mean. If two candidates run for alderman in a ward, under the existing charter law, there would not be a primary. Under your proposed charter language, now they would be on the ballot in September and also on the ballot in November so it is like we are taking a straw poll in September. I could see where that could be somewhat confusing to voters. What does that vote total mean? Could that invite write-in candidates during the general election because they anticipated higher vote totals for certain candidates and didn't see it reflected and now they are jumping in on a general write in campaign? I'm not sure what the advantage would be of requiring that all names to be on the ballot. I do recognize that sometimes when we go out to do house visits or work with people in nursing homes, they do say that they thought they were voting for the mayor in the primary, why isn't he or she on here. That comes out and we explain it. I don't know how big of a problem that really is. That would be the prerogative of the Charter Commission if that is something you wanted to propose.

Commissioner Lopez asked what would your preference be?

City Clerk Normand replied if you want to have a cost discussion about elections, any time you have a city wide election it is between \$50,000 and \$60,000 for a city wide election in 12 wards. That cost is not going to go down, it is only going to go up as expenses increase. I think that you can't be penny wise and pound foolish. I think that is something I was probably guilty of in November. We held the charter election as well as the presidential and state election. My discussion with the board of aldermen at the time was based around the costs that were associated with that. What I didn't anticipate was

two legal sized ballots going through one tabulator in each ward. That is a slow process. It slowed down the machine, lines backed up. You get into a voting booth with 80 names on a charter election ballot and presidential ballot, and that backed things up. The 10,000 new voters that showed up certainly had lines, but that happens at a presidential election every four years. My preference, and I know I am taking a long winded approach here, I feel like Bill Sanders, is that if the financial piece of it is important, you can definitely save money. I think I have included it on the sheet with the four bullet points, but many of the cities in the state are going away from primary elections. I think some of that is a cost driver.

Commissioner Pappas stated in regards to campaign finance reform, would you recommend simply adopting the state finance laws? If not, what issues do you see at the city level having the state level adopted?

City Clerk Normand replied the biggest issues are the finance limits, the contribution limits, that exist at the state level. Again, whatever the charter ends up reading at the end of all this, we will enforce it. I don't have any personal interest one way or another. I said how I personally feel. If I want to give you a contribution but it exceeds the limit, I am going to get it to you. I think that is generally recognized, no matter what the finance laws are. To me, it is simpler to list out who is giving you money, the amount, and when they gave it. It is not a bad way to proceed; it is transparent. It doesn't require anyone to go hunting for who relations are on a piece of paper. That would be my two cents on that.

Commissioner Martin stated Mr. Clerk, some folks who I know who are ward moderators and they are the only person on the ballot, it is my understanding that their name does not go on the ballot if they are the only person who has offered to do that position.

City Clerk Normand responded in the primary, again, if there are not more than three candidates for a particular office, then they would not be on that ballot. Beyond moderators, the ward clerks and ballot inspectors are on the ballot.

Commissioner Martin stated someone brought to my attention that it is possible that, for example, for moderator, for someone to actually write someone in, if they don't see the person who truly has offered to fill in the position...

City Clerk Normand asked in a primary or a general election? There is always the opportunity for a voter to write in, particularly in a general election. You can write in a candidate if you don't prefer the one who is in front of you. That is always an option. I could understand that as you get down on the ballot, and the moderator is down a ways on the ballot, they are more vulnerable to that type of write-in campaign.

Commissioner Martin stated thank you for the clarification.

Commissioner Girard stated for my fellow commissioners, this chart actually came from an interview that I did with Clerk Normand at the end of 2011. Before I ask the questions, if you take a look at the block on the right hand side that says municipal general elections, you will see that the 2011 general election number is not there. That number is actually 14,300. As the graph goes down, the blue line...

Chairman Duval interjected the line in the center? For purposes of defining this and people watching at home, we are looking at a graph. What is pink line on the bottom? Are you going to go through that?

Commissioner Girard stated just so commissioners and members of the public are aware, this is a chart of voter registration and voter turnout from 1981 to 2011. It was obviously done before the 2011 general election had taken place which is why I am giving you the 14,300 number. The bottom line is absentee ballots cast.

Chairman Duval asked the pink line?

Commissioner Girard replied the red line. The blue line in the middle is actual turnout, total turnout. The top line, which is the green line, is actual voter registration. Is it fair to conclude... Matt, when did you start with the City Clerk's Office?

City Clerk Normand replied 1994.

Commissioner Girard asked and how long have you been involved with election out of that office?

City Clerk Normand replied it was my first assignment in 1994 when I was 24 years old to set up booths, but in terms of the reporting, ballot preparation, not until much later, the last five or six years.

Commissioner Girard asked so it wasn't really until you were either almost or the city clerk?

City Clerk Normand stated I was deputy city clerk at the time.

Commissioner Girard stated I think it is important because you might not be able to answer some of the questions I have the way City Clerk Bernier or Clerk Johnson might be able to. I guess the point I want to make is, generally speaking, if you take a look at

the trend line, would it be fair that since the City adopted non-partisan elections we have seen a general decline in voter participation.

City Clerk Normand stated 1999 was the Wieczorek Baines race. In my mind, these races or the turnout is directly attributable to who is on the ballot, the nature of the race. I think 1999 shows that even in a non-partisan year, the turnout was pretty high. Overall, I would agree with your premise. You could go back even further, to the 1960s, to the 1860s when voter turnout was 82% and at the last election it was 52% or 56%. It is going down. It is a problem across the country. To answer your question directly, it has gone down as the chart reflects.

Commissioner Girard stated one of the things that you mentioned as a challenge are finding people who will serve in the ward positions, the moderators, the clerks, the ballot inspectors. Are you familiar with enough, Matt, with the history of elections in the City to know the roles that the parties played in recruiting candidates for those positions before the City was non-partisan?

City Clerk Normand replied just from anecdotal conversations that I have had. Obviously the parties were very involved, even before my time being employed by the City, even before the early 1990s, and if you go back, I think the parties were prominent in getting their candidates out. I would answer the question probably as a no, I'm not overly familiar with the role that they played.

Commissioner Girard asked would you be able to confirm my recollection that once the filing period closed in the partisan system that the parties were given a week long opportunity to find candidates to fill vacant spaces on the ballot?

City Clerk Normand replied that's correct. That happens now, but I think it is longer than a week.

Ms. JoAnn Ferruolo, Assistant City Clerk, stated it is after the primary election that they can fill the vacancies.

Commissioner Girard asked in a partisan election at the state level?

Ms. Ferruolo replied yes.

Commissioner Girard stated which we used to be able to do at the local level. Is it not possible that part of the problem the City is having finding people to fill the vacancies on the ballot, at any level, whether it is alderman or selectman, because the parties are no longer allowed to participate in either the recruitment or the appointment of people to fill those positions?

City Clerk Normand replied it is certainly possible. The only thing that I would say, from my observation, undeclared voters, as you see in the chart, are now the most popular place to reside if you are a voter. That has increased year after year, where that number gets stronger and stronger. I know that when we do voter registration drives and community events during the summer leading up to an election, particularly in an off municipal year, when there is a State election coming or a partisan election coming, people often get upset that the checklist is locked down so they can't change party after the filing period. That is a State law now. People now, and this plays out at the polls on election day, get upset that they have to declare, they have to revert back to their undeclared status. I don't know what that says about the voting population right now, but certainly they are gravitating towards remaining undeclared.

Commissioner Girard stated what you are saying is that as the number of undeclared voters have gone up, the participation of voters in elections have gone down.

City Clerk Normand replied that is what the numbers are showing; the voter turnout is down.

Commissioner Girard stated is it not the case that an undeclared voter today, in a partisan election, can go into the polls, declare which ballot they want, to vote for whoever they want, and before they leave the polls, they can change back.

City Clerk Normand replied they can do that; that's correct.

Commissioner Girard asked how long does it take a voter?

City Clerk Normand replied it takes minutes, but what can happen, as we just saw in large elections, there is a line. We do our best to streamline that process. People get intimidated by the lines. They may have been waiting a little bit to get to the ballot or get to the registration table.

Commissioner Girard asked is waiting generally a problem in City elections?

City Clerk Normand replied no.

Commissioner Girard stated that really isn't an issue.

City Clerk Normand responded it can be an issue in partisan, State elections, if there is a higher turnout. As I said, it just played out in November. People were reluctant to get back in line and revert back to their undeclared status. It takes minutes if there is no one there.

Commissioner Girard stated in a typical City election the lines that you see in a state election or a federal election don't exist.

City Clerk Normand responded right.

Commissioner Girard asked would it be helpful, do you think, Matt, if the City were be partisan again, to have the ability of parties to recruit people to run for office and make appointments to fill vacancies rather than having you go pound on people's doors to say that we need to put you in a ward position, please put your name on a ballot or please come work for us?

City Clerk Normand replied anytime we get help, regardless of what the scenario is, whether it is a partisan or non-partisan election, I feel like our office has a pretty good relationship with both parties and representatives here in Manchester from the parities that when we have reached out for help, they have helped us in the past. I'm not a huge proponent of partisan elections. I think we are at a point where, as I said and this is all anecdotal, but based on conversations that we have with the voters... What we see in terms of the numbers of undeclared status, what it means I could not tell you.

Commissioner Girard stated I agree, the so-called independent or undeclared voters are going up and participation is going down. To pick up on a point that Commissioner Lopez was talking about, would the City, if it were to stay non-partisan, but do as has been suggested and have all the names on the ballot, would the City really be looking at that point, in moving towards a runoff system where if someone breaks 50% in the primary they are the winner and if they don't there is a runoff?

City Clerk Normand replied that is something that could be considered. If the proposal to the voters from the Charter Commission... I think that is what Nashua and Concord does.

Commissioner Girard stated Nashua historically has had voter turnout that is lower, both in... Primarily in percentage than Manchester, particularly when Manchester was a partisan city and Nashua was non-partisan. Now our numbers are basically meeting in the percentages, correct?

City Clerk Normand replied I don't know what Nashua's turnout percentage is to be honest with you.

Commissioner Infantine stated you say you don't put the names on the ballot unless there are three or more people in a primary. What do you do when no one shows up?

City Clerk Normand replied that has not happened.

Commissioner Infantine stated it has. My wife has the record of winning an election with the lowest voters ever at 11 because no one chose to show up because no one knew that there was anyone on the ballot. No one signed up for moderator so it was not on the ballot. If it wasn't for some neighbors discussing it, probably nothing would have happened. I guess the point I have is I have a problem in a primary not putting people's names on the ballot because it does not give the individual the ability to generate support for a write in campaign during the primary.

City Clerk Normand stated but you could do the write in during the general election. I'm not following.

Commissioner Infantine stated it is very difficult. Someone missing the deadline for the primary, and they decide they want to run so they go out and get 20 of their friends in their ward and they get themselves on the ballot, then they show up in the general so their name is on the ballot in the general election. You know that it is much more advantageous than holding a sign outside saying please write me in when there is only

going to be one name on the ballot going in. Are we doing a disservice to people by allowing them to do that, by not putting the names on the ballot during the primary?

City Clerk Normand replied you may know better than I in terms of whether that has happened before, but I'm not aware that that has ever happened.

Commissioner Girard stated Arthur Beaudry and that was a partisan system.

City Clerk Normand stated we have a two week filing period, certainly since I have been city clerk, but going back I can't think of a situation where that happened.

Commissioner Girard obviously brings up Arthur Beaudry. I think they have ample opportunity to file. I agree with you that it is obviously harder, if you are not the ballot, to wage a write-in campaign. I'm not sure that merits changing the whole system, but that is up to this commission to decide.

Commissioner D'Allesandro stated you might say that elections in Manchester go pretty splendidly.

City Clerk Normand stated we appreciate that.

Commissioner D'Allesandro stated as a candidate and someone who holds public office, I appreciate that. It seems to me that having a primary in a non-partisan city is counterintuitive.

City Clerk Normand stated I agree.

Commissioner D'Allesandro stated I can't understand why that game is in town. When I look at these numbers and the lack of participation, it seems to me that it is costly to run it, you don't get the numbers in terms of the voters who turnout because they aren't

excited about it so why have a non-partisan election. It gives you more time to campaign, to get the vote out, I think you can do a better job at that and it counters the fact that everyone's name is not on the ballot and in this fraudulent primary, you wipe someone out. Why is that good public policy?

City Clerk Normand replied I think the primary is probably a left over from that partisan era. I'll even further say to Commissioner Infantine's point that we are going to get to a point, as long as we have non-partisan primaries in Manchester we will get to a point where there will be no one on the ballot or no one signing up; it is happening. As I said, we scramble that last three or four days, particularly in the lower offices, the moderators, the ward clerks, these are the people who run the election in your ward and neighborhood and it is hard to get those people to come year after year to do that.

Commissioner D'Allesandro stated again, when you look at the registrations, the undeclared keeps increasing, and those tied to a partisan situation are decreasing. In our non-partisan situation, I think the primary is negligible. If we want to do the kinds of things that elections are suppose to do—get more people out to vote—then it seems to me that an election that is meaningful should be our goal. In a city like Manchester, I think non-partisan elections at the local level are good. It is a good situation. If indeed you can get more people out to vote by having one structure, to me, it makes a great deal of sense. When I look at the historical stuff that has been brought forward, I think that merits consideration.

City Clerk Normand responded I would agree, it gives more significance to the date if it is one time in November.

Ms. Ferruolo stated and we will be in line with the other cities.

Commissioner D'Allesandro stated from a cost benefit point of view, it will be attractive to the City. We obviously want to promote more people coming out to the polls. On the other side of this, we are getting more restrictive in terms of the voter. When you have this primary that is kind of meaningless and you have all these restrictions, I think it turns people off. That is something we ought to think about. I would present that as an issue. I have given it a lot of thought. From my perspective, it makes sense because it makes the election meaningful, which I think is so important today. Getting people's name on the ballot because they want people to go out and support them is the name of the game. We have had non-partisan elections here for how long?

City Clerk Normand responded since 1997.

Commissioner D'Allesandro stated we had one where we had a fairly significant high point because it was a very competitive election.

Commissioner Ashooh stated Matt, it is good to see you. I would like to follow up on Commissioner D'Allesandro's questioning. If we eliminated primaries to my mind, there would still be a need for full disclosure and truth in advertising, so to speak, to either identify either a party affiliation or independent status, socialist status, like they do in Vermont. That isn't being done at this point. If you go to non-partisan it is simply a name, no ideological affiliation. To me, it would make sense in a general election, even if it was non-partisan, that you would still have to disclose the person's ideology. Is that fair to assume? Would that belie the premise of a non-partisan election?

City Clerk Normand responded I think it does a little. I would expand a little bit on what we have talked about internally, in terms of increasing turnout. One thought we had... What we find when we do a lot of these events to get registrations so that we can reduce the lines on election day for people registering for the first time, people don't

know the candidates. We have talked internally ways that we could do a non-partisan, non-bias questionnaire for each candidate during the filing period with the same questions that are posted to introduce yourself to the voters. I think that can be a drag on turnout at times when they simply don't know who the candidates are and don't follow it. There is culpability on both sides of that equation, I recognize, but I think that would be a way to help get the word out on who all the elected officials are.

Commissioner Infantine stated in the legislature, one of the things we try not to do is dress the pig differently and keep it the same way. In the last 13 years you have the democrats supporting their candidates, the republicans supporting their candidates, you have the democrats putting out their own city guide that is pro-democrat and anti-republican and vice versa on the other side. We all run to see our favorite places. People like me go to see you, people from the other side go to you to get information. We haven't changed anything. Who are we kidding? This City is no less partisan than it always has been. Although we have changed the concept and we have changed the name to non-partisan and how we put it on the ballot, that is about all we have changed because the citizenry still knows, when people go door to door that you have this republican groups over there and a democrat group over there. They all do their separate literature. I was in an election in a city primary opposed to two independents and I had negative mail put out against by the Democratic State Party. Are we kidding ourselves that while we say we are non-partisan and that affects how do we on the ballot? Do you really think that we are non-partisan in this City?

City Clerk Normand responded I can't disagree with your comments.

Commissioner Girard stated just to pick up on what Commissioner Infantine said, accepting that what he said is true, isn't the only think that having a non-partisan ballot does is deprive the voter the opportunity to identify, for themselves, someone with a party on the ballot? Isn't it true that one of the ways that voters get to know who the

candidates are is by the party affiliation? At least it helps them understand what their basic philosophy or principles are, or should be.

City Clerk Normand responded I think as I said at the time, there is culpability on both sides of the equation. It is incumbent upon the voter to education themselves also about the candidates who are out there.

Commissioner Girard stated in a non-partisan system, is it harder for a challenger or an incumbent to get the name id and the recognition when they have to go to the entire group of voters versus a primary when they have to go to a subset of the voters to be recognized by their own group? Is it harder for the challenger?

City Clerk Normand replied it is definitely harder for the challenger.

Commissioner Girard stated so if it is harder for the challenger it strengthens the power of the incumbency, doesn't it not?

City Clerk Normand replied I have heard that argument before.

Commissioner Girard stated just a point, Mr. Chairman. Since this city went to non-partisan elections, we have seen a 30% drop off in general election turnout and the high point, the big turn outs were Donna Soucy, Bob Baines and Ray Wieczorek and the battle between Wieczorek we have seen a 40% drop in turn out since that election. If we are trying to figure out how we can reinvigorate voter participation, how we can find more candidates for each of the offices that the clerk is having trouble filling, I would humbly suggest that we take a look at returning to something where we fell of the chair and we might want to get back up on the chair and not try to figure out how we can make the floor higher.

Commissioner Infantine stated I have question regarding some of the ward clerks and things like that. It has been increasingly more difficult for you to find people to fill these positions to the point where you actually go out and ask each party to find some people to take the job. Does there come a point where you make a decision... In the past I think you have had to, for lack of a better word, deputize, these people when you have needed more, does it come to a time when you have to say that we are not going to find people interested in doing this, it is a long day, the pay is not there, the training the has to be done so do you pick one or two people who get elected and the rest have to become deputized as volunteers that you have to go grab so you can at least fill the positions?

City Clerk Normand replied fortunately that hasn't happened yet. The staff does a great job of maintaining contacts throughout the year with election officials. We know when not to talk to them, and that is right after a presidential election and they are drained and don't want to see anyone's face from city hall. We have changed the way we train them, I think we have done a better job on our end of retaining them, but the population is aging. By virtue of that, they are gone. We haven't had that situation come up yet where we have had to deputize a number of people, except for the deputy registrars, the people who are registering. That happened during the presidential election. We actually got 30 volunteers on election day to spread across the city to help out with the 10,300 voters who came in to register for the first time.

Ms. Ferruolo stated and a lot of those office holders are undeclared.

Commissioner Infantine asked is this an appropriate time to discuss the at-large position?

Chairman Duval replied if we can move along from election reform stuff. First, Commissioner Clayton, did you have something on that?

Commissioner Clayton stated thanks to both of you for being here. We are hopping all over the place so I am going to go back to where you began, Matt, with the issues of possibly holding an election on the weekend. I looked into it a little bit to see if it has been done and there have been communities that looked into it and the objections they got were if they had it on a Saturday the people of the Jewish faith felt disenfranchised, if they had it on Sunday then the people of the Christian faith were up in arms as were the ministers and priests. Would we conceivably have to have elections on two days to cover all the bases?

City Clerk Normand replied I probably read some of the same research that you did in the brief time that we had to look into this and I think that is a very real issue. We have one facility as a polling location in Ward 6 that is a church, Saint Pius, and I have little doubt that they wouldn't have activities going on during the weekend. It would be an issue. I think that is something that we would have to really look at.

Chairman Duval stated in closing on those remarks on possible weekend voting, it is apparent that the aging population of poll workers and the availability of poll workers and both heads of household working, that kind of thing, a lot of people work out of town and travel a great distance and volunteering to work on election day is a stretch. Election days can be long, especially during the presidential election cycle. Along those lines, it occurred to me that it may be easier to recruit poll workers on the weekend when there is, anecdotally, a higher availability rate. That is just something to keep in mind. Are we all set with Clerk Normand tonight? Thank you very much for your time tonight and your candidness.

Commissioner Infantine stated the position of School Board member and alderman at-large have been in place for approximately 13 years. The question I think is very simply, in your tenure around this chamber and your correspondence and what you hear, do you

believe that the addition of those positions has added better constituent service or you just can't tell?

City Clerk Normand asked do you really want me to comment on my bosses? I think they are doing a great job.

Chairman Duval addressed item 5 of the agenda:

5. Discussion regarding appointed officials and the bodies they serve.

Chairman Duval stated Commissioner Martineau is up.

Mr. Paul Martineau, Welfare Commissioner, stated the reason I am here tonight is basically because I would like to propose that the position of welfare commissioner be an appointed position.

Chairman Duval stated Commissioner Martineau is our welfare commissioner and elected currently, just so everyone at home knows.

Mr. Martineau stated the other thing is, as a department head who is appointed, that person should be in the Yarger Decker system or whatever system the City has at this time. Yarger Decker, when they studied the welfare commissioner position, they came up with class specification. They have three pages. They looked at it as a department head position and they came up with a grade 26, like other department heads. They have the required skills and knowledge and so forth. There are three pages of stuff here. They studied that position and they had the intention of making it a department head position. The aldermen who voted to put the welfare commissioner in the Yarger Decker system obviously intended to do that. There was a conflict in the fact that there was an ordinance saying that the welfare commissioner shouldn't come under that pay scale or whatever.

That was never corrected. I think that was an error on your part. It was discovered at a later date, but that is the way it was. As an elected official, I started back in 2002, I've been there 11 years, this is my sixth term. I am under Yarger Decker. I didn't place myself in that system. I have been working along and doing my job. I think the time for it to be an elected position is passé. My dad was an alderman for 20 years back in the 1950s and at that time you had partisan elections and you had democrats against republicans. The welfare commissioner was a democrat and he helped the ticket, that is why they wanted that person there because that person brought votes into the democratic party. If you look down the line, you had Francis X. Carol, who was a democrat, and Lionel Bretton. When I was an assessor Lionel was the welfare commissioner. I was an assessor from 1971 to 1991, 21 years. Ironically, I can tell you that after 21 years as assessor, when I retired I was making \$54,000. We had been frozen as department heads for four years, without any pay increase then Yarger Decker came along and it has turned everything topsy turvey. If you look at the pays today, it doesn't make sense. When I was an assessor back in 1991, we had 32,000 parcels and there were six of us in the office, three assessors, and we did all the pickups and assessing and everything. I don't think there have been that many more parcels since then. More than that, we went without reevaluation for 21 years and now you do it every five years and you hire an outside firm to come in and update. Yarger Decker... I don't know who sold whom on it, but anyways, it came to be. The other thing that is probably not generally known is in that system there was a bonus system. In other words, you could get a bonus if you thought you were doing an exceptional job. If you look back the first two or three years, the guys who were getting the bonuses were department heads. You are supposed to be doing your job; you shouldn't be getting a bonus. Not only was it a bonus, but it was added on to your base pay. This thing has been a disaster. The main thing I am here for is... Obviously you are going to vote on a new charter and whoever gets elected as welfare commissioner is going to have to serve two years. My feeling is, come January 2016, it becomes an appointed position and whoever is the welfare commissioner at that time applies for the job like anyone else and then it becomes appointed. Whether you

want it to be an aldermanic or mayoral appointment, that is up to yourselves, but that is what I think should be done. Those are my feelings on that.

Commissioner Ashooh stated Paul, it is good to have you here. Former Clerk Leo Bernier said that he believes that the welfare commissioner position should continue to be an elected position; we shouldn't change it to a department head or an appointed position. After six terms, what do you see as the politics behind being an elected official doling out welfare dollars?

Mr. Martineau replied part of being elected, you are not helping the party. I run on my own. I run on my record. I have been the commissioner and I think my staff has done a wonderful job. We have been able to return money to the City, we have turned things around and saved money on an ongoing process. I don't know why it should be elected. It is the only elected commission position in the state. I think the basis of it, going back, the draw was for the particular party to bring votes to that party. Before I got this position I was undeclared for ten years. When I ran for the position I knew that I had to become a democrat. I vote for the person and not the party. I have always done that. I feel as though... I don't know why you would want to have that one position elected.

Commissioner Ashooh asked do you see a negative in answering to 14 bosses if it became an appointed position?

Mr. Martineau replied I don't see it as a negative because I work under the Board of Mayor and Aldermen. They can direct me or give me directives and I basically have to follow their directives.

Commissioner Ashooh stated but they can't fire you.

Mr. Martineau stated they could for just cause. If I did something that was illegal, I imagine that charges could be brought up. It would be an appointed position and I would be serving, just as all the other department heads are serving.

Commissioner Girard asked Paul, if the position you currently hold now were an appointed position, would it not be subject to the Yarger Decker pay scale and would it not your pay have gone from where you started to where you are regardless of whether you think it is warranted?

Mr. Martineau replied I'm in the Yarger Decker system and a department head would be under that system or whatever other system. You people might come up with a new system. If it comes under review, obviously you answer to the mayor and the mayor is supposed to review you, sit down and go over and give a review.

Commissioner Girard stated what I am getting at is that you seem to be mixing the Yarger Decker personnel classification system that the City has with being an elected official. My point is, could not the City correct your inclusion as the welfare commissioner in the Yarger Decker system as a department head by simply changing the ordinance to simply exempt you from the Yarger Decker personnel system as an elected official?

Mr. Martineau replied obviously you could do that also. They could set a salary. I would imagine that like the mayor's salary you could indicate that the welfare commissioner will be an appointed position at x number of dollars.

Commissioner Girard asked so this body, if it chose to, could treat you as an elected official and determine whether or not you are subject to the classifications?

Mr. Martineau replied you would certainly be able to do that.

Commissioner Girard stated you had brought up the job classifications. Do you believe that the voters are capable of judging who is and who isn't qualified for the offices they vote for?

Mr. Martineau replied obviously you would have to put your personnel information out there for the voters to see. A couple of elections ago, there was a client who came out who was disgruntled and threw her name in there. Who is to say what her qualifications were and she could have been elected.

Commissioner Girard asked but wouldn't that fall on the voters?

Mr. Martineau replied the voters would decide that obviously, but the person would have to put his resume out, which I have to do. You have to show that you have the background and so forth. I can run on my record. If the person running against me could show their resume or whatever...

Commissioner Girard stated the former city clerk who was a welfare commissioner, Leo Bernier, said that he believed it should be, as Commissioner Ashooh pointed out, an elected position because it tends to keep the commissioner attuned to the taxpayers and their needs. As an elected official, Paul, do you feel that you are more responsive to the people who pay the bills than you would be, perhaps, if you were an elected official? Take yourself personally out of the equation: do you think that there are certain personalities that might run for this office, who feel more responsible to the taxpayers than if they were in an elected position?

Mr. Martineau replied regardless of whether I was elected or appointed, it is the taxpayers who are footing the bill; you don't get any federal or state money. It is strictly taxpayer money. That is why back in 2002 I came out with guidelines for the City which

had been amended. The guidelines direct you to what you have to go through to be eligible. You also have the State statutes so that is what you are following. If you follow those, you are going to stay within... People either qualify or they don't qualify.

Commissioner Girard stated the welfare commissioner, under State law, has the authority to spend whatever money he sees fit in providing for the needy, regardless of the budget. Is that not correct?

Mr. Martineau replied yes. In other words, if you need more funds because you have to pay for more shelter, food or medication and you don't have it in your budget, you can approach the board and basically request additional funds.

Commissioner Girard stated well actually, isn't it the case that you can spend the money and the Board of Mayor and Aldermen, whether they like it or not, have to pay for whatever assistance you give above your budget?

Mr. Martineau replied that would be the case, but obviously you would need a reason.

Commissioner Girard stated if that is the case and that is the law, doesn't it make sense that the welfare commissioner's position remain an elected one, answerable to the taxpayers, rather than one that might be subject to the directives of the Board of Mayor and Aldermen who might tell the welfare commissioner not to do what the law enables him to do in providing assistance?

Mr. Martineau replied I think you have a moral obligation. If you are having to meet needs and the needs are there and your budget is short, you basically have to provide for these people, regardless of whether you are elected or appointed. That is the case. Fortunately for me in the last 11 years, I haven't had to approach the aldermen for additional funds.

Commissioner Lopez stated I have known Mr. Martineau from day one, when he took over the welfare commission's job and what he has accomplished in that position. The question I have is if someone wasn't qualified, like a department head being qualified for the job, if someone was not qualified and they ran in this election and became the welfare commissioner and did not understand or have the administrative ability as you do, who would be running the Welfare Department?

Mr. Martineau replied you would have to depend on the people who have been there. I have a staff of people who have been there 23 years, 20 years, and 15 years. They have been there a long time. They would certainly have to give direction to whoever that person was, if he wasn't qualified.

Commissioner Lopez stated if that ever becomes a political party putting up a name and becoming welfare commissioner of the City of Manchester... You go back to what Commissioner Girard said, I can remember a time when a past welfare commissioner asked us for \$1 million. We had to scramble to be able to find that. I think you need someone who is qualified to be in that office for the administration and the leadership of that office. I just want to say that the aldermen never knew that there were guidelines or standard operating procedures until you brought them before us. I really believe that you can't elect someone who doesn't understand the administrative and operation and can give guidance to employees. You can't be elected and then rely on the junior person to tell you what decisions to make. That is why I believe it should be a department head.

Mr. Martineau stated the other thing is that it is an elected position, but I fill out a timesheet every week, I'm available after hours. There have been situations that have come up where you have to be there. It is not just because you are elected. It is a job, you have to perform. The thing about being appointed, you would ensure that the person or the people applying would be qualified. That could go into effect January 2016. If I

am still there, like anyone else, I would apply for the job. That's it. I might not be. But whoever it is applying would have to be qualified. The mayor would probably form a committee to interview that person and the committee would make a decision on who they felt would be the best person and like I say, it would be the aldermen or the mayor who appoints that person.

Commissioner D'Allesandro stated Paul, thank you very much for coming. I appreciate your comments. By virtue of being the welfare commissioner of our city, you are governed by statute. RSA 165:1 governs your responsibilities. If indeed we accepted the premise that you should be a member of the mayor's cabinet as a department head, you would probably be the only member of that cabinet who was specifically tasked by virtue of a statute.

Mr. Martineau stated I'm sure that other department heads have to follow State statutes.

Commissioner D'Allesandro stated I'm not so sure that there are specific statutes designed specifically for department heads. I think in your particular situation there is a statute that governs welfare or public assistance. Your premise is that if you were an appointed official, you would be a member of the mayor's cabinet and be a director, thus you would be in sync with the philosophy that would be manifested by the chief executive officer of the city. Is that correct?

Mr. Martineau replied I think I would follow the directives just as I do now. Take a look at Nashua. They don't elect their welfare commissioner. Portsmouth doesn't, Keene doesn't. If you go around the state, they don't elect their welfare commissioners, but yet, they are still working under statute 165.

Commissioner D'Allesandro stated your rationale for saying that the welfare commissioner should be a department head appointed, in this transition process that is taking place over the years, other communities have accepted the appointment of this office as the mode of operation. As a result of that, you think that we should accept that or we should move in that direction.

Mr. Martineau stated that is what I am saying basically. In the small towns it is a selectman or they hire someone to do the welfare job more or less.

Commissioner Ashooh stated this is a follow up. I think Commissioners Girard and D'Allesandro have clarified the point a little bit more, but I think that it seems like there is a little bit of a straw dog set up here in that whether you are appointed or elected, when you are governed by an RSA, you have to obey that RSA. If you are the city clerk you have to follow the State election laws. If you are in human resources there are those laws that govern that. In Commissioner Girard's case, he set up a situation where the Board of Mayor and Aldermen could put you in a position as an appointed official to disobey the State law. I just don't see that as the case whereas Commissioner D'Allesandro has now set up a situation where as an elected official, you are outside the governance of City management and if you came under City management then you would still have to obey RSA 165. I'm thinking that when there is a State RSA that governs your position, it doesn't matter whether you are elected or appointed, the job is still the same so what is the difference in electing a welfare commissioner and appointing one?

Mr. Martineau replied I think that in electing it, I think you could get someone who wasn't qualified. Why are these other large towns and so forth not having elections for welfare commissioners? Why is that person appointed? Why is Manchester the exception? I think I pointed that out. In the past when you had partisan elections and Manchester was a blue collar community, heavily democratic, you had a democrat

running who was on the ticket and he was there to basically bring votes to the party. That is passé now. You are non-partisan now. I run on my own and I run on my record.

Commissioner Infantine stated I'm a big stickler, as I've said before, for checks and balances. At the state level, the governor appoints commissioners. Many times they have no knowledge of that job that they are doing, but there are commissioners and then there are advisory groups of representatives and members of the public. On the county level, we have elected officials and they can look to see what the employees are doing at the county and they are responsible to the citizens. We should have the same thing in place here. If the individual is going to be appointed, would you agree that there needs to be some kind of commission? Don't they have a police commission here that looks at what the police are doing? It is a check and balance. I would propose as a check and balance, I agree that someone should be skilled in their position. We have had people not skilled in the position. You weren't skilled in the position when you showed up for on the first day, but you learned it. Would you consider having a person be elected for a similar stipend that an alderman would get, \$5,000, that would still be responsible to the public, but not necessarily doing the day to day 9:00 to 5:00 job?

Mr. Martineau replied I think you have the qualifications here that Yarger Decker went through and this is what the person applying for the position would have to show that they are qualified to do the job. To hire someone to pay them a stipend just to be a welfare commissioner and then have someone else be doing the actual work...

Commissioner Infantine asked so you don't care about the check and balance?

Mr. Martineau replied I don't agree with that. What I am saying is that like other big towns and cities have welfare commissioners who follow RSA 165 they are appointed, I think Manchester is the exception and I feel this is one way to make sure to make sure that the person who is there is the person who has been screened and can do the job.

Commissioner Girard asked Paul, would you agree that there is a big difference between being mayor and running the City and being the welfare commissioner and running a department that size?

Mr. Martineau replied the mayor has a lot more responsibility, no question about it.

Commissioner Girard asked should somebody, somewhere come up with job qualifications for the mayor and make sure that only qualified people are chosen by the voters to do the job?

Mr. Martineau replied the person running for mayor basically has to put his resume out there and show the people that he has experience or that he can do the job. They have debates where the candidates have to make a stand on their positions and indicate their backgrounds and what they would do.

Commissioner Girard asked isn't that what you have done in your campaigns for welfare commissioner?

Mr. Martineau replied yes, more or less. I think the mayor is underpaid. That is one other thing. The mayor should be compensated as the CEO a heck of a lot better than he is right now.

Chairman Duval stated Commissioner Martineau, thank you very much for your time. We appreciate you being candid with us.

Mr. Martineau stated I'm working on other stuff I would like to bring to you, but I have to do some more research that is not about welfare commissioner.

Chairman Duval stated let us know at any time. Members of the commission, we do have a final presenter tonight, David Beauchesne, the senior planner for the City of Manchester. David, if you could come forward. David would like to express his views tonight and has a recommendation in regards to charter rules as they affect the Millyard Design Review Committee. Thank you for being with us and thank you for being patient tonight to allow us to hear your presentation. Can you give us a summary of what you are thinking and what the concern is?

Mr. David Beauchesne, Senior Planner replied yes, I think can. I am aware that I would like to get you guys out of here as soon as I can so you can get home. It has been a long night. In 1980, the Board of Mayor and Aldermen created the City's first zoned historic district, the Amoskeag Corporation housing historic district. State law required that a historic district commission be created to oversee building permit applications in that district. That was done. The district commission was assigned to review and approve certain outdoor building permits and demolition permits. Fifteen years went by and a movement grew in 1994 to establish a locally zoned historic district in the Amoskeag Millyard. That was objected to by a small group of property owner in the Millyard who felt that they did not have representation on the historic district commission and they had that as a major concern. The aldermen at the time felt that in some fashion their concerns should be assuaged and then Planning Director McKenzie proposed to create a substitute group for the historic district commission, a group that was subsequently put into place called the Millyard Design Review Committee. I have been associated with them since I started working for the City in 1995, acting as the Planning Department liaison to the group and dealing with all the applications and their paperwork and what have you to help assist that volunteer group. In creating that group, the aldermen ensured that two Millyard property owners could be appointed by the Board of Mayor and Aldermen to serve. That had been done regularly up until recently, a year or two ago, when the last batch of property owners finished off their two-three year terms and were termed out. Basically, for most of the City's, if not all of the City's, boards, commissions and

committees have a city-wide purview and the membership representative class to those committees comprises in a city of 110,000 somewhere in the order of, I'm guessing, 60,000 or 70,000 adults. In the Millyard you have around 125 properties. You have a very narrow range of property owners who can serve. When you actually do research on who the property owners are, you have a long list of corporate names rather than individual people. The bottom line is at the present time the Millyard Design Review Committee does not have any property owner representation. I don't personally think that is a good thing to have. It was intended to have property owner representation. We have issues with finding Manchester residents who are eligible to serve. I thought the best way of handling it was to come before the Charter Commission to request that, as my letter states, the Charter Commission consider relieving the Amoskeag Millyard property owners from compliance with section rules relating to City residency and a two-three year term limit as they affect the Millyard Design Review Committee only. I thought that that way, the property owner class in the Millyard can be easily represented on this committee. They have always chipped in, in the past and worked hard and have been among the most well attending members and I miss their presence.

Commissioner Ashooh stated just as a point of reference, I recognize the struggle and I think the mayor has talked to a number of us about the problem of recruiting people to the boards and commissions of this city. As an initial member of the Manchester Development Corporation and past chairman, it rings a bell that the Manchester Development Corporation has a ward representation requirement. We have to have someone from every ward represented and no more than three from any one ward on the board and two provisions for outside representation, mainly business owners who are non-city residents because we are a business and economic development board. I think Mr. Beauchesne has brought up an interesting situation in that we have some of the largest investors in the city, possibly corporations or non-Manchester residents, but major property taxpayers in the city in the Millyard and I would support the idea of creating a number of positions, and we can debate the number of positions, that would provide for

non-resident property owners or some sort of corporate representation to round out the Millyard Design Review Committee, same way the MDC does.

Commissioner Pappas asked of the 125 property owners that you have in the Millyard, and I don't know if you have this number, do live in the city?

Mr. Beauchesne replied there is no way of knowing without specifically asking. I do not know, sir.

Commissioner Lopez asked if there were no term limits for any committees, this would solve the problem, correct?

Mr. Beauchesne replied it would be a big help, though some of the property owners who have most greatly contributed in the past, folks like Dean Kamen or Richard Anagnost and others, as far as I know, live outside of town and could not serve. They have been part of the community in the time period before they were ruled to be ineligible.

Commissioner Lopez stated I served on that committee so I know what you go through.

Commissioner Girard asked David, is this commission established by ordinance?

Mr. Beauchesne replied yes, it is. It is established by the Board of Mayor and Aldermen via an amendment to the zoning ordinance. It is in the zoning ordinance.

Commissioner Girard asked could not the Board of Mayor and Aldermen amend the ordinance that determines the membership to help solve this problem?

Mr. Beauchesne replied I thought so. The way it is written now, it says who can be members. There are a couple of landscape type people, someone representing Intown Manchester, that kind of thing, but it says two property owners. You would think that would be fairly plain and it would allow us to go out and recruit property owners, but after 1997 when the city charter created the two sections I bring up in the letter, 3.13(a)(3) and 3.14(d), which relates to being a resident of the city, you can only serve two terms at three years each, but you can come back and serve a third after skipping one, but the problem with that is that... I guess I should stop right there.

Commissioner Girard stated I understand the constraints of the charter here, but why does it have to be two Millyard property owners? Why can't it be two Millyard property owners or their designees? Why can't the ordinance be changed to incorporate their designees or to allow their designees?

Mr. Beauchesne replied indeed up until recent years that has been the way the Board of Mayor and Aldermen have chosen to do it. While the zoning ordinance says two property owners, it has been true that property owners have designated people and their place and those representatives of the property owner have been accepted by the Board of Mayor and Aldermen by vote.

Commissioner Girard stated you have said that many of the properties in the Millyard are owned by corporate entities.

Mr. Beauchesne stated out of 125 properties or so, I could only find two or three properties where the name is clear in the City ownership records.

Commissioner Girard asked if they are owned by a corporate entity, is it not possible that a member of the corporation, a trustee, a board member or whatever the governing structure is, could qualify as an owner and therefore be eligible to be appointed to the commission?

Mr. Beauchesne replied we inquired with the city solicitor a few years ago on this and also in the last year and the advice we were given back was that to ensure that whoever you would recommend to the mayor for nomination to the board of aldermen, make sure that person is a resident of the city. It is a matter of sticking to that scenario as long as the charter says that all boards and commissions have to be a resident of the city. I didn't confuse you, I hope, on that.

Commissioner Girard stated just to be clear, the answer to my question is yes, if they are part of the corporate structure and a resident and a resident of the city they would qualify as a property owner?

Mr. Beauchesne replied yes, I think they could in my reading of it. Indeed, that is the case. We have had someone in the past who has been appointed by the corporation to represent them.

Commissioner Girard stated I'm sympathetic to your trouble here, but I have trouble potentially changing the charter in this way, either affecting the term limits or the residency requirements for a commission that could have the definition of its membership change by the Board of Mayor and Aldermen because it is established by ordinance.

Mr. Beauchesne stated again, as long as the person is a city resident... As I said there are a lot of folks in the Millyard, important property owners who are definitely not city residents and they could never serve on the Millyard Design Review Committee and some of these people have expressed an interest in doing so.

Commissioner Girard stated maybe that will provide them an incentive to move to the city.

Chairman Duval stated David, thank you very much for taking the time to be with us.

Mr. Beauchesne stated thank you.

Chairman Duval asked any new business to come before the commission tonight? As a way of an update, Attorney Lehmann did chat with me yesterday briefly and he is working diligently on getting that update for us on the matter he discussed with us last week. He is giving some reasonable assurance that he will have that done in the next couple of days. As soon as we get it, we will pass it along to commissioners and then look to meet with him again at one of our work sessions.

Commissioner D'Allesandro stated item number five, discussion regarding appointed officials and the bodies they serve, I think one of my concerns... I was termed out as a commissioner here. I think one of the problems with having term limits for appointed commissioners is the fact that once you get acquainted to the job and you know the job well, you are out. I think that is something that we really have to look at. It is tough to get people to take these positions to begin with and if they know that once they are in a position to do some really good things they are termed out, I think that is extremely problematic and you are limiting the body and you are limiting the scope of work that can be done. I recognize that in light of all of the testimony that we have heard from people, we have a difficult time getting people involved in the city. If we tell them that if they do get involved they can only be involved for a certain period of time, maybe on the one hand that is a carrot, but I think on the other hand that is very problematic for us and I think that is something that we should look at. We have lots of commissions in this city and if you can only serve six years, two-three year terms, I think it is problematic and it is

something that we ought to talk about because it is in the charter. It was a change that was made in a previous charter because previous to that you could serve for longer periods of time. I think that is something that I am concerned about, having been a commissioner who was termed out I have some experience in that area.

Commissioner Ashooh stated like Commissioner D'Allesandro I was termed off of the Manchester Development Corporation board after seven years because we actually had to set up the board and set up a rotation of office so I got an extra year in there, with the last three as chairman. I recognize what the commissioner is saying. This isn't what I wanted to talk about, but one thing that MDC has done is that we have, since I was chairman and continuing on, we made a very strong effort to take past board members and keep them engaged by putting them on and flushing out the committees that work on that board to keep them involved to maintain the institutional history. I don't think we can institutionalize that, but here is a recognition, if nothing else, of that effort that we lose good people by having them termed off. What I did want to bring up and maybe there is a better time to bring it up, but since we were discussion campaigns and elections and official bodies, Mayor Gatsas brought up in his comments Senate rule 42 and there is a financial disclosure in election laws, but to the best of my knowledge, there is no annual pecuniary disclosure that takes place in this city on any of the boards. Every board that I have served on outside of the city you do have to have an annual filing, usually by the end of January, that discloses whether or not you have any kind of financial dealing with the board that you serve on or any of your vendors or your family have any pecuniary interest. That is the broad issue. I don't know if we should bring it up now for discussion. It should be something that should be added to the board. I have noticed that there were a couple articles in the *Union Leader* that touched on this subject. It is something that I would be looking for advice of when it is appropriate to bring it up.

Chairman Duval stated I'm okay with bringing it up tonight if we have time to do it or it could be brought up at our last session, the catch all segment that the commissioners recommended at the start of this process. It is your call, commissioner. If you would like to share with us further tonight you can.

Commissioner Ashooh stated I'll introduce the subject and if we want to have a discussion, we don't necessarily have to take action, but I do think it merits discussion.

Chairman Duval stated certainly to put on the record. We are mindful of approaching that and the significance of that so we don't lose sight on that.

On motion of Commissioner Ashooh, duly seconded by Commissioner Girard, it was voted to move the discussion of financial disclosure on boards and commissions to a future Charter Commission agenda.

Commissioner Ashooh stated now that it is on the record, we are going to bring it up at a later time?

Chairman Duval replied we certainly can, to take action on it, yes, or to propose a change.

Commissioner Ashooh stated what I would like to do in the interim is get some representative documents or pecuniary interest disclosure forms that are out there so we can review them and see whether this is something that we want to add to the charter as a normal course of business for the different boards.

Commissioner Girard stated I'm glad that Commissioner Ashooh brought it up because last week I was reviewing the filings for School Board and aldermen and you are right, the boards and commissions below the aldermen and the School Board have no filing

requirements whatsoever. Personally I agree with you, especially if they are on the Planning Board or Zoning Boards and they are interacting with developers on a regular basis. I think we should know any potential conflicts of interest. More importantly, I think in taking a look at some of the reports, probably even take it a step further and make sure that family connections are disclosed so that people know if their elected official is married to a City employee or the father or nephew of one or some direct family relationship so that as things come forward that effect that family member's, if not your own, personally financial interest—it could be a contract or a budget—that those items are known. I don't know that it should disqualify anyone from casting a vote, but certainly they should have to declare the conflict before the vote so that the public knows that there is a potential conflict.

Commissioner Ashooh stated what I was thinking of bringing forward and I'm sure Representative Infantine and Senator D'Allesandro are familiar with the code of ethics that the State operates under. They have pretty clear guidelines and there is an annual disclosure, but in the disclosure, if is a conflict of interest, they are not prohibited from voting as long as they disclose their status. That is all I am looking for. I think that is clear. You get elected as an alderman or mayor and you have no conflict and then if something comes up during your term that creates a conflict, all you have to do is disclose it and it is a cleansing process. You can still vote and at least everyone knows where you stand on it. I think that is what I am looking for, an annual procedure.

Commissioner Infantine stated Senator D'Allesandro and I have to fill out a form every year. Any place where we receive \$10,000 or more in income by ourselves or our spouses we have to list it. We also have to list about a dozen different categories under the state that we might be involved with—do we have any licenses, are we in front of any commissions, do we receive a pension. They all have to be listed. You are right; it is then up to the individual to choose on the House or Senate floor to recuse themselves on

a vote. They don't have to, but they can choose to. You are right; at least it is outlined. It does include the spouse, at least at the State level.

Commissioner Lopez stated the forms I submitted to you were RSA 15:A and from what I understand from Senator D'Allesandro there is another form also. May I suggest, which I don't have a problem with, but if we are going to change something and do something that the commissioner bringing it in have the paragraph in the charter that they want to change in order to insert this. Otherwise, we are going to find ourselves in the end scrambling because sometimes you change one part of the charter and you have to change another part of the charter. I just bring that up from experience because I can see us falling down in the end. If that is something the commissioners want in the charter, then someone should start looking at the paragraph it affects and work with the city clerk.

Commissioner Ashooh stated I would be happy to do that.

Chairman Duval stated Commissioner Lopez, very good recommendation. Thank you for bringing that up and calling that to our attention. Commissioner Ashooh, thanks for doing that. Additional comments on that issue?

Commissioner Girard asked would now be the time to bring up the question of compensation for the elected officials here in the city and what are thoughts are to deal with that? Or would you like that at another time?

Chairman Duval asked what is the will of the commission? Do we have interest in bringing up that matter tonight to discuss that issue? Commissioner Girard, go ahead.

Commissioner Girard stated along the line of what Commissioner Lopez gave us last week, perhaps we should have a discussion about whether or not we should preclude the elected officials—the aldermen, the School Board members—from participating in the

City's benefit plan. Maybe we should have a discussion about how we handle the compensation of the mayor. I personally like what former Mayor Dupuis had to say. I would really like to see this commission fix it in such a way that it doesn't have to be revisited. I think a way to do that might be to find what the top department head step in the City is and add 5%, taking Mayor Dupuis' recommendation, not to what the current salary holders at getting paid now because a lot of them have been here for a very long time and that is a really big pay check, but the entry level. I think the highest entry level for a department head is \$107,000. If we added to that so we can say that the mayor is the chief executive officer and this is how we recognize it then have some sort of an adjuster taking off for what Commissioner Lopez said. Whether you index it to CPI or if you just leave it there and it gets adjusted as the pay scales for the department heads get adjusted, I think we should probably visit that and come to some conclusions on that.

Commissioner Infantine stated I agree that we need to deal with the mayor's salary. I do not agree, however, that it should be a percentage higher. The mayor has had a salary of less than many department heads and people in this city. I don't think they correlate. I don't think he is the grand puba, or the emperor or the king and should receive 5% more than someone else. I would rather we set an acceptable start of the salary if this is something that we can come up with, whether it be part of a starting point, I don't like to use Yarger Decker because I hope it goes away some day, but use a starting salary and then have some adjustment to it. I'm not convinced that we need to take the mayor's salary at this time and find a starting point up and above other individuals just for the sake of them being the department head or the chief department head. When I look at the salary of the School Board members or the stipend, the aldermen and the mayor, it is important that in a state that thrives on citizen participation on every level that we do not create a system where certain individuals want to stay in that position for the compensation they receive. It is my opinion that certain individuals do stay on certain boards in this city because of the benefit package provided. While many of the individuals do not take the benefit package, others do. A family plan at the city for health

insurance, I have heard number between \$20,000 and \$30,000 as the value. I think that is a very poor decision. It is a human position to say since I have this, I might as well take that. It is hard to say, when they are thinking about whether they should run again or whether they are actually on that board for the good of the citizens or good of their own wallet as well. I don't think we should be putting people in that position. I would rather we discontinue all benefits provided to the individuals and increase their stipend. At the Statehouse, we have the ability to join the state plan, but we pay for 100% of it. If you want to allow the individuals to participate at a complete purchase price so be it, but it shouldn't be a perk given because again, I think it is a terrible position we put people in to make people make the decision whether they are doing it for the sake of the City or they are doing it for the sake of their own wallet.

Commissioner Martin stated I would agree completely with Commissioner Girard about the mayor's salary. I too thought that former Mayor's Dupuis' solution to the 5% above the highest paid base salary of a department head was the way to go. If I think of the corporate world or any other structure, pay scale wise, the individual who is in charge generally is the highest paid individual in the business or in any other structure. I would concur with that wholeheartedly.

Commissioner Lopez stated I checked around in most of the cities, including Nashua, and most of the salaries are done by ordinance. It is unfortunate that we have to deal with it. It is the same situation that we dealt with in the last charter. There has been no desire on the Board of Mayor and Aldermen, even though they have the authority today, to increase the salary. That didn't happen in 12 years. Once that went out to the voters and the voters turned it down. The 5% I don't agree with. Nashua does have a CPI. If there was an inclination of the commissioners to do something else... I think the way the commission, through the last charter revision, was put a set salary so once a person is elected mayor, he should get that salary. He doesn't get any vacation pay, he doesn't get any sick pay. He is in the retirement system. The other thing is, we shouldn't talk about

this mayor because someone who is mayor is also entitled to a car and free gas. That is another benefit that someone has. Someone coming in should not be equivalent to someone who has years of service as a department head. That is one of the reasons why I submitted what I did in saying that the mayor's salary should be \$107,000. It could be \$97,000 or it could \$103,000. I do believe that the only way it is ever going to happen is if the commission puts a change in the charter. As it is stated today, it says \$68,000. The aldermen do have the authority to raise it, but they are not going to do it.

Commissioner Girard stated Commissioner Infantine, I agree with you; I hope that Yarger Decker goes away. If Yarger Decker goes away, it is going to be replaced with some sort of a personnel classification system and as a practical matter, if the mayor's compensation is tied to whatever that system is, as a general matter as opposed to a specific number, then a future Charter Commission is not likely to have to address this issue again. As Commissioner Lopez said, they addressed this issue back in 1996 and here we are dealing with it again. We are dealing with it again because when you fix a number and say this is what it is going to be, you don't adjust for it. Whether or not someone just elected to the position of mayor is not equivalent to someone with years of service as a department head, I would agree that they are not equivalent, the mayor is that person's superior. I don't care if they have been there as a department head for four years or 40, they still have to answer to the chief executive authority of the City, which is the mayor. I think Mayor Dupuis made the point that if you don't treat the office of the mayor as the chief executive officer, if you don't show it the respect that it deserves to have in your city structure, then there is going to be an ongoing problem. We have seen that ongoing problem. Send it to the voters and they shoot it down. Give it to the aldermen. Mayor Dupuis was pretty poignant. He got reelected and then Alderman Martineau proposed a pay raise and he said he wanted it so bad he could feel it in his bones, but he had to say no because politically it was not a viable thing for a newly reelected mayor to give himself a pay raise. I think the way you take the politics out of this and you treat it as the chief executive officer of the city is to recognize that. I don't

agree that we should take a look at the current salaries that people are making and say that the mayor should make that plus. To the degree that Commissioner Lopez wants to protect the seniority of a department head and their ability to have a salary greater than the mayor of the city who may just be newly elected or may just be newly reelected and hasn't been around for all that long, I think if you tie it to whatever it is, the base compensation of the highest paid department head, you are at least protecting the integrity of the office as the chief executive officer of the city. Before anyone loses their mind over the idea of what could be a \$110,000 salary, let's remember that Manchester was looking at Mayor Gatsas's budget proposal last night. This City will raise and spend in this year roughly \$310 million. If this were a private sector business and we were proposing \$110,000 for a person running a \$310 million enterprise, we wouldn't be drawing very qualified candidates. I don't think the number is outrageous and I think it solves problems and I think it ties into something that makes sense and will change if the personnel classification system changes, unlike if you give it a grade or you give it a step or a fixed number that will have to be addressed at some point in the future.

Commissioner Ashooh stated just a couple of observations. One is that we already had an elected official who makes 50% more than the mayor now in Commissioner Martineau. I think his compensation is \$103,000.

Commissioner Girard stated it is actually \$113,000. That is why he should be removed from the system.

Commissioner Ashooh stated and that is an elected official so we have an elected official who is getting paid more than our mayor. I think in Commissioner Lopez's proposal he talked about setting a rate for the mayor, but I wanted some clarification from him because he also talked about term limits for appointments. If there are term limits for appointments for department heads then in essence you are providing a cap on whatever they could make so you could actually statutorily reduce the amount that they

make and keep them under the mayor because they term off after seven years. Maybe Commissioner Lopez could enlighten me if that is what his appointment cap meant.

Chairman Duval stated Commissioner Ashooh had a point of clarification.

Commissioner Ashooh stated in your proposal you talked about compensation for the mayor, but you also mentioned term limits for appointments. Were those appointments for department heads that you were talking about?

Commissioner Lopez replied no, that was term limits for commissioners on boards and stuff like that.

Commissioner Ashooh asked so not compensated positions?

Commissioner Lopez replied no.

Commissioner Ashooh stated okay, then I was heading down the wrong path.

Commissioner Girard stated just on the mayor's compensation, as an elected official I don't believe the mayor should be allowed to, right now the mayor is forced to, be included in the City's retirement plan. I think the mayor should have a different buy-in than a City employee into the health insurance. I'm not exactly sure what you want to do there, but I don't see any reason why the mayor should be required to participate in the retirement plan. I think the mayor should be barred from it as an elected official.

Commissioner Ashooh stated can I suggest that it may be time to get our HR person for the City to come and talk about this. I have no HR experience other than I had a few people work for me for a while, but I would like to get a professional perspective on this

and perhaps they could bring something to the board, unless someone else has another idea.

Commissioner Lopez stated I think we can do that if we want, but I think in the end, it is going to be the nine commissioners here who decide whether he should get \$68,000 or should he get more. We mentioned that he is the chief executive officer and now we don't want to give him the retirement that other people have. The key element that I can bring to the table is that in the end, the nine of us are going to decide if \$68,000 is sufficient for the mayor for the City of Manchester. If it is not, what should it be? No matter who comes before us, the department heads are not going to get involved in the political arena as you heard tonight from Matt Normand. He works for these people. I can't see the HR director coming here and saying that he should get \$80,000.

Commissioner Ashooh stated I understand what you are saying. That is not really what I was looking for but you are right, it comes down to us making a decision. I'll tell you that right now I don't think \$68,000 is appropriate. I was simply looking for guidance on what neighborhood we should be in if we are going to have a discussion as to what is fair and what isn't.

Commissioner Lopez stated the Nashua mayor in 2011 was making \$103,000 and because she is under the CPI I think it is \$113,000 right now.

Commissioner Girard stated Skip, I actually agree with you about trying to get a ballpark or finding a number, but I think it becomes extraordinarily subjective and very dicey to try to put a specific value on the mayor's position as if it were a department head. I think Mayor Dupuis was right, if we recognize the mayor as the chief executive officer of the City, it is a simple process to say that as chief executive officer, he makes what the highest paid person in the City makes, plus. The only change I would have is that instead of having a mayor come in seeing salaries in the range that we have for them

now because we have some very long serving department heads, we should tie it to the entry level department head position and not someone like the public works director who is pulling in \$140,000 because then I think you get into numbers that are unrealistic. Then you are also faced with the problem of what if someone retires and the next highest person is making x-y? Then the mayor's salary would technically take a tumble. If you index it to a base level you are not going to have that fluctuation and you are still showing that position respect.

Commissioner Martin stated I would agree with Commissioner Lopez that it is up to us to set the salary. This is just a suggestion to Commissioner Girard's thoughts about the retirement system: there may be some laws, rules or RSAs that govern if you are paid by a city there has to be some connection to a retirement system. I don't know the answer to that, but perhaps the question could go to the HR director from Clerk Leahy rather than bringing the HR director here for that purpose. I would like to know that answer.

Chairman Duval stated Clerk Leahy, you and I can facilitate that. Good suggestion, Commissioner Martin. Thank you.

Commissioner Lopez stated I think the question was asked, but it is good to get that information because he is an employee of the city. I could have brought a lot of information, but you could Google it. The average mayor gets \$37,000 to \$210,000. The Chicago mayor gets \$210,000. The mayor of New York gets \$1 because of his election. You are going to find all kinds of stuff out there. Even aldermen get \$80,000 in Chicago. If you start really looking at that... I think we have to deal with the City of Manchester and what we are willing to do.

TABLED ITEM

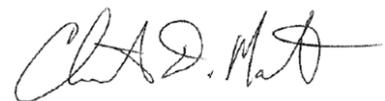
A motion is in order to remove this item from the table

6. Education Discussion:
- Timeline of the school budget
 - Role of the mayor on the School Board
 - School District becoming a City department
- (Note: Tabled 2/13/2013)*

This item remained on the table.

*There being no further business, on motion of **Commissioner Lopez**, duly seconded by **Commissioner Ashooh**, it was voted to adjourn.*

A True Record. Attest.



Secretary of the Commission