

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING)**

February 3, 1997

6:30 PM

Mayor Wieczorek called the meeting to order.

Mayor Wieczorek 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 twelve Alderman present.

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

Mayor Wieczorek advised that the purpose of the public hearing is to hear those wishing to speak in favor of or in opposition to proposed amendments to the City Charter; that the Clerk will present the proposed amendments for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record that each person will be given only one opportunity to speak and any questions must be directed to the Chair.

The Clerk presented the proposed amendment:

“Shall the municipality approve the charter amendment to eliminate the at-large positions for aldermen and school committee members?”

Mayor Wieczorek stated I think what I'm going to do, since I have such a large number of speaks, I think I'll take one of each, one in favor, one opposed, and we'll try to rotate those.

Robert E. Barry, 51 West Elmwood Avenue, Manchester, NH, stated:

Mr. Mayor and Members of the Board, I rise as a member of the Concerned Taxpayers of Manchester to speak in favor of placing the referendum on the General Election ballot concerning amending the newly adopted City Charter. In today's climate of greater efficiency and more bang for ones buck it makes no sense whatsoever to increase the size of and above all the cost of the burden of government on the taxpayers of Manchester. This is particularly true with mandated sewage overflow costs hanging unresolved over our heads like the sword of Damoclese. The saving of the aggregate cost of four more members of City government could fund more textbooks for our students or more supplies for our teachers or even most of the cost of a new fire truck or perhaps two or even three more entry level teachers, firefighters or policemen who I am certain most people in this room would rather have than four more politicians testing the waters for a run at being Mayor now that the salary has been made more

favorable as to attract not so public-minded citizens who may not do as good as our present Mayor to whom the salary was secondary. I feel that the referendum will show that the taxpayers overwhelmingly will reject that part of the Charter will add bigger but not better government to Manchester.

Lloyd Basinow, 503 Amherst Street, Manchester, NH, stated:

Mr. Chairman, is this public hearing being called under the provisions of RSA 49:B Home Rule Municipal Charters.

Solicitor Clark replied, yes.

Mr. Basinow continued by stating is it the intent of the Board of Mayor and Aldermen to eliminate by referendum the election of Aldermen at-large and School Board members concurrent with the 1997 Municipal Election and this is the purpose of this public hearing.

Mayor Wieczorek replied it is to eliminate them, yes.

Mr. Basinow stated concurrent with 1997 election.

Mayor Wieczorek stated we're not going to enter into dialogue here.

Mr. Basinow stated my testimony is based on the answers to those two questions, your Honor. The published notice of this public hearing is in violation of RSA 49, thereby making this public hearing unlawful for the following reasons. Both the printed amendment and the summary of it failed to state a legal effective date of the proposed amendment causing misleading and a lack of pertinent information to be published. I suggest that you gone up on the law, particularly Section 49B: 6 III titled Voter Information, Subsection IV, Paragraph a & b. Summarized, these paragraphs say "Charter amendments become effective at the next succeeding municipal year." The municipal officers have not determined any other legal effective date not in conflict with State law nor included it in the notice of this hearing. The RSA reference "to purpose of conducting necessary elections" refers to the elections to follow, future elections, not concurrent elections. Yet, you've just said that you wish to make it concurrent with the 1997 Municipal Election. This is illegal. The law does not allow you to have conflicting questions on the election ballot asking the voters to elect persons to a position and at the same time asking them to concurrently eliminate that position. Nor, does the law allow you to open up a filing period for the position concurrently seeking to close it, thereby causing the expenditure of thousands of dollars in needless campaign expenses by the candidates. Such a condition will open up the City and the taxpayers to civil liability lawsuits, if not criminal liability which could run into hundreds of thousands of dollars. Furthermore, while legal action was pending voted of both the Aldermen and School Board would be placed in question and legal jeopardy, t hereby causing millions of dollars of municipal spending to be placed in limbo. If you really want to reduce the cost of government, I suggest you ask the voters if they truly want to pay the Mayor

\$68,000 a year plus thousands more in medical, dental, retirement and other expense money. I strongly advise you to leave well-enough alone before you end up in the court and cost the taxpayers thousands of more dollars in legal fees and reimbursement of campaign expenses. As a candidate for Alderman, I am prepared if it becomes necessary to file a class action suit on behalf of all the filed candidates for any violation of the law that may occur and any breach of the election procedure. Additionally, if this Board proceeds to place the referendum on the ballot unlawfully and with a concurrent effective date a report will be made to the Secretary of State and Attorney General under Section 49B:5(a) requesting that the issue and order that the proposed Charter amendment question not be placed on the Municipal Ballot. Thank you.

Linda Garrish, 7 Irwin Drive, Manchester, NH, stated:

I am here on behalf of the majority of Citizens For A Better Manchester who from the very beginning of the Charter revision process felt that adding Aldermen At-Large or School Board At-Large was not appropriate for this City and I say that because we feel that central government is bigger, we don't need to make it bigger, we need to give a more participatory process ability to the public as well as the costs that previous speakers have noted, we don't need to spend more money on more people. As far as Aldermen At-Large representing the whole City versus the Aldermen in the wards representing only their wards, I feel strongly that for the most part all of the Aldermen that we have seen thus far have, in fact, had a vested interest in the whole City, have brought interesting concerns from their particular ward, but have generally looked at the City as a whole. As well, Aldermen At-Large and School Board At-Large positions for the City will require that those candidates running actually have to have a more monied base and not necessarily be the people that can truly represent the needs of our whole City, our inner-city, our diverse population, our poor people, and those aren't the people who are going to run for that kind of position. I also want to remind this Board that the Charter Commissioners frequently said during the process of Charter revision and as they presented their final draft that we had to accept this package as a whole, vote it yea or nay. It was voted yea, however, they said you need to vote yea if you feel that the majority of the package is what you want. If there is something you don't agree to, then we can remove it afterward and that was said a number of times including Channel 40 on my show City Talk. So, again, I'm reiterating that we are in favor of having an amendment to eliminate the Aldermen At-Large and the School Board At-Large. Thank you.

Toni Pappas, 432 Hanover Street, Manchester, NH, stated:

I served as Chairman of the Charter Commission and tonight I would like to just briefly give you all an overview of the Charter process and how the Commissioners worked through the year. I also want to remind everyone...

Alderman Domaingue interjected, a point of order, Mayor Wieczorek. Is it my understanding that the purpose of this meeting is to take testimony for or against the proposed amendment. Could we ask that the speakers confine their remarks to that proposal.

Ms. Pappas stated I am opposed, obviously, to the amendment and why I am opposed is because I believe that the citizens of Manchester played an extremely important part in this process. It was their voices that we heard, their wishes, their desires and their wishes have been brought into and established within our Charter. I'd like to start by talking about the process. On November 7, 1995, over 51% of the voters said that they would like a referendum placed on the ballot to elect nine Charter Commissioners to revise our City's Charter. I believe that the City of Manchester had many, many citizens who truly cared and wanted to get involved to participate and change our form of government. On January 23rd, 108 people cared so much about this City that they all ran to become Charter Commissioners. At the end of that day, nine people were elected and these people represented a very wonderful cross-section of our City. They were geographically diverse, they came to the table with many different skills and talents and brought many, many refreshing ideas along with them and represented very clearly their constituents. We started our Charter work at the very first part of February when we had an organizational meeting, we elected our officers and we set up committees and we put down the procedures that we would follow in order to hear from the citizens of Manchester. First and foremost on our mind was that we wanted to hear from everyone in the City. We wanted to hear from our constituents, we wanted to hear from special interest groups, we wanted to hear from elected officials, we wanted to hear from commissioners, we wanted to hear from City workers, etc. And, we set a very, very firm and fast rule and that was that we would not make any change in the Charter unless it had a 6/3 vote, a two-thirds votes. There were never any close votes. As you all know the final Charter was passed almost unanimously. We worked our way through and on February 5th and on February 11th, we had a public hearing. On February 21st, we met with City Solicitor, municipal and County government people. On March 6th, we had our first meeting with the Aldermen and the School Board members and many of you who are here tonight attended that meeting and let us know how you felt about the Charter. We then had an evening where we heard from four former Mayors plus Mayor Wieczorek. We then met on March 20th and listened to the Enterprise Boards. On March 27th, we had our very first public hearing at Central High School and many people came from various parts of the City. April 10th, we listened to department heads, April 17th we had another public hearing at West High School...more people came. April 24th we listened to union members. May 1st we had another public hearing this time at Memorial High School and more citizens came out and spoke. On May 15th, we listened to financial issues from the various departments that deal with those matters. May 22nd is when the Charter Commissioners began the drafting process of the Charter. It is then that we started meeting two, three, sometimes four evenings a week to try to put together the various comments and statements that people had made. We listened to people from other parts of the State and we took in information from other cities across the country. On July 19th, after many hours of work we issued a Preliminary Report. Right after that on August 7th after everyone had a chance to digest the new Charter we had another public hearing to listen to how people felt about the Preliminary Report. Now, at that meeting there was a great deal of discussion about many issues. But, very little discussion about the enlargement of the two extra Aldermen At-Large or School Board members although those issues did come up throughout the process. However, at that hearing Shirley Frank of the Concerned Taxpayers

and I assume that she was representing their wishes, did say that she was not in favor of expanding or her group was not in favor of expanding the Aldermen and the School Board members. However, we had already heard much testimony from people who said they were in favor of doing that. We took Shirley Frank's remarks under consideration and on September 3rd, along with everyone else's remarks we finalized and came up with the final draft of our Charter. Now, that Charter was placed on the ballot after one more informational hearing with the Board of Aldermen on November 5, 1996 and I am proud to say that over 56% of our voters, that's 13,600 people voted in support of this Charter and, quite frankly, ladies and gentlemen, I think they meant the whole Charter. I think they meant that they look at this Charter as though it were a puzzle, they don't want to remove a piece of the puzzle, it fits together as a whole, it presents a picture, they'd like to try it out, they'd like to see how it works, and I urge us all here today to please respect the wishes of the voters of Manchester. Thank you, your Honor.

Alderman Domaingue stated, Commissioner Pappas, could you tell this Board at each of those public hearings that were held what percentage of the total voters of the City of Manchester showed up.

Commissioner Pappas replied, I can't give you those figures off the top of my head, Alderman Domaingue.

Alderman Domaingue asked could you remark then if you don't have those figures at the informational hearing that was held with the Charter Commissioners and the Board of Mayor and Aldermen could you please give us any indication as to whether the Board was allowed to make any changes on behalf of their constituents at that hearing, was there any attempt or allowance within the law for this Board to be able to make any changes in what had been proposed by the Charter Commission.

Commissioner Pappas stated I'm not sure if I understand the question, Alderman.

Alderman Domaingue stated did we have an opportunity to change that Charter at the point at which you brought it to us for an informational hearing.

Commissioner Pappas replied, I believe we started listening to the Aldermen's comments way early on in the process and we took under consideration...

Alderman Domaingue stated you're talking about changes all through that time line and I'm asking you the question...was the Board of Mayor and Aldermen allowed to make changes in that document on behalf of their constituents.

Commissioner Pappas replied excuse me, Alderman Domaingue, but I believe it was the Charter Commissioners who were elected by the people and the people spoke to us and asked us to redraft, revise, to work on the City Charter.

Mayor Wieczorek stated, Alderman, this is a public hearing not an inquisition.

Alderman Domaingue stated, I understand that, your Honor, I'm just trying to get all of the facts.

Commissioner Pappas stated I hope we accomplished our task as well as we possibly could, we tried to be as fair and as neutral as we possibly could.

Alderman Wihby stated, Toni, if it's true that you said you had a great turnout, 57% of the people voted for the Charter, there was great input from citizens, and you feel that everybody that voted for the Charter wanted it as a package, then what is the harm with putting the question on the ballot and seeing if you get another 57% from the constituents out there voting, it's not the Aldermen deciding, it's the voters that are deciding one more time. Why are we afraid to let the people decide on that one individual item. Is it because maybe we're afraid that that item would...

Commissioner Pappas replied, no, that is certainly not at all.

Alderman Wihby stated that's what it sounds like that it was an overwhelmingly good idea that it stays, I don't understand what we're afraid of.

Commissioner Pappas stated I don't think we're afraid, Alderman, I think that this is a compromise Charter. There are pieces in this Charter that I don't like and I would like to see removed, pieces that other Aldermen probably don't like and would like to see removed also. We could spend forever removing pieces of this Charter. I think it's important that we just let it go as a whole, let the people see how it works, and they've clearly spoken and I think now is the time to try it. And, I really think we should wait until July 1st, it's not even in effect before we start thinking about making changes to it.

Winston H. McCarty, 1514 Wellington Road, Manchester, NH, stated:

I'm not part of the group that brought forth this amendment, but as long as it's being brought forth, I have no fear of it going to the voters. I do hear from constituents in my ward...a lot of opposition to the addition of Aldermen and School Board members due to the expense and I think it's a known fact that as you increase the size of a Board, it slows down the process. Maybe more people have to be heard that get into the debate, it slows down the process. I've lived in the City where we've had Aldermen At-Large and it ends up that they are no different than the other Aldermen...they're either a Democrat, a Republican, a Conservative, or a Liberal, or their primary concern is education or public works or water or sewer or something, but they go along and in the long run people treat them just the same as any other Aldermen, they're no different. The other thing is voters had to vote a package and I think that was part of the problem with this Charter is that they had to buy some of the things that maybe a majority didn't

like. Maybe a majority of the Charter Commission liked it, but maybe not a majority of the voters. and, with that, that's all I have to say.

Brad Cook, 150 Heather Street, Manchester, NH, stated:

I've just given a statement to Alderman Reiniger, if he'd pass them around. I'm going to read this because uncharacteristically, I don't want to screw it up. Last Wednesday evening, over 350 Manchester citizens gathered at the "For Manchester" meeting to see what they could do to make their City better and I appear against this proposal by the way and I served as a Charter Commissioner. Last November, Manchester voters ratified a new City Charter by a wide margin after a year-long process to rewrite the basic document of City government. New Intown Manchester, economic development and Millyard efforts are supported by citizens. Why? What do these things have in common and why are so many citizens involved? Because they have caught the vision of a better City. The hearing tonight and the proposal to amend the new City Charter before it has a chance to work is an indication that this Board has to join the citizens in catching the vision. This discussion shouldn't be about political power, legal rights to take one or another specific action at a specific time, or similar matters. Rather, it must be a discussion about what is right to do. What is right to do is to give the new charter a chance to work as the people voted. Did every citizen who voted for the new Charter know everything in it? Did every citizen (or even every Charter Commission) agree with every detail? Of course not. What the voters did know was that we can do better in Manchester; in government as in all the other areas. What they said was that "business as usual" was not acceptable and the system developed by the Charter Commission should be adopted. Now, before the system has been given a chance to work, five months before the effective date, we find ourselves at a hearing about one part of the new Charter when we should be discussing how the entire Charter system can be made to work. This is a distraction and is sure to be viewed as the "business as usual" which the citizens rejected. Alderman At-Large and School Committee Members At-Large are part of a system which was adopted and are not stand alone items hung on some kind of governmental Christmas tree at the last minute. They were discussed in detail, debated, integrated into the new system, publicized for each voter to see in the descriptions distributed to all and printed on the ballot, and opposed specifically by those who disagreed with them, in ads in the paper, signs on the lawns and public discussions. The people adopted the Charter, knowing what they were doing. The Charter Commission considered having as many as nine at-large members, considered the systems in some cities which have one-third or one-half of their Aldermen At-Large, and then adopted two members in order to preserve what was good about our traditions while allowing the integration of what is good about the prevalent system which finds at-large members in the majority of cities. Indeed, all of the testimony before the Charter Commission about actual experience with a large representation where it has been adopted was favorable and said the system works. How are at-large Aldermen part of a system? In many ways. The new charter presents a fundamental shift in the structure of government. It adopts a "corporate" model in which the executive power is in the Mayor for whom the other administrators work without administrative interference. Section 2.07-2.11, 3.03, 3.04. There is a non-interference provision in the code of Conduct article and the design is for the citizens to

approach City services directly and to have administrative responsibility in the executive branch. Section 9.03(g). Commissions are advisory on policy matters with final policy responsibility for the City in its Board of Directors, the Aldermen. Sections 2.01, 2.03, 3.03, 3.08, 3.11, 6.04(c). This Board of Directors is non-partisan (Section 5.01), has increased powers, different voting majorities (keyed to the new number), and has increased duties in many respects. Aldermen At-large are critical to the rationale of this system for several reasons. First, and foremost, these positions add to the process more officials who are elected from the entire City and charged with a City-wide view. Each citizen will now have the right to vote for four representatives on the City government (Mayor, ward Alderman and two At-Large), giving the body direction and citizens more input, and four on the School Committee (Mayor, ward Committeeman and At-Large). The governing bodies will have new input and more members to perform the new functions and carry the load given the respective boards. The structure will highlight that this is a new system with new roles and responsibilities and not just a make-over of the old, encouraging business as usual. And, I would say to you, you people are my friends, I've worked with you for a long time and I like all of you. Some days I like all of you more than others, but sometimes you've got to think when you're talking about a system that changes the role of Aldermen. Maybe, just maybe like I have to think when people tell me that the managing partner at Sheehan, Phinney, Bass & Greene is screwing up, maybe you're too close to this system to really fairly analyze it because maybe just maybe you're too vested in the way it's been done. Not because it was wrong, but because you have been the ones charged with making it work and maybe what Toni said about the Charter Commission taking the independent look and doing it and then the people voting for it was because when you deal with Aldermen to have to step back a little bit and look at that. Maybe you folks are too close to it, that's the problem. Several specific objections have been posed to At-Large representatives. One is that all At-Large will come from one ward. With all due respect, this is nonsense. Have all mayors come from one ward? Would eleven-twelfths of the people blindly vote for candidates from one part of the City? Are those who have expressed interest in running all from one ward? Have people from a single ward been the only ones successful in raising campaign support? The answers to all of these questions are "no". Another objection is that only former office holders would run. There are two answers to this. First, so what? People with experience have a right to run. Second, look at those who have expressed interest and that belies the assertion and some of them are here tonight. Finally, it is alleged that At-Large will be practice for running for Mayor. Again, on the one hand that could be an advantage as there would be those with City-wide experience. More probable, and consistent with the experience elsewhere, however, is that more people who cannot afford or do not wish to run for Mayor but are willing to undertake a City-wide effort will be attracted to City service and their expertise will be available to our most important governing bodies. Without getting too theoretical and I was a political science major, it is a basic element of governmental theory that when the members of a larger polity or governmental unit have made a decision, those in a smaller polity are bound. Thus, when the voters speak, the legislative body is bound; when the legislative body speaks, the executive is bound; when the chief executive speaks, lesser administrators are bound. The voters of the City of Manchester have spoken and adopted a new City Charter. All

others are bound to make it work., that's our job now, make it work. If, after experience with its operation, there are things which need amendment, the amendment process can be employed. To employ that process before the new Charter has a chance to work is to defy the will of the people and to defy the theory of democracy. To suggest, as some seem to, that anyone on the Charter Commission said amendment could be made before the effective date is inaccurate and illogical. In the end, however, as in the beginning, I would urge and invite the Board of Aldermen to embrace the spirit and hope of the citizens who want a better place to live (as you already have in so many ways), catch the vision of the new governmental roles, give them a chance to work, and not be seen as a roadblock to this important part of the citizens' attempt to create a better City. Try it; you'll like it! And, as always, thank you for all of your hard work.

Shirley Frank, 65 Victoria Street, Manchester, NH, stated:

The Concerned Taxpayers at the public hearing at Memorial High School last summer was in opposition to the expanding of the Aldermanic and School Boards. The intent was not clearly established for the purpose of terminating what outcome the Commissioners hoped to achieve. In recommending the addition of At-Large representatives, Charter Commissioners said they would bring City-wide perspective to debate at City Hall. Isn't this City-wide perspective currently being brought to debate at City Hall by our 12 Aldermen who vote already to bring this perspective to debate. Other communities are reducing their costs and downsizing government. Why is Manchester expanding? We haven't got any more population increase to that extent and why would the taxpayers pay \$25,000 to \$50,000 a year including benefits for what they already have in place. Regarding a yes vote on the new Charter does not necessarily mean that the yes vote supported this section of the new Charter and the justification for added expenditures. The Concerned Taxpayers believe the people of Manchester have a right to vote on this important issue because it's a money issue and our taxes are going to pay for it. I realize there are not many people attending because last Thursday quite a few came down because they didn't see the notice in the paper and maybe also the weather tonight would stop...I hope you recognize that the merit of this testimony and vote to place this referendum on the next ballot. I thank you for letting me come before you tonight in stating the consensus of the Concerned Taxpayers of Manchester.

Harold Levine, 49 Hillcroft Road #2, Manchester, NH, stated:

I choose not to speak, thank you.

Walter Terry, 153 Charlotte Street, Manchester, NH, stated:

I opt not to speak.

Victor Goulet, 24 Brad Court, Manchester, NH, stated:

I am opposed to this proposed amendment. On November 7, 1995, a majority of the voting citizens of this City affirmatively considered the following question:

“Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a new Municipal Charter.”

Because this question passed by a clear-cut majority, the Charter revision process recognized in Article XXXIX of the New Hampshire Constitution and authorized by New Hampshire RSA 49:B began. The Charter Commission established through the elective process, began the task of studying the current form of City government. That Commission conducted a series, not one, but several public hearings to solicit from the citizens exactly what form of government would best meet the dictate of the existing Charter Preamble. The desire of the citizens to provide self-government in the most effective, efficient, and beneficial manner. After accepting input through the prescribed public hearing method expressed in the Statute titled Home Rule and after vigorous public debate the proposed Charter was presented again to the voting public in November of '96. The question this time was “Shall the City approve the Charter revision recommended by the Charter Commission.” This time by an obvious wide margin the question passed and the proposed Charter is to become effective on July 1, 1997. I call this a wide margin as I compared the results of our last City-wide election. The question on this past ballot passed by better than a 12% margin, 56% in favor to 44% opposed and the question passed in 10 of the 12 City wards. In fact, it passed by a larger majority than seven of your Aldermanic races did. In number, more of your constituents voted in favor of this proposed Charter which includes the Aldermen At-Large position, then voted for 10 of the 12 elected Aldermen on this Board. The only two exceptions were the two uncontested races. More citizens voted yes on this proposed Charter than cast votes to elect this entire Board of Aldermen combined. More citizens voted yes on this proposed Charter than voted for the Mayor. The results of the November '96 election indicate to me that the voters of this City, your constituents have clearly voiced their desire to secure for themselves and their children...by the way the proposed Charter amendment also passed Kids Voting...a new municipal government. I would close with this passage from Thomas Paine's *Common Sense* written in 1776. Paine observed “that a Charter is to be understood as a bond of solid obligation which the whole enters into to support the right of every separate part. A firm bargain and a right reckoning make long friends.” Reconsideration of a question that has been debated and voted on and sustained by the majority as this question has without the benefit of trial by enactment seems to me to be a breach of this solemn obligation. The voters of this City enacted what they felt was a firm bargain. But, by failing to

follow their mandate the voters of this City are not getting a right reckoning. Thank you very much.

Roger Mitchell, 41 Val Street, Manchester, NH, stated:

I'm here in favor of amending the Charter to eliminate the four positions mentioned, the two Aldermen At-Large and the two members of the School Board. It's unfortunate that when an item such as this comes up for a public vote that we, the citizens, do not have the right to line item veto things that we don't approve and approve those things that we do approve. I think then you'd get a much fairer count on the final outcome of the Charter. Thank you.

Ralph Chase, 12 Fernand Street, Manchester, NH, stated:

I'm not going to hold you up. Ten days ago I wrote all Aldermen stating that I felt we did not need two At-Large Aldermen. We can't get along with the 12 you've got now, why add to the squabble. Neither do we need two more people on the School Board. Thank you very much.

Leo Gove, 144 Kenberma Street, Manchester, NH, stated:

I was also a political science major but I bet I can make this a lot shorter. When I voted for this Charter, I held my nose. One of the things that I didn't like when I voted in favor of the Charter was two additional Aldermen and two more members of the School Board. As far as I can see all that's going to accomplish is pad the payroll further.

Thomas Schwieger, 24 Charles Chase Way, Manchester, NH, stated:

I'm here opposing this proposed amendment and while I like the idea of Aldermen At-Large, what I really want to talk about is what I feel is the inappropriate action to make a change to this Charter at this time. This has been a long process, it goes beyond the formation of the Charter itself. In April of 1993, there was a group of public leaders both elected and appointed and private business people that held a two-day meeting called The Manchester Agenda. They came out of that with a certain consensus and several priorities. The top three of which have all received action due in large part to the leadership and efforts of this Board. One was to establish a Downtown management entity and hire an Executive which has been done. A second one was to start a regional economic development effort. The private sector has picked up of that ball, the gauntlet and is running with that with the cooperation from the City of Manchester and the surrounding communities. And, the third one was to establish a Government Review Task Force. That Task Force was appointed, Jim Muirhead Chaired it, there were a total of 12 people on the Task Force. As they went through the process, 24 additional people assisted them and did an analysis in doing interviews with almost every department head in the City, with almost every member of the Aldermanic Board, and they held a public forum of which the entire public was invited and in March of 1995, they issues their report. That report had several specific recommendations in it, but the first and foremost was to establish a Charter Commission as soon as possible; that was the only part of the report that any group or entity took any action on. In November of 1995, based upon that the question of a Charter Commission was put before the public, they approved it. In January of 1996, we had the election of the Commission, 108

people chose to run. All of you are aware of that, but what a start of public interest and public action on behalf of this wonderful City. The Commission...you've had a description tonight of all of their efforts. The 56 to 44 plurality and I believe that it was the intent of that Commission that if after the Charter was in place for a reasonable period of time that this Board or the citizens at large felt there was a need for change at that time there was provision and there is provision for corrective action to be taken. I would strongly recommend and respectfully request that you not move forward with this amendment. Thank you.

Irene Karagis, 200 Blevens Drive, Manchester, NH, stated:

I opt to not speak at this time.

Robert Baines, 70 Rosemont Avenue, Manchester, NH, stated:

I'm here tonight as a concerned taxpayer, a Citizen For A Better Manchester and a frustrated politician. So, I think I've covered all of the ground there in my comments. One of the things I'd like to speak about is having an opportunity to work with young people each and every day, we have a lot of cynics out there about government and I think you need to think a little bit about this issue as you ponder this question this evening. A lot of us have spoken for years about how we believe fervently in the future of this City and we'd like to get people involved and participate and I have looked over my entire life I've spent in this City, I have not even moved out of my family neighborhood. I've looked for years as Aldermanic contests are uncontested, School Board races uncontested, Mayoralties with very few people taking up the gauntlet to lead the charge in the City and people have watched our City deteriorate. We've watched our tax base erode and there was a ground swell of people saying we think we can make a difference and 108 ran for that. Now, is that amazing or what. An office was put forward for people to come together to think about how we could make our City better and 108 people put their names on the line to try to get involved in City government and nine people were elected and we spent about nine months of our lives working on a formula that we felt we make our City a better place to live. A formula that would create a better government, a more efficient government, a more responsible government to the very critical issues of our time. We worked and we worked and we worked and I remember hearing Mike Roche on Channel 40 saying we threw this together at the last minute and my wife asked where had I been on all these nights for the past nine months. We worked very hard and as all of you know who have been involved in political life, politics is the art of compromise. In many ways running a school is the art of compromise...trying to bring people together to focus on the common good and you give up on things occasionally as long as it does not affect your integrity to let people feel that they are part of the process to make things work and in this creation of this Charter and I'm a former musician, so let me give you an analogy of writing a symphony...in stepping up to conduct a symphony and the cellos are not allowed to play, that is what I think you've done here. The at-large concept was a very popular concept in our public hearings, in our conversations with people in the community, probably different people than you talked to, I guess, and that's fine. But, the people that we talked to were in support of that. People on the Commission that supported that did not support other things and the art of compromise, the art of bringing people

together, people gave in on different things and supported others things for the greater good. And, I'm looking at all of these young people in my school, looking at what you're doing here with this process and I hope you're well-intentioned. But, people looking from the outside, especially the young people say look at that group, they allowed these citizens to act on this question, they allowed them to come together and the voters even voted and before it even goes into effect, the politicians and they think of that poorly, by the way, our young people in our schools don't think very highly of politicians. And, here they see the politicians, in their view taking something away from the process. Fourteen members of the Board of Aldermen...those of you that have been around for City government as long as I have been know that 14 members sat in this room for decades, for decades. It seemed to work all right and perhaps it was better times of the City, I'm not sure the two go hand-in-hand, but the idea of 14 Aldermen and 14 School Board members was the way the City was run right up to the early 1970's. So, this is nothing new. Competition for Mayors...people are afraid that some of these at-large people would be competition for the Mayor. I learned a long time ago it's good to have competition on issues, that's where you raise the intellect, that's where you raise the stakes. If you have people that are committed to a cause...they want to run for Mayor, let them run for Mayor, that's a good thing. If it would encourage more people to run for Mayor, I would support that just on that basis because this City would benefit by people speaking and sharing ideas to make this City a better place to live. Let it work. The other thing that bothers me more than anything else...if you vote to put this on the ballot, here we go again. We're going to just spend all of this time and energy fighting over this issue because I will fight on this issue and I know the people on the Commission will fight on this issue and here will be the great divide again and there will be the cynics out there saying this is the way Manchester City government works. It will divert all of the attention that should be diverted to efforts like For Manchester to make this community pick up and move forward and we're going to be fighting about Aldermen At-Large. If that's such a lousy idea, can't we wait a couple of years, what's your rush, what are you afraid of. Why don't you just see if it works and two years down the road, four years down the road, you say this is ridiculous, look at the chaos it's created, then go out and sell it to the voters to remove it, but don't try to sell it to the voters to remove it on fear and costs and if costs are an issue you can economize right in this room tonight to take care of those costs. If you are really concerned about costs and if you're really interested in moving the City forward, you could come up with a savings; that is what we call in my business a suspicious argument. But, it's out there and it's one that might work with the voters, by the way, it might work. And, if you put the issue of the Mayor's salary out there alone, it would probably work, let's reduce it, let's cut it in half, that would be very popular with the public. Perhaps, there's a lot of issues if you go through that Charter, picked them out, and put it onto the voters and bring up these false arguments. In my view, false. Maybe to you they're true, to me they're false argument. And, finally, Toni Pappas alluded to this...you have the right to do this, there's no question in my mind, you are circumventing the entire intent of the Commission, no question in my mind because we said to you consistently...Let this thing work...we didn't say amend it or debate it months before it goes into effect. You have the right to do it, Ladies and Gentlemen, but it is not the right thing to do. It is not the right thing to do and in your hearts you know it's not the right thing to do because

government is suppose to work for the people and is suppose to be responsive to the people and that's what I try to do every day in my work and in what I do and you should do it as well.

Thank you very much.

Alderman Shea stated I'd like to make a point. When there were 14 Aldermen, there were 14 wards. I think that should be made clear.

Tony Jabyak, 584 Belmont Street, Manchester, NH, stated:

I'm really concerned about taxes and what this is going to bring on is more taxes. I didn't vote for this at all and I'm dead against it as usual. I don't want to see two more new alternates. I can't see paying more taxes where I live. We can just about afford what we have and the way it's going it doesn't look like it's going to get any better. So, as far as...to me it's something that is just not going to work and I don't like the idea and I don't support hiring two Aldermen.

Thank you.

B.J. Eckardt, 51 Riverfront Drive #9, Manchester, NH, stated:

I wasn't a political science major either. But, I'm really confused by all this. I just don't get it. People voted, we voted for nine intelligent people to sit down for weeks and months and hours to study this. They brought the plan to you, they brought the plan to the people, they heard all of the arguments for and against. They're reasonable people just like you folks. It was their job to make the recommendation, which they did and then the people voted on it and they voted yes. So, I guess the only thing now is I look at you and say I think it's your responsibility to carry this out and give it a shot and let it work and if it's doesn't in another year or two then I think you can have this discussion, but right now the people have voted yes, let it go through. Thank you.

Lionel Leblanc, 203 Belmont Street, Manchester, NH, stated:

I opt to speak, so hear me. Board of Mayor and Aldermen, I am for the amendment for not having two more Aldermen and two more School Board members because right now they have enough clout; that means more money being spent. Taxes are high enough. Are you waiting that we're going to get so mad as citizens, we're going to have a tax revolution. Not only that, you could end up with three Aldermen in one ward or three School Board members in one ward. Like Alderman Shea said a while back, when we had 14 Aldermen, we had 14 wards and that made sense. If you want to go through the process of dividing up the City and ending up with 14 wards, I would be for it that would be one for each ward. Everybody's talking about downsizing. Companies all over are cutting down, we're thinking about increasing the costs to the City, the taxes are high enough. The tax base is eroded enough. Too many liens on properties, people have brought their families up in the City are forced to leave their homes, it's not fair. So, let's not put any more people on the payroll. Thank you.

Barry Brensinger, 400 Whitford Street, Manchester, NH, stated:

I'm speaking in opposition to the amendment. I could speak to you this evening on behalf of the Chamber of Commerce as its current Chair, but I'm going to choose not to do that and instead I choose to speak to you simply as a concerned citizen. This is an interesting time in the City from my view having served in a number of organizations on many boards and caring deeply about the City. In the nearly 20 years that I've lived here, I have not seen quite so much optimism as I am seeing today. I have not seen quite so much interest on behalf of the citizens at-large to band together, to work for enterprises such as For Manchester which is what we are currently talking about, many of us. It is an interesting time. It's not time to amend this Charter. If you do that before the Charter is given an opportunity to work, before it's given an opportunity to prove itself think of the message this Board is sending to all of those hundreds of folks out there in the City working for causes that are important to them and I can assure you the spirit of those organizations is one of cooperation. When I go to those meetings I hear this Board spoken of respectfully, recognized as leaders of this community who give a lot of time and those folks want to work with you cooperatively. I ask you to think of the message you send to them if you choose to amend this Charter before it is given a time to prove itself. Thank you.

Penny Sconsa, 90 Longwood Avenue, Manchester, NH, stated:

I opt not to speak at this time.

Lucille Stevens, 100 Woodcrest Court, Manchester, NH, stated:

I opt not to speak.

Ray Pinard, 723 Coolidge Avenue, Manchester, NH, stated:

I'd like to register my opposition concerning the proposed voter referendum to eliminate the Aldermanic and School Board At-Large representatives that have been included in the revised City Charter effective July 1, 1997. For the better part of nine months, a dedicated group of elected Commissioners worked to build a new Charter for the City of Manchester based on vision, citizen input, and consensus. Any attempt to significantly alter the document prior to implementation and trial is an insult to the Charter Commission and the voters of the City of Manchester. Attempting to change the approved revised Charter sets a bad precedent. Are we going to have a string of public meetings addressing every significant change embodied in the revised Charter, thereby dismantling it piece-by-piece? Elected officials comprising the Board of Mayor and Aldermen are elected to serve the citizens of Manchester. The citizens of Manchester have spoken and have stated that they wish to be served under the terms of the revised Charter. I urge you all to follow the desires of the majority and to move forward as they are voted.

Kathleen Sullivan, 192 So. Mammoth Road, Manchester, NH, stated:

I, too, live in Ward 8 and I have a couple of letters from two people who could not be here this evening which I believe has already been passed out to you. But, I'd just like to read a couple of things from them for the benefit of the public and the Aldermen. The first is from State

Representative Steve Vaillancourt, also from Ward 8 and Steve actually was one of the people who did not support the Charter. But, in his letter he said “those that lose elections can always take solace in claiming that voters really didn’t know what they were voting for. I suggest that voters knew as much about what they were voting for in regard to the Charter as they knew when they elected Jeanne Shaheen Governor. Yet, we don’t hear Ovide Lamontagne asking to change the rules and run the election again. We have no right to question whether or not the people spoke wisely simply because we disagree with their decision. If so, what is to prevent the other side from saying that the result of the next election is not equally as flawed. If we are ever to have closure, we must abide by the expressed will of the people. We abandon that principle at a great peril.” And, former Charter Commissioner Mike Lopez cannot be here this evening and he wrote “after weeks of debate it was voted to have Aldermen At-Large and the voters also voted to have Aldermen At-Large. The community work is done, but remember this is a community of dedicated people. We must remember that we are a family working together trying to make ends meet with one goal in mind...making Manchester a better place for all of its people, not just special interests. The citizens of the City did come together, they reviewed the work of the Charter Commission and responded with their vote. Just give it a chance to work and if it does not work, the process is still there to change it. But, give it a chance.” And, I don’t think I can say it any better than that, give it a chance. What are we afraid of. In my 42 years in Manchester, one of the things that I have always found saddest about the City in recent years is a sort of spirit of negativity. We have a chance here to take positive steps forward for the City, give it a chance. The saying goes “if it ain’t broke, don’t fix it.” Well, let’s find out if it’s broke first before you try to fix it, the people voted to it. And, in response to some of the people who have said well, the people that voted for it really didn’t like this one provision. You don’t know how many people I have heard who have come up and said to me, I did not vote for the Charter, I didn’t like the Charter, I didn’t vote for it. But, I think you should give it a chance to work. I don’t know why this proposal is being made at this time. So many people have said, I didn’t vote for it, but please give it a chance. They just think...just put it behind you and get along with life, it passed, give it a chance to work. I wish we could put the energy that we’re putting into this argument and into some of the problems we have here in the City, we’re wasting so much energy here this evening and on this issue and so again, as Commissioner Lopez said “give it a chance.” Thank you.

Jon Gross, 429 Medford Street, Manchester, NH, stated:

It’s interesting because on this particular question of whether we should have had Aldermen At-Large or School Board members At-Large when it was part of the original discussion, I was against it because I didn’t think it would make for better government. But, I wouldn’t vote to put the amendment on. I wouldn’t vote for that now because out of principle. Why this issue. Why the issue of having 14 Aldermen. Why does that call for this kind of turnout. You could run down the Charter and you could certainly have...if it’s cost, I heard the original speech that brought this meeting together and it was the fact that he was representing Concerned Taxpayers and there was money involved, that it would cost the City money. No one said to put the Mayor’s salary on a referendum. There may be people here who are against bi-partisan

elections, that's not being put on the referendum. Why is the Charter being opened up for this one issue. I would say it's being opened up because it is something that an Aldermen or two disagree with. They strongly disagree with it, they think it's not good for the City, that's fine. But, this is not the place to do it. The Charter had it's own people, it had a Charter Commission elected by the people, a pretty high-esteemed group of Charter Commissioners, I think you'd all agree to that. They came through, you had your chances. There were plenty of open arguments and there were times where you could have used this stage, you could have used the exposure of Channel 40 to make the argument...people, please put pressure on the Charter Commissioners, tell them not to have Aldermen At-Large...it wasn't done then. The point of the matter is to open up the Charter Commission, it would be like opening up the budget for an item, it would be like opening up any of the things that happened there. You may not agree with it, I don't agree with it. But, I'm coming here to say tonight to leave it alone. It's wrong, it makes the government look very petty, it makes the Aldermen look very petty. Leave it the way it is, let it run, if it's a disaster, okay; that's where your governing body comes in and you help the people out by changing the rules. But in the meantime, let it be.

Patrick McGee, 227 Dallaire Street, Manchester, NH, stated:

I respectfully suggest that in your capacity as the City's governing Board you acquiesce to concerned taxpayers and give the voters a chance, a second opportunity to rethink the question. I think they are confused by the question and I firmly believe that some voted thinking they were against the Charter and they actually wound up voting for the Charter. Now, do we need the four additional governmental positions. A few years ago Manchester had 14 Aldermen, the City was restructured to 12 wards and 12 Aldermen for the sake of economy and cohesiveness. Expanding back to 14 Aldermen and 14 School Board seats would be a bumbling, stumbling backward step to a failed and unwanted form of government. Give us a break, keep it as it is now structure - 12 Aldermen, 12 School Board members. Thank you.

George Sideris, 316 Linden Street, Manchester, NH, stated:

Opted not to speak.

Patricia Adams, 4 Country Club Drive, Manchester, NH, stated:

I probably look like a pretty fresh face to you, you've never seen me before and I don't mind that actually. But, I have to speak to you tonight. I really appreciate the process that is here tonight. I really think that all of you have thought of all of these individuals and what their opinions are and I think that's really great. But, what I have to tell you is that my parents taught me to be a patriot and a voter and when I started voting only a few years ago, I really thought that my vote counted and I really thought that if I was supporting something and that more people supported it with me that it would move forward and growth would happen and I think that what Toni and Ray and all of the Commissioners did was give you the best package that they possibly could, that they thought you would be proud of, and would want to change the government and the voters voted for that and I know that all these people just told you that, but I want you to hear it again. I want you to hear all of the resounding voices that are happening and

all of those people that are at home tonight watching something else. They really cared about this and they wanted it to work and you can't take government and try to shake it up and merge it with something and downsize it, but you've got to look at it like a business. How are we going to move this forward to be the best government for every individual person in Manchester; that means me and everyone else here tonight and everyone else who isn't here. I know you're hearing that, but I want you to look at me, I am the face of Manchester's future. I am a young woman, all the possibilities in the world and could probably have children and repopulate Manchester if I wanted to, but the point is I really want you to think about this because it's affecting so many people. It's not just a did she say this and did he say that and he's your friend so you're going to vote this way. Think about it. When you sat down at these chairs for the very first time, that first minute you sat down and said I'm an Alderman, I can't believe I'm an Alderman, what am I doing...what made it happen that you wanted to be an Alderman and I think it's so important that you think back to that...I can do some change...why anybody gets involved in anything nowadays is because they think they can create a change. We gave you a great opportunity, let's change, okay. It is not as scary as it can be and if people like me start seeing the fear and don't start taking chances, there's going to be a very sad future and I want you to really think about that because that's what's happening here and it's going to be great, but you just got to give it a chance and it can happen and everyone will say those Aldermen are really with it. That is what you need to remember and I appreciate the opportunity to speak tonight, have a good evening.

Matthew Lapointe, 211 Salmon Street, Manchester, NH, stated:

I'm here in opposition to the proposal to amend the Charter revision which was overwhelmingly approved by the voters. Lately, I've been reading a lot in the newspapers and in magazines about voter cynicism, about how cynical the voters are because they feel that they elected representatives to do certain things and the elected representatives get down to Washington to get to wherever they want to get and don't do what they said they were going to do. Well, if this Board's goal is to increase voter cynicism then by all means amend the approved revision of the Charter because that's what it is going to do. The people of this City had a chance to get involved in this system a long time ago and they did. The Commissioners were elected, they had hearings, lots of people came to those hearings and were heard. The Commissioners put together a package, the package was voted on. At every step of the way, the people who were opposed had a chance to speak, had a chance to convince their fellow voters, had a chance to convince the people who were in the process to do the thing and what we ended up with was a system and the system included the two At-Large Aldermen the two additional members on the School Board. If you want to increase voter cynicism tell the voters they really didn't know what they were doing. Tell them, well, you guys really didn't understand. We understand, tell them that if you want to increase voter cynicism, that's what you're going to do because those voters are going to say what the hell did I vote for, why did I go down to the polls that day. Somebody once said that making laws is like making sausage that you don't want to see exactly the system as to what goes into it. Well, this system was right out in the open. It was public,

everybody saw what went into it. Well, they voted for the sausage and if you want to take out some of those ingredients you're going to have an awful mess. Thank you.

Vivian Desmarais, 257 Gray Street, Manchester, NH, stated:

I am not in favor of changing the amendment at this time for the following reasons. It's obvious to me that the voters of Manchester are looking for change and more effective government. All of this was very evident in the forming of the Manchester group which had a very, very large turnout at The Yard last week. Everybody to me it seems wants to move forward and wants better government and I also agree with some people that have spoken here, they were all very used to business as usual and that means it's sometimes very hard to accept change and let things happen, but I think we have to let things happen and we have to make changes as that is what life is all about. So, I'm going to keep this very short and I'd like for us not to give the City a negative tone by changing something that the voters have voted for. They voted for it, let's give it a chance, let's see how it goes, it's not too late to change it, let's be positive instead of negative and see what happens. Everybody right now is talking negative, negative, negative but they don't really know what's going to happen one way or the other and I'd also like to know for myself how much is it really raise the taxpayers base by having two Aldermen At-Large and two people on the School Board, how much is that really going to cost is what I'd like to know. Is it all that much to make all this change, how much is it going to cost to put all of this out to the voters again and change everything, what's the balance there is what I'd like to know. So, I don't know if this is the place to get the answer to that but maybe we can all think about it and I think we need to go forward and make the change and see what happens. That's all I have to say.

John Groulx, 298 Prospect Street, Manchester, NH, stated:

I just wanted to register my opposition to the amendment.

Alderman Wihby stated I just wanted to submit a letter to the Clerk from John McDonough outlining what happened to him in a similar situation back in 83-84.

Clerk Bernier presented four letters in opposition received by the City Clerk's office. The four letters were entered into the record and read as follows:

Dear Mayor Wiczorek and Board Members:

I would like to express my opinion of the board's attempt to willfully disrespect the democratically decided decision of the citizens of Manchester to reform our charter in many ways.

I, frankly, consider these actions arrogant. I was excited by the many new ideas agreed to by the Charter Commission. To force a repetitive debate on any issue opens the door to debate all the issues. Let's accept the votes cast last year and give this new Charter a try, as it is.

I often agree with the most vocal opponents of the Alderman at Large positions. But, they must respect a democratically decided decision by our citizens as it is written.

Lastly, I seriously resent some Alderman's position on rethinking parts of the new Charter. It is clear that some Alderman are positioning themselves for future campaigns. How arrogant!

s/Thomas Lavoie
571 Elgin Avenue
Manchester, New Hampshire

Dear Mr. Wihby:

It is my understanding you have proposed an amendment to the recently enacted City Charter. I want you to know that I am extremely disappointed that the Alderman representing my Ward has felt it necessary to begin proceedings to amend an action for which I voted as did the majority of the voters.

s/Richard B. Murray
1255 Union Street
Manchester, NH

Dear Mr. Hirschmann:

It has come to my attention that an amendment to the newly enacted City Charter has been proposed by various city aldermen. It is important for you to know that, as a taxpayer and voter, I, absolutely, do not support any amendments to the Charter. It would be a disappointment if the Alderman representing my Ward supported an amendment which the majority of voters have already declined to support.

s/John R. Allard
Chief Executive Officer
Allard Industries
124 Joliette Street
Manchester, NH

Dear Mayor and Board of Aldermen:

I am writing to urge you to vote not to repeal the at-large recommendations in the revised Manchester Charter. I believe that the new Charter, although not perfect, is significantly better than the current Charter. More importantly, the new Manchester Charter was revised by citizens elected by the voters, while recommendations were approved by a 56% majority.

Again, I urge you to support the new Charter and respect the democratic process in which the revision was conducted.

I want to thank you for your consideration on this matter.

s/Michael J. McCluskey
NYNEX
900 Elm Street, Suite 1927
Manchester, NH

Mayor Wieczorek advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

There being no further business to come before the public hearing, on motion of Alderman Shea, duly seconded by Alderman Pariseau, it was voted to adjourn.

A True Record. Attest.

City Clerk