

CHARTER COMMISSION

March 6, 2013

6:00 p.m.

Chairman Duval called the meeting to order.

Chairman Duval called for the Pledge of Allegiance, this function being led by David Preece.

The Clerk called the roll.

Present: Commissioners Duval, Girard, Martin, Lopez, Pappas, Clayton, Ashooh
Commissioners D'Allesandro and Infantine arrived late

5. Discussion regarding land use planning.

Chairman Duval stated I know David Preece from the Southern New Hampshire Planning Commission is with us tonight. Thank you for coming. I understand that you have a prior commitment that is going to restrict your time with us this evening. What I would like to do is open up discussion between the commissioners and yourself if we can to allow you an opportunity to leave when you need to. We will try to oblige as best we can. Again, thank you for coming. Leon LaFreniere is here as well. He is the director of Manchester Planning and Community Development Department. Also here is Bob Gagne, chairman of the board of assessors for Manchester. Bill Bevelaqua is planning on being here. I don't see him yet, but we will have him join us when he arrives. He is chairman of the zoning board. We will open it up for questions of our presenters and commissioners, if you could be mindful of Mr. Preece's limited time.

Commissioner Girard stated I would like to ask if Mr. Preece might have a presentation or an explanation of what he does. I know what questions I would like to ask the planning director and chairman of the board of assessors, but I'm not sure how the activities of the director of the regional planning agency might be relevant to our Charter Commission so I have no idea what I might ask.

Mr. David Preece, Executive Director of Southern New Hampshire Planning Commission, stated that's fair. The Southern New Hampshire Planning Commission is a regional planning commission and metropolitan planning organization that includes the City of Manchester and 13 communities around it. We are the largest NPO, which is responsible for all the transportation planning of this region in New Hampshire. We represent over 360,000 people within our region. We interface with the City of Manchester in many activities providing both transportation and traffic analysis, assistance to the Planning Department on reviews of traffic impact reports and other projects. More recently we were very much involved with the update of the City's master plan, which was adopted in 2008. That is what I am pretty much here to talk about tonight and the importance of the master plan in its relationship to the future development or redevelopment and revitalization of the City of Manchester.

Commissioner Girard stated that gives me an area to ask you some questions. When you say you were involved, Director Preece, with the development of the master plan, given your organization's mandate on transportation issues, was that the input that you gave or what other input did you provide?

Mr. Preece replied I served on the advisory committee so I worked with other members of the planning board and planning staff on all of the elements of the master plan. The planning commission does more than just transportation planning; we also do an extensive amount of environmental land use and housing planning. We are very

fortunate to have a large amount of expertise in a very small staff on the west side of Manchester.

Commissioner Girard stated the old Rimmon School.

Mr. Preece stated exactly.

Commissioner Girard stated I remember when the building was renovated and you went in there.

Mr. Preece stated you should come over again.

Commissioner Girard stated I thought your second floor would have been a great place for the west side library. When you were part of the master planning process, was there anything in that process that actually took a look at the highest and best use of the land in the city of Manchester?

Mr. Preece replied yes. When we were doing the future land use and I believe there is a section called future land use, we took a look at what was existing and what would be the highest and best use of that area and what the potential would be in the future and we have identified areas that we thought would be ideal for revitalization and redevelopment in the higher density.

Commissioner Girard asked in that review, were there areas of the city that are currently residential with commercial levels of traffic that you or that advisory board recommended for a change to the business zoning at some future point?

Mr. Preece replied I don't believe there were residential areas. There were commercial areas that we felt would be ideal for more of a mixed use in having residential units on the second and third stories of buildings, getting people in those areas. Similar to what you have with Elm Street now. There were other areas that we thought would also lend itself to that sort of development or redevelopment.

Commissioner Girard stated the tax base of the City of Manchester, only 27% of it is commercial industrial. The way I define it is where people go to work. If you include the so-called commercial residential then just over a third of the City's tax base is considered commercial industrial. Do you have any information, Mr. Preece, about what percentage of the property tax base in the City of Manchester or a city like Manchester in size and scope should be business, commercial industrial use, places where people go to work?

Mr. Preece replied in the planning profession there is what is called the job to housing ratio and that should be 1% so the number of jobs that you have in a city should almost be equal to the amount of residents. It creates a healthy balance.

Commissioner Girard asked you just said that the number of jobs in this city should be equal to the number of residents?

Mr. Preece replied yes. The jobs to housing ratio should be one so in order for that to happen, you have to almost have equal amounts of jobs versus housing.

Commissioner Girard stated the last I checked, Manchester had a population of just under 110,000 and a job base of 52,000.

Mr. Preece stated it is not quite equal.

Commissioner Girard stated it is off by 50% what you say it should be. That being the case, what should this City be looking to do from a policy point of view to remedy that?

Mr. Preece replied we should be looking at those areas that are currently zoned as industrial and commercial and see if we can increase the intensity, provide more incentives to have those sites, if the property owners deemed to do so, to increase the development or redevelopment of those sites so that more jobs could be feasible in those areas.

Commissioner Girard asked would it be wise for a commission like this, as we review the city charter, to set rules or guidelines on future development that would encourage the type of activity that would lead more to what your organization considers, or planners in general consider, a healthy job to resident ratio?

Mr. Preece replied I think that responsibility should rest with the planning board. They have the State statutes to look at the overall development of the land use, the health and safety of the City and to make their recommendations. They usually make those recommendations on the master plan. If you feel like the master plan needs to be updated and needs to go back and reconsider new areas then that should be something that they should do on a regular basis.

Commissioner Girard asked is it your opinion that if the City follows the current master plan that it will at least move in the direction of that one to one ratio you say is necessary for a City like this to be healthy?

Mr. Preece replied yes, I do.

Commissioner Girard asked over what period of time?

Mr. Preece replied anywhere between ten to 20 years.

Commissioner Girard asked so you think in the City's master plan, even though it does not take a look at areas that are residential areas, even though it doesn't consider rezoning residential areas with commercial levels of traffic as business industrial areas, you think if we just follow the current master plan, in ten to 20 years we will be at a one to one ratio? We will have over 100,000 jobs here in the city of Manchester?

Mr. Preece replied I think it is very possible if we utilize those areas to their extent. There is a lot of land that is not being utilized in the most efficient manner. I think it is just because of the land economics in the past. If you went back to those sites and those areas and looked at ways that you could encourage a greater intensity and come up with incentives for property owners to do that I think this would happen. There are areas in the city that are residential that would lend itself to more of a mixed use. Again, I am talking a lot about mixed use, but I think that is a very healthy mix of land uses for a neighborhood and for a community.

Commissioner Girard asked what could this Charter Commission do, what sorts of guidelines, directives, incentives, could this Charter Commission establish that would inform the planning board or the Board of Mayor and Aldermen on zoning issues that would continue the process of getting the commercial industrial tax base to a point where the job base equals the population base as you say it should?

Mr. Preece replied I think the greatest thing that this commission can do is to further support the planning board as you have it and encourage them to look at the economic development of this city and to take into account in their actions. When they are coming up with an update of the master plan, to take a closer look at those areas that are underutilized or areas that could be redeveloped and see if there is a higher and better use for those areas.

Commissioner Martin asked Mr. Preece, as you do your work with your commission, is there something in our current charter that makes it difficult for you to do good things on behalf of our city?

Mr. Preece replied no, there is not. We work very closely with the Highway Department as well as Planning and Community Development Department. Whenever any department needs our assistance we are there to help them. That is our number one priority, and that is to provide technical assistance to our communities.

Commissioner Martin asked so beyond what Commissioner Girard has asked you, you are suggesting to further support the planning board and looking at economic development in the city? That is your major issue for the commission?

Mr. Preece replied that's correct.

Commissioner Martin stated very good. Thank you.

Commissioner Ashooh stated David and Leon, when you did the master plan I am assuming that you were aware of or did you incorporate either of the two reports commissioned by the City in 2004? I know former Alderman Lopez is familiar with the Angelou and the Hilliard reports, which did look at mixed use and how to maximize corporations that come here. If you used those two, how did you incorporate those into the master plan of 2008?

Mr. Preece replied we considered all reports that were written at the time in our decision making process. We also did an extensive amount of outreach to all of the City departments as well as to the organizations within the city asking for their input throughout the process. Yes, those reports were considered.

Commissioner Ashooh stated Leon, if you don't mind, could you point to anything specific in the master plan that Planning and Community Development uses to incorporate some of the aspirations, especially the Angelou report that targeted industries and those types of things?

Mr. Leon LaFreniere, Planning and Community Development Director, replied sure. I think that the master plan process, as Dave has already indicated, drew heavily from the conclusions of those reports as well as from the rest of the public process that was part of that. Part of it was development. We emphasized some of the points of those conclusions such as the mixed use development that David has referred to. That is really a key theme for our master plan in the context of sustainable development. The master plan looks at how the community exists today, but not only today, how it will develop over time and what types of incentives can be employed to incentivize the types of developments in the conclusions of those reports that state what should be our goal, such as pedestrian friendly work environment for our structures or mixed use development that allows for employment centers to be integrated with the residential opportunities that are contained within the city, those types of things. If you are looking for specifics those are the types of things to really look for, look for the conclusions of the Angelou report, for example, where it talks about the aspiration for integrated development matters that allow for employment centers and residential opportunities to coexist. That is a recurring theme throughout the master plan document.

Commissioner Clayton stated Mr. Preece, I'm curious, the one to one ratio of jobs to citizens seems really ambitious. Are there communities the size of Manchester that actually achieve that balance?

Mr. Preece replied yes, there are. I believe that the Town of Bedford, believe it or not, even has a higher jobs ratio. There are a lot of factors in that, but that is something that we should strive for. Just because Manchester is an older, industrial city, there are great prospects for its revitalization in areas. When we looked at the future land use, we looked at areas where it could be developed and moving through the private market. There are many areas that could do that and could generate additional jobs and have the quality of life that would attract people back to the city.

Commissioner Lopez stated knowing the master plan and the procedures, would either of you gentlemen ever put a moratorium or make a recommendation for a moratorium on condominiums in Manchester?

Mr. LaFreniere replied specifically on condominiums, that would be, I think, difficult to impose and sustain any types of legal challenges. Generally speaking, condominiums as properties are viewed as a form of ownership only and are not indicative of a specific development pattern. I know that they carry different connotations with regard to the ownership investment versus a rental housing application, but the housing types and housing opportunities that a community provides or what historically have been held by various legal investigations into the appropriateness of local land use regulations to be critical. The restriction against a specific housing type of what the courts typically are not in favor of, they are usually not in favor of limitations targeted at a specific type of housing versus one over another.

Commissioner Lopez asked Leon, would you comment on the new State law where the Board of Mayor and Aldermen can rezone on things that you have brought before the Board of Mayor and Aldermen on rezoning where the zoning board wouldn't take action until the aldermen approved the conditional zoning? Let's take for example Wellington Road where the aldermen voted on that. Isn't there a State law giving the authority to the aldermen to rezone an area?

Mr. LaFreniere replied there is no new law in that area that I am aware of. That authority has always rested with the governing body, in our case with the Board of Mayor and Aldermen. That is the only body that has the authority to zone an area to actually follow the dedicated process to determine what land uses will be permitted in a given location. The planning board plays a role as Mr. Preece has already indicated with regard to making a recommendation and determining consistency with the master plan. However, that authority is unique to the Board of Mayor and Aldermen and the planning board does not, nor the zoning board, actually have authority to rezone; only the Board of Mayor and Aldermen.

Commissioner Lopez asked along that line is whereby the master plan was accepted by the Board of Mayor and Aldermen and everyone should move forward in that particular direction. It doesn't prohibit them from changing, depending on the economy, or recommending from planning or Southern New Hampshire Planning Commission whether we should take a residential area... For example, I think we are speaking of Granite Street right now and taking some of the residential and making it all commercial. Those mechanisms are always there.

Mr. LaFreniere stated absolutely and it is important to understand what the role of these documents are. The master plan is actually adopted by the planning board and it is a document that is intended to guide future development patterns, to provide a basis upon which and a rationale for decisions that are made regarding the actual zoning designations, the regulatory tools that are put in place to guide land use where as the zoning ordinance and the zoning maps and the zoning designations are regulatory instruments and those are adopted by the Board of Mayor and Aldermen, they are adopted by the governing board of the community. While I would argue that it is important to consider the master plan because it is important for the governing body, the Board of Mayor and Aldermen, to consider the master plan in making those decisions, the

Board of Mayor and Aldermen are not bound to the specific recommendations of the master plan, but rather should consider the tenets and the direction set forth in the master plan in their decision making process. There are many factors that come into play when a specific decision is made to rezone a given area or property of the city and that responsibility falls to the board to consider all of those various considerations, including economic conditions. The master plan is but one of those considerations that should be part of that process.

Commissioner Girard asked Mr. Preece, would you be able to answer questions about housing and the mix of housing that Manchester has versus what it should have?

Mr. Preece replied I don't believe I have that information, but I'll be glad to provide that to you if you so desire.

Commissioner Girard stated I just wanted to know that housing is an area that you have expertise on otherwise it wouldn't make sense for me to ask the questions.

Mr. Preece responded yes.

Commissioner Girard stated last I looked, 55% of the housing in Manchester was considered low to moderate income. Is that a healthy place for a city to be where that much of its housing is considered low to moderate income?

Mr. Preece replied for a healthy and vibrant city, it should have housing in all of the price ranges. It shouldn't be dominated by one housing cost level.

Commissioner Girard asked would you consider 55% dominated?

Mr. Preece replied I would.

Commissioner Girard asked is there, generally speaking, a healthy mix of low to moderate, low to moderate to middle to upper, middle and upper?

Mr. Preece replied I don't know if there is a ratio per say, but I am a firm believer that you have to have a mix in all of the income brackets to provide those housing choices for all people who need to live in your city.

Commissioner Girard asked so it is not healthy to have it lopsided the way it is?

Mr. Preece replied no.

Commissioner Girard stated Manchester right now has roughly 16,000 single family homes and 23,000 apartment units. It also has somewhere in the ballpark of 5,000 condominium units which are either rental or homeownership. Is that mix of housing, where you have 16,000 single families... You basically have two apartments in this city for every single family home that you have.

Mr. Preece stated but if you look at the demographics that are happening in Manchester, and are happening in New Hampshire, the household size is becoming smaller and they don't need the larger single family homes. They are looking for more of the one to two bedroom apartments or condominiums. That is what we should be providing, but we should provide a healthy mix of types of housing in each of those income brackets. A graduate from UNH or SNHU wishing to establish his business here would have a choice of housing to live in in Manchester.

Commissioner Girard stated what I am driving at is the choice of housing that currently exists because of the way the City has allowed development where now in this city you have two apartment units for every single family home and the single family homes

aren't all four bedroom colonials. This city is full of a number of very small single family homes. Does that kind of housing mix make any kind of sense for a city this size?

Mr. Preece replied my experience has been, the greater the density of a city, the more tendency for it to have smaller apartment/condominium type of units. That is what happens. It is the market that dictates it. If you have a younger labor force or what is happening now in New Hampshire where the baby boomers are getting older and they don't want to live in their larger houses and they are choosing to move back to the city, but they want to have a quality type of condo to move to.

Commissioner Girard stated I'm not really concerned about the condos.

Mr. Preece stated again, there needs to be a healthy mix. I would agree with you on that. I don't know what that ratio would be.

Commissioner Girard asked is there any kind of industry standard that gives guidance on that?

Mr. Preece replied I'm not aware of any, but I could also do some research.

Commissioner Girard stated I would appreciate that. I'm not worried about the condos.

Mr. Preece stated the market will dictate that.

Commissioner Girard stated I kind of believe that the market is conditioned by the zoning that the city has. Developers don't come in and try to force changes to zoning.

Mr. Preece stated but also what we have seen in the last economic downturn is that those housing units that were built for condos have not been selling so they have been converted into higher rental apartments and that is just what happens during these market times.

Commissioner Girard stated I don't want to belabor that, but in that 23,000 units are no condominiums. There are 5,000 separate condominium units in the city of Manchester. Those 23,000 apartment units that I am talking about are in fact apartments. It used to be more. What is it, Bob, 2,000? There are 2,000 apartment units converted to condos. Frankly, I would like to see more of them converted for any number of reasons. You have a city, condos notwithstanding, that has 23,000 apartment rental units and 16,000 single family homes. In your opinion as a planner, is that a healthy place for a city like Manchester to be and if not, are there things that we should look at in this charter as a way of encouraging a healthier balance in that area?

Mr. Preece replied not having the figures in front of me, I would suggest that the planning board step back and look at those areas and make sure that the zoning that they have in place or the land use regulations that they have in place are trying to better balance the housing types between them.

Commissioner Girard stated I would like to give you an example of what I think needs to be addressed. There was recently an issue on Front Street where a developer came in and asked to change the zoning on a single family lot to multifamily. One of the things that the aldermen who supported that hung their hat on was that changing that zoning was consistent with the master plan. If that is consistent with the master plan, how then is the city... There were 24 acres that had that single family zone and you know as well as I do, up on Front Street, 3A, Hackett Hill, you have thousands of apartment units and you have zero from any kind of business services whatsoever. Let's be blunt; we all know the politics that take place behind some of these decisions. How can this Charter

Commission set a standard that says before you do something like this which aggravates an existing situation, you must consider the highest and best use of the land and shouldn't do anything to aggravate what is already an unhealthy mix of housing just because it happens to be consistent with the master plan or the neighborhood that it is in? I'll be honest with you; I hear you when you say that the planning boards should do these things, but if you take a look at those 24,000 apartments, 8,000 have been built in the last 20 years. Clearly, back in 1991 the commercial industrial residential mix in this city was almost 50-50 and now it is 73-27. It has gone dramatically out of balance. Someone is not doing their job somewhere, frankly, and I would like to know what we can do in this charter to constrain that decision making to consider various factors that will have it moving more in the direction that you have said it should be in. That is where I am coming from here. I find it appalling, frankly, that the master plan allowed for that recommendation on Front Street.

Commissioner Ashooh stated just for clarification, Commissioner Girard, you bring up some good points, but we may be asking their opinion on something that might be crossing the line between guiding development in the best interest of the city and trying to control the market that builds housing for where the demand is. To the best of my knowledge, we do not have a shortage of single family homes on the market. To the rate that those who were doing the development are creating apartments, especially in the downtown ones, it sounds to me like planning and zoning are doing their jobs in allowing development where it needs to be as a reflection of the market place today. Forty years ago, I think everyone wanted a single family home. Right now, we have a number of apartment developments that exist simply because people are moving out of those houses and they are looking to downsize. I would be cautious in looking at what is guiding development, which I think the zoning board, the master plan, and Southern New Hampshire do, in trying to restrain a market which is answering the demand in fact. That is just one observation on that. I hesitate to mess with market forces. We may want to

make sure that zoning and planning are built to a property standard, but not necessarily to say that they can't build.

Commissioner Girard stated I am actually sympathetic to your comment, commissioner. The only thing that I would say in my experience with government and the way I have served is that the zoning that exists conditions the market. If the City is not going to require the highest and best use consideration before decisions are made, either by a planning board or the Board of Mayor and Aldermen on zoning, at least consider whether or not it is the highest and best use, not constrain them to go in the direction of what someone at the time considers the highest and best use then decisions like the ones that were made on Front Street which have been happening systematically in the city for 20 years that have absolutely crippled the tax base and the ability to generate necessary revenue is going to continue. I just want to give you two statistics to try to underline the point. That zoning change up on Front Street will create a situation where you need to build a Market Basket like the one that has been built downtown, just to generate the taxes to pay for the school costs that that development is now likely to project. That is an extraordinary burden. The other thing to consider is right now, the \$2.2 billion that is our commercial industrial tax base generates \$49 million in tax revenue, which is enough to pay for Central and Memorial High Schools and nothing else. I don't want to have a Charter Commission that dictates development, but I don't see any reason why we can't develop a standard that requires various pieces of information be provided to the decision makers before they make a decision so they do it in full knowledge of the potential benefits and consequences of the facts of the situation.

Commissioner Ashooh stated I will chose to disagree on several points, but the bottom line is that your basic assumption is that zoning and planning aren't doing their jobs to the highest and best use. When I was chairman of the Manchester Development Corporation I crafted our mission statement which incorporated the highest and best use for the citizens of Manchester. When you have a density of workplace populations like

we have in Manchester, it is driven to apartments. It is not driven to single families. They may move out later, but we provide more jobs and a pay scale that provides the ability to live in an apartment, maybe go to a condo later on, or if you are lucky, your development will convert to condos, but I would argue that seeing planning and zoning work, they tend to work with the highest and best use in mind, governed by the regulations that they have. That is why we have the master plan and that is why we have the zoning regulations as Leon referred to. Trying, I think, to change that is more of a political thing and not a charter based charge. If there is something that should be done, I think the BMA needs to take a look at zoning board regulations, the planning board and the master plan which they participate in perhaps from that point, move forward on it. I don't see how the charter could strengthen that without restraining their ability to do their jobs.

Commissioner Infantine stated I have a question regarding commercial development in this city. If you go back to the city 30 years ago, when you guys were here you remember what South Willow Street used to look like; it was a bunch of residential homes and there was a little pond back there where the kids used to skinny dip after midnight until they got caught by the Manchester police. Now there is a Home Depot over there. What are the problems you see with the encroachment of business through the residential areas? Is there anything that can be done to solve that? I guess the case in point is that for five or six years now, Wal-Mart wanted to come in to Gold Street. It is not further along than it was five years ago—I'm sure it is further along—but anything in your travels, in your professional opinion, that needs to be done to help foster additional commercial development and its interaction with the residential portions of the City?

Mr. Preece replied I'll start off and Leon can join in with me. There are many things that one can do to foster more commercial development. Before we talk about that, commercial development comes when there are industrial manufacturing jobs in a community. That has always been the case and always will be the case. On South

Willow Street where you have a commercial strip now, you are now approaching a time where most of those commercial developments have had its use and now it is a time to step back and look at how can we transfer this use to more of a mixed use development where there would be a better buffer between the commercial uses and the residential areas that are adjacent to it. It would also put additional people who could live and work, and hopefully shop, in that same area. That was one of our recommendations with the master plan; to look at ways in which South Willow Street could make that transition to more of a livable, walkable area where both commercial and residential uses could be together and could prosper together.

Commissioner Infantine stated I understand from a downtown standpoint. Let me give you a couple roads that I was thinking about: Candia Road from 93 all the way down to the Massabesic traffic circle or Hanover Street.

Mr. Preece stated that is a tough one because you do have residential.

Commissioner Infantine stated areas where there are very few residential homes left and a lot of businesses chunked in between them. I can't believe, as those streets become busier, that is a great place to live. It seems like there is a reluctance to set the parameters. What is going to be commercial and what is going to be residential?

Mr. Preece replied my philosophy on it and the philosophy of many planners is to cluster those commercial uses into circles or nodes and then line them up with residential so you don't have a strip commercial on Hanover Street or Candia Road. The commercial is clustered together to one area where it is convenient to residents, but the impacts are pretty much confined to that area and not letting it spread through the whole corridor.

Commissioner Infantine stated I'm not sure this has to do with the charter, but I'm going to throw it out there anyway. Is there a certain rule or regulation where a certain period of time goes when an area is rezoned or does that come out by requested by a certain individual?

Mr. Preece replied all rezoning should be guided by the master plan and the master plan should be updated on a regular basis, every five to ten years so you take into account what is happening in your community and the marketplace and you can adjust it accordingly.

Commissioner Infantine stated I have been on a number of commissions over the years, boards of directors and everyone sits down for a week and creates a plan of what we are going to do and then on Monday everyone goes back to what they do all the time. How often in the daily grind of what you have to do with limited staff and pressure from the board of aldermen or a developer, is someone actually looking at what is brought forth and how it meshes with the master plan? Is that being done?

Mr. Preece replied that's the trick. How do you implement? How do you come up with strategies to implement those plans? The way to doing it is to engage those decision makers, those property owners up front so that planning becomes part of them and they become part of the solution and not a problem.

Commissioner Ashooh stated this is an observation from a little bit of experience. I actually sit on the board of the Southern New Hampshire Planning Commission and I get to work with David a lot, but David Beauchesne appeared here two meetings ago to ask about considering a change in the structure of Millyard Design Review Committee. At the last Southern New Hampshire Planning Commission meeting he brought with him the original zoning ordinance for the City of Manchester from 1923. I think that that point he pointed out the area south of Granite Street to Bedford, and at that time it had one home

on it. It might be interesting to go back and take a look just to see how these zoning ordinances have evolved over time. Great piece of paper that if you get a chance, I recommend taking a look at it.

Commissioner Girard stated I just wanted to make a couple of comments.

Commissioner Infantine brought up South Willow Street which is a perfect example of what I am digging at. South Willow Street, I don't know if you realize this, was entirely developed by zoning variance because the planners of the City and the aldermen weren't looking at the highest and best use of the land so individual property owners or business concerns came forward one at a time and that is why South Willow Street, while important, doesn't work well because it was never designed as an overall strategy. The highest and best use of the land was not considered by the City or the planning board. It was considered by individual business owners who got their way through the zoning board of adjustment. I don't necessarily mean to imply that the planning or zoning boards aren't "doing their job" but the fact remains that 20 years ago, 50% of the tax base of the City of Manchester was commercial industrial and today it is 27%. If that is all market driven then all we are really saying is that somehow, somewhere Manchester became a place that required or needed low income housing rather than business concerns of development that would provide the better jobs, that would lead to a market that supported higher income housing. While this City is thrashing around trying to figure out all of its budget issues, it has a structural, systemic problem, a problem with its tax base that has been caused by... Are they systemic failures? I don't know, but certainly a systemic lack of consideration of the long term implications of allowing certain kinds of development. Much of it, by the way, was accomplished by Hackett Hill, Front Street, and Bodwell Road. It was all done by rezoning. I find it hard to believe that the highest and best use of the land was considered when they were building these enormous apartment complexes that were never going to be anything other than lower income properties. Does it make any sense to anybody, for example, that there is residential zoning between the 293 interchange at Brown Avenue and the airport? Is anyone going

to argue that those homes are the highest and best use? Yet the zoning reflects a reality that existed when relatives of mine 60 years ago lived on that old trail. I do think there is a place for this charter to require at least the consideration of information on the highest and best use of land without constraining the decision makers of the planning board or the Board of Mayor and Aldermen to a course of action. We are talking about providing information. What has happened is bad and it makes no sense.

Commissioner Martin stated I didn't know if we could speak with the other gentlemen if Mr. Preece has to leave.

Chairman Duval asked are we done with Commissioner Preece? Mr. Preece, thank you very much for presenting tonight. Thank you for your time.

Mr. Preece stated if there is any further information that you want me to come back and bring I will be glad to.

Chairman Duval stated we know where your office is and we encourage commissioners to knock on your door. Thank you. Have a good night.

Commissioner Martin stated Mr. LaFreniere, this is a little aside. Thirty-five years ago my father was the one and only plumbing inspector in the building department. I'm curious, how many plumbing inspectors do you have now?

Mr. LaFreniere replied we have increased to, let me see, one.

Commissioner Martin stated those were the days. I was very young, but I thoroughly enjoyed the stories, needless to say. I hated the mall of New Hampshire for most of my life because it was a midnight gruel for him for the last few months. Mr. LaFreniere, you have been with the City for quite some time now if I recall and you have to negotiate the

aspects of this charter as well. If you were sitting in our seats, and had the privilege of writing something different or adding something that might make your job, not necessarily easier, but more functional and better for the City, what would you do, or would you?

Mr. LaFreniere replied I think that this question was asked of David Preece in a slightly different way and I guess I would choose to answer it similarly in so far as supporting the efforts of the planning board and the structure that is in place to affect the land use patterns as they exist and are regulated within the city. More specifically though, I think that one of the things that we have to be cognizant of is that land use regulations, the whole regulatory process, including the structure of the planning board, the authority granted thereto, all derives from State statute. That process is very clearly defined and regulated and doesn't lend itself to local manipulation, if you will, in the context of changing the way the development process proceeds or how the regulatory framework is structured. I'm not sure exactly how to answer that question in the context of what would the charter look like, how could the charter look differently that could affect the process in a positive way. Much of that is so clearly defined by statute as to how it is regulated and influenced, the planning board's authority, as I already mentioned, is clearly defined, the governing body's authority is clearly defined and I don't have a lot of input in terms of how the charter could be changed to influence that some of the references that Commissioner Girard has made maybe to make some inclusive comments about the type of information that should be considered as the Board of Mayor and Aldermen conducts its business. I would, however, say that, without hopefully repeating much of what David Beauchesne might have already communicated to the board, that one of the challenges we have in this community is enticing people to serve on these various boards and commissions and negotiating the learning curve that is associated with that in a fashion that allows them to be at the highest level of positive influence before all of a sudden they find themselves termed out of office. I think the term limits are a real big challenge for us in terms of bringing good people onto the boards, having them come up to speed on

what the role of the board or commission that they are serving on is and then taking a leadership role in that capacity to affect change within the realm of what their individual board or commission influence might be. Some of the specific commissions are a particular challenge. I know David Beauchesne may have mentioned the Millyard Design Review Committee because that is one where the committee was specifically set up with the intent that the mill owners have a seat at the table, that they have direct say in what regulatory decision making takes place that affects what they can do with their properties. Not only is it a challenge from the standpoint of the residency requirement in that individual circumstance, I'm not sure that the residency requirement is something that we can change because there are statutory limitations on the residency requirements for land use boards and I believe this is a land use board, but once we get people on to these boards or committees, by example, if they have termed out after a couple of years then it is a real struggle to find someone else who is eligible to bring back in to serve on those committees. It is the same thing with the zoning and planning boards; you get someone who is good and they are interested and they have the enthusiasm and the base of knowledge that is necessary to really be an agent of change and influence in these roles and then they term out and they can't contribute. That is one area where I would request the Charter Commission give some consideration.

Commissioner D'Allesandro stated just picking up on your last comment because the last Charter Commission created a situation where there were term limits on all of those boards and I think that has been a negative situation for the City. If indeed you have seen that in your area of responsibility, I think it is another manifestation where a constructive change that this Charter Commission could bring forward, the lifting of that ban on terms. That provision should be done away with. That seems to be a trend that many people have commented on and that is something that has held the City back in some instances. If we did, as a Charter Commissioner, recommend that, what would your recommendation be? Now it is two terms. You don't want people to stay forever, but term limitations, how would you address that?

Mr. LaFreniere replied I understand the rationale behind term limitations and if the circumstances were different where we had a lot of interest in participating on these commissions and boards, it might be a different equation, it might be a whole different discussion, but it is a real challenge currently to entice people to get involved and especially to entice people who have the most to contribute. I have worked with other communities that have no such term limits at all and it seems to work pretty effectively. I think that is certainly the opposite extreme from what we currently experience, but the two term limits, in particular, I think is a challenge. Where to draw that line in between, I'm not sure. You don't want people to stay forever, but there is certainly something to be said for the institutional history and the institutional memory that comes with people who have served for multiple terms.

Commissioner D'Allesandro stated I think you have expressed, with a great deal of clarity, a situation that has evolved from the last commission that we could deal with during this commission and I think that would make a real difference in your ability to attract and retain people. That would make a significant contribution to the City. I think your point is well taken; the person who is extremely well qualified and who you work with and learns the business, under this situation, is gone so all of that knowledge evaporates and it is not transferrable. I think that is an issue. If nothing else has evolved from our constructive conversations here, it is clear to me that the term limit provision instituted by the last Charter Commission is something that we ought to talk about eliminating.

Commissioner Infantine stated I have a question off of all this. I understand that sometimes Senator D'Allesandro and I make your lives difficult by enacting laws that you have to follow. One of my issues has to do with abandoned buildings in the city. There is a house that had a fire on Hanover Street and it is still sitting there, barely boarded up. I know there are certain rules and laws that have to be followed. Is there

anything that this group could do or is it really done by ordinance to create a better mechanism for the City to act quicker if the landlords don't?

Mr. LaFreniere replied I think that where we find ourselves constrained comes from limitations in statutory authority, primarily. It also comes as a result of the fact that our district court system is so heavily burdened with a docket that includes a lot of criminal and civil cases that the land use cases often get pushed to the extremes of the attention that the court can provide. That is really where our biggest struggle is. There have been some legislative changes that were enacted a couple sessions ago. By means of example, there were required steps to be taken by income property owners to register local agents that were eliminated in subsequent sessions so it has been a bit of a challenge with the statutory framework to deal with those types of questions, not that we try any less diligently to make sure that those properties are addressed ultimately. The only tools that I have, because we are talking about property rights issues, which are obviously very significant issues both constitutionally and from a statutory basis, are through the court system. I don't have any direct authority to go in on private property and board it up or to go into private property and abate a hazard if I have a non-responsive property owner without going through the court system. That has been a challenge.

Commissioner Infantine stated I'll give you an example. There is a building at the corner of Wellington Road and the 28 bypass that is owned by a major corporation and it has been sitting there rotting for ten years and it has one of those big red x's on it that tells the Fire Department not to go in there. Nothing we can do to make them remove that?

Mr. LaFreniere replied the property has been maintained in a secured state, if you will, with regard to the perimeter fencing. We get complaints occasionally when that is breached and the property owners respond and re-secure it, but there is nothing in these

regulations or regulatory framework that we have to address aesthetic issues, but hazardous issues, yes, we can try to take steps.

Commissioner Infantine asked if the charter were to have something in it, and this is not one of my major goals here, but we are talking about it, to implement something where safety was a concern the City could act, do you feel that would be in violation of State statute?

Mr. LaFreniere replied I think, because we are talking about property right issues, it would have to be backed up by statute so I don't know how we could affect something at the charter level. I would suggest that the commission seek some legal advice on that. I certainly wouldn't be opposed to having something like that incorporated into the charter, I just don't know what legal standing it would have because of the statutory framework.

Commissioner Girard asked Leon, is there anything in State statute that would prevent us from designating seats on the planning board for the School Board, the way the aldermen have a representative and an alternate? The reason why I am asking that is because so much of how things are done.... I think of Northwest Elementary School. Clearly people weren't thinking about the impact of all of the development on Hackett Hill when they built Northwest Elementary. I am looking for a formal role for the School Board or the School District or somehow in the planning board process so there is that input. I don't know if a board member being on the planning board is the right way to go, but I'm looking for a formal process by which information is solicited by the school department prior to residential development.

Mr. LaFreniere responded again, I think I would have to defer in terms of suggesting that that would be something that you may want to seek some legal input on. However, I would say that while the makeup of the planning board is pretty clearly defined by statute, I think there could be some opportunity there to designate representation. For

example, the mayor has a seat at the planning board for which he has a designee. He also has an additional designee to the planning board that he has at his discretion outside of the other positions which are appointed to the board and confirmed by the full Board of Mayor and Aldermen.

Commissioner Girard asked are you of the opinion that we could require the mayor to select somebody from either the School Board or the School District's administration to be a designee of his on the planning board?

Mr. LaFreniere responded again, I really don't have an answer to that. I would suggest getting a legal opinion on that. I'm sorry.

Commissioner Girard stated this is a question for both of you. I am going to be as precise as I can. My objective is to make sure that before planning boards, zoning boards or boards of mayor and aldermen make decisions that they consider certain pieces of information, which means that that information has to be provided and I suspect that that information would come from your two departments. Is there any reason why the Charter Commission couldn't prescribe a process that said prior to accepting a or approving a development at the planning board or making a zoning change at the Board of Mayor and Aldermen, your departments can't or shouldn't provide information regarding the highest and best use of the land, likely impact on the area; if it is a zoning change, what the differences would be from what is so that before decisions are made information is produced by your departments. Bob, can your department, in its assessing capacity, say given these factors, the highest and best use of the land would be this kind of rezoning or if you go through this kind of rezoning, you can expect this positive or negative impact on the surrounding area? What kind of information is out there that governing bodies should consider or regulatory bodies should be required to at least consider before they cast their votes?

Mr. Bob Gagne, Chairman of the Board of Assessors, stated if I could just address what we might be able to do, one of the considerations, when you talk about highest and best use, and I think I have a pretty good handle on what you mean when you use that term as to how the developments occurred in the City, but I think part of the problem is that a component of highest and best use has to do with the market as the financially feasible portion. You might look at a parcel and say this ought to be a gas station or this ought to be a retail plaza or something like that, but that is not necessarily the highest and best use if it isn't financially feasible, if the market is not going to support it. That component of highest and best use changes with the market changes up or down. It may not accomplish what you think it might be regarding the problems that you are specifically talking about, whether it is apartment development or residential developments that are commercial. Clearly, right now, when you look at an investor driven developer in Manchester, apartments are the way to go and that is why this is occurring. The highest and best use, when you look at financially feasible, may not limit that kind of development. It might be more appropriate to say that we have to have some industrial and commercial tax base or we need to have some commercial industrial parcels remaining so that we can have jobs when that market comes back and limit the potential for that to be rezoned and say whether the financially feasible component dictates that the highest and best use might be residential and if that is the case then we don't want any development on that parcel except commercial or industrial. I'm not sure that that is something that you can do at the Charter Commission or if it is something that needs to be done by the governing body. It is something to consider.

Commissioner Girard stated I guess what I am looking for though is a mechanism by which information that is available should be provided so that it is considered before votes are cast. We can't, I don't think, as a commission, tell a governing or regulatory body what its decision is going to be, but I do think that we can create provisions for the kind of information they should have before they make the decision. Why do you say that the apartment development is the way to go in the City of Manchester? How much

of that is a function of the way the City of Manchester is actually zoned and allowed itself to be developed?

Mr. Gagne replied it has been allowed to occur, I would agree with that. It may not have been the best choice for the land if you look at it over decades of time and what has happened to our tax base, but at the moment those developments occurred, it was probably financially feasible when other things were not.

Commissioner Girard asked should the City, though, allow the processes that it has to consider the financial opportunities for the developer or the long range planning of what is in its best interest? If I am hearing you right, the financial considerations of the developers have caused an explosion of a kind of housing that is completely tipped our housing balance and our commercial industrial residential balance to the disadvantage of the City.

Mr. Gagne responded that is a very accurate statement.

Commissioner Girard asked if that is an accurate statement, what can we do to, at least in your department or Leon's department to generate the kind of information that would cause the aldermen on a zoning question or the planning board on a development question to have to ingest certain information other than this is what the developer says the developer wants to do because of whatever reason?

Mr. Gagne replied certainly we could report on what it does to the tax base. That would be an important consideration before considering a zoning change.

Commissioner Girard stated what it does to the tax base, what it does to school costs, the impacts it has. Is there a way to say that we have 24 acres of land here with thousands of apartments and no businesses within a rocket's launch, maybe you ought to

consider a business zone here instead of something that could lead to another 300 apartment units. Is there any way to do that?

Mr. Gagne replied if someone asked me what the impact would be, I can make such a report.

Commissioner Girard stated the charter could require someone to ask you then.

Mr. Gagne responded yes.

Commissioner Lopez stated I just think we are trying to find a needle in a haystack. We do have two aldermen who are on the planning board and I would suggest that maybe at the end of our report that some of the recommendations, such as a letter to the planning board, through the Board of Mayor and Aldermen, that they consider when they are doing things a school impact report that the planning board could get before they make their final decisions, things like that. I think the fiduciary responsibility from the planning board, they can ask for these types of reports before they make a final decision. I think the authority is there.

Chairman Duval asked any other questions for presenters at this time?

Commissioner Girard stated I do have one question for Leon. One of the practices of the planning board that I find troubling is the night of public hearings they continue to allow developers to come in with information that has not been in the public file, therefore cannot be reviewed by the public prior to giving testimony for or against a pending proposal. Is there any reason why we would not want to consider requiring that any information presented to the planning board be placed in the public file before the deadline the planning board has set so new information cannot magically come forward

as it often does at the planning board the night of the public hearing so that the public has no opportunity to review it before its presentation?

Mr. LaFreniere replied I think there is every effort made to do just that.

Commissioner Girard stated with due respect, it happens at every planning board meeting where every developer magically has an update that the public does not see prior to the hearing. I don't think that is right for the public not to have the opportunity to review prior to its presentation at a public hearing. That is why you have a public file and that is why you have a cutoff date by when the developer is supposed to provide that information but let's just say that it does not happen on a regular basis.

Mr. LaFreniere stated it does happen when new information comes in. That is exactly why the planning board, with pretty significant frequency, holds public hearings open so that the public input process can be continued until all information presented can be considered. It has been my experience with the planning board that when significant or substantive changes are brought forward that the planning board will typically take those comments and application materials under advisement but hold the public hearing open so that there is a subsequent opportunity for public input. I believe that they do pay attention to that issue and try to make sure that the public input portion of the process is not abridged and that there is an opportunity there. It is an interesting and unique process to go through a development application process. When applications come forward they are often in a state of development still, not to overuse the term, but refinement is probably a more appropriate term, and those refinements sometimes are as a result of decisions made on the developer's side that results in them saying they submitted this, but we realized that we could improve what we submitted by making these changes. Quite often they are submitted as a result of a conversation that takes place, either before the planning board public hearing process with staff and the development review committees or subsequent to the initial public hearing when changes come in that are

intended to address comments that were received in public hearing. I know it happens, but I do believe that the planning board takes some pains to make sure that hearings are held open when it does happen.

Commissioner Girard asked do either one of you have information or access to information, I asked this to Mr. Preece, is there any institutional knowledge that you can draw on that would help the City understand what a healthy tax base should look like or what a healthy housing mix should look like and how to develop goals that work towards those better mixes?

Mr. LaFreniere replied it is a real challenge to try to identify industry standards or national standards for that sort of equation and the reason is because every community is so unique. We look at Manchester as the largest city in the state and is an employment destination and is a regional shopping center, a regional employment center. Because of that dynamic, at 110,000 people, we are a different type of economy, we are a different type of community than a community of 110,000 people that is a suburb to a major city of 1 million people, for example. I am unaware of such an industry standard that we could point to and say this is the measure that we should try to achieve or measure ourselves against. That said, there are certainly general considerations such as one to one employment, dwelling ratios and those sorts of things that exist. We can certainly put together some of that information if the commission would find it helpful. Because every community is so unique it is hard to say this is the standard for a community of 110,000 people because Manchester, at 110,000, is very different than a community in another situation of a similar population.

Chairman Duval stated Leon and Bob, thank you very much. Bob, I know at times you probably felt like the Maytag repair man tonight; no disrespect to you. Thank you for joining us. We appreciate it. We went a little bit out of order. If we want to go back to

item 4, and if there are topics under that item that commissioners want to open for discussion, please do at this time.

On motion of Commissioner Ashooh, duly seconded by Commissioner Martin, it was voted that the minutes from February 20, 2013, be accepted.

6. Administrative/Housekeeping items
 - o Financial disclosure on boards and commissions

Commissioner Ashooh stated I would like one more week on this item. I am halfway through; I'm half way through done reviewing the documents at the state and city level. I think I should be able to prepare that for next week.

Chairman Duval stated sure, that would be fine. The next two dates are open so we have work sessions that were purposefully left open for the public hearing for us to proceed on issues like that and anything else that we have discussed.

4. Discussion regarding employee compensation.
 - o Salary of the mayor
 - o Response from the Human Resources Director is attached regarding the welfare commissioner

Commissioner Girard stated I just wanted to draw the attention to the information that I asked the clerk to hand out tonight. I apologize; I think I sent it, maybe I didn't, but I had intended to have it be attached. It came from a conversation that I had last week with Jane Gile because I was trying to figure out some of the compensation issues with the mayor and the aldermen and the welfare commissioner and why some are required to be part of the retirement system and others are not and trying to figure out something to

handle the issues that arise with the mayor's staff. This is informational and I think it would be very helpful for the commission as we tackle those issues on compensation to perhaps speak with Ms. Gile and also the head the City retirement system, Gerry Fleury, because we are in some ways constrained by what the State laws say about how to treat elected officials. Also here is part of the information that I asked for on the back page. One of the things I was interested in, because there is discussion over how to compensate the aldermen and the School Board members, on the back page you have an anonymous listing of the premiums paid by the City for the health and dental plans for the aldermen who take the plans. I had also asked, which I know is available, for an aggregate, not a person by person or plan by plan, but an aggregate of what the claims the City has paid on behalf of the elected official so that as we consider the compensation, if there is a proposal or two on the table, we know whether or not it is cost effective for the taxpayer to perhaps increase the stipend at the expense of allowing the benefits to be offered. A good deal of my conversation with Human Resources Office Gile had to do with why part time officials like the aldermen are allowed to have benefits, but not required to be part of the retirement plan. I'll just say that I was on the phone with her for three hours. I don't expect her to be that long with us, but I wanted you to understand where this came from and what it was relevant to.

Commissioner Lopez stated since it is on the agenda, the salary for the mayor, I did submit to the commissioners and I hope they had an opportunity to review it and my recommendation was at that time \$107,937. The \$107,937 is what I consider an entry level for a grade structure. I didn't put the grade structure down there, but I gave you the chart in reference to that. I can tell you from the last commission, they came up with \$68,000. I know it shouldn't be in the charter, it should all be in ordinances, but having been here for 12 years I can tell you that there is not a will to increase the mayor's salary. Everyone indicates that the salary should be increased. I gave us a starting point to make things simple by giving a salary to the mayor. Also, the mayor has a car and gets all the free gas he wants as a stipend. In this particular case we are not talking about the existing

mayor, we are talking about a mayor in the future whoever he or she might be. I think you have to have a starting point and that is a starting point that I presented to this commission. I think it is reasonable. I think if you Google it, you will find, as I indicated, an average of \$37,210. The mayor of Nashua makes over \$100,000. That is how I came up with my number of \$107,937 for this mayor. I would like to see some discussion on it so we can move forward. I think one of the items to move forward tonight were the term limits that I also recommended to this commission. Before it was a three year appointment and I served 18 years on the parks and recreation commission so I think that is another starting point, whether you want to do it tonight or if you want to do it next week. I think time is moving forward and we should have those discussions.

Chairman Duval stated commissioner, and for fellow commissioners, I think if we can take some votes before the public hearing, I think that would be useful for the public to weight in to know that we have taken a stand. Commissioner, if you are prepared to make a motion with regard to the salary of the mayor, I think there has been ample consideration. I think commissioners have had time to consider it and I would certainly entertain the motion.

Commissioner Lopez moved that the salary of the mayor of the City of Manchester be set at \$107,937. The motion was duly seconded by Commissioner D'Allesandro.

Commissioner Girard stated I would be curious and this is a very fair number, but one of my goals would be that we create a situation in this charter where the next charter is not revisiting the mayor's salary as well. I'm wondering if Commissioner Lopez would be open to some sort of percentage or an escalator so the next charter is not looking at this once again.

Commissioner Lopez stated yes, I would be willing to do that. I looked at the CPI that Nashua goes by. We can put the CPI in there. I would also ask that commissioners leave what is in the charter, that the Board of Mayor and Aldermen can also raise the salary of the mayor. They could do that today if they wanted to. I looked at the CPI for Nashua and that is one way to do it. I do not agree with 5% above that area.

Chairman Duval asked commissioner, would you be willing to include the base or the start of \$107,937 to include a CPI?

Commissioner Lopez replied yes, I'll accept that friendly amendment.

Commissioner Lopez accepted the friendly amendment that the salary of the mayor of the City of Manchester be set at \$107,937 and that the CPI be used as an annual escalator. The amended motion was duly seconded by Commissioner D'Allesandro.

Commissioner D'Allesandro stated rather than set \$107,937, what if we said the mayor's salary would begin at \$100,000 and would be governed by the CPI going forward? That way, you start with a base number, not an arbitrary number. You could make it \$110,000 if you wanted to, but start with a base number and say the escalator is governed by the CPI and put that on as the item.

Commissioner Infantine stated one of the problems I have always had with an escalator or something based on the consumer price index is that in some years the economy might be great, but we have low inflation. Other times the economy is poor and we have staggering inflation. We haven't had it since 1978, but I remember when interest rates were at 22% and obviously that increases the CPI. Would the makers of the motion consider any type of an escalator that would have a cap over a five or ten year period so you couldn't see an increase of 5%, 6% or 7% if we were in a period of high inflation?

Commissioner Ashooh stated along those same lines, I have no problem with the starting point of \$100,000 or \$110,000. That doesn't make a difference. I would suggest two things. First, I think CPI is the wrong index to use. I think any escalator is the wrong thing to use on a year to year basis. I think Commissioner Infantine's concerns are correct. I would suggest some sort of cost of living escalator index, whatever that is, and that should perhaps be tempered by one or two items. Either it can't exceed the increase according to the tax cap, seeing as we are capping all other spending, or we base it on a rolling three or five year average on the cost of living index so you don't have a big spike in one year and nothing in the others, you have a more measured average increase year to year increase based on the past five years.

Chairman Duval stated commissioners, unless we have specific language to propose with regard to the escalator, if I could ask that we maybe take action on at least the base salary tonight and maybe at the next meeting act on some prescribed language to be worked out. Commissioner Ashooh, if you want to take a little time to work on that and come in with a proposal at the next meeting or in conjunction with another commissioner.

Commissioner Ashooh stated I would be happy to sit down with Commissioner Lopez and work on the language.

Chairman Duval stated that would be fine. I think the idea is to get the vote down on the increase in the mayor's salary with the understanding that the commission would respect a proposal with regard to the escalator. I'm not clear tonight exactly what that should be so I don't want to get bogged down in that detail even though it is a very important detail and that is why I am asking for time to be spent on that over the next seven days until we meet again. We can come back and make that a definitive motion. Does that sound reasonable, commissioners?

Commissioner Girard replied actually, I have an objection to that which I will state first. I think the ideas that we all have about escalators or if there should be one should be part of the overall discussion on the mayor's salary to determine what the base is going to be without determining how, if at all, it is going to be adjusted. I think they run hand in hand. I think that everyone, if they have a thought on that, should be bringing it to this conversation.

Chairman Duval stated commissioner, point of clarification. I'm not suggesting that they do away with the proposal. If you have a suggestion I would encourage you to communicate with them.

Commissioner Girard stated I am going to make my suggestion tonight as part of this discussion, but I think that when you make a motion and you have discussion you are going to have different ideas on how something should be done and if it gets talked out, it gets talked out and if it doesn't I guess it gets put back up on the table.

Chairman Duval stated if you have a proposal with regard to the escalator that everyone finds appealing then that's fine, but we may not reach that conclusion tonight.

Commissioner Girard stated we may not, but I don't think we should stop the conversation.

Chairman Duval stated go for it.

Commissioner Girard stated to be perfectly candid, I think the way to handle an escalator is to avoid it. What I mean by that is the City right now has a classification ordinance. It spells out everything from part time positions to department heads and it has a hierarchy of order. The value of the positions that exist in the City are already established. That ordinance, as we all know, called the Yarger Decker ordinance, has

been under heavy criticism for a number of years and that ordinance very well may disappear and if it does, the \$107,937 number that Commissioner Lopez is using, which I don't necessarily dispute, could find itself being an arbitrary number again spelled out in the charter. I agree with Commissioner Martin that whatever we do here ought to absolve a future Charter Commission of having to deal with how the mayor is paid. I would like to go back to what former Mayor Dupuis said and make a very simple proposal that will allow the mayor's position to be handled in a way that I think will not require a future Charter Commission to have a discussion over whether or not it should be \$100,000, \$110,000, \$107,937 or any other number and that is that we have a pay scale and if people believe that the mayor of the City of Manchester is the chief executive officer who, more than anyone else, has responsibility in the City then what this charter should do is recognize that. If I understand what Mayor Dupuis said, he thinks it should be the highest paid position plus 5%. I know that commissioners disagree with that. What I would say is that whatever the highest level entry department head position is, should be the base of the mayor's salary, plus that 5%. Here is why: if the personnel classification ordinance changes and that number goes up or down, the mayor's salary at that point will go up or down. It won't be tied to CPI index or an inflation index over one, three or five years. The question I would have over that index is suppose that a mayor serves for ten years and then leaves office, does the new mayor come in at the salary that the old mayor had? If not, what are you going to bring the salary down to? Are we going to start all over at \$107,937 and will that make sense 10, 20 or 30 years from now or are we going to have another Charter Commission talking about what the entry level pay for the mayor should be? If you deal with it on the level of what is the highest paid entry level position, give it the respect that it is due as the chief executive officer of the City, whether it is 2% or 5% or some other number and leave it indexed that way and it will always rise and fall with the classifications. It will be stable and it won't ever really be have to readdressed.

Commissioner D'Allesandro stated I have one comment. I don't think we should establish an entry level dollar amount for the mayor. We have a new governor every two years. We don't say that the entry level governor starts at \$50,000, but if he gets reelected he gets \$100,000. We ought to establish a salary. Everyone is going to enter. When you get elected you are going to enter. We should establish a salary for the mayor. If we think, as Commissioner Girard indicated, that Mayor Dupuis said it should be at the highest level plus 5%, let's discuss that. Commissioner Lopez has come in with a presentation. It seems that the one thing that is quite clear is that the mayor's salary is not commiserate with the job. I think we all agree with that. At that point in time, if we establish a salary for the mayor and we are going to use this study, that the mayor is the chief executive officer of the City and as a result of that, he should probably be the highest paid person in the City. The governor is not the highest person paid in state government. The medical examiner at New Hampshire Hospital is the highest paid. That is an entirely different situation. That is a very specialized position; you have to be an MD and so on. If indeed, as I said, we all agree that the mayor is underpaid at this point in time as the chief executive officer of the City and we have a study that is in place that created salary levels and a former mayor said you should use the highest plus 5% maybe let's start our discussion there and maybe that is the salary that we should consider bringing in the mayor at. I don't care if the mayor is an entry level guy or if the mayor has been there forever. We are not going to reduce the salary when the next mayor comes in. The salary of the mayor should be the salary of the mayor. I think that is where we should start and move forward.

Commissioner Girard stated for clarification, I don't disagree with you, commissioner, I just want to make it known that my thought in tying the mayor's salary to the highest paid entry level department head was specifically to have the mayor's salary set and dealt with on an ongoing basis. I don't think the mayor's salary should go down whether they are reelected or brand new, I'm just looking at a starting place so this \$107,936 doesn't become irrelevant at some point in time. I just wanted to be clear about that.

Commissioner D'Allesandro stated I think the \$107,937 is just a number. Mike had a plan, he drew that plan up and he brought it forward. I think we all recognize, again, reiteration, we all recognize that the mayor's salary is not commiserate with the job and we have one point of reference. We have the mayor of the second largest city in the state who makes \$100,000 plus and whose salary increases are determined by the cost of living index. We have at least something we can reference and say this is how the City of Nashua did it, this is what is in place there so we have something to look at. We can make up our own mind. We have the study and we have conversations with the mayors, but the bottom line is that we all agree that that is something that we should change and we should be looking at moving that forward. That's all.

Commissioner Infantine stated there seems to be a desire here to solve this problem once and for all. I would remind the commissioners that the aldermen have, at anytime they choose, at their disposal the ability to increase the mayor's salary. They choose not to because they don't have the political will. No disrespect, gentlemen and ladies of the aldermanic board. They choose not to. So why is the Charter Commission here? The Charter Commission is here to allow the voters to pick a bunch of people to sit around this room every ten years and decide if we are going to do something that the aldermen choose not to do, which is something we are looking at doing. I would much rather pick a number, stick with it and the aldermen, at any time they want, they can increase that if they so choose. If in the next ten years the aldermen still have no political will to do it, then a new Charter Commission ten years later can deal with it which is a reason why we have a Charter Commission. Without getting too complex here and trying to solve a problem, because I'm not sure the goal of this Charter Commission or any Charter Commission is to solve the problem once and for all. Government evolves, societies evolve, the Charter Commission is here every ten years to deal with the evolution. I would rather we pick a number and stick with it and present that as a unified group to the citizens.

Chairman Duval stated commissioner, thank you for those comments. I echo those sentiments. Government does evolve, times change. We have lived with this salary for many, many years now and it has been considerably deficient for a long time now and I think by boosting to the extent that we are thinking of or something thereof, I think it will address it for a number of years to come. In ten years, if for some reason the economy dictates a greater salary, then I think the next Charter Commission, in its wisdom, will have the will to do that and let the voters approve it.

Commissioner D'Allesandro stated that is fine. I think the other point that Commissioner Infantine made is that the board of aldermen always has the opportunity to make a change, if they think it should be done. As you said, if they have the political will. We set a base and if they think that isn't appropriate they have, by virtue of their positions, the ability to vote it up. I think that is fine. You don't have to put escalators in, you don't have to do anything, you just establish a number and as you say, the Board of Mayor and Aldermen always has the opportunity to make a change if they don't think the number is correct.

Chairman Duval asked Commissioner Lopez, what is the current salary of the mayor of Nashua? Can you refresh my memory? Do you have that in front of you?

Commissioner Lopez replied I think is it around \$113,000.

Commissioner Girard stated I actually agree with Commissioner Infantine to the extent that government evolves and future Charter Commissions can make changes so if we tie it to a number they may or may not have to make a change. If we don't tie it to a number and we tie it to a status instead, they may or may not make a change. I just think it is always dangerous to tie something to a number and have vague recollections during the last balloting on the last proposed charter that the increase proposed by that Charter

Commission and the mayor's salary was a real bone of contention in the electorate and that is one of the things that sank it so why tie to a number when you can tie it to standing in its position? Would most people disagree that the chief executive officer should be, in some way, shape, manner or form, compensated versus his peers?

Commissioner Infantine replied I will answer that. Salaries for public officials is always a sticky wicket. Unless you are a representative, you get paid \$100. It is good that it is a sticky wicket and it is good that it gets brought before the voters because they are ultimately the ones who are paying for it and it should be brought in front of them and it should be a sticky wicket. One of the problems we have with our United States Congressmen right now is that they haven't passed a budget and they still got a raise. I think it is good that the people have a decision and I don't think it is appropriate for a public official to receive a cost of living raise just because they stuck around or got reelected. We don't do it with aldermen. How would you like it if the aldermen got a little raise every time they got a second, third, fourth term? In essence they do with health care, but that is another story. I think it is a good idea that it is difficult to raise someone's salary. Obviously we have gotten to the point of stupidity with the current salary of the mayor of the City of Manchester we have all agreed to and I think if this Charter Commission sticks together as a unified group, I think we will be able to convince the citizens of that point versus the last time, I'm not sure, that it was a unified body saying this is too low. Rich, I am personally in favor of monitoring the salaries or stipends of elected officials and not offering an automatic increase.

Commissioner Girard state to be clear, I don't favor any automatic increase. I just favor a different way of setting the number.

Commissioner Lopez state I think what we are trying to accomplish is to come to a conclusion of an item such as this and other items before we do our final report. We are going to have a lot of input from the public, whatever number we go forward with. Just

because we do a preliminary report doesn't mean that the final thing will be the same if there is a big outcry and we might have to take it out of the final document that we present. We are going to have a public hearing in reference to whatever we decide, right?

Chairman Duval replied correct.

Commissioner Infantine stated agreed, we always have the opportunity to change it so let's make a number and take a vote if we could, Mr. Chairman, unless there is further discussion.

Commissioner Martin asked is there a motion on the table? Could it be repeated?

Chairman Duval stated there was a friendly amendment and there was a first and second to have a base salary of \$107,937 and the friendly amendment was to include an escalator of some kind. We had a discussion about the escalator and Commissioners Lopez and Ashooh were going to work on that. If the commission is ready to vote on a fixed number then again they can revise the motion.

Commissioner Girard stated just a point of order, Mr. Chairman. If the amendment hasn't been voted on then it doesn't exist and it can't be withdrawn.

Chairman Duval stated that is my point. We can withdraw that motion.

Commissioner Lopez stated I can withdraw the motion on the CPI and stick with my original motion which was \$107,937.

Commissioner Lopez removed the friendly amendment that the salary of the mayor of the City of Manchester be set at \$107,937 and that the CPI be used as an annual escalator.

Commissioner D'Allesandro duly withdrew his second.

Commissioner Infantine stated I'm in favor of increasing the mayor's salary, but I believe this is a little too high so I'm not going to support it, but I do support the concept of increasing the mayor's salary. We can discuss it later in terms of a value, but I just think it is a little too high for me right now. There is no disrespect to the fact that I think it does need to be increased. I just think going to the taxpayers with a \$39,000 increase in one step is a little too aggressive. I am in favor of increasing it.

Chairman Duval stated just an observation that it occurs to me that we are the largest city in the state of New Hampshire and we have Nashua at \$113,000 and we are proposing \$107,000. In a sense are lagging behind and the fact that we are playing catch-up, we are trying to correct something that has been deficient for a terribly long time. We are also trying to address it for the next decade at least.

Chairman Duval called for a vote on the motion that the salary of the mayor of the City of Manchester be set at \$107,937. The motion carried with Commissioners Girard and Infantine voting in opposition.

Chairman Duval stated we are making progress.

Commissioner Girard asked what was the vote count?

Chairman Duval replied seven to two. Clerk Leahy, is that correct?

Clerk Leahy replied yes, it was seven to two.

Commissioner D'Allesandro stated I would like to make a motion that we eliminate the term limits for appointees.

Commissioner D'Allesandro moved that term limits be eliminated for appointed boards and commissions. The motion was duly seconded by Commissioner Martin.

Commissioner Lopez stated just a clarification. We did away with it and had two term limits under the old charter and they were appointed for a three year term, meaning that the mayor can reappoint you. An example is that I was on the parks and recreation commission for 18 years. If you say no term limits then the mayor, what is he going to appoint you to? One year or three years?

Commissioner D'Allesandro replied I think the terms should remain, the three year terms should remain, but the term limits should be eliminated. I'm an example of a person who served two terms at the Water Commission and by the time I got to be president of the Water Commission I was termed out. Then the group with less experience was appointed. That is how it would be: three year terms, but no term limits.

Commissioner Ashooh stated I'm just curious; we want to make a distinction between departmental boards which are purely advisory and a board like the MDC or the Millyard Design Review where there is active involvement, not just advisory to a particular department head. Does it make sense to leave the term limits and rotate those positions or to take term limits off of all the boards? It is a clarification for me.

Chairman Duval asked can you give me an example of one that we would want to continue to have term limits, commissioner, just for clarification?

Commissioner Ashooh replied it is not where we particularly want to have term limits, as much as it is more effective to have term limits like the Manchester Development Corporation, the Water Works, Airport Authority—boards that have a much more active capacity rather than advisory status.

Chairman Duval stated the fire commission, for instance is advisory.

Commissioner Ashooh stated fire commission, police commission, I think parks and rec. Back in 1996 during the Charter Commission review there was a strengthening the mayor's role and a lessening of a lot of the boards. Some of the boards were not lessened and I'm just wondering if the focus really should be on expanding the ability to retain commissioners or appointees on those boards that actually do the business as opposed to the advisory boards. I have no position, I just wanted clarification.

Chairman Duval asked Commissioner D'Allesandro, do you have an observation on that?

Commissioner D'Allesandro replied I guess my observation would be, when the last Charter Commission put in the term limits, they put it on all boards. I would like to take it off all boards. I just don't think it is effective. I don't think it is working. I don't think it is serving its purpose. I thought the comments made this evening were really right on target. He said that because of the term limit situation you can't get people to replace them and if you had a person who you wanted to keep on that person disappears so we lose twice.

Chairman Duval stated conversely, commissioner, if there is a member who has not been satisfactory or has not been performing well or absent or not participating, you can choose not to reappoint that person. There are checks and balances there.

Commissioner D'Allesandro responded there is an opportunity to handle that.

Commissioner Ashooh stated I just realized, listening to Commissioner D'Allesandro, that we are only dealing with half the question because when Dave Beauchesne came in here, the Millyard Design Review Committee is hampered by the fact that you must be a

resident and since a lot of the mill properties are owned by corporations, there is no provision for a non-resident. I know on the Manchester Development Corporation we have two three-year terms, but we also have provisions for two non-resident positions, which takes into account the fact that it is business board and we would have people who do business in the City, but don't necessarily live here. I would absolutely discuss removing the term limits, perhaps voting on that. We may want to consider a discussion on creating the opportunity to have non-resident participants on certain boards.

Chairman Duval stated I think that is a unique situation with that particular board that I think we should take up, but at least start with, as you pointed out with the term limit question.

Commissioner Girard stated I'm more inclined to support Commissioner D'Allesandro's motion than I am not to. However, having worked under the prior charter where there were no term limits on commissioners, I think it is safe to say that several of them were able to develop a certain standing or frankly a center of power that made them very difficult to deal with. I think perhaps that the two three-year terms is too short and I wonder if it might be... I don't think anyone should have the opportunity necessarily to be there forever. I do think there is something to be said for an organizational paradigm that encourages some turnover for new blood. There are a number of organizations where there is a ladder of leadership; you start in one position—we are dealing with this right now with the airport director—and the way people groom their leadership and people work their way up and then they are the president or chairman of the organization and then they are gone. It may exist on these boards of directors or whatnot for a certain period of time and then new people come through. I wonder, Commissioner D'Allesandro, if you might entertain, instead of eliminating all term limits, setting a limit of four three-year terms. That is better than a decade. That certainly eases a number of the problems and I think arguably, at that point, it might be a good idea to have some turnover so no particular individual...

Chairman Duval interjected with a term off, commissioner, or something like that?

Commissioner Girard replied you just always worry about people being on, whether it is a planning board or any kind of commission and becoming a default authority that everyone follows specifically because of their longevity and experience. I remember the old system and I know that was an issue and a problem and I just wonder if there is a middle ground between where we are and just getting rid of everything.

Chairman Duval stated my recollection is that some of the problems were inherent in the fact that some of these commissions had much greater authority which they don't have now.

Commissioner Girard stated but there are still boards like the airport authority and the planning board and the zoning board of adjustment that still have a great deal of authority. A couple of those boards, I don't want to call any of them out, have issues. Mayor Gatsas has said it publicly, and to many of us privately, that many of the commissions should be empowered to do something that they currently aren't now and we may, as a commission, decide to vest some of these advisory commissions with additional authority, whether it is reviewing contracts or having to approve policies at board levels so someone other than the department head is necessarily looking at things, but that is another discussion. I would like to see four, maybe five, terms. You are talking at that point 12 to 15 years. I think you want to guard against people getting stale or just becoming that controlling influence on the board by virtue of their longevity.

Commissioner Infantine stated I always find in politics sometimes that the pendulum either goes from one side to another, it never comes back into the middle. Obviously there was a reason ten years ago that someone decided that a commission decided that there should be term limits. Obviously there was an issue. I actually did print off all the

minutes of the last Charter Commission just so we could reference some things, but I would rather go half way with the pendulum and say that there was a reason at one point to put those in. We have heard that they are disruptive to some extent so a third, maybe a fourth at the max, you are right that that is nine years. That normally should burn out the average volunteer. I would rather see, rather than removing that, adding another term or possibly two, from two years to four or maybe three. Either way, I am okay with either three or four, but I am not comfortable with removing that because obviously there was a reason ten years ago that that was done.

Commissioner D'Allesandro stated the only thing that I think is definitive is that the term limits don't work. If there is a midpoint that you want to get to or a max point that you want to get to, I just don't think that it works and it ought to be corrected. Terms limits haven't worked anyplace. They term limited legislatures in California and in your first year you become speaker and what do you know? You don't know anything and then you're term limited out when you know something. What our goals should be is what is in the best interest of this City? It seems to me that term limits are not in the best interest of this City, given the testimony and given my experience a member of one of those commissions. If we can come to a middle ground, fine. I just think that what we ought to present is what we perceive as good for the City. By the way, no one gets paid for these great jobs so you do them for nothing and they term limit you. It seems to me that that is an oxymoron to begin with. If there is a middle ground I'm happy to look at it. I just think that we know it doesn't work and we know it is hurting the City rather than helping the City because of the fact that good people are dismissed and we are the losers.

Commissioner Lopez stated to answer Commissioner Infantine's question, we dealt with a weak mayor form of government in the last charter, versus a strong form of government and that was the major reason, under 3.11, that we took the commission out of the structure making decisions on personnel and other things. There is a provision in the

charter whereby the commission can recommend to the Board of Mayor and Aldermen a minority report as to the direction that the department is going. They can do that today. No one has ever made a recommendation to the Board of Mayor and Aldermen in my existence as an alderman. I do agree that whatever the three, four term, whatever the case may be, I think somewhere in the charter we should put in there that duties be given to these advisory commissions, other than personnel issues, as was stated by one of the mayors. That is where I stand on it. That is the reason we changed because now we have a strong form of government.

Commissioner Martin stated as a way of compromise, I would be willing to support a limit of four three-year terms. I will say, though, that the times are different even than ten years ago and I would be curious to see if there would be anyone who would misuse an open term limit and stay for 20 years. I'm not sure what it is, priority of time or commitment to community, and it is not a slam on anyone, it is just my observation, having been involved in a lot of volunteer organizations, but to cut to the chase, I would be willing to, even though I seconded the motion, to accept four three-year terms.

Commissioner D'Allesandro withdrew his motion that term limits be eliminated for appointed boards and commissions. Commissioner Martin duly withdrew her second.

Commissioner D'Allesandro stated I think term limits are absolutely ludicrous, but indeed, if that is the compromise situation, sure. We ought to do something to correct the situation that is not working. If it gets us half way then that is what we have to do.

Commissioner D'Allesandro moved that term limits be amended for appointed boards and commissions to four three-year terms. Commissioner Martin duly seconded the motion.

Chairman Duval called for a vote on the motion that term limits be amended for appointed boards and commissions to four three-year terms. There being none opposed, the motion carried.

Chairman Duval stated that is wonderful. Is there any other item that we can tackle tonight before we move on to next week's session?

Commissioner Girard stated I don't know if we can tackle it tonight, but I did have some thoughts on the timeline for the school budget. If the commission would rather, I can try to put my thoughts in an email and send it out or try to explain it tonight.

Commissioner D'Allesandro stated an email would be terrific. I just love getting your emails. I can't wait for an email from you. Send me that email. Get me that email on time and under budget. Those two things are just magnificent.

Commissioner Ashooh stated along with that, I would like to send an email about expanding the membership on some of the boards, the Millyard Design Review Committee. I'll reach out and send an email to everyone so we can talk about it next week.

Chairman Duval stated and you have some background experience with that, commissioner, and we would appreciate that very much.

Commissioner Girard stated on that Millyard Design Review Board, Skip, I don't necessarily disagree with you, but that board and its membership is established entirely by ordinance and I think that rather than making an exception for it in the charter, I think the City could probably solve the problem by changing the ordinance.

Commissioner Ashooh stated what I propose in the language is that we have a number of boards to review and make provisions for. Perhaps a changing membership... I was unaware that those who qualified to be on the Millyard Design Review Board had changed so much that they actually had a problem. I don't know if that problem exists anyplace else. I would like to take a look at the whole thing and see if we have to make those recommendations.

Chairman Duval stated we will wait for your information on that.

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

This item remained on the table.

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

A True Record. Attest.



Secretary of the Commission