

SPECIAL MEETING

**BOARD OF MAYOR AND ALDERMEN
(PUBLIC PARTICIPATION)**

September 3, 1996

7:00 PM

Due to the absence of Mayor Wieczorek, Chairman Wihby called the meeting to order.

Chairman Wihby called for the Pledge of Allegiance, this function being led by Alderman Sysyn.

A moment of silent prayer was observed.

The Clerk called the roll. There were eleven Aldermen present.

Present: Aldermen Wihby, Elise, Reiniger, Sysyn, Clancy, Soucy, Shea, Domaingue, Pariseau, Cashin, Hirschmann

Absent: Alderman Robert

Chairman Wihby advised that the purpose of the special meeting was to give residents of Manchester the opportunity to address the Board on items of concern affecting the community; that each person would be given only one opportunity to speak and any comments shall be limited to two minutes to allow all participants the opportunity to speak and any comments must be directed to the chair.

Chairman Wihby requested that any resident wishing to speak should come forward to the nearest microphone, clearly state their name and address when recognized, and give them comments.

Victor Goulet, 24 Brad Court, Manchester, NH (Re: Charter), stated:

I'm here this evening because tonight is the night that the Charter Commission will be officially presenting their proposed Charter to this Board and I'm here to speak on the issue of non-partisan elections, a concept to which I'm opposed. I'm opposed both as a loyal party activist and as a voter in this community. I have found the election process that is built upon the placement of candidates in the structured ballot based on party affiliation lends itself to clarity, organization and accountability. As a voting citizen of this City, I have found that there is nothing in this system that inhibits me from supporting the candidate or the question on the ballot that most aligns with my own personal philosophies. Certainly, in recent election history I can point out several examples of how this system works just fine within the partisan framework now in place. This City which has a majority of registered democrats has elected by

a wide popular margin a Republican candidate for Mayor in the last four elections. That means that a number of issues, educated democrat voters saw in this Republican candidate more that they agree with than in their own party's designee. They were able to step beyond any contrived boundary of party influence and vote for a candidate based on what that office seeker saw or did rather than on his political designation. Other examples such as Aldermen number twelve, number eleven, number nine, number eight, and number three prove that their party designation was not the deciding factor in their elections, instead it was the content of their campaigns. Also, we have witnessed the allegiance of Aldermen. One party affiliation with the other on issues that are important to their constituencies and not their parties. There would be no guarantee that just because there would be no letter R or letter D behind their names that these allegiances or adversary relationships would dissolve. Only constituent service and ethical governing should establish these relationships and they will still be guided by political philosophy, no matter what name is associated with them. Also, we have built into our election process the non-partisan factor already. There is the Undeclared or Independent voter. This group professes no allegiance to no political party and they vote without regard to designation. Any citizen can and have declared themselves as an Independent so as not to tag themselves as partisan. They can vote for any candidate they want and very easily retain their undeclared status. Any voter can register as an Independent. Those who don't want to align with a party for whatever personal reason need not and still enjoy exercising their rights and obligations of voting in our municipal elections. This proposal to make our City election process non-partisan is not an effort to strengthen our election process, but instead it is an effort to weaken our campaign process. The campaign is where the voters turn to determine who will best govern and I oppose any effort to weaken that process. Thank you.

David Boutin, 50 Charles Chase Way, Manchester, NH (Re: Charter), stated:

I'm here tonight to ask you this question. In non-partisan elections, who benefits and who loses. Without your intervention, our City is at risk of losing a cherished tradition in elections. People of different political persuasions across the City believe that the partisan electoral process by which we elect the Mayor and Aldermen has worked well for us and our voters. The Charter Review Commission has disregarded the written and verbal testimony offered to them in support of maintaining partisan elections. The party system serves many useful purposes. Candidates are recruited from the party structure, candidates receive volunteer support and financial support from the parties. People tend to participate in the party system because it permits them to align themselves with others that hold the same political beliefs as they do. The party system under non-partisan elections will be dealt a serious setback that we all may come to regret because we will witness a noticeable increase in voter apathy and lower voter turnout. The voters win in the partisan election system because candidates have to stand for something and candidates must convince voters of their authenticity. Voters would lose in a non-partisan election system because it becomes more difficult for voters to know the candidates and what they stand for. Hence, special interest groups will be able to control and shape the election

outcomes through large contributions made in behalf of their candidates. Voters do like to have a baseline knowledge of the candidates such as his or her party designation. It helps them to sort through the political retort heard from many candidates during the course of a City election. I am asked the party affiliation question by voters as I walk through my ward seeking reelection as State Representative. I am proud of my party affiliation and say so without hesitation. Voters respect that honesty and judge us according to where we stand on the issues. Political discourse is healthy. Sometimes it gets a little ugly, but then no system is perfect and some people try to have us believe that non-partisan elections help to temper political disharmony; that is naive. There will always be the potential for difficult moments during the debate of public policy issues. That is the nature of the political process. Places like Cuba do not face that problem because democracy does not exist there. Non-partisan elections will bring an end to honest debate of the current-day issues. The party structure and its political tenets known to voters will become fuzzy, at best. Our political compass will be disoriented as we muddled through a distorted political process. Special interest money will buy candidates who will promote the single issue agenda of a special interest group. So, to answer my question that I originally proposed in non-partisan elections, who benefits and who loses. I believe that the special interest groups will benefit. The candidates, the voters, and the political process will lose. I respectfully request that the Board of Mayor and Aldermen send the proposed Charter back to the Charter Committee for more work. If the timetable for putting the Charter on the ballot will not permit sending it back to the Charter Committee for further work, then I ask that you weigh carefully any thought of lending your support to the passage of the proposed Charter. Principles of democracy are at stake in this discussion that cannot be sacrificed on the money altar of special interest groups. Thank you for permitting me the opportunity to address this matter.

Kirsten Singleton, 100 Amoskeag Place, Manchester, NH (Re: Permit Parking for Downtown Residents), stated:

Thank you for letting me testify. It's kind of a small issue in the City here, but I'm a resident of Amoskeag Place which is a Downtown residential condominiums, brownstones and we are concerned down there about some parking meters that are being put up right now on Kidder and Hollis Streets and I'm sort of representing the residents down there. We took up a petition which I have that I can leave with you and people down there asked me to come in and make a few comments with regard to the situation. Basically, we are requesting that the Board consider giving residential permit parking to people that live in that area. We grew concerned when we noticed the parking meters going up and we feel that there should be permit parking for those who reside in the neighborhood. We have noticed that many out-of-towners do come in and park on those streets during the weekdays which is a concern, I think, and we do support the meters for revenue for the City in that way. But, we also feel that as residents we should be sort of exempted from having to pay for those meters and there are several reasons why we think that

you should consider this. Number one, it does encourage people to live in the urban areas as we would tend to keep the area nicer, we do lots of landscaping and nice maintenance down there and we think that by having permit parking it will also continue to have residents come in and live there and take good care of it. And, also we are taxpayers and we feel that the permits would be something, should be something that the taxpayers benefit and maybe pay a small administrative fee annually, but not a major fee to have those permits. There are 40 residential units down in Amoskeag Place and I have a petition that has been signed by 40 residents down there. We'd appreciate it if you'd look at this particular neighborhood and make a decision on it and we also have been told by the parking division that the meters are due to be activated very soon, so we hope you could make a decision on this maybe tonight or sometime soon and I'm also available if anybody has any questions for me or any of the residents down there.

Leslie Auger, 53 Trinity Street, Manchester, NH (Re: 2nd public hearing on zoning changes), stated:

It's my understanding that the City Solicitor's Office has ruled that Item V on the Consent calendar is being removed pending another public hearing to meet adequate description of the proposed revision of the Zoning Ordinance. As a representative of my neighbors, I'm pleased that the City Solicitor's opinion concurs with our own concerns. We have written a letter to our Alderman Donna Soucy expressing our belief that the public hearing of August 26, 1996 was deficient in defining and describing the intent of deleting Item 45 Section 4.03 of the Zoning Ordinance and I would ask that Donna Soucy, our Alderman read this letter for the public record. Thank you.

Alderman Soucy read the following letter into the record:

While you were attending the Democratic National Convention, a public hearing was conducted on August 26, 1996, on the above-referenced subject public hearing on August 26th concerning zoning ordinance amendments and deletions. This hearing was prompted by a letter regarding zoning changes proposed by the Planning Board dated June 24, 1996 from Director Robert MacKenzie to the Board of Mayor and Aldermen (and that letter is attached). At the public hearing there was no discussion or explanation of the intent of Revision 1 dated August 26, 1996. Specifically, the proposed deletion of Item 45, Section 4.03 Table of Use Regulations. Neither was this mentioned in the legal notice or the draft which was made available for public inspection. Since this omission has been noticed after the close of the public hearing, we believe that another public hearing to discuss Revision #1 and its implications is necessary in order to fulfill minimum reasonable standards of public accountability and due process. Failure to follow proper procedures for the amendment, deletion of the zoning ordinance would result in a legal challenge to such changes in the future. We ask that you, as our Alderman, who is concerned about the welfare of Ward 6 raise this issue.

Chairman Wihby stated we are going to be pulling off and sending it to another public hearing.

Artemis Paras, 1275 Hanover Street, Manchester, NH (Re: Need for updating procedures for amending zoning ordinances), stated:

I would like to speak to the need of revising either Rule 16 which is in the City handbook or create a new rule to specifically address the kinds of procedures that we need in place so that everyone understands what has to be done when a zoning ordinance, not ordinances in general, but zoning ordinances are either going to be amended or enacted upon. In Rule 16 the title is "Ordinance Procedures" that does not distinguish between zoning ordinances and City ordinances and I don't believe City ordinances have a requirement of public notification and that's why I think this rule is now somewhat outdated and we have to update it so that we are in concert with the requirements based on State statute. RSA 675:2 relative to who is responsible for the enactment or the amending of zoning ordinances says at the State level "it's the local legislative body that shall determine the manner in which a zoning ordinance is established and amended." It shall, that means mandated. It is you, the Aldermen, who are the legislative body and you determine what way you want these ordinances to be amended, thereby, we have to have some procedures so that we all know which way we're going to go. Having attended a hearing recently, I felt it was obvious with some changes being brought at the last minute that these procedures were necessary. I would also like to bring out the fact that there is a provision in the Charter and this is my last point and I just realized it, otherwise I would have made this comment to the Charter Commission and I apologize for this late date, but under Article VIII Administrative Rules and Policies and I've discussed this with Aldermen in the past, Section 8.01 Establishment of rules. The Board of Mayor and Aldermen may establish rules and procedures and standards hereafter called policies relating to matters over which the Board has jurisdiction. Well, you do have jurisdiction over how an ordinance is going to be amended or enacted upon based on State law and that is the more restrictive standard, so we can't have the word "may" in Section 8.01 of the Commission, we have to delete the word "may" to "shall" and I make this comment to be addressed by the Charter Commission and I hope that the Board will see fit under the directive ability in the Charter to direct to some appropriate committee whether it's made up of the City Solicitor, department heads to come forth with procedures that reflect the procedures of the law so that everyone understands what the procedures are and we can clearly not waste time and become efficient. Thank you for this time.

Alderman Elise stated I am not quite sure exactly what happened at the last meeting regarding the procedures and I think if we referred this issue to Committee on Accounts and Enrollment we could just review it and see if there's appropriate policies in place.

On motion of Alderman Pariseau, duly seconded by Alderman Soucy, it was voted to take all comments under advisement and to receive and file any written documentation presented.

There being no further business to come before the special meeting of the Board, on motion of Alderman Pariseau, duly seconded by Alderman Soucy, it was voted to adjourn.

A True Record. Attest.

City Clerk