

**COMMITTEE ON
BILLS ON SECOND READING**

February 4, 1997

Aldermen Wihby, Elise, Clancy,
Pariseau, Cashin

6:00 PM

Executive Conference Room

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Alderman Wihby, Clancy, Pariseau, and Cashin.
Alderman Elise arrived late.

Chairman Wihby addressed item 3 of the agenda:

3. Proposed Charter amendment referendum question to be placed on the September 16, 1997 ballot as follows:

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

Chairman Wihby noted that the public hearing was held yesterday.

Alderman Pariseau stated his only concern was that if it was to proceed with having aldermen at large and it didn't work out that you would never be able to get rid of whoever was elected, they would say that it was political and you were after them. Alderman Pariseau gave the example if Alderman Cashin ran for alderman at-large and in 1999 the Board in their wisdom felt that it wasn't working out the way that it should, however that should work, so the Board takes a vote to get rid of the aldermen at-large and the school board members at-large, before you know it they are anti-Bill Cashin. Alderman Pariseau stated he thought that is what would happen, he saw no reason for having aldermen at large, and he did not think that was explained to them in the public hearing. Alderman Pariseau stated he did not know what the purpose of it, though those that were in favor of it said that many people brought it to their attention during their deliberations, he had not heard any of that. Alderman Pariseau commented that he knew he had a

hearing problem, and was not that familiar with every commission meeting that happened.

Alderman Pariseau moved that the question be placed on a September 16, 1997 ballot.

Alderman Cashin stated he agreed with Alderman Pariseau, he did not recall too many people asking for aldermen at-large. Alderman Cashin stated he did know that he and other aldermen suggested that they did not have aldermen at-large and that they take it off. Alderman Cashin noted that everybody talked last night about the tremendous turnout that they had on this charter vote, but first let's be objective. Alderman Cashin stated that it was a presidential election so naturally they would get a greater turnout than they do in a municipal election so the percentages were going to be higher. Alderman Cashin commented on the percentages of who voted for the charter and who didn't stating that 44 percent voted for the charter; that 34 percent voted against the charter; and that 22 percent didn't vote at all. Alderman Cashin stated that they went to the polls but didn't vote, so to him there were 56 percent that went into those polls that either didn't vote for it or voted against it and that was no mandate. Alderman Cashin stated that it was telling him that 22 percent didn't vote for the charter because there were certain items that they didn't agree with.

Alderman Pariseau stated not to take anything away from the Charter Commission, they did a superb job as far as revising the charter.

Alderman Cashin noted that they had worked hard and he had nothing but respect for them.

Alderman Pariseau stated that to have the aldermen at large he saw no reason for it and it was going to create more problems than it is worth.

Alderman Clancy commented that he had received a phone call today and the guy asked if he was satisfied the way things are right now, or do you think the two extra aldermen would help the ward. Alderman Clancy noted he had responded that right now he was happy with the way things were working in his ward because if something needs to be done in the ward he can call the department heads, he had a good relation with them. Alderman Clancy noted the constituent asked what two more aldermen would do and he had responded they would probably work into the economic development or something, but for sure one would not come out of ward 5, it would be out of ward 1, 6 or 8. The gentleman had asked if it were possible to have three out of one ward to which he had responded he did not know but there would be two.

Alderman Pariseau commented that he had called the people in Nashua and asked them why they had aldermen at-large and no one could give him an answer.

Alderman Clancy noted he had called Concord people and got the same response.

Alderman Pariseau stated he did not think they needed it; that if the commission wanted to expand the Board of Aldermen and School Committee by two members, they should have redesignated the ward boundaries and had 14 wards.

Alderman Clancy noted that was one way it could happen but would it. Alderman Pariseau noted they could propose the amendment, he did not understand why the boundaries were in the charter anyhow, it never was.

Alderman Elise arrived to the meeting.

Alderman Elise stated that regarding this question she really did not think that the Board of Mayor and Aldermen had the right to ask this question at this time. She noted that the people elected a charter commission to put together a charter, the people voted on the charter, and it won by majority. Alderman Elise stated that yes some people did not like the outcome, but some people don't like the outcome of all elections, and she thought they would be violating the democratic process if they actually went forward with this. Alderman Elise stated that she was opposed to it.

Alderman Cashin seconded the motion to place the question on a September 16, 1997 election ballot.

Alderman Clancy asked if they got the two aldermen at-large, what benefit would that do for the inner city area, noting that right now the crime was down and things were going good.

Alderman Pariseau stated that he did not know, he had asked a member of the charter revision commission why they were proposing at-large aldermen. Alderman Pariseau stated he was told that because an alderman went to one of those meetings and complained because of the workload, that was why they came up with aldermen at large. Alderman Pariseau noted that the person had to remember that they sought the office, the office didn't seek them and if they are overburdened then maybe they did not belong here, but the reason to have that put in the charter he had a problem with.

Alderman Cashin stated he was told that they wanted to have aldermen at-large to have these two people take more of an overview for the city as a whole as opposed to being “parochial” as they consider the board was. Alderman Cashin commented let’s look at that stating look at the sewerage treatment plant when the government came in and said look you have to do this; that the west side aldermen had to vote this in and charge their constituents a fee for services they didn’t even render. Alderman Cashin noted that they didn’t need aldermen at large to make that decision they knew it was in the best interest of the community so they did it. Alderman Cashin referred to the millyard noting that they spent millions of dollars in the millyard years ago, long before all of this talk, commenting how would they like the millyard if they still had an open sewer running down where the canal used to be that they took care of, they did not have aldermen at large to do these things. Alderman Cashin commented on the industrial parks, they did not have aldermen at-large to build the industrial parks; that when people tell him they need an overseer to come in to keep order here he had a problem with it. Alderman Cashin noted Alderman Clancy’s commented about three aldermen not coming from one ward, possibly they could, but remember that he came from the west side they only had three aldermen on the west side of the river, and they would wind up with two more aldermen and these three people could disengage the west side of the river with one vote.

Alderman Pariseau noted that on election day the former Executive Councilor, criticized that he was not supporting the charter, and he too made mention of the fact that the current board was too “parochial” and he had asked the Councilor what he meant by “too parochial” and the response was that they were more worried about their individual wards then they were with the city. Alderman Pariseau stated that he had politely told the councilor that the Board’s priority was city-wide and then they get into the ward issues after that fact, and he was glad that he had not supported the councilor in re-election because he had ranted and raved and really was an embarrassment, and all day long people came into the polls asked about his run in with the former councilor. Alderman Pariseau noted that some had that attitude and he did not know where that attitude had come from.

Alderman Elise stated that in any discussion sometimes people use terminology that they don’t necessarily mean; that sometimes in the heat of a discussion we say things to each other that we don’t mean, call each other certain things - or label some other parties about other things and they were not doing it to make other people feel a certain way. Alderman Elise stated that in this particular case those types of words may have been used, she did not hear them, but she was sure the intent of the law was that the charter should be reviewed every ten years; that the people elected a charter commission to review the charter, they reviewed it

making changes that they felt the city needed, these changes went to the voters and the voters voted on them, we may have a personal or political opinion about some of these changes, but the democratic process was carried through and she did not think we as a board or as individuals can violate that process.

Alderman Wihby stated that this had happened once before with McDonough; that at the last charter change in 1983 the voters said that the school official could not run for aldermen and he ran for alderman and he won and the solicitor wouldn't seat him, so he challenged it in court and in the meantime the aldermen put it on the ballot at the next election, and they had just voted on it in 1983, the September primary the people decided that they were wrong and overruled what they had done the first time. Alderman Wihby stated that they had obviously felt they had to vote the full charter in the first time and they didn't look at that one particular item and they were willing to bite the bullet and now being able to individually look at an item they changed their mind and voted the other way to change it. Alderman Wihby noted that it was the same type of item, incident, same thing happened and people went the other way, he did not think that people changed their mind they just had to vote on the whole item at the time and that now they are looking at, and individually making up their mind on this one item. Alderman Wihby stated he did not think the question today was are we deciding that there should be 12 or 14, or are we deciding that it should be changed; that all we are deciding is putting the question on the ballot and letting the people decide; that this is what the vote was today, it was not to say that they agreed or disagreed with 12 or 14 aldermen, its letting the input come from citizens in their voting to decide if in the first place, when they voted the charter in, they really meant to vote everything in or would they like to take this item out and be able to vote on it. Alderman Wihby stated it might go through in September, in which case the people spoke and its fine, if it doesn't he thought that what happened is again like with McDonough, is people had to vote on the whole charter even though they didn't like some of it, he didn't hear anybody say they liked the whole charter except for the charter commissioners, the chamber and the candidates.

Alderman Pariseau stated he did not think that all members of the charter liked all parts of it. Alderman Pariseau noted that they had told the aldermen that they would not like all of it, but support it and we can make the changes later on.

Alderman Wihby concurred, noting he could remember standing in Ward 8 and had his button on and remember Sullivan saying to him don't have that button on, she was holding a sign saying vote yes, and he recalled saying maybe the aldermen would amend it and she said that was their right. Alderman Wihby noted that they would argue it was their right but not before it takes effect, but his argument was that now was the time to do it, so they were not waiting to see who

the candidates are before deciding to make a change, because they would be accused of that, and there were not two aldermen sitting there that they would have to vote against because it doesn't work, and now was the time to do it. Alderman Wihby noted now was the time where everybody knows who was going to be running in September that there would be a question on the ballot and that they might not be seated, which was why he came forward early enough so nobody could think that games were being played when the names were out of who was running.

Alderman Elise stated she was concerned about the people and how they were going to regard their vote now. Alderman Elise stated she would encourage anybody who was talking about putting this on the ballot again to think about any future votes that they cast that they would win in any type of election and that the board of Mayor and Aldermen would choose to put that on the ballot and have a vote again on that particular issue. Alderman Elise noted they would feel like their rights were violated.

Alderman Wihby stated all they were doing was putting the question on the ballot, the aldermen were not deciding the answer, they were letting the constituents vote again. Alderman Wihby stated it was different, if he were trying to do something and the next week you guys wanted to undo it by a vote of the Board that was different, but this can't be undone by the Board this had to be only undone by the voters, and all they were saying was let them have the opportunity to decide it.

Alderman Elise stated she knew, but with all due respect she thought the aldermen were misusing their power at this particular time, before the charter is implemented and tested to put something like this on the ballot.

Alderman Cashin reviewed the percentages he had mentioned earlier for Alderman Elise's benefit because she had not been present. Within this discussion Alderman Elise noted that she knew that in all elections some percentage of the voters choose not to vote for specific offices or questions which was their right to do. Alderman Cashin concurred that it was the voter's right. Alderman Cashin also reiterated his earlier comments relative to the percentages not reflecting a mandate and noting that it was a presidential election.

Alderman Elise commented that she understood politically why Alderman Cashin would not feel it was a mandate, but it was a voters right in this country to choose to vote the way they did, and they needed to respect that.

Alderman Cashin responded that he did respect it but he also respected the 56% that didn't vote for it or voted against it.

Alderman Clancy asked about the percentages referred to at the public hearing, and it was noted that those percentages reflected the number of persons who voted for the charter versus the percentage of voters who had come out to vote.

Alderman Cashin reiterated that 44 percent voted for the charter, and the combination of those not voting and those voting against it added up to 56 percent of the voters.

Chairman Wihby advised that there was a motion on the floor, Alderman Pariseau by Alderman Cashin to recommend that the question be placed on the September 16, 1997 ballot as outlined by the Solicitor and called for a vote. The motion carried with Alderman Elise recorded in opposition.

There being no further business to come before the Committee, on motion of Alderman Clancy, duly seconded by Alderman Cashin, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee