

CHARTER COMMISSION

March 20, 2013

6:00 p.m.

Chairman Duval called the meeting to order.

The Clerk called the roll.

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

Commissioner Infantine arrived late

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

*On motion of Commissioner Ashooh, duly seconded by Commissioner Martin, it was
voted that the minutes from March 6, 2013, be accepted.*

Chairman Duval addressed item 3 of the agenda:

3. Proposed motions by commissioners:

Chairman Duval stated tonight we are taking up a plethora of potential motions for
consideration to possible charter revisions. In order to bring some kind of balance, if we
possibly can, I think we will start by going to each commissioner for the first item that
they have on their agenda and then we will circle back and we will continue to get
through this as we move along. There is some duplication, of course, on each of the

items for consideration before us tonight by the commissioners. I have noticed that, as I'm sure you have. Also, I would ask that for items that have already been brought before us and debated, if we could be mindful of expediency to support giving each commissioner ample opportunity to weigh in on these various topics. That would be appreciated as well. I certainly would appreciate your cooperation.

A. Commissioner Martin:

1. Eliminate the tax cap, while maintaining the expenditure cap.

Commissioner Martin stated I appreciate Commissioner Lopez's suggestion this week through email to refer to the section in the charter. His wisdom is important. Section 6.15, the limitation on budget increase. We heard testimony from Bill Sanders the City finance officer who is someone who I think has proven himself as finance director of the School District and now on the City side to be a relatively conservative individual and pretty careful of what recommendations he makes with City funding. He was very adamant that having both a tax cap and an expenditure cap in this City is going to prove very problematic going forward. Time will tell. My proposal this evening, and I will make it in the form of a motion for discussion, is to eliminate the tax cap and while maintaining the expenditure cap. This would be in alignment with what is currently done in the City of Nashua. That is in the form of a motion and I am willing to discuss that further. I have more comments about that.

Commissioner Martin moved that the tax cap be eliminated while maintaining the expenditure cap. The motion was duly seconded by Commissioner D'Allesandro.

Commissioner Martin stated the scenarios that I see, the possibilities that I see and the concern that I have would be something like this. Let's say, for example, that we lose a couple of sending towns to the School District and we lose several million dollars in revenue from those districts. There is of course an argument that says that we have fewer students so we need fewer dollars to run our district. The equation doesn't come out

equally. With a tax cap and an expenditure cap, we have no way of raising those revenues that we may lose through additional taxing. We cannot tax the citizens to make up that revenue source or if the adequacy aid, for example, were to go down and the need existed for an appropriate education for students to have more revenue and the only other revenue source we would have would be taxing the community. Those would be the scenarios that I see that could put this city in a bad way going forward. This conversation is particularly ripe seeing that we are in our budget seasons on both side and it is interesting, the majority of public officials who I hear discussing our budgets are really stuck. There is very little creativity for aldermen right now as far as funding is concerned because it is the tax cap, that's it. It is just borrowing from Peter to pay Paul within that allotment of money. I would like to see them both go away, the tax cap and the expenditure cap, but to have some control of the spending department, my proposal would be as I said.

Commissioner Lopez stated although I might agree with Commissioner Martin in reference to that, I think it is going to take a lot more education. Mr. Sanders brought up the issue and got blasted by the media and everyone else for even bringing it up even though he was correct. I think in the process where the Board of Mayor and Aldermen could put that particular item separately on the ballot, we shouldn't tackle it at this time. I think you have to have more education to see the process go forward and give an opportunity for other experts like Mr. Sanders to come in. Even though people are feeling the pinch right now, it is sort of too early to determine that. I do agree with the revenue aspect of it. Nashua has a spending cap. We have both. I think the Board of Mayor and Aldermen could tackle that as a separate item and do some public hearings and really get the people understanding as they go through the process. Last year, on the spending cap and this year on the spending cap... I think it is too early for us to tackle that.

Commissioner D'Allesandro stated I would support Commissioner Martin in her basic premise that we have a revenue cap as well as a spending cap. I don't think the public understands that at all. They have no appreciation for the fact that we have a revenue cap. I thought the finance officer gave a very clear explanation as to why that is problematic and why that has to be dealt with. You cannot have both and expect this City to function in an orderly manner. With regard to the education situation, if you have a decline in enrollment, you are going to have a decline in adequacy money. Adequacy money is based on the number of students that you have. If indeed people decide not to come to Manchester, those tuition students, and they are leaving, they represent a significant withdrawal of funds from the City. Those monies come into the City and then you find the appropriation and give them to the schools. Remember, we have lost 1,000 students to Bedford. That was a very significant situation. Auburn is leaving us. There is a potential of Hooksett leaving us. There is a potential of Candia looking at leaving. When you are able to clearly articulate that the revenue side is dramatically affected as a result of that, I think the population will then come to the conclusion that something is not going to work here. I believe, as Commissioner Lopez said, you need a very good education situation where people are educated as to what is really happening. The education has to take place in a very quick and in a very significant time period because of what is going on. Given those parameters, I think it makes sense to explore the situation and bring it forward.

Chairman Duval stated Commissioner Lopez, just for purposes of education for people who are tuning in tonight, based on your experience on the Board of Mayor and Aldermen for so long, what would be the procedure for the aldermen taking action on it and putting it on the ballot as a referendum?

Commissioner Lopez replied any alderman could make a proposed change to the charter. A matter of eight votes would put it up for referendum. That would be the process that it would go through. It would probably be next year or the follow year,

whatever the case maybe. It depends when they bring it forward. I think when we do bring things forward, as aldermen have in the past, there is more education with a public hearing and everything that goes with it so people completely understand it. This is a touchy issue so there is going to have to be a good campaign as far as making sure that the spending cap is what we are talking about and not the revenue cap. Mr. Sanders can articulate that very well and other people could probably do the same thing.

Commissioner Girard stated when this cap was first brought to the Board of Mayor and Aldermen, the board, in my opinion, actually violated State law by not ordering it to ballot for the November election. The argument at the time was that there would be insufficient time to educate the public about this tax cap and how it worked and what the consequences of it could be. Therefore, there was more than a year between the time this tax cap came forward and the time the people had to vote on it. It was more than a year. Now we hear tonight that the voters in the City of Manchester didn't understand what they were voting on or if they did they never would have accepted it. If in a year, the opponents of this cap could not persuade the general public why it would not be in their interest to pass this, what additional amount of time and what additional kind of campaigning do we expect would somehow change the outcome? Yet, we have heard that the aldermen at this point in time are lacking in creativity, just trying to hold the fort and stay under the tax cap. If the people didn't really understand the tax cap, then any one of the aldermen who are working on the budget now could explain it to them. The way they could explain it to them is on a motion to override it. We may not like the tax cap. I know I had reservations about it when it first came up because of some of the language, but it is here. I think there are two points that I would like to make. I think it is somewhat disparaging of the average voter who casts a ballot on this to say they didn't get it and therefore, we need to change it. To imply that voters inherently aren't understanding what they are doing is a bit insulting. I think the idea that there is nothing the City can do because of this tax cap, if adequacy grants change or tuition revenues go or anything else happens, that there is nothing we can do, is simply not true. There is an

override provision in the cap. You may not like the override provision. You may think it is too high a mark to overcome, but the reality of the situation is, if tuition revenues were to go or there was to be a substantial decrease in the State adequacy grant, then the aldermen would have the opportunity, fearing the dire consequences of reduced spending as a result of revenue losses of overriding the cap and they could make that argument and they could educate the public about the cap, how it worked and in that particular circumstance it needed to be overridden. Right now, to say that the aldermen are hiding behind the tax cap... It is just a tax cap. Because it is just a tax cap, they are not thinking, they are not doing their job. The alternative, if you take the revenue part away, is to just raise taxes. Is it just raise the tax cap or is it just raises taxes. I'm not sure that anybody particularly cares for the period of fiscal austerity that the City is going through right now, but I think one thing is plainly clear and I think it is best seen on the School Board, that in the face of insufficient funds to maintain the status quo, they are finding more effective, efficient ways of doing things. That is never a pretty or a painless process in the political world. Absent that fiscal scarcity, what is the motive for government that does not have a profit motive, does not have a competitive reason to stay in business, does not have shareholders to provide for, what is the motive for government to innovate and get better? It always has been and always will be financial scarcity. I oppose removing the revenue cap.

Commissioner Ashooh stated with the discussion for the tax cap/revenue cap, the point seems to be focused on student enrollment and the obligation to the School District. What we are talking about on one side is the discipline on raising revenue and spending that money. On the other side we are talking about a management issue for the School District. I think we lost about 800 Bedford students, we are probably losing somewhere in the neighborhood or 700 to 1,000 between Hooksett and Auburn. That is not a Charter Commission issue. That is a management issue. In a period where you have declining revenues because of declining student enrollments, you are also losing on the liability side the obligation to educate those students. I would oppose any change to the tax cap

by virtue of the fact that what we are talking about is the superintendent and the School Board managing a situation that is influx and has been influx for ten years or more. The projections for enrollment for cities like Manchester are still on the decline. I would hesitate to change and overarching discipline on revenues and taxes because we are looking at a fluctuation in student enrollment and declining enrollment when really what we are talking about is do you stop hiring teachers, do you hire more teachers, do you pink slip them in March or May? Those are management decisions, not tax cap issues. Bill Sanders and I have had long conversations and I understand his concerns, I just don't think it should rest on the needs or the lack of need for the School District going forward. I would oppose it at that point.

Commissioner D'Allesandro stated I don't think that the discussion has to be exclusively with the schools. I think it is the overall City that suffers as a result of a revenue cap. The Police Department, the Fire Department, the Public Works Department are affected when certain things aren't in the budget because they will be taken care of out of the general appropriation. I think you have to look at the whole thing in totality. In essence, if you diminish one of the items, if you diminish the perception of quality education then the City suffers on an ongoing basis and as a result people don't come to the City. I think that is just one piece of the pie. If people don't think the city is safe, that is another situation. If we don't have good fire coverage that hurts the City's insurance and things of that nature. I think you have to look at things based on your responsibility as a public servant to look at what is happening to the city as a result of this mechanism. You can keep the tax cap in place and the revenue cap is something that should be looked at. If you are going to be efficient and effective maybe you are going to raise more money, maybe you are going to raise more money in different fashions, but if you can't spend that money that becomes very problematic as we move forward. We are not a declining city. I think we should be a growing city. Look at the kinds of things we have done in this city. We have a center downtown. We have a lot of activity downtown. That activity wasn't around ten years ago so we have had enormous activity

here. The point is to keep that activity going. We are the largest city in New England north of Boston. We have some significant things to bring to the table. We want to draw people into the city so it becomes an even more vibrant city and I think you can do that with good management. We want good management, but also you have to be realistic in terms of the economic situation. You can't just move that to the side and say it is something we shouldn't consider. I think all of these things make a tremendous impact on the viability of the community.

Commissioner Lopez stated I don't want to prolong the conversation, but I believe that 50% of the people on the commission didn't realize that it was a revenue and spending cap. It is a debate that I think the Board of Mayor and Aldermen... What happened yesterday happened yesterday; we can't change it, but there are procedures on how to change it. One is that ten aldermen vote to override it. I totally agree with Commissioner Girard on that. The other way is to put a change in the charter. I think for this Charter Commission to tackle it, I don't think it would be appropriate at this time. The Board of Mayor and Aldermen have to work with this budget coming up. Let's see what they do with it. As Mr. Sanders said, as we go into year three or year four, things are going to happen and whoever is there is going to have to address it or override it.

Commissioner Martin stated possibly I shouldn't have used schools as an example though it is my world and that is what I can relate to. If we look at the entire City budget, it is my understanding that there are zero dollars for severance on the City side nor are there dollars allocated for roads. That is just an example of a budget that is balanced within the tax cap, but things that aren't getting done that need to get done. That is a concern to me. On the school side, I'm concerned that people may become complacent if there aren't any layoffs this year. If there aren't any layoffs it must have been a fine budget. I can speak specifically to areas. We have been paring down repairs and maintenance or furniture, equipment, supplies in order to balance this budget. We can say that that is a good idea. We should be trying to be more careful with dollars. The

issue is that there is only so far that you can go. Having said that, my last comment about this, because we could talk about this all night, and I'm not sure that it is productive at this point, it is important for us to talk about this and I will have a parliamentary question because I'm not sure how to handle this going forward. I know people in Ward 1, for example, who voted for this tax cap, knowing what they knew about it at that time. The process of learning something is that you make the best decision that you can with the information you have. Then you have experiences with that, like living within a tax cap and you have realizations that you didn't have before and your understanding grows. That is what I am hearing from constituents in Ward 1 and elsewhere. I would also like to point out that there were 63,635 registered voters during that election when the tax cap was brought forward and 17,538 of them came to the polls and 9,440 said yes on the tax cap. I would be curious to see, given the urgency that people feel about the tax cap, especially those who have children in the schools, what this would look like going to the voters in the fall. I think those numbers would be significantly different. That is my final point. Commissioner, unless there is further comment, would it be appropriate for me to make a motion to table this at this point?

Chairman Duval stated if you would oblige me and hold on that comment. I have a suggestion. I want to get to Commissioner Clayton and then we will come back.

Commissioner Clayton stated I'm probably going to piggyback on what Commissioner Martin just said, but I wanted to point out that yes, we went into the voting booth with that in front of us and we voted for an abstract. No one knew, in fact, what the affect of this tax cap would be. We have lived under it for a few years now and I don't know that everyone is thrilled with the way it turned out or even realized that we had both a spending and a revenue cap. We voted for it, yes, but people voted for prohibition at one point too and they didn't like it once it was implemented and it didn't take long to overturn it so laws that are voted in can be overturned. I think the notion of us giving the voters another bite at the apple might not be a bad thing.

Chairman Duval stated it is an evolving process. I think Commissioner Lopez was quick to point out that it was enlightening when the city finance officer came before us and pointed that out, even for someone who is a former alderman and I thought was up to speed on the issue of the tax cap, it was enlightening to me so I respect that. His input was invaluable and it is part of the learning process.

Commissioner Ashooh stated just as a follow up, when we debate the tax cap, I want to be very clear that you don't take a tax cap and use it as an excuse for the way the City is managed. We have hired police and we have firemen. We have hired them with one time funds that we have absolutely no way to pay for them once those contracts run out. To take a look at a tax cap and say we need to loosen the reins because we are going to have these obligations coming up and we know we do. The ARRA funds that Commissioner Martin mentioned, I believe, paid for 25 policemen and I don't know how many firemen, but those funds run out in a year or two. I don't want to confuse the discipline of a tax cap with a ten vote override which is the equivalent of passing a bond in this City with the skills of our department heads to manage a changing situation. The situation will always change. The fact that we are going to have fewer students or we are going to need more policemen, that doesn't affect the tax cap. That affects how you manage that department. If you need more revenues you go to the Board of Mayor and Aldermen and you say we need more revenues and here is the case. That is coming up now. There was an article in the paper today that the Fire Department wants to run the ambulance service. They are looking for 35 employees and I forget how many additional dollars and that will be in contravention to the tax cap so the debate has started there. Do we expand the Fire Department because of need or not? That is not a charter issue, that is a management issue. If the political will is there to provide the ambulance service through the Fire Department, God bless them, go and do it. That is the idea of the tax cap. Short of that, I think trying to override the tax cap that has basically had two years worth of service doesn't make any sense.

Commissioner Infantine stated I get a kick out of the comments that I have heard for the last ten years that people don't know what they are doing, people don't know what they are voting for. The people didn't know what they were voting for when they decided that the School District should be a department. They didn't know what they were voting for when they instituted a tax cap. I give the electorate the benefit of the doubt that they do know what they are talking about. The only problem that I see with a tax cap is the will of ten individuals who haven't either been lobbied enough or it hasn't been expressed to them adequately that they need to override that amount. That is what needs to be done. I would hope that those individuals would hear what the school department has to say, the Highway Department, the Police Department, the Fire Department and if they feel that 2.1% isn't sufficient then they get ten votes in support of doing something differently. I would recommend that you not table this vote and we talk about it now. I think it is very important that the items that were brought up should be discussed, either up or down, so we are prepared next week to listen to the public comment about each one of these items. I will throw one thing out because I'm tired and I was in the State House all day and I want to be a little sarcastic. We all seem to like Nashua a lot. Commissioner Lopez likes what they pay the mayor. Commissioner Martin likes how they do it with their spending cap. I might be in favor of that part of the tax cap if you are in favor of using the Nashua way and making the School District a department.

Commissioner Martin stated forgive me, Commissioner Infantine, but I learned a long time ago that sarcasm is a very poor means of communication. I don't hear anyone at this table saying that the voters didn't know what they were voting for. I'm a much better golfer than I was the first couple of years that I played golf because I have experienced it more. I think it just goes with anything that we do.

Commissioner Martin moved that the proposal to eliminate the tax cap, while maintaining the expenditure cap be tabled. The motion was duly seconded by *Commissioner D'Allesandro*.

Commissioner Girard requested a roll call vote on the motion. Commissioners Girard, Pappas and Infantine voted nay. Commissioners Martin, D'Allesandro, Lopez, Clayton, Ashooh and Duval voted yea. The motion carried.

B. Commissioner Girard:

1. Elimination of health and dental benefits for aldermen and school board members.

Commissioner Girard moved that the aldermen and the School Board members not be allowed to participate in the City's health, dental or any other benefit plan. The motion was duly seconded by *Commissioner Pappas*.

Chairman Duval stated I would have liked to have seen a proposal along with this motion to coincide with pay, but if that is your motion, Commissioner Girard, I guess it is going to be up or down on that specific question and then we can entertain a motion. I think other commissioners have brought up the idea of a stipend in lieu of health benefits. We'll get to this again, I'm sure.

Commissioner Lopez stated I just feel very strongly that we ought to take this as one issue for the elected officials for the aldermen and School Board. I made a recommendation to the commission. It is just a vote up or down on it. There is no need to give a stipend at what is suggested. I think it was \$7,000 or \$5,000. In my recommendation, if you are going to take away the benefits, I believe that there ought to be an opportunity for those to buy into the insurance. My recommendation was for \$15,000 for the aldermen and I had \$10,000 for the Board of School Committee. After

listening to the last conversation of making people equal, I put \$15,000 for both the School Board and the aldermen, without benefits. I wish this motion would be defeated so we can get to the meat of the whole thing as one body.

Commissioner Girard stated thank you for allowing me to speak to my motion, Mr. Chairman. I don't believe that the motions should be tied. There is a fundamental premise at play here. When I was elected to the board of aldermen I knew that the City provided the elected officials with health insurance. I chose not to accept those benefits even though at the time, back in 1998, 1999, it would have saved me over \$8,000 a year to participate in the City's benefit plan. Of course those numbers are a whole lot bigger now. Many are the stories of people who have run for office in the City, not realizing that they got a stipend or could participate in the City's benefit plan. I have heard that from alderman after alderman and School Board member after School Board member. People don't run, necessarily, to obtain the benefits or even the stipend, but it is amazing how many of them will drop their employer provided health benefits in order to take advantage of the taxpayer provided ones. It is a better plan and less money. Several members of both existing boards have done that. I don't think it is right. I think one of the reasons why in Washington you don't get people to actually do anything other than run for reelection is because they have a pretty sweet benefits package. They get great health benefits. They have great pay. They have great retirement benefits. It becomes an incentive to stay. I do believe that there have been people in the City of Manchester who have served on either the School Board or the Board of Mayor and Aldermen simply because the benefits help to make their lives more comfortable. Once they get used to it, it is a reason to run. I think we ought to take up the question of whether or not the benefits should be afforded as a matter of principle, the idea that there must be some sort of an offset to the aldermen or the School Board members if the benefits are taken away and that offset must be an increase in their stipend are two different questions. The question should stay divided. I value people who serve the public. I would like to think that my service to the public has been valuable and I'm not putting in place anything that

I haven't live with personally. I just don't think that it is right that people get elected and they ditch their employer provided plans to take it from the taxpayer. I think we need to remember that it is not just a premium question. Manchester is a self-insured City. That means that every health insurance claim paid on any and every employee is actually paid in full by the taxpayer. It just happened to be on a plan designed and administered by a third party administrator. Right now the premium cost of the benefits given to the aldermen alone are \$120,000. If someone files a claim that number is going to go up. I think as a matter of principle, the part time aldermen and School Board members, because that is how they are classified, that is why, if you remember Mr. Fluery, that is why they are not considered part of the retirement system, they are considered part time employees. We don't give part employees in the City of Manchester health benefits. Why should we give the part time elected officials benefits?

Commissioner Infantine stated I would like to get an idea here of what the commissioners feel their goal of this meeting is this evening. The way I left it at the last meeting was that you are going to bring forth what they believe they would like to make motions on this. Commissioner Ashooh just asked me why don't we get a couple people together on the side and work on this issue of stipend or compensation versus medical and put it together. It was my understanding that the goal for tonight was for everyone to bring out what they would like, have it voted on up or down and then the following week, based on the up or down votes to occur this evening, the public can come and speak and give us their opinion either way and then that is when we sit around the table and get into the hardcore deliberations of what our final piece is going to be. If that is the case, I would rather we get through these things in relatively short order. I think we all know how we are going to vote on these things, let the public listen to what we have to say, let them comment on whether they disagree or agree with on what we have said and then we can go to that next step, which is to have these deliberative discussions amongst ourselves versus debating this very heavily this evening. Could you please clarify what you believe the goal of this meeting to be this evening?

Chairman Duval replied Commissioner Infantine, I think that is a great plan. I think that was the intention. Sometimes it is difficult to limit debate. We certainly have the power to do that as commissioners, but we can certainly do that. That was the design of the plan. Are we ready to move this question?

Chairman Duval called for a vote on the motion that the aldermen and the School Board member not be allowed to participate in the City's health, dental or any other benefit plan.

Commissioner Girard requested a roll call vote on the motion. Commissioners Girard, Pappas, Ashooh and Infantine voted yea. Commissioners Martin, D'Allesandro, Lopez, Clayton, and Duval voted nay. The motion failed.

C. Commissioner Ashooh:

1. The expansion of the disclosure of pecuniary interest to cover all boards and commissions in addition to the BMA and School Boards.

Commissioner Ashooh stated I have two items tonight. I am going to deal with the first one. I am going to ask that the second one be put aside. I would like to have a further discussion on the use of one time funds and budgeting, but we can do that later. I don't need a vote on that tonight. I would like to get a vote on the expansion of the disclosure of pecuniary interest. Interestingly enough, I was unaware until after last week's meeting that our clerk, Maura Leahy, is in charge of preparing the pecuniary interest disclosure forms and distributing them to the elected officials in the City. She got me a copy of the form, I reviewed it and there are two gaps there. The first gap is that this only applied to city officials, the definition of which you will find in article 9.02. I would like to ask that that definition of City officials be expanded to also those appointees to boards and commissions in the City. Once you are defined as a City official, by January 15th of each

year, you need to complete one of these financial disclosure forms, which I think everyone has. It is pretty benign. There is no provision for an intermediate disclosure under the ethics rules. If something comes up, you are obligated to say, but there is not a form that basically says that this situation has come up and everyone should be aware of it. On the first basis, I would like to ask for a vote to expand the definition of City official to those board and commission officials so that they would also file one of these disclosures and then as a second part of that, provide for the intermediate filing of financial or pecuniary interest during the year if such an occasion arises.

On motion of Commissioner Ashooh, duly seconded by Commissioner Martin, it was voted to expand the disclosure of pecuniary interest (annual financial disclosure) form to cover all boards and commissions in addition to the Board of Mayor and Aldermen and the School Board; and that a supplementary form be filed if the information disclosed changes midyear. There being none opposed, the motion carried.

D. Commissioner Pappas:

1. Terms for department heads and appointed city officials.

Commissioner Ashooh stated this is in regards to the department heads and appointed City officials, creating a term for each. I am proposing a five year term when they would get reappointed. The mayor would reappoint and then the Board of Mayor and Aldermen would need to confirm by a margin of eight aldermen. In the agenda you have a document in there of current department heads and how long they have been there at their current position. I am in no ways saying that just because someone has been a department head for a number of years that they are doing a poor job leading the department, but I will say why department heads pretty much have a status of a pope or a US court justice where they can stay there for life is a little absurd. That is why I am putting this forward for discussion. To me, it is a no-brainer. I know former City Clerk

Leo Bernier brought this up in a similar statement and decided that he wanted six year terms with three year term limits. I don't think we need a term limit, just in case we have a department head who is fairly good and doing a great job, we shouldn't term him out. I think reappointments every five years is more than sufficient.

Commissioner Pappas moved that department heads and appointed City officials be appointed to five year terms, where the mayor could reappoint them after the confirmation of a simple majority of aldermen. The motion was duly seconded by Commissioner Girard.

Commissioner Girard asked Commissioner Pappas, you said eight votes to reappoint? Did you mean a simple majority?

Commissioner Pappas replied a simple majority, yes.

Commissioner Girard asked could the motion reflect that?

Commissioner Pappas replied yes.

Commissioner Ashooh stated this is more a clarification of department heads and their tenure because Tom Bowen just retired. I went to grammar school with Tom Bowen. He has not been the department chair for 42 years. It is the same with Leon LaFreniere and Tom Clark.

Commissioner Pappas stated this page has the department heads, you are looking at service in the City. The back of page three.

Chairman Duval stated I have a question to Commissioner Lopez for clarification because you are very effective at this, commissioner. For public consumption and just as a reminder to this commission, currently department heads in the City of Manchester, what is the process for removal? What has to happen?

Commissioner Lopez replied the process for removal of a department is that the mayor makes a recommendation to the Board of Mayor and Aldermen and nine aldermen can vote to remove him of his duties. He has an option to speak before the Board of Mayor and Aldermen before they take a vote.

Chairman Duval asked and they directly report to the mayor?

Commissioner Lopez replied they directly report to the mayor. This was before 1996 where every department head was elected for six years and then reappointed if they got the votes from the aldermen. At that time, it was a weak charter where the aldermen did the appointment of some department heads.

Chairman Duval stated thank you for that information.

Chairman Duval called for a vote on the motion that department heads and appointed City officials be appointed to five year terms, where the mayor could reappoint them after the confirmation of a simple majority of aldermen.

Commissioner Girard requested a roll call vote on the motion. Commissioners Girard, Pappas and Infantine voted yea. Commissioner Martin, D'Allesandro, Lopez, Clayton, Ashooh and Duval voted nay. The motion failed.

E. Commissioner D'Allesandro

1. Make the welfare commissioner an appointed position.

Commissioner Girard stated point of order, Mr. Chairman. Hasn't the commission already decided this?

Commissioner D'Allesandro stated then let's have a reaffirmation of the decision. If it has been decided that's fine, but I want to reaffirm the vote on the decision and move it forward.

Commissioner D'Allesandro moved that the welfare commissioner become an appointed position. The motion was duly seconded by Commissioner Clayton.

Commissioner D'Allesandro called for a roll call vote on the motion. Commissioner D'Allesandro, Lopez, Clayton, Ashooh, Duval and Martin voted yea. Commissioners Pappas, Infantine and Girard voted nay. The motion carried.

F. Commissioner Infantine:

1. A person running for mayor needs to be a resident of the City for at least 3 years.

Commissioner Infantine moved that a person running for mayor needs to be a resident of the City for at least 3 years. The motion was duly seconded by Commissioner Girard.

Commissioner Infantine stated I think this is pretty self explanatory. I think if someone wants to run for mayor of the largest city in the state, they should have a general overall basic knowledge of this city and its happenings. Like being a State Senator has a certain age requirement and a residency requirement for State Representative, I do not think it

would be inappropriate to have one for someone running for the position of mayor in the city of Manchester.

Commissioner Lopez stated I noticed this when I got my agenda and I was going over RSA 49:C 9, qualifications for office, under State law. I think if everyone brought their book they could read it for themselves. The only thing that it indicates in State law is that no person shall be a candidate for office of mayor, councilor at-large, alderman at-large, who is not a registered voter of the city. I don't know if it is in conflict with State law.

Commissioner Girard stated point of order, Mr. Chairman. Currently the charter imposes a one year requirement on the mayor so it would appear that there would be no conflict with increasing it from one year to three years. It simply makes sense.

Commissioner Ashooh stated I would simply ask the question of legal counsel. We have had episodes in the past here in the city where aldermen have questionable residence and I think having a minimum standard, that they have to live in a ward for a certain period of time makes sense, but I would like to hear Attorney Lehmann's point of view on whether the State sets minimum standards and whether the City can impose a higher standard.

Commissioner Lopez stated I think if you look at the State law and I should have read the whole thing the charter may require a period of up to one year.

Chairman Duval asked Commissioner Infantine, does that change your position at all?

Commissioner Infantine replied I would like to read, though I trust Commissioner Lopez, I would like to read it. I guess a motion to table would be in order.

Commissioner Infantine withdrew his motion that that a person running for mayor needs to be a resident of the City for at least 3 years. Commissioner Girard duly withdrew his second.

On motion of Commissioner Infantine, duly seconded by Commissioner Pappas, it was voted to table this item.

Chairman Duval asked Clerk Leahy would you please make a note to... Did you want that confirmed by counsel, Commissioner Infantine?

Commissioner Infantine replied I will read the RSA myself and let you know.

Chairman Duval stated okay. Thank you very much.

G. Commissioner Lopez:

1. Pay for mayor, aldermen, school board members

Commissioner Lopez stated in reference to aldermen and School Board members, I believe that the benefits ought to be taken away from them because it is not equal among the aldermen or the School Board members. The former mayor testified here that an alderman should get a stipend, some type of stipend. My recommendation was originally under 8.04, compensation for officials, was \$15,000 for the aldermen and \$10,000 for the School Board members. After reevaluating that to make things more on an equal basis, I am recommending that the aldermen and School Board members get a stipend of \$15,000 with no benefits.

Commissioner Lopez moved that the Board of Aldermen and the Board of School Committee be given an annual stipend of \$15,000 with no benefits. The motion was duly seconded by Commissioner Martin.

Commissioner Girard stated to tie the stipend for the School Board and the aldermen to the elimination of benefits presents a false choice. I do not believe that a reason to do this is to make sure there is parity between the aldermen or even between the boards. In the first instance, I don't believe the two boards are equal. I'm sorry, but I believe the Board of Mayor and Aldermen is a superior board. It has greater authority, it must oversee the entire City, it appropriates budgets, it levies taxes and as one alderman said to me last night, they have 23 departments to deal with in addition to the schools and the School Board members just have the schools. I don't believe there is parity between the boards and I don't believe we should act like there is parity between the boards. Second, to have a \$15,000 stipend I think is overly generous. The cost of increasing the stipends from the current to the proposed is actually more expensive than what the City is paying in premiums for the benefits of those who are taking them. The idea that somehow we have to do two things, one, make sure that all members of all boards are equal and two, somehow, in the process of making them equal, give them more money as an offset to the loss of the benefits strikes me as disingenuous. I will oppose this because the two should not be tied together. I will not be held hostage to what I believe is an unreasonable compensation level and I think the question ought to be divided. Thank you, Mr. Chairman.

Commissioner Infantine stated it is funny. You look at eight members of each board, I believe, receiving the benefits. On one hand, no matter what we do, one group is going to say I had my total overall benefit decreased and the other is going to say I had it increased. I don't think that is really where we need to go. I do agree, Commissioner Lopez, that an increase is needed and I will support an increase, but I can't support an increase up to \$15,000 with all due respect.

Chairman Duval asked Commissioner Infantine, did you have another number in mind that you thought might be agreeable? You don't have to answer, but I would like to know.

Commissioner Infantine stated in one of the items that I had, I believe I used the number of \$7,000 for the aldermen and \$5,000 for the School Board. This is one of those things that I feel that if we at least do something, which I'm guessing this is going to pass, let's say six to three, we will have the public let us know and then when we have our deliberations we can come up with a number we can all agree on.

Commissioner Lopez asked the \$7,000 for the aldermen and \$5,000 for the School Board, is that with benefits? Is that what you are saying?

Commissioner Infantine replied no, sir.

Commissioner Lopez stated no benefits. I can't go along with that.

Commissioner Infantine stated agreed. I think that is why we will probably end up somewhere in the middle. At least we can get something on the table this evening for the folks to chime in on next week.

***Chairman Duval** called for a vote on the motion that the Board of Aldermen and the Board of School Committee be given an annual stipend of \$15,000 with no benefits.*

***Commissioner Girard** called for a roll call vote on the motion. Commissioners Girard, Pappas, Ashooh and Infantine voted nay. Commissioners Martin, D'Allesandro, Lopez, Clayton and Duval voted yea. The motion carried.*

Commissioner Lopez asked do I have to bring in the mayor's salary at this time?

Commissioner Girard stated it has already been done.

Commissioner Lopez stated I would like to top it off and make it an even number. I think Commissioner Clayton had a number in mind.

Commissioner Clayton stated I knew it would be a different number, but I didn't know what number it would be.

Commissioner Lopez stated I would like to top it off at \$107,000.

Commissioner Lopez moved that the salary of the mayor be set at \$107,000.

There was not a second to the motion.

Chairman Duval asked the motion that passed last time, Clerk, do we have that?

Clerk Leahy replied at the last meeting the motion was to set the mayor's salary at \$107,937.

Chairman Duval asked the motion carried? Is that correct?

Clerk Leahy replied yes, it did.

A. Commissioner Martin:

2. Definition of a super majority needed to override the tax cap/expenditure cap. That number could be 9 instead of 10.

Commissioner Martin moved to change the number of aldermen needed to override the tax cap/expenditure cap from ten to nine aldermen. The motion was duly seconded by Commissioner D'Allesandro.

Commissioner Martin stated if I remember correctly, Attorney Lehmann said that we couldn't go down as far as eight, but nine would be acceptable.

Commissioner Girard stated I will oppose this. I do not see the benefit of weakening the standard to override the cap. I think it is a bit disingenuous to suggest that in the face of real financial hardship or emergency or otherwise, the aldermen won't muster the necessary ten votes. You would still have to overcome a mayoral veto if the mayor supported enforcing the cap which would bring it back to ten. I think weakening the cap will alienate the public, whom, I think, by and large, would like to see their elected officials come up with better ways to provide them with services.

Commissioner Infantine stated this topic came up recently in a conversation I had with some individuals who were the first ones to propose the tax cap. I believe, the way they explained it to me, and I know this can get very complex so I'm just going to throw it out there for everyone, the way it was explained to me was that their first attempt at a tax cap they utilized that number of nine. That number was rejected by the secretary of state because the RSA states that it will be ten. They said you can't do it because the other towns have ten. I question whether or not this is legal by New Hampshire State law.

Commissioner Ashooh stated I would support maintaining the number of ten simply because it puts it in line with every other spending or every other major commitment that the City has to overtake. The City has issued somewhere in excess of \$250 million in

bonds in the last ten years. All of those required a ten vote minimum. I have said it before, but the political will was there to deal with that issue, whether it was critical spending or catalytic spending so I would oppose this. The actual number is 9.34, two-thirds of 14. I would oppose weakening the standard to nine. I would rather hold it at ten just because it is consistent with everything else that requires a supermajority.

Chairman Duval called for a vote on the motion to change the number of aldermen needed to override the tax cap/expenditure cap from ten to nine aldermen.

Commissioner Girard called for a roll call vote on the motion. Commissioners Girard, Lopez, Pappas, Ashooh and Infantine voted nay. Commissioners Martin, D'Allesandro, Clayton and Duval voted yea. The motion failed.

B. Commissioner Girard:

2. Remove the listing of departments from the charter, replacing it with "The Board of Mayor and Alderman may create, consolidate or eliminate any department, agency or board as it sees fit to ensure the efficient operation of city government."

Commissioner Girard stated this is a simple one, Mr. Chairman. Section 3.02 of the charter delineates the departments existing at the time the charter was adopted in 2006 and several of those departments don't exist anymore and I would simply like to strike the section.

Chairman Duval asked a housekeeping measure, more or less?

Commissioner Girard replied housekeeping measure and basically replace it with a statement that the Board of Mayor and Aldermen shall have the authority to create,

consolidate or eliminate departments as it sees fit to execute the services for the City of Manchester.

Commissioner Infantine stated I would like to hear from former Alderman Lopez on his opinion on this.

Commissioner Lopez stated I don't have any major objection other than the last charter saying that we had to list the departments. I don't know what to say.

Commissioner Infantine stated Commissioner Lopez, do you believe, and I know you haven't had time to think about this, but do you believe it would allow the aldermen more flexibility to be able to add or delete when needed versus having the Charter Commissioner deal with it every ten years?

Commissioner Lopez replied no, I believe there is sufficient documentation in the charter where the aldermen could take responsibility from one department and give it to another department. An example would be like the Economic Development Office right now. By nine aldermen they could abolish a department as it is. They did it with the Parks and Recreation and put it in with the Highway Department. I think there is enough authority in the existing charter where the aldermen can take any action that they want.

Commissioner D'Allesandro stated I agree with Commissioner Lopez. It seems to me that the thing that would be appreciated is if they just list the departments. They do have the authority within the current structure to create and eliminate. If they just list the departments that would, in essence, satisfy this, in my humble opinion.

Commissioner Ashooh stated I think what we are talking about is refinement because we have had some changes. Kevin Sheppard has taken over the mantle of Frank Thomas' emperor of everything here in the City. In the past couple of years I think Parks,

Recreation and Cemeteries has achieved director status under public works. Perhaps what we should be looking at is the language that allows the BMA to create whatever departments they need, but a mandatory updating of the actual departments and the line of authority that exists.

Commissioner Girard stated point of order, Mr. Chairman. I believe the departments exist in ordinance. This is really just a housekeeping measure to take data that is way out of date out of the charter.

Commissioner Lopez stated it is the departments that existed at the adoption of the existing charter. If you go to section 3.01, all departments in existence of the effective date of this charter shall remain as then organized unless or until nine aldermen shall vote to establish, eliminate, combine or otherwise reorganize the department structure by ordinance to meet the future needs of the City. The aldermen can do anything they want right now.

***Commissioner Girard** moved that the list of departments in section 3.02 be eliminated and replaced with "The Board of Mayor and Alderman may create, consolidate or eliminate any department, agency or board as it sees fit to ensure the efficient operation of city government." The motion was duly seconded by **Commissioner Pappas**. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.*

C. Commissioner Ashooh:

2. The restriction of using "one time funds" to balance an operating budget.

Chairman Duval asked Commissioner Ashooh, were you going to hold on this issue?

On motion of Commissioner Ashooh, duly seconded by Commissioner Clayton, it was voted to table this item.

D. Commissioner Pappas:

2. Changing the needed number of aldermen for the removal of a department head or appointed City official.

Commissioner Pappas stated this goes back to the department heads and city officials, changing the number of aldermen needed to remove a department head. Currently it is standing at nine. I would like to propose moving it to eight. It takes eight aldermen to appoint a department head or a City official. I think it should be standardized to eight to appoint and remove.

Commissioner Pappas moved to change the needed number of aldermen for the removal of a department head or appointed City official to eight. The motion was duly seconded by Commissioner Girard.

Chairman Duval called for a vote on the motion. Commissioner Girard requested a roll call vote on the motion. Commissioners Girard, Pappas and Infantine voted yea. Commissioners Martin, D'Allesandro, Lopez, Clayton, Ashooh and Duval voted nay. The motion failed.

E. Commissioner D'Allesandro

1. Remove the mayor as chair of the Board of School Committee.

Commissioner D'Allesandro stated I think we had a good conversation with the superintendent. Again, this is no reflection on the current administration, but the fact of the matter is that the School Committee as a body gets to elect its own chair and its chair should be responsible for managing the School Board. The board of aldermen and the mayor have an opportunity to reflect on the budget once that has been proposed and it has been brought forward to be voted on. I think it should be a separate entity. I think we are one of the few places that I know of in the entire state where the chief executive, the mayor, sits as head of the governing board as well as the head of the School Board. I think it is duplicity to be honest with you. It doesn't make a great deal of sense to me. I did serve on the School Board for a decade. There were times when the mayor never appeared. There were other times when the mayor did appear. I have witnessed it under both situations. I thought some vice chairs did an outstanding job when they ran the School Board and it went fine. There weren't any complications. After that, the subsequent mayor did come on occasion, but I think it is something that really should be done. The School Board should be responsible. We talk about accountability. The School Board should be responsible for managing the school system. We elect School Board members. We currently elect one from each ward. At the present time, they elect a vice chair to lead them, but they should be responsibility. If we talk about accountability, that is where accountability should take place, with the people elected to manage the schools. They hire the superintendent; they are responsible for the operation of a budget that is much larger than the City budget. It really involves more people. There are more people employed by the School District. At one time we had 17,500 students in the School District. I think it is the largest district in the state. I think that the board that is elected should choose its own chair and should be responsible for managing the district.

Commissioner Girard stated point of order. Once again, this is a matter that the commission already voted on and decided it did not accept the proposition of removing the mayor from the chairmanship of the School Board and technically, I think what Commissioner D'Allesandro is asking for here is a vote for reconsideration under Rule 10 of the Board of Mayor and Aldermen, which we adopted as our rules, but is not allowed by virtue of him being in the minority at the time of the vote. It would need to be brought forward as a motion to reconsider by a member of the majority who had changed their mind. I do not believe that motion is in order.

Chairman Duval asked Clerk Leahy, would you agree?

Clerk Leahy replied typically what happens if someone wants to make a motion for reconsideration, if they are in the minority they file a minority report.

Commissioner Girard stated at the time of the vote or they give notice at the meeting at which the vote was taken where they want reconsideration and in which case it gets put on the subsequent agenda.

Commissioner D'Allesandro asked do we have any criteria when reconsideration can be filed?

Commissioner Girard replied Rule 10.

Commissioner D'Allesandro asked what is Rule 10?

Commissioner Girard replied Rule 10 says that a motion for the reconsideration of a vote shall be open for debate, but such motion shall not be considered unless made by a member voting with the majority or unless notice has been given at the meeting at which

the vote is past in which case the motion shall be made at the next regularly meeting after and only one motion for the reconsideration of any vote shall be permitted.

Commissioner D'Allesandro asked so according to your eloquence, a motion for reconsideration is not appropriate?

Commissioner Girard replied it is not in order.

Commissioner D'Allesandro stated then I will have to accept that. Thank you so much for your articulation.

Commissioner Girard stated I just like to make sure we are all following the rules.

Commissioner Lopez stated I was just going to say that every board is every board. Everyone has the right to make a motion. We are at a different meeting at a different time. At the Board of Mayor and Aldermen you can make a motion at every meeting regardless. There is no reconsideration on anything. If you want to make a motion or change the wording you can. I have seen it happen. Plus, we just did it on the welfare commissioner. We went and took a motion again tonight. I think Commissioner Infantine said it that we are trying to go right through, take a vote and this is what we are going to send to the public and get some input. This is not a finalized thing.

Commissioner Girard stated I don't necessarily disagree with what Commissioner Lopez is saying, but I would like to see that the commission occupy itself with things that it has not already voted on as I assume that the things that we have voted on will be sent to the public hearing in addition to whatever actions we take on new items tonight. Am I not correct in that understanding, Mr. Chairman?

Commissioner Ashooh stated just a couple points. Going back to what Commissioner Infantine said earlier and in light of the vote we had last week on removing the mayor as chair of the School Committee, we have sufficient evidence for the public to come in and weigh in on next week which is what we are looking for. I don't think we have to say anything further than that. When we vote tonight to affirm removing the mayor or we vote to uphold last week's vote to not remove him we want the public to weigh in next week so let's let the motion lay and see what the public has to say.

F. Commissioner Infantine:

2. A person running for alderman or school board must be a resident of that ward for 1 year.
3. Regarding alderman and school committee person at large they must be a resident of the City for at least one year.

Commissioner Infantine stated what I would like to let everyone know is that items five, six and seven are going to be off the table for me because we have already discussed those. Items two and three, I know they should go together, but I didn't know how to phrase them differently. What I am looking to say is that you have a one year residency requirement to run for aldermen or School Board in your ward regarding aldermen at-large or School Board at-large it would obviously be a one year residency of the City.

Chairman Duval stated for purposes of qualification, commissioner, currently in the charter there are none. There is no restriction on time limit for residency. Are these two being combined?

Commissioner Infantine stated let's put it this way; they are either both going to go up or both going down. It is not going to be split.

Commissioner Infantine moved that a person running for alderman or school board must be a resident of that ward for one year and a person running for alderman at-large and School Board member at-large must be a resident of the City for at least one year. The motion was duly seconded by Commissioner Pappas.

Commissioner Clayton stated I have a question directed at Commissioner Lopez, if I may. How does this reconcile with the reading you gave us regarding the mayor or city counselor. Does the School Board and aldermen fall into that same category? It said up to one year?

Commissioner Lopez replied the charter may require a period of up to one year for eligibility to run for office. No person shall be a candidate for office of mayor, counselor at-large or alderman at-large who is not a registered voter of the City. No person shall be a candidate for the office of ward alderman or ward counselor who is not a registered voter in the ward in which he or she resides. It is the same thing about School Board members. I would say the charter could require one year. That is just my opinion.

Chairman Duval stated just an observation of what is running through my mind with regard to the ward position of alderman and School Committee member. If by chance you have to relocate in the City, you have been in the City a long while, I think Commissioner Infantine you spoke about residency pertaining to the mayor and the importance of historical perspective and having some roots here and whatnot. That is sort of my logic of why I would be opposed to the restriction of one year for the ward alderman because if by chance you move, you downsize if your wife and kids are gone and you and your wife decide to move over to Ward 2 or Ward 10. If you can bring some value to a board or commission, go before the voters and let them decide. You are a known commodity in the City. I would probably be opposed to the ward level position.

Commissioner Ashooh stated Mr. Chairman, I think I might oppose you in that simply because the character of the wards in this city are really unusual. I don't know anybody who could properly represent Ward 9, Ward 7 or Ward 8 without living there for at least a year because they are so different than some of the others. I pity the aldermen from Wards 10 and 11. That being said, is it reasonable to expect someone running for a ward representative position to have some living experience in that ward? I simply pose the question. I don't think it is unreasonable to expect someone to at least live in the neighborhood for a year before you go to your neighbors and say I am going to represent you. That is just my point.

Chairman Duval stated you can elect a US Senator. I don't think there is a residency requirement for senators for gosh sakes.

Commissioner Infantine stated it may surprise you, Mr. Chairman, that certain groups of individuals, when they find out that certain other individuals may not be running for office who are able to move freely choose to possibly do so or discuss doing so as a mechanism of finding an easier place to possibly get elected.

Chairman Duval stated again, I have will in the voters. Let the voters decide. If that is an issue, if there is something that is not on the up and up that should be brought to the voters' attention before election day.

Commissioner Ashooh stated I think, in consideration of this, don't we have the implicit obligation to discuss whether or not we need to expand the definition to include School Board members? I think Commissioner Lopez, in his reading, didn't find a reference to School Board. He found ward, counselors.

Chairman Duval stated but it is in his motion.

Commissioner Ashooh stated right so do we have to include the expansion of that definition to School Board members?

Commissioner Lopez replied I think we are just going to vote on the motion. The only thing that is missing in the State law, 49-C:9 is School Board member. It doesn't say anything about School Board members.

Chairman Duval stated so that would be included as part of the revision. I think that is the answer.

Commissioner Ashooh asked so should the motion be to expand the definition to include School Board members?

Chairman Duval replied I think that is included in his motion.

Chairman Duval called for a vote on the motion that a person running for alderman or school board must be a resident of that ward for one year and a person running for alderman at-large and School Board member at-large must be a resident of the City for at last one year.

Commissioner Pappas called for a roll call vote on the motion. Commissioners Pappas, Ashooh, Infantine, Girard and Lopez voted yea. Commissioners Clayton, Duval, Martin and D'Allesandro voted nay. The motion carried.

G. Commissioner Lopez:

2. Budget time frame for schools and city

Chairman Duval stated at the conclusion of last meeting, Commissioner Lopez, there was going to be a concerted effort to try to get some language that is good and proper.

Commissioner Martin stated I have to apologize to the commission. Clerk Leahy sent out an email with contact information for Mr. Sanders, Dr. Brennan and others who were asked to be included in the correspondence. I misunderstood that I was to contact them. This information, Commissioner Girard's proposal and Commissioner Lopez's proposal, was not shared with those people formally in writing. I apologize for that.

Commissioner Lopez stated at this time I would like to make a motion for the purpose of putting it out to the public hearing that the school budget shall be presented to the Board of Mayor and Aldermen by the second Tuesday in February of each year. Article 6, section 3, on or before the second Tuesday in March of each year, the mayor shall submit to the Board of Mayor and Aldermen a budget for the ensuing fiscal year with an accompanying message. Article 6.04 (c) adoption, the Board of Mayor and Aldermen shall adopt a budget on or before the first Tuesday in May.

Commissioner Martin stated just for clarification, this is the same proposal, commissioner, that you had submitted to us in writing?

Commissioner Lopez replied yes.

Chairman Duval asked Commissioner Lopez, have you had any discussion with Mr. Sanders or Superintendent Brennan with regard to your specific language change?

Commissioner Lopez replied that is my language change in looking at the charter and from my experiences as an alderman on the board.

Commissioner Girard stated I appreciate Commissioner Lopez's proposal. He, like I, has extensive experience with the budget. However, I believe his proposal is flawed on a couple of fronts. I would refer commissioners to the proposal that I made at the last meeting, which I did speak to Superintendent Brennan about and he did support it. He did tell me that he supported the proposal.

Commissioner Martin stated point of order, Mr. Chairman. Did you show Superintendent Brennan your proposal in writing?

Commissioner Girard asked does it matter?

Commissioner Martin replied it does.

Commissioner Girard stated well if the insinuation is that I am misrepresenting the superintendent I'll be glad to talk to him and get something from him. I spoke with the superintendent in detail about the proposal and you know I did, commissioner, because you have spoken with him.

Commissioner Martin stated I'm not going to get into it with you. I asked a specific question if you had shared it with him in writing.

Commissioner Girard stated the challenge that I have with Commissioner Lopez's proposal is that the first Tuesday in May leaves about 60 days between the time the budget passes and the end of the fiscal year. Those 60 days, for those who watch the process and the revenues, is typically a time when the City sees a lot of revenue come in, particularly in things from auto registrations, sometimes building permits and there are

always changes to the projections of what the tax base is going to be. The State of New Hampshire budget process, and you can never fully account or accommodate for what the State of New Hampshire is going to do, although I tried in this proposal, a lot happens in June and late May. As Commissioner Lopez pointed out himself at an earlier meeting, there was a year when they got the school department budget done rather early and there was a change in the adequacy aid formula and the City missed \$2.5 million because they had already appropriated the school budget. They had no recourse to make an adjustment for that. I think if, as Alderman Craig pointed out in her email to the commission, moving up the timeline that severely had it been done in the past budget would have simply prevented the board of aldermen from coming up with the extra money that ultimately was given to the schools. I think if you pull up the back end you are actually going to harm the schools because I think it will force the aldermen to be more conservative with their budget. The problem really isn't the back end of the budget process. The problem is everything in between when the mayor proposes his budget and when the aldermen get to propose theirs. The School Board, for example, this year received a budget proposal from Superintendent Brennan on January 14th and did not act on it until two weeks ago, after the mayor came in with his proposal. I think it is important that the timeline require action by the Board of School Committee on the policy questions they are going to have to answer well in advance of end of the fiscal year so we can avoid what happened last year. The only way I would figure out how to do that was to assume the tax cap budget and have the School Board take action on the School Board budget so if the aldermen do some up with additional funds the School Board can add the money back into the budget before the end of the fiscal year but they would have already made the supposedly more difficult policy and other decisions that were necessary before things got too late in the cycle so that whatever hardship would be caused by a late decision would be avoided. The other thing that I tried to do in the proposal that I put forward... I did move up the back end of the timeline to the final Tuesday in May, but even that makes me uncomfortable. I tried to come up with an arrangement where, if the State of New Hampshire did something significant like it did in

Commissioner Lopez's example, whether it is a downshifting of costs or it is a change in revenue formulas to give the City the opportunity to reopen the budget and make whatever accommodations it can and have that all buttoned up by the middle of July. I chose the middle of July because the State can go right through to the end of June before it makes any of its final decisions and that would give the City some time to adjust and accommodate. I think by spelling out the timeline and when the board of aldermen, the mayor the School Board all have to take various actions by, the difficulties that were had last year would not be seen again. I just worry that pulling up the timeline to the beginning of May is going to see the whole City, but the school department in particular, get shortchanged.

Commissioner Infantine stated in keeping with the purpose of the meeting this evening, I am going to support this motion because I want to get it on the table for the people to hear next week that we would like to move the timeline. I think they are crazy, but if they want it, they can have it. I think it is fraught with problems. We can argue later in our deliberations between the two proposals brought by Commissioners Lopez and Girard and they may even come to an agreement on the one or two things that they differ on. After hearing from all the parties that have been discussed in the last five minutes and getting their input to see what they prefer. Given that as the goal as this evening, I'm going to support this, but I want to hear what everyone else has to say before we get our final vote on this concept.

Commissioner Clayton stated I want to apologize, Mr. Chairman, because I was unable to fulfill the request to put out a list of preferred items for discussion together this weekend. I was engaged in important family business. I went down to Manhattan and took my 11 month grandson to his first Saint Patrick's Day Parade all in preparation for the spectacular parade our fellow Hibernians will throw this weekend in Manchester. Having said that, all of the items that I was going to include on my list are included on this document so I am gratified for that. Among them, this particular issue that we are

talking about today. We have two remarkably similar proposals from Commissioners Lopez and Girard. I think, again, we can find common ground if we put our heads together. I think we are going to get an earful again next week at our public hearing because I think this is an issue that is important to a lot of people. I think the cooler heads here will prevail and we will find some kind of common ground. I intend to support the motion.

Chairman Duval stated what I suggest to commissioners before we take a vote which we will do next, I'm going to ask the clerk to forward a copy of the adopted, I'm assuming it is going to be adopted, proposal made by Commissioner Lopez. I would like that forwarded to Superintendent Brennan and Mr. Sanders and as a courtesy copy to Alderman Craig who has expressed a lot of interest in this and taken a lot of time on this. I would like those two gentlemen in particular to give us an opinion in writing as to their position on this before the public hearing so if you could ask for it as a courtesy by close of business on Friday. The responses will be sent to the clerk for distribution to the commission.

Commissioner Girard asked can we send both proposals, Mr. Chairman?

Chairman Duval replied I'm looking at the one that is going to pass because I think going back to what Commissioner Infantine said...

Commissioner Infantine stated that is not what we agreed on last week. We agreed that there was going to be a meeting and they were going to present them.

Chairman Duval stated I have no problem with either and let them weigh in. My point is that I want them to weigh in before the public hearing if we can get it.

Commissioner Martin stated I would concur, especially since I dropped the ball on this last week.

Chairman Duval stated don't set yourself up too much. We all drop the ball.

Commissioner Martin stated I don't like to behave that way. I think we should include the mayor in that group.

Chairman Duval stated that's fine. I have no objection to that at all. My point is just to get input before the public hearing and let commissioners mull it over before the weekend.

On motion of Commissioner Lopez, duly seconded by Commissioner Martin, it was voted that the budget timeline be amended as follows: that the school budget shall be presented to the Board of Mayor and Aldermen by the second Tuesday in February of each year. Article 6, section 03, on or before the second Tuesday in March of each year, the mayor shall submit to the Board of Mayor and Aldermen a budget for the ensuing fiscal year with an accompanying message. Article 6.04 (c) adoption, the Board of Mayor and Aldermen shall adopt a budget on or before the first Tuesday in May. The motion carried with Commissioner Girard voting in opposition.

A. Commissioner Martin:

3. Welfare Commissioner position.

Chairman Duval stated Commissioner Martin, you are up next, but this item has already been addressed.

B. Commissioner Girard:

3. Elimination of the Parks and Recreation Commission.

Commissioner Girard stated since the Parks and Recreation department has been eliminated I'm not sure there is the need for a commission. I think the remaining item that the commission oversees is the enterprise fund which is not terribly active and I think that fund is probably better overseen by the highway commission, which is the commission which oversees the entire department now and not a subsection of it. It is redundant. What duties it has left are easily transferred to the highway commissioner.

Commissioner Girard moved that the parks, recreation and cemetery commission be eliminated and their duties be transferred to the highway commission. The motion was duly seconded by Commissioner Pappas.

Commissioner Martin stated I'd be curious to see what Peter Capano has to say about that. I have very little experience with the parks and recreation commission. I would like to know what their value is to Peter and his work. I don't feel prepared to make a decision about this this evening for this reason.

Chairman Duval stated I think that is a good suggestion. That thought was going through my mind. I would like to hear the director of highways and Mr. Capano and how they weigh in on it before they take an official vote. It sounds logical to me, but I just want to make sure we are not missing something.

Commissioner Lopez stated when we put the parks department into the highway department, the aldermen didn't do anything with the commission. Probably technically and legally in the charter when it is rewritten, upon legal advice, you probably will take that out of there. The aldermen felt at that time, since we were moving, they still should exist as advisory because that's all they are, advisory. I think at such a time where the

mayor and aldermen can find some type of duties and there are quite a few duties that they could actually give to the commission, I think that is the time that they should address it. It has already been addressed by the aldermen by eliminating the parks and recreation and putting them as a sub-department of Highway. That is where we stand.

Commissioner Girard stated in as much as the department... I know that I understand that the commissions are purely advisory, but I'm not sure that I would expect any department head or any division head to walk in any say that their commission is of no value and it should be eliminated. While I appreciate the opinion of Mr. Capano and the public works director, I think it is highly unlikely that they are going to come in and say anything that would cause the commission to think that those bodies are irrelevant and should be removed.

Chairman Duval stated we should certainly ask them. That was just a suggestion. Nothing like getting input. That is why we are here.

Chairman Duval called for a vote on the motion that the parks, recreation and cemetery commission be eliminated and their duties be transferred to the highway commission. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton, and Ashooh voting in opposition.

Commissioner Martin stated in regards to the welfare commissioner position, one of the things I did do that I was supposed to do last week was craft some proposed language. It was included in the agenda of what it might look like in the charter for the transition from the welfare commissioner to the department head. We can receive and file it if we like, whatever you feel is best.

Chairman Duval stated I think at this time, for the basis of what we need tonight, I think the public will understand that we make a motion to make it an appointed position and certainly by the time we craft the language the more specific details we can come up with.

Commissioner Martin stated very good, thank you.

D. Commissioner Pappas:

3. Posting notices of primary and general election in their respected wards from 3 to 10 postings.

Commissioner Pappas stated this motion is more or less on the discussion of getting higher numbers in our City elections and growing turnout. Looking at the charter, I think this is one thing that I think we could make an improvement on. Currently the charter requires that the ward clerk post three primary election notices in public locations inside that ward. Seeing that voter turnout is low in the City, more so than any other area in the state I am proposing ten in each ward to be put up in public locations and also extend it to the general elections too, not just primaries. I would also like to change the wording on when those should be posted to 30 days prior to a primary or general election to try to get more participation in our elections in the City.

Commissioner Pappas moved that ten notices of primary and general elections be posted 30 days before an election in each ward. The motion was duly seconded by Commissioner Girard.

Commissioner Lopez stated I don't know if our clerk knows, but I know that they follow state law. Are you asking to go beyond State law?

Commissioner Pappas replied yes. I don't see why we can't extent it to do a little bit more.

Commissioner Infantine stated I'm sorry, I didn't understand what he was saying.

Commissioner Lopez stated the election comes under State law and he is asking for us to do more than what State law requires.

Chairman Duval stated this is one of those issues where I would rather have our City clerk chime in before we take a vote.

Commissioner Pappas stated I believe that the three is a minimum, not a maximum.

Commissioner Ashooh stated Commissioner Pappas, a couple things pop out here. Do you think there is any relationship between the number of posting and actually getting people out? We noticed the same thing here with our public hearings. They tend to be static. I just don't know how effective that would be. Is there an exclusion here? We just had a special election here in the City. Would these posting also extend to special elections when those come up?

Commissioner Pappas replied this would just simply focus on City elections. That was a State election for the State legislature. This would be focused on mayoral and aldermanic elections and things such as those.

Chairman Duval called for a vote on the motion that ten notices of primary and general elections be posted 30 days before an election in each ward.

Commissioner Girard called for a roll call vote. Commissioners Girard, Pappas, Clayton, Ashooh, Infantine and Duval voted yea. Commissioner Martin, D'Allesandro and Lopez voted nay. The motion carried.

E. Commissioner D'Allesandro

4. Term limits on boards and commissions

Commissioner D'Allesandro stated I think we have done this. We voted on that extension that it would be three four-year terms. I think we did that at the last meeting. We are in good shape there.

F. Commissioner Infantine:

4. The City move to biennial budgets.

Commissioner Infantine stated I would like to move that the City move to biennial budgets versus annual.

Commissioner Infantine moved that the City move to biennial elections. The motion was duly seconded by Commissioner Pappas.

Commissioner Infantine stated we spend a lot of time every year dealing with budgets, a couple months preparing and a couple months doing. It seems like we could be a lot more productive with our time than spending six months out of every year dealing with having department heads and others deal with budget. I understand the argument. I know this came up a few years ago. Nothing says you can't do a revised budget if additional revenue comes in or deal with additional expenses that come forth, but I think we need to spend... We do it at the State House and it seems to work. We can do better

things with our time than having department heads spend six months of every year deal with this.

Commissioner D'Allesandro stated I think biennial budgets are extremely difficult whenever you are projecting your revenues 18 months in advance. We do it at the State level and it is very complex and it becomes more complex all the time. The original reason for annual sessions was to have annual budgets, but we haven't assented to that at this point in time. I think for a municipality to do a biennial budget of this size is very problematic, especially as it relates to the revenue anticipations. If you button that budget out for a biennial from the initial June, I don't know how you would bring yourselves back. You would meet a couple times in a week and you would be going over the budget over and over again. As the time progressed you would be opening and closing it. I think the annual budget really is not a bad idea. The question of timing is a key issue and we have addressed that both on the school side and the City side. I would be opposed to a biennial budget. I just don't think it works. I have worked with biennial budgets for a long period of time as chair of the finance committee in the Senate for two cycles. I have served on the finance committee for the last 14 years and it is a very difficult thing to do.

Commissioner Lopez stated if you look at section 6.13, the Board of Mayor and Aldermen can do that now. It is in the City charter. In my experience we have not done it because we are unsure of anything. To do a two year budget, if I understand what Commissioner Infantine is saying, they shall do a two year budget. Is that what you are indicating? I would be totally opposed to it from experience. We have talked many times of how we could do it. There is no good answer to do it at the City level.

Commissioner Ashooh stated Commissioner Lopez, citing 6.13 it says in the event that the legislature of the State of New Hampshire authorizes the use of biennial budgeting practices... Is it not authorized now? Reading this I am not sure.

Commissioner Lopez responded it wasn't at the time we put this in the charter. We had discussion on it and since the State did go that way, yes, the Board of Mayor and Aldermen could do a two year budget.

Commissioner Ashooh asked so the authorization does exist now?

Commissioner Lopez replied we would be in an off year with the State.

Commissioner Girard stated I actually have a bit of a different perspective on this as I was in the Mayor's Office at the time the fiscal year was changed. In order for the City to shift from a calendar year fiscal year to a July 1-June 30 fiscal year we actually had to put together a budget for a 18 month period of time which required us issuing somewhere in the ballpark of \$45 million worth of bonds to convert the fiscal year. I will tell you that that was probably the best 18 months that I served in City government following the adoption of that budget. It was amazing how much work the departments were able to get done and various other ways and places, not having sopped up half their year in a budget process. While I agree that the projections for revenues would be somewhat problematic, I also think that the City budget is not as complex and certainly not as large as the State budget. It doesn't have as many parts. I think a process could be drafted that could allow the City to revisit that biennial budget on an annual basis and make whatever adjustments are necessary. I can only tell you from experience that that 18 month period of time following the adoption of the fiscal year conversion budget was actually a pretty productive one in the City and I think this is moving things in the right direction.

Commissioner Martin stated Commissioner Infantine's perception of the laborious piece of this budget is absolutely correct. When I served at the School District's office we would start talking about the budget in early December for the following fiscal year. It seemed like it never stopped. We were always embroiled in that and I have first hand witnessed, I don't want to say waste of time because it is not a waste of time, but it seems

like we do a lot of working on budget and not other things. Having said that, the risk, for me, as a voting member of this body in supporting this is what these other gentlemen have talked about with the projections of revenue. If there was a magical way to figure out another way to do this where there wasn't so much time consumed with the annual budget. I will be voting no for this because of that fear. That is absolutely a real concern. There is no question.

Commissioner Pappas stated I have a question for Commissioner Infantine, more so clarification. On the biennial budget that you are proposing, are you proposing that it can be reopened in the second year if the State budget comes back?

Commissioner Infantine replied the way it has been expressed to me is that it can be opened when a majority of the aldermen would come forth and say something. If you are six months through your budget and you find that your revenues are down and we get revenue projections at the State, you know you have to rethink a few things. If you find your revenues are going up you have additional budgetary needs... I would envision having it that way. Right now, we have a one year budget, but every meeting someone comes forth about something that has to do with an extra expenditure. Not every meeting, but there is often that there is an extra expenditure, whether there are monies transferred to here from there, overtime for this or that. It is not like we create a budget on an annual basis and those pennies never change from revenue to expense. We didn't find that we used as much money on worker's comp or this, we didn't use as much money at Highway because we didn't have snow this year so the money is available for other things. It is not like it is in cement and can never change.

Commissioner Pappas stated thank you for that clarification. I will support this. I think it is a good improvement on moving the City forward. I watch community access TV and seeing the Board of Mayor and Aldermen and the School Board talk about this for four or five months and actually more so because of December, I think this would be

better time used if they could use the time to work on the schools, making the schools run better and making the City run more efficiently.

Commissioner Lopez stated I think another problem with this is that the CPI comes out in January. What are you going to do? Use the same 2.17% time year and 2.17% next year so you are locked into the tax cap? I think it is a complication.

Commissioner Infantine stated I'm not trying to say that I have the whole thing figured out here in one sentence. Again, following with what I asked for this evening, this is to have an up or down vote on some concepts. If this is something that the commission feels no way no how, they can vote no. If they feel that it has some merit and it is worth discussing and seeing what the public has to say, then it can go forward. If that does happen and it is a positive vote this evening that does not mean that once we are in deliberations we find that it is too cumbersome and for many reasons it does not find its way to the final charter.

Commissioner Girard stated I actually think that Commissioner Lopez's concern could relatively be easily handled if the biennial budget had an annual review which we would have to make an adjustment for whatever the tax cap CPI would allow and move forward from there.

Commissioner Clayton stated I have heard the past couple of months hearing how if we alter the School Board budget and move the budget table up a couple of weeks the world will spin out of control. The notion of adopting a two year budget under those circumstances seems really tenuous for what that's worth. I think it is interesting to discuss, but I think it is going to be very difficult to implement.

Chairman Duval called for a vote on the motion that the City move to biennial budgets. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.

G. Commissioner Lopez:

3. Welfare commissioner as a department head/elections

Chairman Duval stated Commissioner Lopez, item three on your agenda, welfare commissioner as a department head has already been brought up, but elections. Was that a different topic or was that part of the same?

Commissioner Lopez replied that is the same. We have already taken that up.

G. Commissioner Lopez:

4. Place everyone in the primary

Commissioner Lopez stated this is to place everyone's name in the primary, regardless of whether or not there are two candidates or four candidates.

Commissioner Lopez moved that all candidates' names would be placed on the primary ballot. The motion was duly seconded by Commissioner Martin.

Commissioner Girard stated City Clerk Normand, when he was here, asked what the primary would mean if this was done. Is it mean to pick a winner? Is it meant to take the temperature? I understand what Commissioner Lopez is trying to do to make it possible for people to have an interest in voting for a primary, but if you are going to list everyone in the primary and then list them again in the general is it two rounds and a prize match?

How does that function? What is the point of having them in the primary if not to try to choose a winner?

Chairman Duval stated Commissioner Lopez, along those lines, I'm trying to reflect back on what the clerk offered us. I think there was also a suggested election process where there is no primary, primaries are eliminated.

Commissioner Lopez stated I'm okay with eliminating the primary too.

Commissioner Infantine stated it was my understanding from the conversations that we had, one of the points that I had made was that putting a person's name on the ballot, if there is no primary, allows for someone who shows up to write themselves in. If there are two individuals it still allows them to write themselves in to see if they can best one of the other two. My only concern and I think it is very good to get the citizens involved so they now know who is on the ballot, but my only concern was that in a non-partisan election, if one individual receives 50.1% of the vote did the clerk say that that could possibly be the winner? That is the way it is in Nashua. I would like to know what the intent is. I may not have it correct.

Commissioner Girard stated in Nashua, the only race that has a primary is the mayor's race in the non-partisan system. In Nashua, as with most of the towns when you have a runoff system, you could actually have someone win with a minority of the vote. Having taken a look at a number of the... For example, there was a school board race in Hooksett where there were three candidates and the winner got 43% of the vote. If you have a runoff where the highest vote getter wins and you have multiple candidates in a primary then you are going to be faced with a situation that happens frequently in these systems where the majority of people will be represented by someone who they did not vote for.

Commissioner Infantine stated that is why I need to know what the intent is from Commissioner Lopez on this motion.

Commissioner Lopez stated the biggest complaint that I have heard is people going to the polls, going to go vote for you, but you aren't even listed on the ballot. I think one of the points that the city clerk brought out that that was always a problem. I thought he was running. Well he is, but he is in the general election and you have to explain why your name is not on the ballot. I have had more complaints about that as an elected official than anything when it comes to election time. I thought your name was on the ballot. Well, I'll be in the general election but I wasn't good enough to be in the primary. There is a different philosophy in saying that you lose the exposure if your name is not on there going onto the general election so people think that there is only one candidate. A lot of people don't go to the polls in the primary according to the statistics that my good friend Commissioner Girard had. That is one of the reasons.

Commissioner D'Allesandro stated the discussion that we had with the city clerk clearly indicated that one of the things that we ought to think about is eliminating the primary because no one votes in the primary. As has just been pointed out, if you are passing through, your name isn't on the ballot in the primary. So what do we have a primary for? It is costly. You have to bring people out. You have all the moderators and so forth at the polls and if the new election law comes through we are going to have to have cameras at the polls so that is another expense that is going to cost us. It just seems to me, if a person's name isn't on the ballot and they pass through to the general what is the sense of having a primary? We should have one election. It should be a non-partisan election with everyone's name on the ballot. I think it would create more vigor and enthusiasm for the election. It will save us a lot of money and I think we will have a better process.

Commissioner Ashooh stated the question is, should everyone be in the primary. I think there have been very good points here. If we don't have a primary and we have everyone on the ballot just in the general then the winner would be the one who gets the most votes of the biggest crowd you could possibly have. The best example is the assortment we have here.

Chairman Duval asked in Nashua, do you have to get a supermajority?

Commissioner Girard replied it is the highest vote getter.

Commissioner Ashooh stated you can take the general and have nine candidates running and then have a run off because no one got a majority which is basically another way of saying it is a primary. I think, based on what Commissioner Lopez, has put up here as far as everyone's name being in a primary and I think Commissioner Infantine's comment about eliminating the potential for write in, I would be willing to support this at least to examine it a little bit further. I would like to hear what the city clerk has to say and perhaps some of the ward moderators and the like who actually see what happen in the polls every day. I would be willing to support it at this point.

Commissioner Girard stated one thing that all the moderators have seen since we have moved to a non-partisan system is a decrease in voter turnout. If you move to a runoff system, which is effectively what this motion does, then all you are going to do is strengthen the power of incumbency. The city clerk testified that non-partisan races strengthen incumbents and there are volumes of data which I would be happy to share with the commission about how non-partisan elections make it harder for challengers to take out incumbents so you are making the system less competitive and it is making the system less competitive that is driving down voter turnout in a non-partisan system. This is a step that will disenfranchise the average person in the process.

Commissioner Infantine stated what I hear from Commissioner Lopez is to get people more engaged he would like to see all the people who are in the primary, their name on the ballot during a primary. Regardless of whether there are just two of them for that office, if there are three of them for that office such as selectman so they would all be there. What I am hearing from Commissioner Girard and what I thought I heard from the clerk is that by doing that, all you are doing is creating a runoff and that is where I am a little confused here on what they are doing. They are two very separate things, but it is important for me to understand what the ramifications are in a non-partisan are when you list all the individuals on a primary ballot, even if there is just barely the amount needed for that seat. Is that correct, Commissioner Girard, as to what occurs?

Commissioner Girard replied I'm only asking the question that the city clerk had. If you put everyone on the primary, what do the votes that they get in that primary mean?

Commissioner Infantine stated I assume that Commissioner Lopez only wants to put everyone in the primary and he is not looking for a runoff type of election.

Commissioner Girard stated he might not be looking for that, but that is what it is going to be.

Commissioner Lopez stated the votes in the primary going forward to the general election in my viewpoint have no value to that degree. If you had only two people, at least the people who went there to vote for you will see your name. That is the biggest complaint as an elected official that I got. My name is not there and the explanation from the City Clerk's Office as to why your name is not there... Why didn't you tell me? I don't know who is going out to vote. I know it is not everyone. I know a few people. The second thing, if you have three names for a ward. There is a runoff, automatically today. They have to be listed in the primary and only two go to the general election.

Commissioner Infantine stated in a runoff, let's say in that scenario, there are three of those individuals and if they get 30%, 40% and 20% from that primary, under non-partisan when you have that 40% they automatically win. They are done, there is no general.

Commissioner Lopez stated I'm not saying that.

Commissioner Infantine stated I know you're not, but I think that is what happens when you do this in a non-partisan election.

Commissioner Lopez stated it hasn't happened in 12 years.

Commissioner Infantine stated that is what I would like to find out because I believe that is what was intimated by the clerk and I just want to find that out. I know that is not what you want to do.

Commissioner Lopez stated I'm just bringing this because the clerk mentioned the people's names in the primary as the biggest complaint, if it is a complaint. If the commission doesn't think that is worthy to move forward that's fine. It might be a nine-zero vote.

Commissioner Infantine stated but I do feel it is appropriate, commissioner. It is the unintended consequences I am not sure of. If anyone around this table can shed light on that, I would rather table it because I think we would all be in favor.

Chairman Duval stated either way, Commissioner Infantine, we can have the clerk weight in on it for a point of clarification when we vote up or down. I think we can take a vote on it and move forward.

Commissioner Girard stated from a perception point of view though, let's just say that you only had two people running for one seat and the vote goes 70-30 in favor of one candidate against another. You have just set an expectation in the minds of the public that the election is done. How enthusiastic is either side of that race going to be on a lopsided ballot? Frankly, you are likely to see a whole lot of that in a non-partisan runoff between two candidates. You are setting up perceptions that I think are going to continue to depress voter turnout.

Chairman Duval called for a vote on the motion that all candidates' names would be placed on the primary ballot. Commissioner Girard requested a roll call vote on the motion. Commissioners Girard, Martin, D'Allesandro and Duval voted nay. Commissioners Lopez, Pappas, Clayton, Ashooh and Infantine voted yea. The motion carried.

Commissioner Infantine stated if I recall, Mr. Chairman, you won a primary and lost the general.

Chairman Duval stated yes, but there were three candidates on the ballot.

Commissioner Girard stated that points out the hazard. If you had been in a democratic primary you would have taken out the incumbent and you probably would have gone on to win.

Chairman Duval stated let's not do the story of Jerome Duval tonight. I would like to request Clerk Normand to weigh in on this by end of business on Friday, the same method that we prescribed earlier. Advise him of the motion that was passed tonight and ask that he weigh in on this.

Commissioner D'Allesandro stated he just had surgery.

Clerk Leahy stated he is out of the office right now. I'm happy to email him, but it may take a little longer.

Chairman Duval stated someone must be filling in downstairs in the Clerk's Office.

B. Commissioner Girard:

4. Empowerment of departmental commissions to review and approve non-labor related contracts for their departments.

Commissioner Girard stated Mayor Gatsas made a request of the commission back in December that if we are going to leave the commissions they should have something to do and he suggested that they be empowered to review and approve non-labor union departmental contracts so that there are additional eyeballs on what the department heads are doing before they commit the City to their activities. I thought that was reasonable. I don't know that it is necessarily to ask citizens to participate in so called advisory boards that don't have any authority. In 18 years the Board of Mayor and Aldermen has not seemed fit to delegate any authority to them. Since I would like to see a paradigm evolve where we are making it possible for more people to participate, I would rather give the commission something to do than eliminate them and I would take Mayor Gatsas' suggestion and I would move that the departmental commissions be authorized to review and approve and non-labor contracts entered into by any department head on behalf of the City.

Chairman Duval asked is there a dollar amount?

Commissioner Girard replied that is a detail we probably want to get some guidance on so I don't have a dollar amount.

Commissioner Girard moved to empower departmental commissions to review and approve non-labor related contracts for their departments. The motion was duly seconded by Commissioner Infantine.

Commissioner Lopez stated I think the Board of Mayor and Aldermen could put it into one of their standing committees that they do that. I would be more inclined, Commissioner Girard, if in section 10, that there might be some type of language where the existing advisory commissions that the mayor and board of aldermen should establish jobs that they could do for lack of a better word other than personnel stuff, like we did in section 10. It allows the Board of Mayor and Aldermen and the mayor to establish the type of jobs that they want the commission to do. We have given the authority to the commission, which is authorized in the charter right now, that the Board of Mayor and Aldermen could delegate to any commission anything that they want. For example, they could tell the commission that they want them to review the budget that the department head submitted. They could tell them that they want them to look at all the policies and make recommendations to the Board of Mayor and Aldermen. They can go to the Board of Mayor and Aldermen and tell the Board of Mayor and Aldermen that the direction that the department head is taking is the wrong direction for the City. That is how the interaction works now. Has it been done? We have given authority to certain commission to look into different things, but kept them out of personnel issues and negotiations and stuff like that. I'm not against this. I think the advisory commission should have a job. For us to dictate what the job is, I think it would be better if we find some type of language later on giving the Board of Mayor and Aldermen the authority to establish those particular jobs.

Commissioner Girard stated I would only say that my proposal wouldn't alter anything that is currently in the charter. I would just note that it has been 16 years since this charter has been in effect and the Board of Mayor and Aldermen has taken absolutely no

steps in that direction and no member of any commission has ever exercised whatever little authority they have to try to bring things to people's attention. I think that tells me that it is not a functional system. It is not user friendly. It is not practical and it is hard for commissioners to be engaged especially when all they are is advisory. I think in making it possible for them to... Right now there is a controversy over whether or not the Police Department should change the contracts with tow operators for snow emergencies. The chief is bringing that forward to the Board of Mayor and Aldermen. Why not say that that is a contractual arrangement that the City enters into with the tow providers. Why not have the commission deal with that? Does the Board of Mayor and Aldermen have to get involved in that? If it does, does it want a recommendation or an action of the commission? I think there are a number of contractual items, whether they have to deal with request for proposal bids, purchasing or arrangements like that where the City looks for a service or has an arrangement where if the commission had authority in those areas, by charter, we would have more eyeballs looking at these things, we would have more people engaged and I think we would get some better outcomes. Mayor Gatsas has shared with me, as I'm sure he has shared with others, some of the horror stories he has found since becoming mayor in various City contracts where the department head was the only one who took a look at what was going on. I think all I'm trying to do here is correct that.

Chairman Duval called for a vote on the motion to empower departmental commissions to review and approve non-labor related contracts for their departments. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.

D. Commissioner Pappas:

4. Increase speaking time during public participation at BMA and School Committee meetings for individuals wishing to speak.

Commissioner Pappas stated this is because we had such low public participation and I would like to bring it up, at least to have a discussion about it. This is discussing increasing the public participation time at the Board of Mayor and Alderman and also at the Board of School Committee.

Chairman Duval asked do you have a specified time, commissioner?

Commissioner Pappas replied I'm going to throw three minutes in there.

Clerk Leahy stated it is currently at three minutes.

Commissioner Pappas stated five. I'm not going with six. Five minutes. I don't want these guys there all night.

Commissioner Girard stated up to five, maybe given the turnout.

Commissioner Pappas stated up to five.

Commissioner Girard stated people right now are already taking five or six.

Commissioner Pappas stated I think it should at least be discussed.

Commissioner Pappas moved that speaking time during public participation sessions be increased to five minutes. The motion was duly seconded by Commissioner Girard.

Commissioner Ashooh stated it will be brief. I will not need three minutes. The one night that we did have tremendous public participation, and it seems to run the course in most of the budget hearings and everything else, you need to be able to make your argument in a minute or two and most of the time what you find is that you have repetition of speakers lined up to say the same thing. It doesn't take five minutes to do it. I think three is plenty. Frankly, if it is not enough I find that people tend to run over with disregard for the chairman or whoever is keeping time. I would be a no on that, with respect.

Chairman Duval called for a vote on the motion that speaking time during public participation sessions be increased to five minutes. Commissioner Pappas requested a roll call vote on the motion. Commissioners Pappas, Clayton, Ashooh, Duval, Martin and Lopez voted nay. Commissioners Infantine, Girard and D'Allesandro voted yea. The motion failed.

F. Commissioner Infantine:

8. Alderman and School Board at-large district to be changed as follows:
 - a. One at-large position for the first 6 wards 1-6,
 - b. One at-large position for remaining 6 wards 7-12.

Commissioner Infantine stated I would like to propose a change in the aldermen and School Board members to being at-large for the entire city to each one being at-large for half of the city. One alderman would do Wards 1 through 6 and the other one Wards 7 through 12. It would be the same thing for the School Board: one at-large representing Wards 1 through 6 and the other one Wards 7 through 12. The reason being that I find it an unique situation when many aldermen at-large say that they receive a phone call from a constituent from a different ward and some of them, not all of them, will say that you have to talk to that alderman in that ward first. I also find that it would be very difficult

to really represent the entire city. Commissioner Ashooh alluded to it earlier that there are such differences between the wards. I also think that there was never an intent, and if there was, I would be surprised, that the position of aldermen at-large or School Board at-large was meant to be a precursor or a stepping stone to becoming mayor, which it seems to have become, having to run a city-wide race. As you note in the last 12 years, there have been four aldermen at-large. Obviously showing is very difficult for other folks to run. For those reasons, I would bring that forth.

Commissioner Infantine moved that aldermen and school board at-large positions be modified so one at large position represents wards 1-6 and the second at-large position represents wards 7-12. The motion was duly seconded by Commissioner Girard.

Commissioner Girard stated having had the privilege of having served at-large, I can tell you that running a city-wide race, especially for alderman, is an extraordinarily difficult thing to do. I honestly don't know whether or not... Let me put it this way. I like this better than the current system. I would prefer, frankly, to see the positions eliminated. The reason for that is simple this: I believe that every locally elected office should be accessible to every average citizen. I don't think that you should have to be a Mike Lopez or a Rich Girard or a Dan O'Neil or a Dave Wihby or a Joe Levasseur or someone like that in order to run and win at-large. There have been a number of candidates over the years and a number of sitting ward aldermen or sitting School Board members who have run for those at-large positions and lost. I think all nine of us here are fairly well known the community. It is almost like a high school popularity contest in some ways. I think that having, if we are going to keep the at-large positions, having half the city as your territory, for lack of a better term, is preferable to having the entire City because I think it makes it more possible for other people, more normal folk, to run and to win. I think people need to believe that their locally elected offices are accessible to them, otherwise they don't participate.

Commissioner Lopez stated this is an issue that has been around for a long time. I think everyone received a letter from the Chamber of Commerce today. Did everyone get a chance to read that? It is not a bad idea to have six at-large and six ward aldermen, six places to go vote. How much money would you save? How many people that the city clerk would not have to go find. That is an area, that I strongly believe, should go out to the public. I disagree with getting rid of the aldermen at-large, but if there is a big outcry for it then let's hear it. We might want to increase it and get rid of some ward aldermen to move the city along. It is a great subject, but I would not vote on getting rid of the aldermen at-large this time. Divide it up into six parts, six wards for one alderman. That was talked about at the last charter. It was talked about six aldermen at-large at the last charter and then it went down to four and then down to two. I don't think the alderman at-large is there to run for mayor or anything else. I think you need a better perspective and with all due respect to ward aldermen, that is what they are elected to do, take care of the ward. There are big issues in this city and I think the aldermen at-large bring a perspective of looking at some of the bigger issues. I know the first time I was elected as alderman at-large, I had to make a very tough vote and I made it on the civic center. I believe that the more aldermen at-large that you have, the better off this city is going to be. Can that pass the city? I don't know. I like what the Chamber did here with six and six. It gives you six places to go vote. Do you know how much money we can save?

Commissioner Pappas stated I did read the letter from Robin Comstock at the Chamber and I will actually be calling tomorrow to cancel my membership with the Chamber. It is incredible what is going on there. I would like to state that removing representation from each individual ward is honestly ludicrous. You are creating bigger government by creating more city wide positions and taking local elected positions away. You are going to limit people from Ward 10, Ward 11, Ward 12, anyone in the city, from having a relationship with their alderman, having less ward aldermen and having more aldermen at-large. I would like to see all the aldermen at-large positions gone. I feel strongly that

this commission is not going to do that, but I would support Commissioner Infantine's motion.

Commissioner Infantine stated I too have an issue with Robin Comstock's letter. I know this is something that Brad Cook sent to us the first week we were here about his desire to do this. I don't care if you want to have four aldermen at-large, however you want to play that, but I think you get very risky when you take a representative away from that ward. We have had complaints about that on the State level when we had floterial on the west side where Ward 11 didn't have a State representative and everyone was all bent out of shape about that. I think we have to be very cautious. Adding people, okay, I'll give that one to you. Taking away, it is something that in unconscionable to me to have anyone who doesn't have at least their own representative. The issue has been brought up twice about saving money. You may find this funny coming from me, but I'm all in favor of saving money when money can be saved. I have a really hard time, and I could never support saving money at the sacrifice of limiting the citizens' ability or access to something, especially voting. I would love to save money on primaries and I would love to save money on fewer polling places and not having the schools closed on election day because we could have other places for them to do that, but it is so important in this country. We have an air that people don't feel that they are represented well enough on multiple levels. I couldn't support the other thing. I know that is not the motion on the table, but I wanted to respond to you, commissioner. My motion is very simple. I guess the vote is going to give an idea to anyone out there whether or not there is any interest in making any changes whatsoever to the at-large positions.

***Chairman Duval** called for a vote on the motion that aldermen and school board at-large positions be modified so one at large position represents wards 1-6 and the second at-large position represents wards 7-12. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.*

G. Commissioner Lopez:

6. Penalties for lack of reporting, add reference to RSA 15A

Commissioner Lopez asked can I ask Commissioner Ashooh, did you plan on putting the penalty on what you are submitting? This is changing to a penalty for not filing.

Commissioner Ashooh asked the financial disclosure? Basically what I am proposing is that you amend the definition of a City official, that they file financial disclosures, and they are subject to all the other penalties or violations of the ethics boards so yes, they would be subject to the same penalties. There are the two disclosures.

Commissioner Lopez stated right now we don't have a penalty. That is why I was asking you. What I submitted under 5.29, any candidate or member of his political committee who has failed to comply with this section shall be assessed \$300 and it shall be collected by the city clerk.

Commissioner Ashooh asked are you talking about election penalties? Filing of those financial reports because I'm talking about your filing of pecuniary interest if you sit in an elected or appointed position and you have a business relationship with someone who comes before you. That is the disclosure. It has nothing to do with filings.

Commissioner Lopez stated I had put down the financial statement of interest, the RSA 15, but what you have is a little different than what I have. Are you going to submit both, RSA 15 or just that?

Commissioner Ashooh replied I am simply focused on the statement or the sunshine on whether or not there is a financial or pecuniary interest by a board member with someone who comes before them when they are acting on behalf of the City.

Commissioner Lopez stated okay, then therefore I make a motion that any candidate or member of his political committee who has failed to comply with this section, which is 5.29, shall be assessed \$300 and it shall be collected by the city clerk. I'm willing to compromise.

Commissioner Ashooh stated what I am talking about has nothing to do with political committees. This is a completely separate section?

Commissioner Lopez replied that's correct.

On motion of Commissioner Lopez, duly seconded by Commissioner Girard, it was voted that any candidate or political committee who fails to file financial disclosure forms be assessed a penalty of \$300 that shall be collected by the city clerk. There being none opposed, the motion carried.

B. Commissioner Girard:

5. Elimination of at-large positions.

Commissioner Girard stated I will be brief on this because I know how the vote is going to go, but I want to make a statement. In my experience, both working for the mayor and as an alderman, did not find that the ward aldermen were incapable of addressing city wide issues in a thoughtful manner. I did not find that they were uninterested in that and I do believe they were elected to do more as I believe they believe they were elected to do more than just take care of their ward. Having been elected to the position, I don't really see that it adds anything to the discussion that wasn't already there. I think it has, in a number of ways, empowered various interest groups over the citizens, and I think it is an unattainable office for most who are interested in seeking office and therefore, it has

become an exclusive club by virtue of the very few who have been elected to either board at-large. For that reason, I would move that we eliminate the position of alderman at-large.

Commissioner Girard moved to eliminate the at-large positions. The motion was duly seconded by Commissioner Pappas.

Commissioner Martin asked is it just aldermen at-large or are you including School Board?

Commissioner Girard replied I'm including School Board. I was only making reference to my personal experience. The motion is to eliminate at-large positions on both boards.

Chairman Duval called for a vote on the motion. Commissioner Girard called for a roll call vote on the motion. Commissioners Girard, Martin, Pappas and Infantine voted yea. Commissioners D'Allesandro, Lopez, Clayton, Ashooh and Duval voted nay. The motion failed.

F. Commissioner Infantine:

9. Fluoride will no longer be allowed to be added to the municipal water system.

Commissioner Infantine stated this will be my last one. Nine and ten were requested of me by individuals and I have since found out that ten is not against the rules anyways so it is a moot point. Since I was a young lad, municipal water systems in North Reading, Massachusetts, where I was first brought up, fluoride has been put in the water. I think it was back in the day when there was somewhat of a less amount of dental hygiene than there is today. We have healthy kids for people who can't afford or who don't have

access to good dental hygiene today. If I look at all of our water systems and I have gone down in the last couple of months and checked out the water system and received a tour of the brand new facility we have down there and a good 60% of the water, maybe 70%, goes into our showers, toilets and our lawns. I'm sure the grass really appreciates the fluorination, but we don't put other things in our water. More people have headaches than they have problems with their teeth. We don't put headache medicine, we don't put anti-cancer medicine and some other things in it. I don't want to upset Commissioner Martin because I was going to be sarcastic again. It is getting to 8:30 p.m. I'm just trying to have some fun, commissioner. There are a lot of things that we don't add in the water. There are some studies that say that it is not good for you. I know this is probably not really necessary in the charter, maybe it goes to the Health Department, but I am trying to make a point that we may have come to the time when we should probably save the money and not fluorinate a tremendous amount of water that is going to non-drinking use. If you can do something to put something in the water that will help me stop balding because I notice how that camera up there shows my bald spot all the time, I would be in favor of that. Absent that, I'm going to say that it may be time to eliminate the fluorination.

Commissioner Infantine moved that fluoride would no longer be allowed to be added to the municipal water system. The motion was duly seconded by Commissioner Pappas.

Chairman Duval asked how are your teeth? That's a fair question, right?

Commissioner Infantine replied my teeth are fine because I had fluorination at the dentist.

Commissioner Lopez stated maybe the State representative, Commissioner Infantine, or Senator D'Allesandro could tell me, I thought this went to the State and it is State law that they can do it. Is that correct?

Commissioner D'Allesandro replied yes.

Commissioner Lopez stated you say yes, but he is shaking his head no.

Commissioner Infantine stated I will defer to the Senator.

Commissioner D'Allesandro stated it is State law. I sponsored the bill.

Commissioner Girard stated point of order. State law says that you can, but it requires a vote of the people. The governing body can't do it without a vote.

Commissioner Lopez asked does it require a vote of the sending towns?

Commissioner Girard replied it does and in 2003 there was a second vote because the City was sued for having a vote that didn't include the towns so everyone had to revote.

Commissioner Clayton stated I love the discussion, but I wonder if I'm the only one in the room who ever saw Dr. Strangelove. I think this issue has been debated for 50 years and has done well by Peter Sellers.

Commissioner Girard stated I will say that I am one of the fortunate few who gets to suffer from fluorosis and it is an issue and there are people who are impacted by it on a serious note and there is not an open and shut case in the medical world about using fluoride and its potential health impacts on people. As someone who has suffered the ill effects of it, I would certainly be against the forced medication of the population.

Commissioner Pappas stated I'm looking at this as more of a financial issue. We are sitting here talking about the tax cap and budgeting and shortage of money. If we can gain some revenue from this by stopping this and moving that someplace else, why not?

Commissioner D'Allesandro stated the Manchester Water Works produces water at the lowest cost of any municipal water system in the state and probably the lowest cost in any entity in the state that produces water. We are not going to save any money.

Commissioner Pappas asked do you have a number?

Commissioner D'Allesandro replied I don't, but I'll get one for you.

Commissioner Pappas stated please do. A dollar is a dollar.

Commissioner Ashooh stated I did see Dr. Strangelove, but that being said, I am also aware that the Water Department here is one of the most efficient in the country. When you talk about dollars, we can account for about 97% of all the water in our system. Boston accounts for about 60%, New York less than 60%. That being said, fluorination is something that has a tremendous benefit, but it is a health question. It is not dollars and cents. It is for the Health Department to decide. It is for the dental society to decide. I know a lot of dentists who have happily gone out of business doing fillings and have gone on to veneers because they make a lot more money doing that. I would oppose putting anything in there that is medically based for the Charter Commission. It is not without our purview.

Chairman Duval called for a vote on the motion that fluoride would no longer be allowed to be added to the municipal water system. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.

B. Commissioner Girard:

10. Motion to provide the school board/district with an official seat on the Planning Board.

Commissioner Girard stated so often in the discussions of development the School Board and the School District are left out of the equation. There is no formal process by which they are solicited. My investigation over time has shown that sometimes they are asked and sometimes they are not. Moreover, sometimes when they are asked they don't always respond. I think in matters of development, particularly as it affects residential development, the School Board ought to have a seat at the table on the planning board just like the aldermen do because the schools are impacted every bit by development as is the city.

Commissioner Girard moved that the School Board/School District would be provided with an official seat on the planning board. The motion was duly seconded by Commissioner Infantine.

Commissioner Infantine stated the wording you used here is official seat. Is that a voting seat?

Commissioner Girard replied yes.

Chairman Duval stated just a comment. It just strikes me, I understand what Commissioner Girard is trying to accomplish and I appreciate that, but it seems to me that this is a more or less a function in the way the planning process is managed. It seems to me that if they have a project coming along that is being heard and there is a consequence that it is going to impact the schools then I think they would ask the school administration

to weigh in on it in a formal or official capacity. I have to believe that is being done. If not, shame on the City for not doing that. I just can't see mandating the School District to be at every single planning board meeting when largely the items that come up don't impact the schools at all. I have an issue with that.

Commissioner Girard stated I'm not sure that it is a mandate on the district, but usually at the board of aldermen, there are volunteers sought. There is an alderman and an alternate sought. Currently it is Alderman Roy and Alderman Long.

Chairman Duval stated I was opposed to that too when I was an aldermen. I don't think they should be required to serve on the planning board. That is just my opinion.

Commissioner Lopez stated the Board of Mayor and Aldermen are required to appoint an alderman to the planning board. That is under State law. I think, personally, six and seven could be a note that we send to the Board of Mayor and Aldermen and ask them to bring that to the attention of the aldermen who sit on the planning board that when there is a school issue they should get some insight. They have done that in the past. This is more of a policy.

Chairman Duval stated I agree with Commissioner Lopez.

Commissioner Ashooh stated I sit on Southern New Hampshire Planning Commission and part of the regional plan and transportation uses of the school needs is what we do. On top of that, there is a process in the City of Manchester goes through on a five or ten year basis and it basically is part of the plan that allows us to qualify for federal funds and it is a community and economic planning scope of development that does take into account school needs and anticipation of school populations. The schools are not unrepresented and frankly, it is the obligation of the Planning and Community Development Department and in this case it would be Leon LaFreniere in doing the

master plan and doing the census filing, taking into account the school needs and some of the impacts that may be coming up with the lands that we have available. I see this as kind of a redundancy. Add someone from schools who has no expertise in planning, I can't see as an additive.

Commissioner Girard stated there is nothing that requires a member of the board of aldermen who sits on the planning board to have any background in planning and in fact there are several people who have been appointed to the planning board over the years who don't have any background in planning. The point is that they bring a point of view, they bring a voice, they bring questions, they bring understanding, they bring representation and it is all well and good to talk about what should and shouldn't happen. I think we can look back and see what hasn't happened. There are lines in the charter that you want to draw to require participation so that things don't go by the wayside and have a certain level of importance to them. Were it the case that there was a process that was actually functioning, then this would not be an issue.

Chairman Duval called for a vote on the motion that the School Board/School District would be provided with an official seat on the planning board. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.

B. Commissioner Girard:

7. Require that before approving any residential new residential development, the Planning Board be required to solicit and consider information from the school district on the potential impact on the schools prior to granting any approvals.

Commissioner Girard stated I don't have anything else to say in the absence of a School Board member on the board, I think it might be wise to require that their input be sought before any major development or housing developments go through. We need to guarantee that the schools have a voice in the planning process where there could be adverse impacts on the schools.

Commissioner Lopez stated I think that when we submit our document to the Board of Mayor and Aldermen that recommendation could be given to the Board of Mayor and Aldermen and they can instruct the aldermen to do that.

Commissioner Girard moved to require that before approving any residential new residential development, the Planning Board be required to solicit and consider information from the school district on the potential impact on the schools prior to granting any approvals. The motion was duly seconded by Commissioner Infantine.

Chairman Duval called for a vote on the motion. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.

B. Commissioner Girard:

8. Requiring that the Board of Mayor and Aldermen, prior to the rezoning of any land, be required to solicit from the Planning Department, Board of Assessors, and other departments as the situation may warrant, such as the schools in the case of residential rezoning, impact data of the proposed change and a determination of whether or not the proposed change is a higher and better use of the land, but also whether or not the proposed use will have a more beneficial net impact on the tax base than the existing use.

Commissioner Girard stated I'll thank the commissioners for their indulgence. We discussed this when we had the board of assessors and the planning director here. Manchester has seen an epic shift in the makeup of its tax base. It has seen a very bad

shift in the makeup of its tax base. Almost universally, that shift has come as the result of rezoning request. Bodwell Road, once upon a time, was all commercial industrial land. That was going to be next South Willow Street. Now it is a housing Mecca that has had its impacts on the schools. There are entire areas of the city... We just recently had the discussion shall we call it, over what we should do with various areas of Front Street. When developers come in and ask the City to change the zoning, they are in affect asking the City to do them a favor. Right now there is no process by which information from the City departments that govern or regulate these things bring forward information so that before they make a decision they have an idea of what the impact of that change will be and that impact could be anything from impact on schools to lost opportunity. That data is actually available. That data is simply there. There is no reason why the planning director or the chairman of the board of assessors can't be asked for an analysis of what the City would have if the current zoning were built versus what the City would have if the zoning change was requested to understand the net benefits to the tax payer. The real trouble is that so much of this land, we can go up Front Street and Hackett Hill, which was once all residential single family zoned and now it is a virtual apartment city. We can go and we can take a look at these things and we can have some date that the aldermen should be required to consider so that they know what the impacts are. I'll end with this and this is why this is important. Having done some of the analytical work with the board of assessors on the proposed zoning change on Front Street, if the number of students expected at that development show up, the school costs alone will flip that project so that it is almost a quarter of a million dollars in the red. In other words, the number of kids will not only not pay for schools... And that is just the school cost to say nothing of police, fire or anything else. To put that into perspective for everybody, the Market Basket downtown, the one that everyone brags about, is an \$11 million project that at current tax rates pays \$245,000 in taxes. If the projections for the number of kids that are going to be housed in that project that was rezoned on Front Street are correct, you will have to build another Market Basket somewhere in the city just to pay the school costs. It seems to me that there ought to be an absolute standard that before rezoning are

done, the aldermen get real data from their staff who is capable of generating it and be required to at least have it be dropped on their desk before they make the decision so they know it is going to be a potential net plus or a potential net negative to the City. I would make number eight as a motion.

Commissioner Girard moved to require that the Board of Mayor and Aldermen, prior to the rezoning of any land, be required to solicit from the Planning Department, Board of Assessors, and other departments as the situation may warrant, such as the schools in the case of residential rezoning, impact data of the proposed change and a determination of whether or not the proposed change is a higher and better use of the land, but also whether or not the proposed use will have a more beneficial net impact on the tax base than the existing use. The motion was duly seconded by Commissioner Infantine.

Commissioner Infantine stated I think it is important that any city or town have a balance to their development. In my school age years I grew up in Amherst and they tried to make snob zoning, five acre lots. That is wrong too. That is one side of the spectrum. The other one is that developers are going to put in what is going to provide them the most revenue per acre, per lot, per square feet. The thing they were discussing at one time up on Wellington Hill, off of Edward Roy Drive, was cluster housing. Why? Because you get a lot more. You don't have to do as much site work and all the other things that have to go along with it. Developers, by their nature, want to get as many units as they can with the least cost possible. I often see the zoning board changing the zoning to accommodate these things. We need to have a balance and we have lost that balance in the city. Some will say that there is a need for that. There may be a need for that or that or that. It doesn't mean that we have to be the recipient of that or that or that. We can decide that we are too heavy into that, or we are too commercial on that area of the city or too residential on that side of the city, which is encroaching on where

businesses are. I think we lost the balance. This is the only way that I know to come up with putting that balance back without mandating that certain things occur like we are. Some towns will allow a subdivision in a town, but you can only build eight new homes a year. I don't care if that subdivision is designed for 24 units, you can only build eight per year because that is how much we are going to get for a certain amount of money that is going to come each year for our impact fees and that is all that we can absorb in our town for schools and other things. I don't want the City to go there. That is very restricted and it does nothing more than really drive up costs of housing. That is not positive. This is the best, unless someone has a better idea, to try to bring that balance back to the City.

Chairman Duval called for a vote on the motion to require that the Board of Mayor and Aldermen, prior to the rezoning of any land, be required to solicit from the Planning Department, Board of Assessors, and other departments as the situation may warrant, such as the schools in the case of residential rezoning, impact data of the proposed change and a determination of whether or not the proposed change is a higher and better use of the land, but also whether or not the proposed use will have a more beneficial net impact on the tax base than the existing use. The motion failed with Commissioners Duval, Martin, D'Allesandro, Lopez, Clayton and Ashooh voting in opposition.

Chairman Duval stated just a reminder before we adjourn that there is a public hearing before this commission next Wednesday night. That is March 27th beginning at 6:00 p.m. right here at City Hall. We certainly encourage residents of Manchester to come forward and voice their thoughts, suggestions or opinions relative to any number of things we have discussed week to week and on any of the suggested revisions to the charter that we made here tonight.

Commissioner Infantine stated I think it would be appropriate, since we went through a lot of information this evening, that we either present to the media or on the City website or wherever, all the different motions that were made this evening, in the up or down, and the votes as quickly as possible. Quite frankly, if anyone was sitting at home watching for the last three hours, I think they find something else to do to occupy their time. You can only watch this for so long. The media will do their best to summarize what happened tonight, but there were so many different things on the table, I would hope that we could get them out to folks.

Chairman Duval stated Clerk Leahy, Commissioner Infantine has made a great suggestion and if you could put forth your continued best efforts to see if you can pull that information together in concise terms, that would be great. Good suggestion, Commissioner Infantine.

Clerk Leahy stated sure.

Commissioner Clayton stated to Commissioner Infantine's point, I got a text during the meeting from former assessor Paul Porter who is watching in Florida via live streaming so we have an almost international audience.

Commissioner Lopez asked can I ask the clerk if she could publicize this through the City email to all the City employees and post it at all departments. I think that we should use every mechanism that we can to encourage the public to come and comment.

Chairman Duval stated the clerk so notes that. I can see her taking notes back there. I'm sure she will do her best to market the efforts of the commission the best she can.

Commissioner Martin stated if I may, include schools as well.

Chairman Duval asked Clerk Leahy, are you getting all this?

Clerk Leahy replied yes.

Commissioner D'Allesandro stated and the Manchester City delegation, the legislators, to make sure they are aware of all this. Pat Long is the chairman of the Manchester delegation. I know Commissioner Infantine will be helpful in that respect.

Commissioner Girard asked what are we going to do to notify the general public other than make an announcement on television tonight that we are having this? If we are going to solicit all these independent groups to participate, I would like to see that we are going to actively solicit the public as well.

Chairman Duval stated I'm sure that you will be talking about it on your show and Commissioner Infantine will be talking about it on his show. I think we can all do what we can to generate as much recognition as possible.

Commissioner Infantine asked maybe we can ask public access television to scroll it. Maybe Jason could get back to us on that.

Commissioner Lopez asked we have to publicize in the paper, too, is that correct?

Clerk Leahy asked the legal notice for the public hearing? Is that what you are referring to? Yes, you do. It has already been in the *Union Leader*.

Commissioner Lopez asked we have to give how many days?

Clerk Leahy replied it needs to be in there at least seven days before.

Chairman Duval stated it has already been in, Mike.

Clerk Leahy stated it has been in and it is also posted on the City's website.

TABLED ITEM

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

9. Education Discussion:
- Timeline of the school budget
 - 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 D'Allesandro**, it was voted to adjourn.*

A True Record. Attest.

Secretary of the Commission