

AGENDA

CHARTER COMMISSION

March 6, 2013

**Commissioners Duval, Girard,
Martin, D'Allesandro, Lopez, Pappas,
Clayton, Ashooh, Infantine**

6:00 p.m.

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Chairman Duval calls the meeting to order.
2. The Clerk calls the roll.
3. Discussion regarding budgets and taxes.
4. Discussion regarding employee compensation.
 - Salary of the mayor
 - Response from the Human Resources Director is attached regarding the welfare commissioner
5. Discussion regarding land use planning.
6. Administrative/Housekeeping items
 - Financial disclosure on boards and commissions
7. New business to come before the commission.

TABLED ITEM

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

8. Education Discussion:
 - Timeline of the school budget
 - Role of the mayor on the School Board
 - School District becoming a City department
9. If there is no further business, a motion is in order to adjourn.

Charter Commission Questions:

- 1) Can the charter commission remove the welfare commissioner from the personnel ordinance via the charter? If so, can we determine the position's compensation as an elected official?**

Please find the attached letter from the City of Manchester Solicitor's Office that explains the conflicting provisions of the personnel ordinance. The City Solicitor's office was consulted relative to removing the Welfare Commissioner from the personnel ordinance via the Charter. The Solicitor's office advised against amending the ordinance through the city charter.

- 2) Is there any reason why the mayor or the welfare commissioner must be part of the city's contributory retirement system? If so, what, if anything can we do to remove them from the system.**

The City of Manchester Employees' Contributory Retirement System is established by state statute and cannot be amended through the Charter process.

- 3) How does the personnel ordinance treat the mayor, welfare commissioner, aldermen and school board members? Are they considered employees? If so, for what reason? If so, what would need to be done to change them from employees to independent contractors?**

The Aldermen, Mayor and School Board Members are all elected officials. Regarding the Welfare Commissioner, please refer to answer #1.

The NH Public Employee Labor Relations Act (RSA Ch 273-A: 1) defines public employees as those persons employed by the public employer except (a) those who are elected, (b) those appointed by the chief executive or legislative body, (c) those whose duties imply a confidential relationship to the public employer, and (d) those in probationary or temporary status, or employed seasonally, irregularly, or on call.

10/2/12 BMA - to CTR

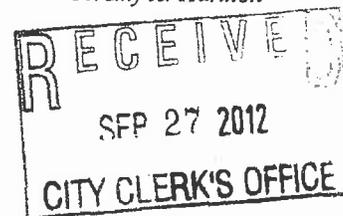


Thomas R. Clark
City Solicitor

Thomas I. Arnold, III
Deputy City Solicitor

Peter R. Chiesa
Gregory T. Muller
John G. Blanchard
Jeremy A. Harmon

CITY OF MANCHESTER
Office of the City Solicitor



September 27, 2012

Committee of Human Resources/Insurance
c/o Matthew Normand, Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Welfare Commissioner

Gentlemen:

The Committee on Human Resources/Insurance at its meeting on September 4, 2012 requested that I research the ordinances related to the salary of the Welfare Commissioner. Upon conducting my research I determined the following:

1. On November 4, 1998 the Board of Mayor and Aldermen discussed and then voted to adopt the recommendations of the Yarger Decker position and classification and compensation study for the City of Manchester. The recommendations included a listing of present and proposed pay grade assignments which included the position of Welfare Commissioner. Prior to adopting the Yarger Decker recommendations the Board of Mayor and Aldermen specifically discussed the fact that the Welfare Commissioner was included in the list of present and proposed pay grade assignments. I have attached the pertinent position of the pay grade listing and the Board of Mayor and Aldermen minutes from the November 4, 1998 meeting.

2. At its meeting on November 4, 1998 the Board of Mayor and Aldermen also amended ordinance Section 33.022 "Positions Not Covered by Chapter". While the amendment did remove a number of positions which had previously been not covered by Sections 33.020 through 33.082 the position of Commissioner of Welfare was not affected by the amendment and remained a position not covered by Chapter 33 Sections 33.020 through 33.082.

3. On December 7, 1999 the Board of Mayor and Aldermen ordained an ordinance amending Section 33.024 Classification of Positions, an ordinance

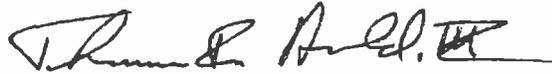
One City Hall Plaza • Manchester, New Hampshire 03101 • (603) 624-6523 • FAX: (603) 624-6528
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amending Section 33.025 "Compensation of Positions" and an ordinance amending Section 33.026 "Class Specifications". Each of these Ordinances lists the position of Commissioner of Welfare thus including that position within Yarger Decker. The classifications in all these ordinances were effective January 3, 1999.

In conclusion while Ordinance Section 33.022 states that the position of Commissioner of Welfare is not covered by Chapter 33 of the Code of Ordinances one ordinance ordained by the Board of Mayor and Aldermen at the same meeting that it adopted the Yarger Decker recommendations and three ordinances passed after the adoption of Yarger Decker have all listed the classification of Welfare Commissioner and its pay grade as being included within Yarger Decker. In addition I have not found any action by the Board of Mayor and Aldermen that established the pay of the Commissioner of Welfare separate from Yarger Decker.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Thomas I. Arnold, III". The signature is fluid and cursive, with a prominent initial "T" and "A".

Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms

as Water Works, or such as Highway, or whatever and I'm not picking any single one here, it seems to me that the Boston market is probably 20-25% higher than what we might be here.

Mr. Decker stated I'm not sure if it's that much higher, but it is considerably higher so I don't think you need to in every case or in many cases try to match the Boston market unless someone's commuting there and living here and driving there every day I think that you've got a whole different taxing situation there, you've got a whole different housing market, so I think that in many cases you might say to someone that if you want to commute to Boston good luck to you or if you want to move to Boston good.

Mayor Wieczorek asked, Floyd, did you say within an hour's driving time, is that it.

Mr. Decker replied that roughly is what I think the area that someone would go unless they were willing to go much further. Now, I've driven between Boston and Manchester many times and depending on the time of day it's between 45 minutes and an hour-and-a-half depending on the time of day.

Mayor Wieczorek stated I heard you mention ninety miles and I said if that's where you're going in one hour, I don't want to be in your car.

Mayor Wieczorek asked are there any other questions from anybody. There were none.

Mayor Wieczorek stated I did talk to the Human Resources Director today and my understanding is that there's an awful lot of work that has to be done to implement this program. So, under normal circumstances I wouldn't suspend the rules to try to get it done, but where they need the time to get it done by January 1st, I'm going to look at the suspension of the rules. So, if the Board so desires to adopt the recommendations a motion would be in order to adopt the recommendations of the Yarger Decker position and classification and compensation study for the City of Manchester as presented in the final report with updates as presented to the Board November 3rd such recommendations to begin implementation January 3, 1999.

Alderman Girard so moved to adopt the recommendations of the Yarger Decker position and classification and compensation study for the City of Manchester as presented in the final report with updates as presented to the Board November 3rd such recommendations to begin implementation January 3, 1999. Alderman Sysyn duly seconded the motion.

Alderman Thibault asked, your Honor, at that point will we still have time to question some of the...

Mayor Wieczorek replied what Floyd was saying if I heard him correctly is that there is an appeal process of ninety days.

Alderman Sysyn stated I just wanted to thank Floyd Decker for all the work he's done and the effort that he's put into this and I also want to thank Mark Hobson and Frank Thomas of the Oversight Committee...a lot of work, they took their time, they answered our questions, thank you very much.

Mayor Wiczorek stated that's said very well, Madame Chairman of the Human Resources Committee.

Alderman Hirschmann asked can I ask a technical question probably of Mark Hobson. One of the positions on here is an elected position that being the Welfare Commissioner. Now, that being an elected position wouldn't it be that that person wouldn't get that until the next cycle. You're not going to give an elected official an increase, are you. Technically, if this grade change happened wouldn't it go onto the next elected official, it wouldn't happen with this person...

Mr. Hobson stated I'm going to back off from giving you a one hundred percent answer but my response is that the position is in the City's classification system. Whether the position is elected or not.

Alderman Hirschmann stated I know that elected officials can't give themselves a raise and they shouldn't be giving other elected officials a raise.

Mayor Wiczorek stated she's not giving herself a raise, she doesn't vote on this.

Mr. Hobson stated the Mayor's salary obviously is set by the Charter and is not part of the classification system, but that position is in the classification system.

Alderman O'Neil commented I don't know if there is anyone on this Board who has spoken to Floyd more than I have and I just want to thank him for his time and I wish all of our studies and consulting work went this easy. Well done.

Mr. Decker stated, Mr. Mayor, I'd like to say one thing too that we do quite a few of these studies and I think it's important for all of you to know that during this entire study I've never seen a place where's there's been less effort on the part of the people to try to influence our judgment. Everyone worked with us in a very highly professional manner and we appreciated that very much.

Mayor Wiczorek stated I had a whole list of people here that have been involved in this and maybe this would be the appropriate time to do it since Alderman O'Neil you're recognizing Floyd and Alderman Sysyn is recognizing other people. Why don't we recognize all of those

members of the Compensation and Classification Plan Oversight Committee whose efforts were critical in the successful completion of the project and that would be Frank Thomas from the Highway Department, the Chairman; Alderman Klock, Alderman Pinard; Sophia Plentzas, the School Department representing the Manchester Educational Sport Association; Jean Brassard the Fire Department representing the International Association of Firefighters; Michael Roche, Water Works representing the International Steel Workers Union; Michael Rockwell, Highway Department representing the American Federation of State, Council, and Municipal Employees; Stephen Tierney, Highway Department representing the Non-Affiliated Employees; Diane Prew, Information Systems; Regis Lemaire, Office of Youth Services; Fred Testa, Aviation; Fred Rusczek, Health Department; Sean Thomas, Mayor's Office; Mark Driscoll, Police Department; Mark Hobson, Human Resources. I would also like to recognize the efforts of the Human Resources/Insurance Committee including Aldermen Mary Sysyn, William Shea and Daniel O'Neil. Finally, I would like to thank Mr. Floyd Decker and Yarger Decker and Associates, all of these parties have done an outstanding job working together to support this effort. So, it is a collaborative effort here with a lot of people that have been involved to bring us to this point and this is a very important step for this City to take.

Mayor Wicczorek called for a vote on the motion. The motion carried with Alderman Pariseau duly recorded as abstaining on the advice of counsel and Alderman Hirschmann duly recorded in opposition.

On motion of Alderman Rivard, duly seconded by Alderman Sysyn, it was voted to suspend the rules and place this Ordinance on its third and final reading without referral to the Committee on Bills on Second Reading and without referral to the Committee on Accounts, Enrollment and Revenue Administration.

"An Ordinance Amending Chapter 33, Personnel Policy of the Code of Ordinances of the City of Manchester."

Alderman Clancy moved that the Ordinance be read by title only. Alderman Pinard duly seconded the motion. The motion carried with Alderman Pariseau duly recorded as abstaining at the advice of counsel and Alderman Hirschmann duly recorded in opposition.

This Ordinance having had its final reading by title only, Alderman O'Neil moved on passing same to be Ordained. Alderman Sysyn duly seconded the motion. The motion carried with Alderman Pariseau duly recorded as abstaining at the advice of counsel, and Alderman Hirschmann duly recorded in opposition.

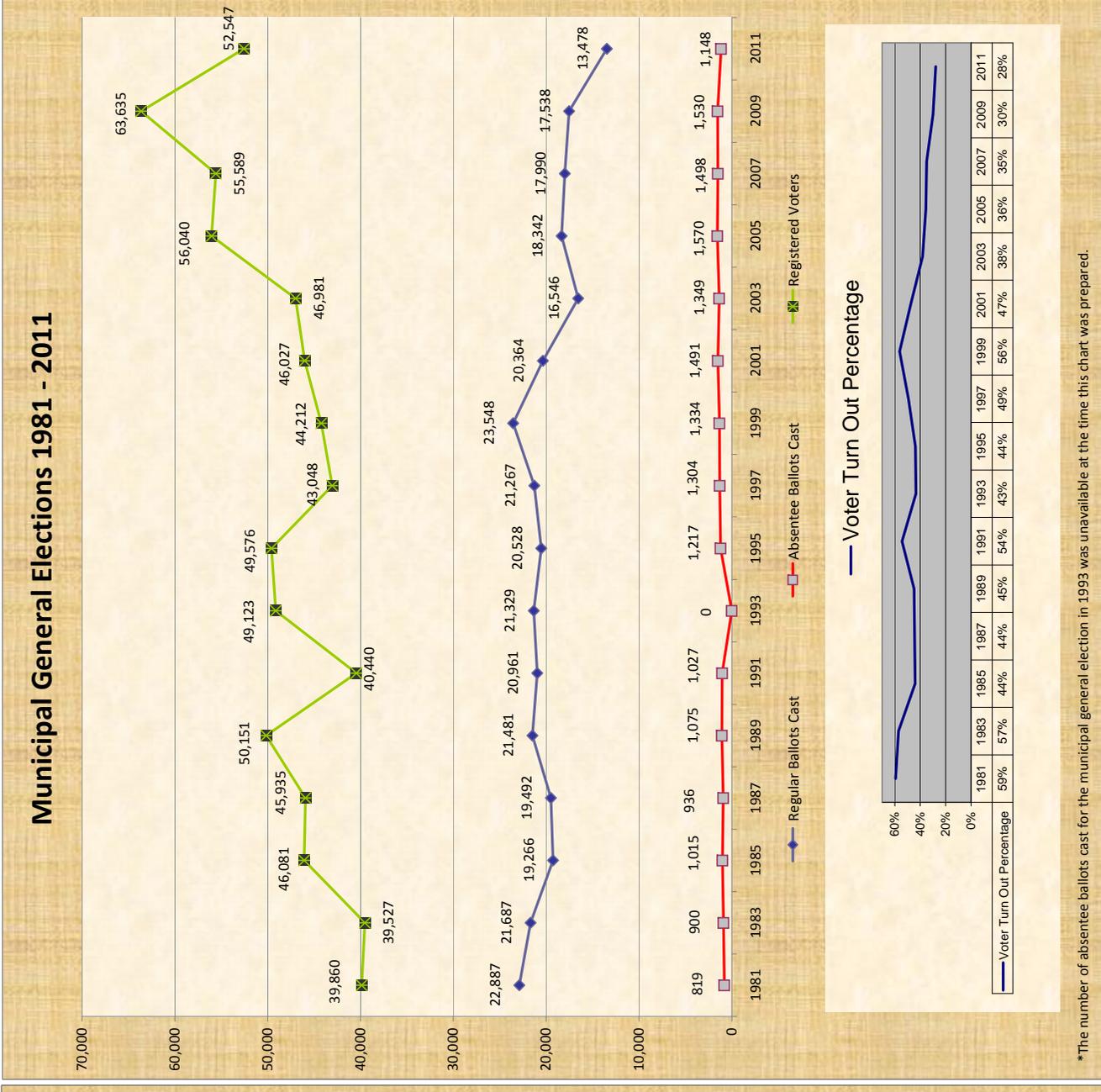
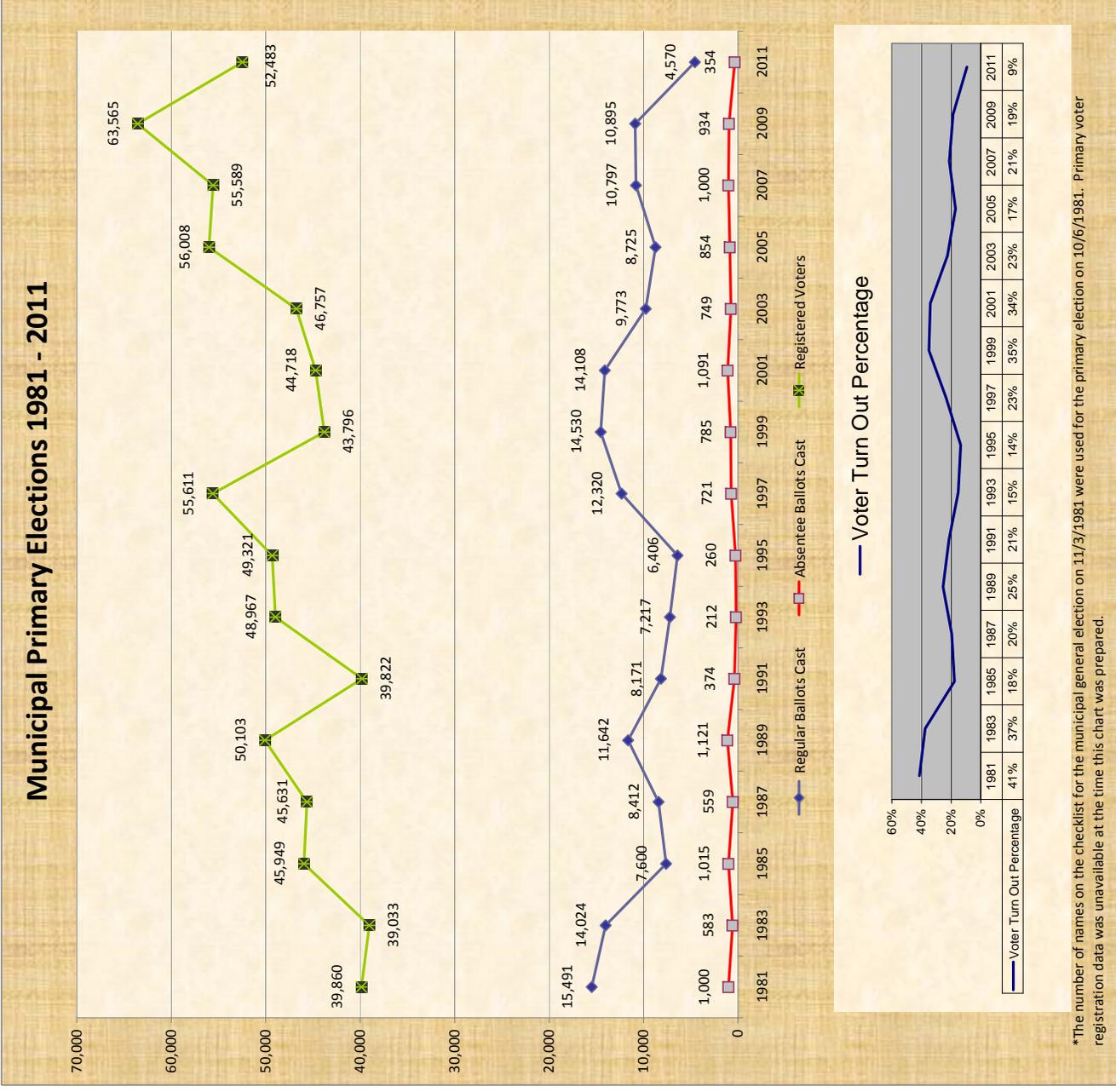
Mayor Wicczorek stated let me congratulate everybody, this is really a very difficult task that was done and I'm very pleased to see that we finally, finally have a classification system. Thank you all very much.

PRESENT AND PROPOSED PAY GRADE ASSIGNMENT

PROPOSED CLASS TITLE	CLASS CODE	CURRENT			PROPOSED			CUR			PROPOSED vs.			SURVEY			FACTOR POINT TOTAL
		GRADE	MIN	MAX	GRADE	MIN	MAX	MIN	MAX	2nd LO	SVY	2nd HI	MIN	2nd LO	2nd HI	MAX	
Deputy Finance Director	2110	32	50259	70885	26	59042	84180	1.17	1.19							770	
Building Regulations Director	5190	33	52200	73077	26	58042	84180	1.13	1.15							772	
Deputy Fire Chief	9115	28	41484	60399	26	59042	84180	1.42	1.39							775	
Economic Development Director	1230	34	56269	77957	26	59042	84180	1.05	1.08							775	
Youth Services Director	7230	30	45271	64952	26	59042	84180	1.30	1.30							775	
Board of Assessors, City Officers	1160	32-33	50259	70885	26	59042	84180	1.17	1.19	1.65	1.12	33725	35700	75000	94882	780	
Welfare Commissioner	7150	30	45271	64952	26	59042	84180	1.30	1.30	1.58	1.36	35715	37277	61994	64952	780	
Deputy City Solicitor	1410	33	52200	73077	26	59042	84180	1.13	1.15							785	
City Clerk	1210	31	47257	67443	26	59042	84180	1.25	1.25	1.66	1.07	33098	35479	78488	95000	795	
Deputy Public Works Director	5830	33	52200	73077	27	63175	90072	1.21	1.23							800	
Assistant Fire Chief	9120	28	41484	60399	27	63175	90072	1.52	1.49	1.93	1.34	31678	32727	66970	81500	810	
Deputy Police Chief	9330	26-28	41484	60399	27	63175	90072	1.52	1.49	1.52	1.21	41210	41484	74574	84198	810	
Human Resources Director	1310	34	56269	77957	28	67597	96377	1.20	1.24							835	
Parks, Recreation and Cemetery Director	6170	30	45271	64952	28	67597	96377	1.49	1.48							835	
Library Director	8070	31	47357	67443	28	67597	96377	1.43	1.43							840	
Waterworks Director	4350	34	56269	77957	28	67597	96377	1.20	1.24	1.52	1.45	37694	44458	68242	77957	845	
Public Health Director	7110	34	56269	77957	29	72328	103124	1.29	1.32							865	
Fire Chief	9130	32	50259	70885	29	72328	103124	1.44	1.46	1.56	1.07	43319	46259	98800	98534	880	
Police Chief	9340	32	50259	70885	29	72328	103124	1.44	1.46	1.52	1.09	46259	47651	94682	108000	880	
Information Services Director	2220	31	47357	67443	29	72328	103124	1.53	1.53							890	
Planning Director	1370	35	61282	84312	29	72328	103124	1.18	1.22							890	
Airport Director	3130	37	68669	96888	29	72328	103124	1.05	1.07	1.53	1.36	43319	47133	75763	86688	895	
Finance Director	2120	36	64533	90148	29	72328	103124	1.12	1.14	1.56	1.09	45878	46289	94082	110000	895	
Public Works Director	5840	34	56269	77957	29	72328	103124	1.29	1.32							895	
City Solicitor	1420	38	72808	103161	30	77392	110342	1.08	1.07	1.43	1.07	51147	54080	103161	106130	910	

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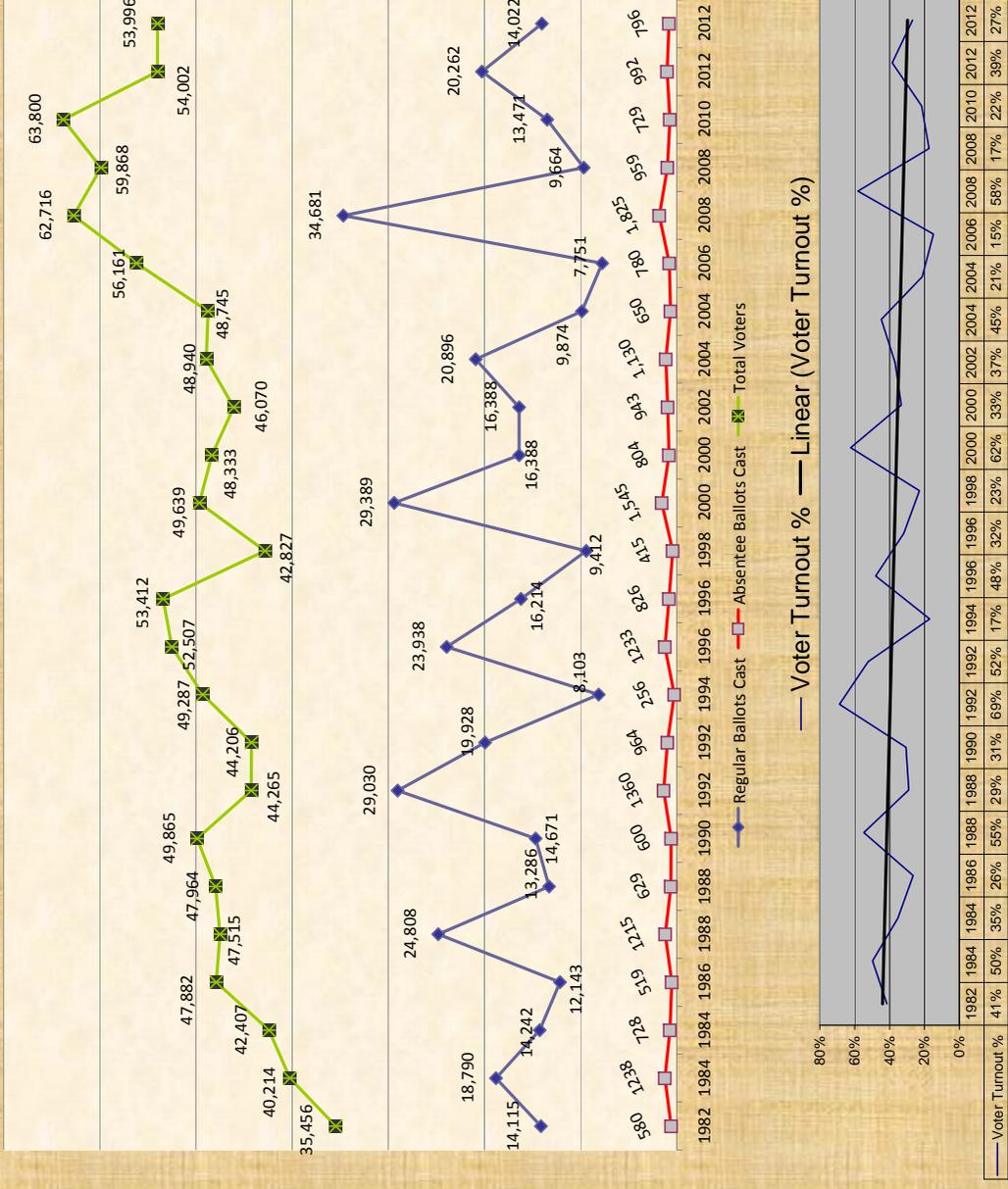
Comparison of Ballots Cast - Voter Turnout from 1982 -2012 State and Municipal Elections



City of Manchester, NH - Office of the City Clerk

Comparison of Ballots Cast - Voter Turnout from 1982 - 2012 State and Municipal Elections

State Primary Elections 1982 - 2012



State General Elections 1982 - 2012

