CHARTER REVIEW COMMISSION

February 5, 1996 **7:00 PM**

Leo Bernier, City Clerk, called the meeting to order.

Leo Bernier, City Clerk, called the roll.

PRESENT: R. Baines, B. Cook, S. Dolman, L. Dykstra, M. Lopez, T. Pappas, R. Shaw, J. Stephen, K. Sullivan

MESSRS.: Assistant Solicitor Arnold, L. Bernier,

The Oath of Office was then administered to the members-elect of the Charter Review Commission by Leo Bernier, City Clerk, as follows:

Robert A. Baines
Bradford E. Cook
Stephen H. Dolman
Leona Dykstra
Michael Lopez
Toni Pappas
Robert Shaw
John A. Stephen
Kathleen N. Sullivan

City Clerk, Leo Bernier advised that the purpose of the meeting was to be organizational in nature and in accordance with RSA-49-B:4 II, the Commission shall elect a Chairman from its members.

Commissioner Brad Cook moved to nominate Commissioner Toni Pappas as Chairman of the Charter Review Commission. Commissioner Stephen Dolman duly seconded the motion.

Commissioner Dolman moved to close nominations. Commissioner Baines duly seconded the motion. There being none opposed, the motion carried.

Chairman Pappas advised that nominations were in order to elect a Vice-Chairman.

Commissioner Kathleen Sullivan moved to nominate Robert Baines as Vice-Chairman of the Charter Review Commission. Commissioner Leona Dykstra duly seconded the motion.

Commissioner Dolman moved to close nominations. Commissioner Lopez duly seconded the motion. There being none opposed, the motion carried.

Chairman Pappas advised that nominations were in order to elect a Secretary.

Commissioner John Stephen moved to nominate Kathleen Sullivan as Secretary of the Charter Review Commission. Commissioner Robert Shaw duly seconded the motion. There being none opposed, the motion carried.

City Clerk, Leo Bernier, stated he had distributed packets containing a copy of the proposed Charter from 1981 noting there were amendments from 1985 regarding personnel issues as well as changes made to the election process in 1987. The City Solicitor, Tom Clark, had asked him to distribute copies of the State Statutes which governed the Commission noting the complexity of it all indicated he would assist Commission members in their understanding of it as well as representatives from the City Solicitor's Office.

Commissioner Sullivan asked if the changes mentioned by Mr. Bernier to the Charter were in the little red book.

Mr. Bernier replied they were.

Chairman Pappas advised that the next order of business would be to adopt rules governing the Commission and thought the Commission should adopt Roberts Rules of Order and asked the Commissioners how they felt about it.

On motion of Commissioner Baines, duly seconded by Commissioner Shaw, it was voted to adopt Roberts Rules of Order for the Charter Review Commission. There were none recorded in opposition.

Chairman Pappas stated she thought the most important matter the Commission should consider were the deadlines noting the Commission would have to act pretty fast and needed to hit the ground running and listening to the community and as many people as they possibly could, so within the next fourteen days there needed to be at least one public hearing, needed to complete the preliminary Charter report by July 21st, and needed to have their final report finished by September 4th and thought the Commission should plan their first hearing which needed to occur before February 20th and suggested February 15th as being a good date.

Commissioner Baines indicated he would have a conflict on February 15th as there was a parents presentation scheduled that evening.

Commissioner Cook thought it was very important that the Commission hold as many public hearings as it would take to take all of the input from anyone wishing to be heard, but did not think it would be a good idea to have everybody queue up and talk about anything they wanted to talk about and felt if there was some sort of order whereby the Commission stated what would be discussed with the next public hearing having another subject matter and publicize, if possible, their list of hearings by subject matter so people would know what the Commission would be addressing because if the first person would talk about "X" and the second person would talk about "Z" and the next person talk about "A" they would not be very focused noting he did not know what the purpose of the first meeting would be but thought it would commend the Commission to organize by subject matter so they could announce to the world they would meet on such dates with the subject matters for those dates otherwise he did not think there would be much order in their lives.

Commissioner Dykstra stated she could agree to some extent but thought it would be tough for the ordinary citizen because they would probably not be following it that closely and might come in and want to talk about a subject matter which wasn't supposed to be discussed and asked would they tell that citizen that they had come on the wrong day and couldn't discuss it noting she had a problem with that because even when she had served as an Alderman people used to come in with their thoughts noting they couldn't regulate their thoughts that well and did not want to deny people the opportunity to speak and agreed with Mr. Cook's statement and asked if it would allow everyone to be heard noting people had other commitments and responsibility also and wanted to do what was best and wanted to hear what everyone had to say and thought they probably could and have sub-committees to deal with the various issues.

Commissioner Sullivan stated she had thought about Mr. Cook's suggestion prior to this evening and thought that for the first meeting it was probably important for the Commission to have that open hearing for all citizens to have an opportunity to come in and speak so that the Commission would know what concerns the citizens had noting the Commissioners had already talked to various people and campaigning, etc. but wanted to have the opportunity for the public to come in and tell the Commission what they felt was important and in addition to what the Commission may already have had for ideas they could then as part of their scheduled public hearings have those more focused hearings and thought what might make sense in scheduling in that process some time in May another one where there would be more of an open forum and try to have hearings scheduled around specific topics but maybe have one as part of a hearing which was more open as she did not think the Commission wanted to be scattered and did not want to deny anyone the opportunity to speak so if the Commission was to publicize it then she felt the Commission would accomplish what it wanted to do.

Commissioner Dolman added that he would like to see meetings geographically set so the Commission would be going around to the different wards in the City so people would have a chance to speak as sometimes it was hard for some of the elderly or others to get out to go to either City Hall or the Center on the west side or elsewhere, so if they could schedule meetings at different locations of the City thought it might help some of the people in getting to the meetings.

Commissioner Stephen understood what Commissioner Cook was saying about being focused and thought the Commission could pick certain hearings which encompassed more areas but yet would be short enough so that the Commission could stay focused and wished to remind the Commission that they were guided by State Statutes Section 49-B:4 the Statute stated "that we shall hold a public meeting for the purpose of receiving information, views, comments, and other pertinent material relative to its functions" noting that seemed very vague and thought for the first meeting and then from then on could branch out.

Commissioner Cook stated that it was his understanding that the first meeting was to get input from the public on how the Commission should operate and proceed noting he had no problem with it but thought it was to have the public tell the Commission what they felt the Commission ought to be doing and after that thought the Commission would go blind if they were to discuss everything every time.

Chairman Pappas sensed that Commissioner Cook felt that the first hearing held should be somewhat open.

Commissioner Cook replied that was the purpose of the Commission.

Commissioner Lopez moved that the public hearing be held on Thursday, February 15, 1996 at 7:00 PM.

Discussion ensued as to the location of the public hearing.

Commissioner Sullivan suggested for the first meeting and given the interest shown by those who ran for the Commission did not think the Aldermanic Chambers would be large enough and suggested perhaps either the Library or Memorial High School.

City Clerk, Leo Bernier, stated his office would provide a location at either the Manchester City Library with Memorial High School as a second location.

Chairman Pappas asked if the Commission would like to limit the amount of time individuals would be allowed to speak.

Commissioner Dykstra asked if there would be a sign-up sheet for those in attendance noting she would like to let them speak as long as they could but agreed there had to be some kind of control if there weren't that many people present they could speak a little longer.

Commissioner Shaw suggested a maximum of five minutes should be sufficient noting it should also be publicized so that people would know in advance they would need tailor their presentation and the Commission would also receive written testimony.

Commissioner Cook agreed with Commissioner Shaw that it should be publicized that the Commission would take written submissions and could present them in any order they chose including if the individual wished to read it into the record themselves.

Chairman Pappas asked Commissioner Lopez to restate his motion.

Commissioner Lopez moved that the public hearing be held on Thursday, February 15, 1996 at 7:00 PM with the first location being the Manchester City Library, and the second location being Memorial High School. Commission Sullivan duly seconded the motion.

Commissioner Stephen suggested a notice be sent to the Board of Mayor and Aldermen asking them for their input at the meeting to be held February 15th to show them that the Commission appreciated what the Board was doing and would like their views if they would like to attend the meeting.

Commissioner Shaw suggested the notice be extended to the School Board Members also.

Commissioner Stephen added any elected officials in the City.

Chairman Pappas called for a vote on the motion of the time, place, and procedures of the public hearing. There being none opposed, the motion carried.

Commissioner Sullivan in following up on what Commissioner Stephen had suggested thought perhaps the Board of Mayor and Aldermen and the School Board could attend a so-called public work session and did not know if there was any interest in such a meeting but wanted to get input from the Board and the School Board and make them a part of the process a she did not think there was anything prohibiting the Commission in the Statute from having work sessions, not necessarily public hearings, but actual work sessions if they would be interested and an invitation to be extended to the Boards.

Commissioner Dykstra agreed wholeheartedly with Commissioner Sullivan's suggestion but thought that the Boards through the process had a right to show up at the hearings noting she had heard that some of the Aldermen and the Mayor were planning on attending and giving their input at some of the hearings anyway and asked if a work session would be legal and questioned if the Boards were elected to get involved that way as she did not know if it was legal noting she would consider such sessions but wished to have a legal opinion on it before the Commission went ahead and invited the two Boards.

Assistant Solicitor Arnold stated he did not see anything in the State Statute which would prohibit such a work session.

Chairman Pappas asked if the Commission wished to set a date, time, and place.

Commissioner Sullivan thought the Commission would have to see if the Boards were interested and what dates would be good for the Aldermen and the School Board.

Commissioner Cook encouraged the Officers of the Charter Commission between now and the 15th to come up with a proposed schedule of hearings so the Commission could coordinate activities both in terms of dates, times, and places and subject matter so that the Commission could try to adopt at the next meeting so they could then publicize the entire schedule as one set of known hearings, schedule and subject matter which would obviate the matter which Commissioner Dykstra had spoke to which was perfectly legitimate noting if all was set once and it was given publicity it would try to minimize it and couldn't imagine that if someone attended a meeting they would be told it had been addressed at a previous meeting and wouldn't let them talk but to keep some focus on the whole thing.

Commissioner Lopez asked if a private body came in to speak to the Commission would it be considered a public hearing.

Assistant Solicitor Arnold thought once there was a majority of the Commission together to transact business, it was considered a public session under RSA 91-A.

Commissioner Dykstra asked if the Commission did that how could they turn down anyone else who would want to come in if it was a public hearing.

Commissioner Sullivan replied it was a public meeting the public could attend, it was not a public hearing where anyone would be allowed to speak.

Assistant Solicitor Arnold replied they were dealing with the Right to Know Law under 91-A which mandated that the meeting be open to the public and that certain minutes be kept but did not give the public a right, so to speak, to speak.

Chairman Pappas stated the Officers would sit down and come up with a schedule.

Chairman Pappas stated another item on the agenda they could perhaps cover was a discussion about office space and did not know if the Commissioners had a chance to look at some space which might be available and asked City Clerk, Leo Bernier, to expound a little.

City Clerk, Leo Bernier, stated some of the Commissioners had an opportunity to walk with him to the space in the Bell Building at 922 Elm Street which was currently occupied by the City Clerk's Office for the Business Licensing Division noting there was space available at that location and suggested the Commissioners walk over at the conclusion of the meeting to look at the space; that there was a conference room, copier, and four desks, and various other office equipment and/or supplies; that the rent was $650 per month and assumed the Commission would need it for approximately four months.

Commissioner Shaw asked why the Commission would need office space and asked for the City Clerk's input.

Commissioner Dolman stated if they were going to talk about renting office space, they needed to have a budget; that by State Statute he thought the Commission was entitled to funding but before they could even address the concept of office space or anything else they needed to know what they would need for money, would have to get the money, and get an appropriation from the Board of Mayor and Aldermen noting they would need make a request for an appropriation for office space, clerical help, perhaps the need for outside legal counsel.

Commissioner Sullivan stated she did not think that any of the lawyers on the Commission would want to give any legal advice.

Commissioner Dolman thought there had been $25,000 allocated in 1981.

Commissioner Dykstra asked what the $25,000 had been spent on.

City Clerk, Leo Bernier replied he was unsure; that they perhaps had a secretary; that the reason he had mentioned office space needs was in conversations held with Pauline Guay and the City Solicitor's Office the previous Commission had been using the City Solicitor's Office which made it difficult and that was why the idea of the Bell Building had arisen knowing that that

location would be closing down and thought it could perhaps be kept available for about three months for the Commission's use.

Commissioner Shaw asked if it was a meeting place open and accessible to the public with enough space for people to come noting it wasn't, so meetings there would not be allowed.

City Clerk, Leo Bernier, stated if people were calling to meet with one of the Commissioners asked where would they meet and who would they call noting there had to be a centralized location.

Commissioner Dolman thought that the City Clerk was also thinking about sub-committee work, etc. so that those individuals would have a place to meet.

Commissioner Shaw thought the government would be providing the Commission with the services.

Commissioner Cook stated he was of two minds on this subject because if they had "X" number of dollars he would much rather use that money to get expertise advice on the substance of what the Commission was doing as the New Hampshire Municipal Association had a full-time person who worked on Charters for towns and cities and thought they got paid when the person was made available as he thought that was how the position was funded noting there were materials on all these things and all sorts of helps they could have to really help the Commission do as expert a job as it could; that he had seen the office space next door with Commissioner Pappas and the City Clerk noting it was more space than what he thought the Commission needed; that it was a accessible and it was a place where people would know where it was and it had the advantage of being the same place where people would be use to having the Commission meet if they could find it and did not think it would be too hard to find although it wasn't right on Elm Street but was concerned that the first action the Commission would take would be not to rent more space than what was needed even though it was a great price but the question he still had with all of the facilities available in the City of Manchester in various organizations, in different offices, in different places where sub-committee meetings could be held and could hold meetings and certainly could accommodate the public better than in that meeting room asked what exactly was the purpose of having a suite of offices for the Commission which then suggested that somebody ought to be there to answer the phone which then would suggest that somebody ought to staff it, which then would suggest the Commission would be spending its money on stuff instead of substance, and was struggling with that as he did not have an answer and reiterated he had a problem with that.

Commissioner Baines suggested that the three officers sit down with the City Clerk, review the budget from the past Commission's work, some of the responsibilities that were delineated, how the money was spent and come up with a framework of what the Commission's expectations might be noting he was unaware of what the scope of the responsibility would actually be and what the demands might be in terms of secretarial services, legal services, and things of the like so he would be in a better position to answer questions.

Commissioner Shaw stated it would have to be very open to the public.

Commissioner Dolman believed meetings had to be posted at least twenty-four hours prior to a scheduled meetings.

Commissioner Shaw stated the spirit of openness needed to be met also; that whenever five or more people met noting it probably should be less than that the public should be aware that the Commission was meeting, where it would be meeting, and have accessibility and thought the government was going to provide the Commission with, the City Clerk would provide the Commission with what their needs would be and asked why not; that the City Clerk's Office should provide the Commission with all of the necessary stuff as it had all of the equipment, everything the Commission would need noting the Clerk's Office could take messages and asked what the problem was.

City Clerk, Leo Bernier, replied time.

Commissioner Dolman agreed that the Officers should get together and how the money was allocated and what the money was used for during the last time a Charter Commission met; that he remembered they did have legal counsel, a stenographer who took minutes noting he was unsure if the City Clerk's Office had the staff to attend meetings and transcribe the minutes; that they were here this evening to help organize the Commission and was not sure if the City Clerk's duties included being staff for the Commission.

Commissioner Shaw stated if the City gave the Commission $25,000 then the Commission could reimburse the City Clerk's Office for anything they did do for the Commission so that if they had to pay somebody tonight to record the meeting they could give them out of the $25,000 whatever they had to pay out to do the job noting they had the expertise and might not want the job.

Commissioner Dolman agreed with Commissioners Shaw and Cook noting he would like to get that expertise coming to the Commission and would like to have people come in who had some background who could help the Commission.

Commissioner Baines moved that the Officers be empowered to meet with the City Clerk to develop a budget and address the needs of the Commission during the time that they would be operating in accordance with the City Charter. Commissioner Dolman duly seconded the motion requesting that the City Solicitor's Office be involved with respect to legal advice. There being none opposed, the motion carried.

Commissioner Sullivan asked if that meeting should be scheduled now or after this meeting.

Chairman Pappas suggested the Commission could probably consider scheduling their monthly or bi-monthly Commission meetings.

Commissioner Dykstra suggested late afternoon meetings could be a possibility such as 5:00 PM or 5:15 PM and asked if the Commission should meet two days a month.

Commissioner Cook stated if the Commission got into the process to the degree having suffered through a similar process for the last couple of years and knowing the complexity of it thought the Commission would want to meet a lot more than twice-a-month because he thought what they would really need to do first would be to schedule the public hearings so they would be in a sort of constrained time period so things would have been covered and the Commission could then be dealing with when would they be meeting with and dealing with people as he thought there would then have to be weekly meetings or more but didn't like to say it as his schedule was messed up as everybody else's was but thought they would need more than twice-a-month because they would never get done the other thing having discussed with a couple of Commissioner's their personal schedules noting at least some of them had constraints about school vacation weeks where there was pre-ordained activities which were done given they weren't so confident the voters that we'd be sure we'd all be here, so the school vacation weeks of which there were two during the Commission's activities wanted to reserve with no meetings.

Commissioner Shaw stated if at the public hearing very few people showed up and that the input would not be what they would have thought it would be and people were not really as upset as what they might have asked if they would want a whole big schedule, way in advance, when the job could be done swiftly and did not think the Commission should be planning too far into the future until the Commissioners themselves found out what was wrong and after they heard from the public he was hoping to hear from the Commissioner's themselves.

Commissioner Sullivan stated she was in favor of flexibility in the process so for some certainty in the near future noted there was a public hearing scheduled but perhaps the next Commission meeting should be scheduled fairly closely after the public hearing so that the Commission could review that input and at that time perhaps sit down and figure out where they would need to go in terms of scheduling, sub-committees, etc. and thought that after the first public hearing was when they would have a better idea and could really have a work session among themselves such as tonight to figure out where they'd be going from there.

Commissioner Cook asked if it would be possible to have the next Commission meeting at either 6:00 PM or 9:00 PM on the same evening as the public hearing and if they were able to have reports from the Officers on the budget and scheduling and office space they would be able to work out asked if they couldn't meet for an hour prior to the public hearing and have the meeting.

Chairman Pappas thought Commissioner Cook had an excellent idea.

Commissioner Dolman agreed but thought that perhaps the Commissioners could meet after the meeting also depending on how many people would attend because then they would need to know what they would be looking for with public feedback and suggested that the Commissioners meet both before and after the public hearing if time allowed.

Commissioner Dykstra noting if the public hearing started at seven o'clock asked if there would be a deadline.

Chairman Pappas replied it would depend on how many people attended the public hearing.

Commissioner Lopez suggested they were meeting on the 15th, so why didn't they just pick another date at which time they would then have an opportunity to sit down and think about the process instead of just running with everything.

Commissioner Sullivan stated if they had the meeting on the 15th with the week of February 26th the start of school vacation would give them the week of February 19th that Monday being a holiday with February 20th being the Presidential Primary Election day.

Commissioner Dykstra suggested a meeting be held on February 22nd which would be one week from the date of the public hearing.

Commissioner Dolman stated with respect to school vacations, the Primary, and the holiday it would probably be better if the Commission met prior to the start of the public hearing, thereby being able to get the business part of it done, etc.

Commissioner Baines moved to establish the next regular meeting of the Commission to be held on Thursday, February 15, 1996 at 6:00 PM at the site to be determined. Commissioner Dolman duly seconded the motion. There being none opposed, the motion carried.

Chairman Pappas stated people had come forward and asked whether the Commissioners would be interested in doing speaking engagements one group being the Manchester Taxpayers Association who had asked if two or three of the Commissioners would come.

Commissioner Dykstra stated if one Commissioner had a certain philosophy commented they would not want to make everyone feel that was how they all felt and thought it could pose a problem so thought that the Commission should invite the Taxpayers Association to attend the Commission's public hearings noting she would have a problem with speaking engagements.

Commissioner Stephen thought the Commission should issue an invitation to the Taxpayers Association to attend a public hearing.

Chairman Pappas noted the secretary would forward such invitations.

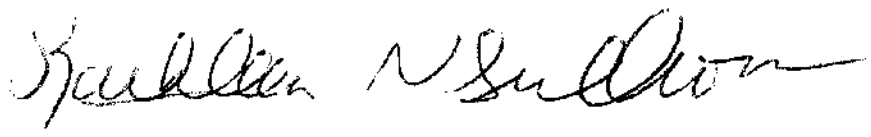
Commissioner Lopez stated the Commission would be looking at a stenographer to attend meetings and perform various other clerical duties as well.

Commissioner Dolman noted that until such time as clerical help was on board asked if the City Clerk's Office would attend the public hearing on the 15th.

City Clerk, Leo Bernier, replied in the affirmative.

There being no further business to come before the Charter Review Commission, on motion of Commissioner Dolman, duly seconded by Commissioner Shaw, it was voted to adjourn.

Respectfully submitted,



Kathleen N. Sullivan
Secretary

CHARTER REVIEW COMMISSION

February 15, 1996 **6:00 PM**
Manchester City Library
Auditorium
405 Pine Street

Chairman Pappas called the meeting to order.

Commissioner Sullivan called the roll. There were nine Commissioners present.

Present: Commissioners Pappas, Baines, Cook, Dolman, Dykstra, Lopez, Shaw, Stephen, Sullivan

Messrs.: Deputy City Clerk Johnson

Minutes of February 5, 1996 meeting

Commissioner Dolman referred to page 7, first line, of the minutes noting it should reflect Assistant Solicitor Arnold not Clark. All members so concurred.

On motion of Commissioner Lopez, duly seconded by Commissioner Dolman, it was voted to approve the minutes of the February 5, 1996 meeting as presented with the noted correction.

Chairman Pappas addressed the next item of business:

Discussion relative to budget appropriation and office space needs.

Chairman Pappas noted that a handout had been provided of a possible budget with a cover letter to be presented to the Mayor and Board of Aldermen. Commissioner Sullivan apologized for not getting it out sooner. Chairman Pappas advised that they had met on Friday and noted they were tight for time. Chairman Pappas asked if there was discussion on this item, noting the first item was six public hearings for $3,000.00.

Commissioner Cook asked if they could not find someplace free. Chairman Pappas noted the major cost was actually the transcribing of minutes.

Deputy City Clerk Johnson advised that the public hearing cost reflected the necessity to hire outside services for taping and sound system for the hearings at the schools, etc. which was somewhere in the $300 to $500 range per meeting.

Commissioner Shaw asked why they needed six public hearings, when were they going to do these hearings, what is the necessity of six public hearings.

Chairman Pappas responded they had tonight's hearing, they would have one after they do their proposed Charter, July, and a third one after they have their final Charter, and they thought they would interspace maybe two or three others to allow the public an opportunity to speak, and to address certain portions of the charter.

Commissioner Shaw noted that if they let the public speak and did not respond it was almost like going to an Aldermanic meeting. Commissioner Shaw stated there was no give and take here. Somebody was going to come tonight and make a proposal and the Commission would listen, and then what, were they going to have them come back another time when they will sit here and listen but not have any dialogue; that the person says the City should be run X, Y or Z, there would be no discussion.

Chairman Pappas noted this was a good point, and she thought it was a good point and that Bob Baines had recommended that if there was time they might have a question and answer period.

Commissioner Baines stated at the end of the public hearing, he agreed with Commissioner Shaw on the frustration of that part, he did not think they needed to replicate that, they could for example tonight have ten people speak, after they all finish speaking if it were not midnight he thought it would be good to ask them questions and engage in a dialogue with them.

Commissioner Shaw stated they had another public hearing and the same people. He noted that if you watched Channel 40, it was like watching a re-run of Lucy; that once you have seen it you've seen it.

Commissioner Baines stated that one of the things that they talked about, was that they might have one public hearing just on strong mayor versus weak mayor form of government; that they might have another public hearing just on non-partisan election, so they would take themes that they might agree to and just have a public hearing on those subjects. Commissioner Baines utilized the example that they might go in the south end of the city and have a hearing on non-partisan elections, then go on the west side and have a hearing on weak mayor/strong mayor, the major issues whatever they are that they come up with through this process, let's say there are six of them they might combine a couple of themes at a public hearing and ask the public just to come and talk about those issues.

Commissioner Shaw stated the same exact people were going to come. Commissioner Baines stated he was not so sure of that. Chairman Pappas stated they also thought of writing letters to certain groups, social organizations, commerce and industry leaders. Commissioner Dolman stated that was why he was going to bring up the concept of postage; that they did not know what they were going to get especially with a School Board meeting on their budget this evening, also a debate on Channel 9 of presidential candidates. He felt tonight's turnout might be lower than expected. Commissioner Dolman stated he had read through Mr. Basinow's proposals, some of them weren't that bad, his idea of sending out to some of the people, picking randomly from 2000 people; that he did not know if they should pick randomly but noted that 15 percent of the people went out to vote, some may be friends of ours or had a vested interest, but these people took the time to go out in one of the most important elections, this Charter Commission, and maybe we should send them some kind of questionnaire, having them answer some questions that we might be thinking about, like non-partisan elections, whether the school board should be autonomous and so forth and get some feedback that way, if they were not getting the feedback from the public hearings.

Commissioner Cook stated that tonight's public hearing was unstructured, by definition, by statute, anybody could come and say anything they want we understand that. He thought they should have as many hearings as they think are necessary to cover the subject matter but not a zillion of them. Commissioner Cook stated whether they get the same people or they don't get the same people is irrelevant, but these public hearings better be at the outset of our discussions so that we get all of the input that we are going to get, or we are not going to get anyplace. Commissioner Cook continued stating because if we do not get all of the input by March 15, we are never going to get a new charter written if we are going to write a new charter, we are never going to get amendments to the existing charter written because according to this schedule we are going to be having public hearings for input on issues that either are or aren't going to be in the thing right up to the end of the calendar that we have imposed on us by statute so if we are going to have pubic hearings -- school issues public hearing May 23, we should be way down the road by then on what we are going to do, and it would seem to me that the front end of this process is public hearings, we then have to deliberate, we have to get input from places where we invite people, we prepare something, then certainly we want to have public hearings on what we prepare. Commissioner Cook stated he did not think they could have public hearings on subject matter stuff that far down the road.

Chairman Pappas asked if he thought they needed six public hearings.

Commissioner Cook responded that he thought six might be too many.

Commissioner Lopez stated he would like to get back on track, they were talking about the budget, and six public hearings he was for, if they did not use the money it's going to go back to the city anyway, this was just a proposed budget; that if they gave them the money and they used only $17,000 it would go back to the city it was just a document to work from, and he thought they should go ahead and approve the budget and then go into the schedule that had been proposed.

Commissioner Shaw stated shouldn't they propose what they were going to do for work and then figure out how to fund the work that that we are going to do. Commissioner Shaw noted the six public hearings was a concept of the type of work they want to accomplish, and then came up with a schedule which he was unaware of. Commissioner Shaw stated that his point was that he did not think that the nine of us even know what the charter says, so what they really need in the very beginning is a work session.

Chairman Pappas stated she agreed but requested they stick with the budget.

Commissioner Dykstra asked about the Commission Coordinator, asking who that was going to be and what did they do.

Commissioner Sullivan commented that they had a book that Commissioner Cook got from the National Civic League, and in pursuing through it Commissioner Baines had noticed one of the things they suggest since charter commissions are basically volunteers, where everyone has a day job, where there is work that needs to be done, that we can't ourselves accomplish very effectively, such as background work, looking up legislative history, getting in touch with someone from the municipal association, accumulating data if they wanted to send out a survey such as Commissioner Dolman had suggested, someone who would take care of that type of thing. Commissioner Sullivan stated during the officers meeting she had volunteered to call two people who worked for the charter commission 14 years ago; that Tony Simon did the certification at the end of the process and Pauline Guay actually worked with the charter commission out of the city solicitor's office; that from what they both told her there is a real need to have someone who can accumulate data for you, perhaps do some research, and they had talked about a coordinator type person who might set up the meetings, invite the people we want to come to the meetings, its possible perhaps to have somebody who is actually going to do some legal counsel for us at the same time that we need some general legal counsel. Commissioner Sullivan stated they had called this position the coordinator as a person who would actually serve a function similar to what Pauline did 14 years ago -- do the research, invite the people, get the knowledge they need in terms of the process, and this follows up to what Bob asked about what is our job, and what is it we are going to do. Commissioner Sullivan stated what she envisioned this commission doing was that she

thought they had a responsibility to talk to a lot of people and get opinions from all sorts of sectors of city government, and the public ranging from the city employees, to former mayors, she thought Commissioner Shaw would have a lot to offer, to the aldermen, department heads, commission members, and the public because these were all the people in the city of Manchester and one of the things that she found unfortunate in the city was that they did not talk to one another very much; that there was a lot of suspicion, and a lot of divisiveness among various groups of people in the city, and she would like to see this commission try to get beyond that and try to talk to people and see what they think.

Commissioner Shaw stated he did not call that a public hearing. He thought that the direction of inviting people in and hearing testimony was what they should be doing, and they should meet quite frequently on that, and the public hearing should be at the end of the process.

Chairman Pappas asked if they wished to go through the whole budget. Discussion ensued where several commissioners indicated it was explanatory.

Commissioner Cook stated that it was indicated that the coordinator may be doing some legal services but then there was also a figure of $4,000 for legal services.

Commissioner Sullivan stated that the reason was that when she drew this up it was before she had a chance to talk to Tony and Pauline, they had looked at it as a non-legal coordinating position, on top of having the $4,000 allocated specifically for legal services.

Commissioner Cook asked if the $4,000 reimburse the city solicitor's office. Commissioner Sullivan responded no; that 14 years ago the commission did pay for a position in the city solicitor's office, it was not a question of they are providing us with legal services. Commissioner Sullivan stated she also had a question, this was not to slight the city solicitor's office she had a lot of respect for our city solicitor's office, she thought Tom Clark knew more about municipal law than probably almost anyone else in the state, and she thought he had proven that in some of the opinions he has given that have been proven correct in superior court actions, he was very good, however, should they have the city solicitor's office which could be affected by what we do, there could be an affect on the city solicitor's office, if he is the group to give legal advice, she did not know, it was something to throw out to the group; that it may make sense to have our own independent legal counsel.

Commissioner Dolman stated he had spoken with Solicitor Clark and asked him that question. Commissioner Dolman stated he thought Solicitor Clark felt an outside person to give them advise, they needed an outside attorney to sign off on the final document.

Questions arose as to whether $4,000 was adequate. Commissioner Sullivan advised that she had in hand proposals from Tony Simon, Pauline Guay, and Paul Alfano all of whom have expressed an interest in providing the commission legal services and thought it would be doable.

Chairman Pappas asked if there was any questions on the balance of the proposed budget.

Commissioner Dolman noted that he had read through what Brad had gotten from the American League of Cities and they are suggesting you definitely need some kind of a consultant who has expertise in it, which we do not have. Commissioner Dolman stated they had good intention, and various experiences to offer to this commission, but we do not have the expertise in the charter and they need someone to help them with that. Commissioner Dolman stated they also suggested getting some legal advice.

Commissioner Lopez moved that they approve the proposed budget as submitted. Commissioner Cook duly seconded the motion. The motion carried with none recorded in opposition.

Chairman Pappas advised the budget was adopted.

Commissioner Cook questioned the rent, stating he presumed the officers determined they needed the space that was made available.

Commissioner Baines responded yes, that first of all they were going to get it at half the cost they had talked about, and the other part of it was when they got into the number of hearings they would have to find a place every week that can accommodate the commission they felt it best to have a place, whether it was every Thursday or whatever day they find, that is where they are going to meet, they would meet at the same place all of the time.

Commissioner Shaw noted it was big enough and had handicapped access. Commissioner Baines so concurred and noted otherwise who was going to search every week for where the meeting was going to be held. Commissioner Cook stated he did not have a problem with it, it was merely an informational question for him.

Commissioner Dolman commented on the postage, noting they had the contingency, he was concerned that they did have to do something and maybe they should do it, they needed to hear from the public as much as they can, noting that Commissioner Shaw was right, sometimes at the public hearings its the same people coming out.

Commissioner Shaw stated that if you don't know why you are doing something you shouldn't spin your wheels just to let the public see your doing something. Commissioner Shaw stated that this group needed to meet and go through the charter to decide what is it we like.

Commissioner Dolman stated he thought they needed some expertise when they go through this charter knowing what they can do and what they can't do, because there were some very good questions being raised on what we can and can't do with this charter.

Chairman Pappas addressed the next item of business:

Discussion relative to scheduling of future public hearings.

A handout of proposed dates for hearings was distributed to the members.

Commissioner Dolman stated he did have a conflict on April 4 that was the Passover holiday. Commissioner Dolman stated that for the first meeting he thought they needed representatives from the state and municipal association, and others like the Secretary of State, the Attorney General, and the City Solicitor to be here and go over things of what we can do and what we can't do, so we know our ramifications.

Commissioner Shaw asked what do you mean can't do, you can't do things that won't allow you.

Commissioner Dolman stated he heard two different arguments that if we change that Charter, if we even try to make a suggestion to that Charter we might have to change the whole Charter and everything and there was some debate as to what we can do to this Charter and what we can't do to this Charter.

Commissioner Dykstra noted the other dates on the schedule were fine with her as she had nothing planned but May 9th was the date the Manchester GOP would be roasting the Mayor and suggested that would not be a good date.

Commissioner Cook felt they would need several hearings, no free-flow public hearings, but dates they would announce to the public whereby they would consider certain topics in the present Charter and would invite their input and perhaps Article I and II on one day and Articles III, IV, and V or however it would be worked out and felt it could probably be done in two nights. But the problem was if the Commission did not get the input that they would get from whomever they wanted to get it from up front and went as far as May 12th before initial input on a subject matter noted they would never get done and his vision of the Charter process was not only the present Charter okay, but the present Charter in his view was not okay and even if it were okay asked would there be a better way to do it. What's the best form of government for the City of Manchester going forward and to get that input who would want to talk to them and maybe there weren't that many people and thought the Commission needed to get that input and had to get it put in at the front end of the process so

after they received the input they would do whatever it was they had to do because if they had to wait till May 23rd to get some input noted they'd be three-quarters of the way down the road.

Chairman Pappas indicated they then needed to tighten the schedule up.

Commissioner Lopez commented you can't build a house until you have the foundation and once they'd get a legal opinion and new in what direction they were headed they could schedule meetings at any time they wanted noting they needed to have something to go forward with and this was it.

Commissioner Stephen distributed a memo to the members noting he had listed all of the Articles noting that Commissioner Sullivan had brought up the idea of sub-committees and in looking at the existing Charter and its Articles one way of handling it would be in looking at his recommended five sections noting V. Ethics was very important to him and thought there should be an ethics code somewhere in the City Charter more so than what existed, but if the Commission were able to early on break up into sub groups then those sub-committees could go back to the Commission indicating what they felt was what they could come up with for a working document and everyone could be working on something at the same time and it could be divided into a section where they could have a working relationship at the same time and still having their public hearings, etc.

Commissioner Shaw stated they should be designing a constitution for the citizens of Manchester noting it was presumed that we who elect people to office have ethics and if they don't then the citizens will take care of it for them in two years hence or the courts. So, the basic thrust here is that we don't need a constitution filled with a lot of different things. This constitution is only 10 years old, it's not even been tested because it hasn't been implemented yet and noted they would only have two meetings in the first two months and could not understand that.

Chairman Pappas noted there was a school vacation period at the end of February.

Commissioner Shaw stated if you tried to arrange something that nine people had to attend they had to take into account a number of things and suggested meetings should be set and everybody who was elected had a moral obligation to attend unless there was something more pressing.

Chairman Pappas suggested the members focus on their first meeting and asked if people should be invited say from the New Hampshire Municipal Association, etc.

Commissioner Cook stated the Municipal Association expert as he understood it noting he had never spoken with him spent most of

his life advising Charter Commissions on what Charters could do would be the one who could tell the Commissioners what their activities were and with all due respect to lawyers they did not need a legal opinion on what they could do but rather what they needed a legal opinion on was what they did after they did it if they did it legally. The scope of a Charter Commission was known, it was in the Statutes which had been distributed previously and assuming everyone had read it indicated what could be done and what the parameters were. If Mr. Andrews were to come down telling them what the parameters were that the Commission could do, what their options were was not sure if that was the time they should meet with former Mayors or not, but thought Mr. Andrews could tell them that and give them an outline of what they should do and felt it was a very important first step.

Commissioner Sullivan asked if the Commission could agree on one particular night of the week when they could schedule a regular meeting.

Discussion ensued relative to various evenings of the week noting that Monday and Tuesday evenings were set aside for various Board and Aldermanic meetings with the Planning Board and Airport Authority meeting on Thursdays.

General agreement was that the Commission would meet every Wednesday at 5:30 PM at 922 Elm Street, 3rd Floor, Room 315.

Commissioner Sullivan believed there was a question which concerned everyone specifically to touch the Charter or to what extent they could touch the Charter before they would get kicked into having to comply with 49 C which had many things in it which the Charter didn't noting there had been questions raised as to whether if they proposed amendments to the Charter would they have to comply in all respects to the Statute and other changes in the Statutes which the current Charter did not comply with such as a three-year residency requirement for Mayor which was only one year in the Statute, six year term for department heads in the Charter and thought that did not comply with the Statute but was not sure and asked if the individual from the New Hampshire Municipal Association would be able to give the commission that advice and legal advice and asked if the Commission would want to think about getting its own legal person.

Commission Stephen added that the Attorney General's Office would have to review the final Charter anyway and thought they would be able to get someone from the Civil Bureau give an opinion about that particular question.

Commissioner Cook stated before they would get the answers to those questions they should find out whether or not Mr. Andrews knew those answers to those questions as he dealt with them to the extent that Mr. Andrews would suggested they would need a

legal opinion because he would not know the answer did not know if they should presume they should go get a legal opinion.

Commissioner Lopez asked if Mr. Andrews was the final authority.

Commissioner Cook replied no, that Mr. Andrews was a consultant.

Commissioner Shaw asked how someone would define a strong Mayor and felt it became important and thought someone should define that word when they came forward.

Commissioner Sullivan noted it came back to what is a strong Mayor and thought they would need answers to different questions about the Charter early on so if Commissioner Stephen's could find someone in the Civil Bureau to assist.

Commission Stephen replied he could find out what the procedure was and report back to the Commission.

Commissioner Dolman suggested they invite the Secretary of State noting he was a resident of Manchester.

Chairman Pappas noted Commissioner Sullivan had mentioned Karen Wadsworth who was the Chairman of Municipal and County when the law was drafted and who might have the history.

Commissioner Cook thought Karen would be reluctant as Clerk of the House now to go out on substantive issues because he knew she'd been very circumspect about doing this.

Commissioner Dykstra having been a member of that Committee felt it was important that the Charter was legal and would not supersede any existing RSA's because when she sat on the Committee there had been quite a bit of legislation going in and when they found that the Charter wasn't legal they would put legislation in to their Committee to correct it. But, people felt had a feeling that because the law had given them authority to have a Charter they could do anything they wanted and what they did was ignore the State laws and thought they needed to be very careful so that it would be done correctly as there was always the possibility that it could be challenged.

Commissioner Stephen asked if Mr. Andrews had been involved in Charters before.

Commissioner Cook replied his job noting he had received his information from the Londonderry Charter Commission which coincidentally his secretary's husband was Chairman of and when she found out he was to be involved in the process she brought in a catalogue of things indicating they were helpful and that Mr. Andrews from the Municipal Association was the most important person. He then talked to Maura Carroll who was their Executive Director and asked her who in the Municipal Association knew about Charters and she responded Andrews was who went out and

consulted with towns and cities doing Charters as a service of the Municipal Association.

Commissioner Shaw stated towns were very involved in this noting that cities didn't change their charters willy nilly; that Derry was a Town and it wanted to be something else; that Manchester voted in a Charter years ago and gave to the citizens a method to amend their Charter, so we already have procedure in place.

Commissioner Dykstra inquired as to what the format would be for this evening's public hearing.

Commissioner suggested the Commission should listen to the people and if any member had questions of them to ask at that time.

Commissioner Dolman noted that the question and answer period should not be a debate.

Commissioner Sullivan noting the Supreme Court had a bad habit of interrupting speakers agreed that everyone should have their five minutes with Commissioner's asking questions thereafter.

Commissioner Stephen noted he would make available to all members a copy of the State's Right-To-Know Law.

On motion of Commissioner Dolman, duly seconded by Commissioner Stephen moved to recess the regular meeting to allow the public hearing to commence.

Chairman Pappas called the meeting back to order.

Commissioner Cook suggested the Officers might want to go back and review the proposed schedule now that a weekly meeting schedule has been set.

Chairman Pappas reiterated the next meeting would be held on Wednesday, February 21, 1996 at 5:30 PM at 922 Elm Street, 3rd Floor, Room 315 and representatives from the Attorney General's Office, City Solicitor's Office, New Hampshire Municipal Association, and the Secretary of State's Office would be invited to attend that meeting.

There being no further business to come before the Charter Review Commission, on motion of Commissioner Sullivan, duly seconded by Commissioner Cook, it was voted to adjourn.

Respectfully submitted,

Kathleen N. Sullivan
Secretary

SPECIAL MEETING
CHARTER REVIEW COMMISSION
PUBLIC HEARING

February 15, 1996 **7:00 PM**
Manchester City Library
Auditorium
405 Pine Street

Chairman Pappas called the meeting to order.

Chairman Pappas called for the Pledge of Allegiance, this function being led by Commissioner Cook.

A moment of silent prayer was observed.

Chairman Sullivan called the roll. There were nine Commissioners present.

Present: Commissioners Pappas, Cook, Dolman, Dykstra, Lopez, Shaw, Stephen, Sullivan
Commissioner Baines arrived late.

Chairman Pappas advised that the purpose of the special meeting was to give residents of Manchester the opportunity to address the Commission on items of concern relative to the City Charter; that each person when recognized to go to the nearest microphone, state their name and address in a clear loud voice for the record; that each person would be given one opportunity to speak and comments would be limited to five minutes to allow all participants the opportunity to speak and any comments must be directed to the chair; that there would also be an opportunity for the Commissioners to have some dialogue with you and would enjoy asking questions and were really interested in looking forward to what you had to say this evening.

Lloyd Basinow, 503 Amherst Street, Manchester, NH, stated: I'll make my remarks brief. As the Commission is well aware you've already received from me some 14 pages of suggestions and comments for consideration and I'm not going to go over all of them. As you can see by the vast crowd that is here tonight, as I had warned these public hearings or at least this single public hearing is required by law but they produce very little in the way of substantive information and for that reason I have strongly recommended in the material I had previously and in doing so again that you get out a survey of a representative number of voters of the City with some very specific questions.

Again, I posed to you some 40 plus instances and examples of what you could do. The cost which would be small would be very productive and then I would suggest that if you have public hearings and you are going to have public hearings that based upon the information you get from that questionnaire that you have very specific items to address at those public hearings and then you might have people coming up to speak on those issues. It has been suggested that certain things should be considered in this Charter mainly disposing of the Airport, the Water Works, and having the School Department made separate with the ability to send out their own bills. I would suggest to the Commission that these three items require a lot of in-depth study and the Commission has neither the time nor the resources to do the type of study that would be required before putting such items in this Charter. I would strongly recommend to pass on these issues, that the City conduct a proper study, a lengthy study by people who have both the time and the resources and the ability to get all of the information together in a timely manner and then they can be presented as separate referendum questions at a future time as this Commission does not have the time now to go into these subject matters and present something to the public, you'll lose your Charter. I guarantee you will lose your Charter because if these subjects do not have in-depth study, I personally would oppose a Charter that contained any turning of the public school system into a different type of organization or that the Water Works be sold off. Beyond that, I would leave it to this Commission to carefully go over the items which I have brought to its attention and include most of them in a questionnaire. I thank you very much.

Commissioner Stephen wanted to thank you for making that information available to us.

Tom Schwieger, 24 Charles Chase Way, Manchester, NH, stated: My purpose is not to comment directly on the Charter but to briefly review how the Government Review Task Force Report which you and all of the other candidates received prior to the election this past January that Task Force Report is a good road map we feel, or at least good items under it should be given very serious consideration, but I thought it was well to point out it was the result of the Manchester Agenda which was a collaborative effort three years ago when 30 people from the Manchester community spent a weekend with a professional facilitator with the threefold purpose to enhance the collaborative approach of the public/private partnership to identify and endorse key strategic initiatives, to begin to develop a compelling shared vision of Greater Manchester's future. There were five top strategic initiatives of which one was to form a Government Review Task Force. I would also like to mention at that so-called retreat of the 30 participants they included the Mayor, four sitting Aldermen including one who was an announced candidate for Mayor, three department heads, and at least one other State Planning official. So, we had a good mix of

public/private input. The Task Force if you've reviewed it was comprised of 12 people with an additional 26 involved in doing interviews. Those interviews included every elected City official, all department heads, and numerous other employees and bargaining representatives. So, the emphasis was put on people who were involved in local government today. There are thousands of people hours put into this in compiling that report and all we wanted to do was point out how that came about so that everyone would understand it was not the product of a specific organization or group, but was a very important collaborative effort. Thank you.

Harold Levine, 49 Hillcroft Road, Manchester, NH, stated:
I just have a few brief remarks I feel the Commission should address. One of them, I believe, is term limits for Mayor and our Aldermen. I feel that no person, male or female, should serve more than three 2-year terms. We have seen this over a period of time and cronyisms takes place with this. I also believe that we should eliminate all the Commissions in the City of Manchester with the exception of the Airport Authority, that's an Authority as far as I'm concerned and the Water Works. I would also invoke because I feel that Water Works is a self-entity away from the control more or less of the Mayor and Board of Aldermen as far as making money as a self-enterprise, but I also believe that if that particular or even if the Airport Authority stayed that no more than three 2-year terms should be given to any person. I also believe that no health benefits or any fringe benefits that the City of Manchester employees receive should be given to School Committee people, Aldermen, I'm referring to health insurance which we know and I'm told that even the Commissioners in the past have gotten it. I believe that an evaluation of department heads and I don't think or know if this is going a little too strong should take place. I know that our Aldermen seem to give raises pro bono and without evaluating the department heads. Consolidation and I don't know if this should come under the Charter but it should be more enforced that should be more time spent on consolidation. I think this is the program that started possibly almost two years ago in the City of Manchester and as anything else it has just fallen to the way, only one department has been consolidated and it's still a waste of the taxpayers money to see what's going on without consolidation. I know Mike Roche and myself many years ago had sent written to the Mayor and Board of Aldermen the consolidation of the motor pool and we felt that this was one of the best ways for the City to start saving money. We seem to run the biggest taxi fleet in the City of Manchester and with a motor pool and the right person running a motor pool the taxpayers of Manchester could really, really save a lot of money on the tax bill. One other thing, I have a modification to being the West Palm Beach area of Florida and it seems whether it's just Palm Beach County or the City but it seems and they seem to have a very good ruling that anybody that wants to run for any elected office in the City of West Palm Beach should not be an employee

of the County or the State, they feel that there is too much conflict of interest and I think this might be another point for this Commission to take hold of. Thank you.

Commissioner Lopez stated you mentioned getting rid of the Commissioners and asked if he could elaborate to what's wrong with the system.

Mr. Levine replied I think it's a good fraternity. I think that it lays a bureaucratic layer of bureaucracy, I'm talking about the Police Commission, the Highway Commission, and the Fire Commission. The people seem to, whether it's all Commissions. It's just the same people since I've resided in the City of Manchester a good many years and it seems the same people have been on for almost the 30 years I've been residing here and I think it's time for a change. I think that if we eliminate a Police Commission like a lot of cities and towns do and I think a department will run more efficiently without this political appointments because I feel that there are too many political appointments and we've got too many paper working people, say in the Police Department, and if we get rid of some of that bureaucracy, we could get more of the patrol people patrolling the City of Manchester and that's just my feeling.

Commissioner Shaw asked if the Library Trustees would be one of the Commissions he referred to.

Mr. Levine replied that I would like, while there are certain functions, I'm talking and I didn't mention Trustees or anything, but I still feel possibly. If you want to get rid of commissions or authorities that there should be no more than three 2-year terms.

Commissioner Sullivan asked in terms of consolidation was there anything else other departments that you were interested in seeing consolidated.

Mr. Levine replied there should have been and I think, to me, let's take you more or less eliminated the Building and Service Department with the cancellation of 75 janitor's jobs, yet you're still running or having a department head running that department, receiving the pay he was getting with all those in place and he's probably running with five and I thought that department was going to be consolidated into the Building Department and with those five or six employees then you eliminate one department head and save the taxpayers a minimum of $100,000 between the salaries and the 28 percent that he's getting (fringe benefits) and I also believe that if you consolidate and started a motor pool between the Highway Department, the Parks & Recreation, and Water Works we've got different departments and if you go around the City of these cranes and frontend loaders and a lot of them are just lying dead and I don't think every department and maybe I'm wrong needs all this equipment and if you had a motor pool like the services then

you requisition and you save money instead of having all of this equipment, expensive equipment laying dead.

Dr. Richard Gustafson, 61 Carnegie Street, Manchester, NH, stated:
This evening I'm here speaking in my role as Chairman of the Board of Directors of the Greater Manchester Chamber of Commerce. First, we strongly support the work of the Commission, we think that the work that you're doing is important for us a community and we look periodically at the very basis of our governing system and we commend you for this in that regard. We'd like to convey to you this evening support for some general principles that we urge you to consider in every possible dimension as you do your work. We feel strongly that these represent a few but fundamental changes to the structure of City government. They're strategic and significant and of significant consequence in our opinion and together they would improve the efficiency, effectiveness, and responsiveness of our City government. First, we recommend you support a strong Mayor or City Manager form of government. We are a $100 million business, if you will, several thousand employees. In our judgment we need a strong executive to handle the operational and organizational matters that such an enterprise requires. Secondly, we urge you to abolish the Commission system as we have known it retaining, however, the Commission with respect to the Water Commission and the Airport. We have no objection to an advisory system, an advisory system of some sort that might provide advice and sounding board to various City departments but to have a Commission system as we've known it be integral in personnel policies, the day-to-day operations, and the procedural matters of departments seems inappropriate. Third, we recommend you consider changing the elected terms for our elected officials from two years to four years. Again, we are a large business, a large enterprise and we feel strongly that issues of continuity, long-range planning, and strategic initiatives require us to take longer term use of where the City is and where it's going and when all elected officials are turning over or the potential for turning over every two years, we think that continuity is not sufficient. Fourth, we recommend you consider expanding the Board of Aldermen to include a number of at-large members in addition to those 12 wards that we currently have. An expanded legislative body such as this with at-large membership would give a number of Aldermanic individuals the opportunity to speak with a City-wide vision, to compliment that of the neighborhood vision of the 12 wards. And, fifth, we ask that you consider and recommend that we move to a non-partisan basis for election of our Mayor and Board of Aldermen. We, feel a non-partisan election would open up the opportunity for all people to serve its governing system and to work together with party lines and other parochial interests at a minimum for the betterment of our City. We feel that these significant changes will then permit a simplified, streamlined, and clarified City government to work more effectively and more responsibly and we want accountability, frankly, to handle a whole myriad of

organizational issues, of operational issues, and other process things that must come forth. So, once again, we are recommending at this point as to work on a fundamental few major points, the strong Mayor/City Manager, changing in the Commission system, moving from two to four-year terms, expanding our Aldermanic Board, and moving toward non-partisan elections for Mayor and Board of Aldermen.

Commissioner Dolman in reference to the expanded Board of Aldermen for at-large asked if Mr. Gustafson meant regional at-large or City at-large, when I say regional I mean an Alderman for three or four wards versus an Alderman for all 12 wards.

Mr. Gustafson replied I think that's something for the Commission to study, that we need several Aldermanic positions with a broader view than the ones that we've had now whether it's at-large which we had discussed frankly, City-wide or if there's some regional approach that the Commission may feel is more appropriate and may hear testimony on that in the future.

Commissioner Dolman stated the second question I had deals with the strong Mayor, we kind of got into a little discussion about that a little earlier and we had a problem trying to define what is meant by a strong Mayor, so maybe you could give us a little help in that and do you have any idea of what you feel a strong Mayor to be when you say a strong Mayor form of government.

Mr. Gustafson replied I'll speak personally on that. It seems to me that we need a Chief Executive Officer, an individual who is responsible for the day-to-day operations of City government and the major City employee departments are reporting directly to that individual and he or she has the ability to call those together to plan strategically, execute strategically for the City and to handle the total operations of the City the size of Manchester.

Commissioner Dolman asked do you see that Mayor, man or woman, answering to anybody, does he still answer to a Board.

Mr. Gustafson replied certainly our government would not be unlike the federal government to some extent, there's a legislative body, there's a Board of Aldermen that would have certain legislative and government powers with respect to that. Ultimately, any elected official answers to the public. He or she would be running on a series of issues and in his or her ability to execute those would be accountable to the public, ultimately in terms of election and reelection.

Commissioner Dykstra stated when you talk about abolishing Commissions asked would that also include a lot of Commissions that were set up over the years by ordinances. For instance, one of them I put together the Conservation Commission, we have an Elderly Commission, there's so much in there, there's so many Commissions. Are we talking all other than the Airport.

Mr. Gustafson replied I think from our perspective, Commission has taken on a very broad definition. For instance, Mr. Shaw mentioned Trustees of the Library. Well, some people might say that's like a Commission - what about this Board of Commissioners. I think you need to look carefully and certainly there should be citizen oversight and involvement in certain dimensions of the City. I think we have a Commission on the Arts that looks at arts and culture in the City. But we're really concerned about those Commissions which have a direct day-to-day influence on the operation of City government and its departments as they deliver services to the citizenry.

Commissioner Sullivan in reference to at-large Aldermen asked have you given any thought as to how many at-large Aldermen you're talking about.

Mr. Gustafson replied no.

Commissioner Sullivan in reference to Commissioner Dolman's statement about regional asked Mr. Gustafson if in his discussions did you think about the impact that City-wide Aldermen would have in skewing numbers in favor of certain geographic sections of the City such as more representation coming from the east side as opposed to the west side and what that might possibly do and what might be considered as an under represented geographic area.

Mr. Gustafson replied no, we only spoke from our perspective as Aldermen being at-large City-wide, we did not really consider the regional approach to an at-large dimension.

Commission Stephen asked how does the Chamber of Commerce feel about our current School system.

Mr. Gustafson replied I'm not prepared to testify to that this evening.

Commission Stephen stated at some point maybe somebody would.

Mr. Gustafson stated we're obviously going to follow the work of the Commission very closely and it's been our understanding that there may be subsequent hearings and focusing on particular dimensions of City government or other operations and we might come back and testify with respect to certain focal points that you folks develop as we go through this process.

Commissioner Lopez asked did the Task Review Force look at State law in reference to Charter when they went and submitted all of these recommendations.

Mr. Gustafson replied I believe they did. We're not prepared, we're not supporting the Task Force Report in its entirety. We just haven't discussed it, quite frankly. What we have looked at

are elements of that report and also, frankly, drawing from the experience of the Board of the Chamber and many years of operation in the City these are general, strategic, fundamental changes we feel would make our City government and again, it would clarify roles, get efficient, more effective, and ultimately more accountable.

Commissioner Shaw stated I'd be curious to know the Chamber's position as to what is wrong in the City of Manchester now that a strong Mayor or a City Manager form of government would ultimately improve and make citizen's lives better.

Mr. Gustafson stated I'll speak personally. It seems to me we're in a rapidly changing environment here and around the world our next customer's most likely to be from Toledo, Ohio as it is from Toledo across the pond. We need to have, in our judgment, a City government and a strong Mayor that could move quickly on things, can move forward on issues, have departments working together when needed, to react, to respond quickly, to be responsive to the citizens and we feel that that structure will enable that to happen better than it currently has.

Erich Zimmermann, 63 Oakdale Avenue, Manchester, NH, stated: I'd like to begin by congratulating all the members of the panel for the successful completion of their campaigns and I'd also like to thank you for the time and effort that you're about to donate to the taxpayers in this City. During your deliberations you'll be asked to consider many changes to the way the City's currently operated and I'd like to begin by sharing with you some changes I feel are important. First, I believe the City Commissioner system as with other speakers should be studied with an eye toward elimination of this unnecessary layer of government. If we're to hold the Mayor responsible for the efficient functioning of City departments then we must also give him the authority to carry out our wishes without being hindered by political appointees from previous administrations. Second, a strict conflict of interest clause should be included in the Charter. This clause should prevent family members of City employees, elected and appointed officials being given a job with the City while that family member works for the City. Undue influence and insider information in these practices should not have to be proven, it should be assumed. Further, all officials and employees should be barred from any action which might directly affect the duties or wages of any family member who may be a City employee. Third, time should be set aside at public meetings to allow Manchester residents to be heard on issues before City officials, that's at all public meetings. Restricting public speaking to monthly with a time limit only seems reasonable. Limiting the frequency of speaking for any one citizen does not. This right to speak must be adequately addressed in the Charter so that a future Board may not revoke it on a whim as was done recently. Fourth, a method should be found to introduce competitive bidding for the provision of City

services. No method currently exists for determining that we're getting value for our money spent. Only by contracting services and bidding them out to all interested parties including City departments can we be sure that we are as efficient as we can be. Lastly, I was dismayed to read that at your first meeting you contemplated separate, non-public meetings with the Board of Mayor and Aldermen. Their insight is certainly important and can be helpful to you in your deliberations but I submit, however, that you are a group of Manchester citizens, elected by all Manchester residents to redesign the rules that our City officials must work under. In other words, we, the employer must write the job description and make workplace rules. In that respect, City officials have no more influence in your deliberations than any other taxpayer. It would be wrong to meet with them privately to give their views any more credence than any average citizen in this process. Thank you for listening and again for devoting your time to this matter.

Commissioner Sullivan in reference to Mr. Zimmermann's comments about separate meetings noted it would be a public meeting, not a private meeting as I wanted to clarify that. Secondly, if you have someone who has applied for a job in the City of Manchester, a Manchester native, a Manchester resident, the best-qualified person for the job, heads and shoulders above everyone else do you think that that person should be disqualified based upon family relationship with someone on the Board of Mayor and Aldermen or the School Board.

Mr. Zimmermann replied yes, I do, because I believe that conflict can exist, if you allow this process in the way it's currently being implemented, a conflict will exist and I'm sure conflicts now exist. I'd be willing to bet that if you go through the City you see family members operating - number one has that job been advertised as we've heard on some Boston stations through a nationwide search. In other words, is this really the best person, was this position advertised or was there insider information that allowed this person to learn of this position before it was ever advertised to be able to apply and be given the job before anyone else knew about it through some contacts within City government and in my opinion it gives the appearance of insider dealings and I'm not looking for a City job but when you see someone in a City office who has relatives in other areas you wonder if that is the best qualified person, I'm just talking about the appearance that you create when you do that. We all know of cases, I think you probably can cite examples of places where offices in the City where family members either Aldermen, members of an Alderman's family, members of a department head's family find out about a job or are given a job before anyone knows there was a vacancy existing in that position and I just think its gives an appearance and it should certainly be discouraged, if not made illegal. The specific situation I've spoken on before is a case where the Fire Department is replete to Aldermanic family members.

Shirley Frank, 65 Victoria Street, Manchester, NH, stated:
Most everything has been reviewed of what I have to say and Charter Commission I wish you'd consider changing that the Mayor appoint all of the Commissioners with the approval of the Board of Aldermen, not just three as in the Charter. Changes in the length of service for the Commissions, staggered in terms for members of the Commission and also to two-year terms are recommended and stagger at the appointment time so not all up are up for reappointment at the same year. Limiting the number of years that they can serve on a Commission. If it's a two-year, limit the maximum for three-year terms to six years. Also, that would encourage new people to get involved with City government and not some worn attitude that are still prevailing here. Thank you.

Pete Salim, 4381 Brown Avenue, Manchester, NH, stated:
My concern, first of all, is the people made the right choices on the Commission and congratulations on your clean campaigning. My concern is this last pay raise that was given to the department heads. I want to know if it can be something to do with this Commission as to whether or not they can have the vote and to decide whether they can get a raise or not. A big concern I've had over the past few years and nothing's been taken into consideration for it, if they wanted to have a raise, fine, but they shouldn't have a City car at their disposal. All they do is ride around burning gas and wasting the taxpayer's money and the people don't have a right to say. Another concern I had was the Airport. Now, they went and picked Mr. Testa, but then again none of us people had a right to pick who they felt should have been the candidate for the Airport Manager's job and if the FAA is going to rule, then the FAA should run the Airport, it shouldn't be because they pick who they want and we're stuck with them. I mean, Mr. Testa to me is not up front with the people.

Chairman Pappas interjected saying let's not discuss personalities, please.

Mr. Salim agreed and continued by stating that people should elect who they want and not be appointed. This appointing, again, the rights of the people are being pushed aside and it should be up to the people to decide who they want in different areas. Thank you.

Linda Garrish, 7 Irwin Drive, Manchester, NH, stated:
Before I begin, I might ask this Commission as I would any other Board or Commission that when you hold a public hearing that you first validate that there are no other important public hearings being held in the City. There is a School Board budget hearing tonight, that is very important, it has been established for some time and I think there has to be some system if it doesn't already exist by which the City Clerk can ensure that any Board

or Commission putting forth a public hearing cannot be in conflict and maybe that needs to be part of the Charter, I don't know, that wasn't part of my input on the Charter, however. I am here tonight representing Citizens For A Better Manchester. We are pleased that the Manchester Charter Commission reflects a diversity of thought and experience. CBM has been studying the current Charter, we've reviewed the Government Task Force Report and are still doing so. We've studied other models for City government in other cities and we've reflected at length over several months on how well the Manchester City government has been working and as well how the Charter influences actions. We have developed a set of guiding principles that we hope will influence Charter revision. Our Charter revision paper which by tonight each one of you should hold a copy of and I do apologize for the lateness of a couple of your deliveries. Our position paper details strategy for implementation of the principles of democracy, accountability, efficiency, and enhanced quality of life. We certainly hope that you will spend some time looking at then as the months go by we will be looking at the issues we've addressed more specifically and addressing them at future hearings. These are principles CBM feels should guide the process and the outcome of Charter review. These principles were developed by a consensus of CBM's Organizing Committee. We hope, they provide us, you the Commission, and hopefully the public with a point of focus and a base for judgment, judging any particular set of actions by the Charter revision Commission. Our paper especially points out that achieving efficiency in the short-run does not necessarily mean achieving efficiency in the long-run. It's CBM's, our desire that the Commission will be guided by a long-term vision for Manchester. We at CBM found that a common thread in our study process in development of implementation strategies that you will see as you read it is that the present Charter and local government operation does not provide for adequate public participation nor government accountability with citizens. Studies show voter apathy and decreasing citizen involvement is really due to citizens being excluded and pushed out of the process. Again and again, Manchester residents have called for their voice to be heard beyond election day and demanded improvements in our local government's efficiency and accountability. Just a few of the implementation strategies that we've detailed in our report that would allow the public to have more say in their government are: mandating at least monthly public hearings before the Board of Mayor and Aldermen, revising the Board and Commission systems to enhance public participation and accountability. Strengthening the Aldermanic Board while developing strong ward based public meetings through which Aldermen would be held accountable to their constituents, non-partisan elections, campaign finance reforms, full autonomy of the School Board should be considered and recall of public officials. CBM's position paper also emphasizes our view that privatization of City services is not an efficient means of government reorganization. Importantly, any effort to change the arrangement of City departments should be proceeded by full study which include elected officials, City

employees, and especially constituents and should not be a Charter Commission role. Manchester's secure economic development will depend on a pro-active, citizen driven plan supported by Charter revision. Such a plan should include living wage provisions for all contracted City employees and a foundation for the creation of high skilled and high wage jobs are the foundation for the creation of this, investment in education, job training, health and child care, and as well, a responsibility to make sure that today's decisions and actions will not threaten an healthy environment tomorrow. Our concerns reflect the ideas that citizens must have a stake in the quality of their government, the services it provides, ultimately the quality of life in the City. This in order for a community to have a secure, healthy, safe, and stable future. Citizens must have a greater role in reshaping Manchester's public policy. CBM as well feels that the concepts of electing Aldermen at-large and also four-year elections prove only to dilute citizen influence on public officials. We feel the Charter Commission should also consider the establishment of local councils or committees which has been done in other cities throughout the country successfully which could be wards, school, census tracts, or district bodies which would bring together representatives from existing churches, civic organizations, parent/teacher groups, community groups, and citizens at-large. Enhanced quality of life will depend on a framework which holds the government accountable to ensure its policies and decisions are environmentally sound, do not threaten the quality of life of future citizens. Unsafe and unsound decisions in all aspects of City government will prove far too costly for generations to come. Thank you.

Commissioner Cook stated I'm intrigued by your, I've read the paper that you've given us and I'm intrigued by this ward based meeting system that would hold the Aldermen somehow accountable and asked how would you hold them accountable by having them meet with people they can already meet with.

Ms. Garrish replied because they have to meet with them and because they have to be accountable to their actions, they have to take public input and bring it back; that it gives more citizens an opportunity to meet individually, looking at their individual neighborhood and ward concerns by having ward meetings. Some of our Aldermen hold ward meetings, some of our Aldermen bring that information forth; that is not across the board. Not every citizen can go to a monthly or a twice-a-year Board of Mayor and Aldermen public hearing. Not every citizen can attend a general budget hearing. There are issues that creep up and are of concern regularly throughout the year, they're on-going and fluid and these are opportunities for those to come forth to those Aldermen.

Commissioner Cook stated if I understand you correctly you are saying that these are mandated meetings so they have to meet with them but by holding them accountable it's not whoever comes to the meeting can vote to make the Alderman do this or something.

Ms. Garrish replied no, in holding the meeting and meeting with constituents gives a greater opportunity for the public to participate and the Alderman is held accountable to them.

Commissioner Stephen stated, Linda, I did read your position paper and I have a few questions and I thank you for allowing me to speak. First of all, the recall this is an interesting thing and I know there are some other Charters that have recall provisions but you don't give any guidance as far as what we should do.

Ms. Garrish replied as we've stated in the paper and as I've stated earlier this is a preliminary position paper. We're continuing to study and we're continuing to discuss and we will continue to address these issues specifically as they come up in your more specific public hearings. I think the issue is that the public needs to feel that it has a say and a way to recall someone who is not doing a job, that it is not just the elected officials who have that opportunity.

Commissioner Stephen in reference to the tighter controls on election contributions asked where would you set the limit for contributions.

Ms. Garrish replied I think that's up for discussion, there is a national movement toward campaign finance reform and looking at the issue of money and politics that shouldn't just be national, it's also state and it's a local. We clearly have seen how money that ninety percent of the people that are elected are elected because of the amount of money they've spent in their campaign and not necessarily an issue here with the Charter Commission, I would say. However, where the bulk of our municipal and state and federal and so forth there is an issue and one hundred dollar limits have been discussed and I'm not at this point and I'm not going to speak personally and I can't speak on behalf of the group about a specific amount and I think it needs to be looked at as well as full disclosure.

Commissioner Baines asked what the difference between a recall and a two-year term.

Ms. Garrish replied I think that sometimes things happen before the end of two years.

Commissioner Baines asked would you support, has the group taken a position on four-year terms with a recall.

Ms. Garrish replied we took a position on four-year terms in that we feel it, along with Aldermen at-large, City or regional dilute public influence; that it's too long a time. Two years is not necessarily too long, the two year term is sufficient because it gives the public an opportunity to make changes, however, events can occur earlier than the two years.

Commissioner Baines asked with the two-year terms you would still support recall.

Ms. Garrish replied yes. I think that needs to be looked at, but again we're just saying these are ideas to be considered.

Commissioner Sullivan stated something you said confused me, are you talking about recall just for the elected officials by referendum.

Ms. Garrish replied we're talking about the subject of recall. We really have not specifically delineated with what we felt was elected. I think that if elected officials are going to appoint officials, then perhaps that also needs to be considered with regard to those appointees but we have not been detailing that yet.

Commissioner Sullivan in reference to local ward committees asked if this is also an elected group, not the meetings with the constituents but an elected group from each ward or ward council.

Ms. Garrish replied again, we're in the study process of that. There are a lot of different ways it can be done, it can be done by appointment, it can be done by election, it can be done by a ward or a particular area whatever your boundaries are going to be within that group by election. It's been done successful in some other cities throughout the country.

Commissioner Sullivan asked by election or appointment.

Ms. Garrish replied I can't be specific right now.

Commissioner Lopez in reference to the School Board asked are you indicating they would set the rates of the money they would need and the taxpayers would pay for it.

Ms. Garrish replied that Citizens For A Better Manchester feel that the idea of full autonomy of the School Board should be considered. It has advantages to those of us that feel strongly about public education as well as it has advantages for those who feel strongly against public education so it needs to be significantly considered and public input needs to be given. We feel that at this point in time the Board of School Committee has its hands tied by not having full autonomy. So, that that issue needs to be addressed but there are advantages and disadvantages to that concept so we feel it needs to be considered.

Commissioner Dolman asked is your group in favor of the election of department heads like the State election for Treasurer and are you saying that CBM would be in favor of an election of a Finance Officer rather than the appointment by the Board of Mayor and Aldermen.

Ms. Garrish replied we haven't specifically addressed that.

Commissioner Shaw stated the whole thrust of your testimony has to do with public input, a major portion and asked don't you think the election itself under a representative form of government in the City of a hundred thousand people is much better than what you propose. I've never known that citizens couldn't reach their Aldermen and asked do you have any specific instances where citizens could not contact their Alderman through some method. Do you favor a representative form of government.

Ms. Garrish replied, Commissioner Shaw, we've had this discussion before on several occasions. I recently had a guest commentary in **The Union Leader** and I talked about what I felt democracy was and that's personally. I think that Citizens For A Better Manchester and I certainly, personally feel strongly that electing officials is a piece of a citizens role in democracy, but it is only a piece of it and that being elected doesn't mandate or guarantee that that person is always going to be response to the needs of their constituents. It is impossible to be in contact with every constituent at all times and to be out there. It is not possible for a constituent to necessarily address a whole Board via their own Alderman, it doesn't happen. I think there are all too many instances that a particular view does not get expressed. Because the person called their Alderman does mean that issue will be taken up at Board of Mayor and Aldermen meetings. No, I don't think that representative forms of government ends with electing an official; that the responsibility goes on.

Walter Stiles, 226 Sagamore Street, Manchester, NH, stated:
I congratulate the members of this Board here on their election. I'd like to start my remarks and they're going to be very brief actually, believe it or not, whereby we ought to look at the Preamble to the City Charter and there are a few words there that are very important as far as I'm concerned and I'm not even going to read the Preamble in total. But, in it these words are found - "most effective, efficient, and beneficial manner" - in other words governing ourselves in the most effective, efficient, and beneficial manner and then it goes on and says - "through the elective process we secure for ourselves and future generations a municipal government which strives to achieve compassion, freedom, and justice" - and you look at the situation that we have here in Manchester and look across the land. Somebody made a remark here a short while ago tonight that things in America are really changing. If people aren't aware of the changes that are going on in this country today, they just are sound asleep at the switch but there are many, many changes that are taking place and oftentimes it seems as though governments don't want to make any changes. Industries are making fantastic changes. For example, downsizing - downsizing in industry is going on all the time, it's brutal, there's not question about it at all. AT & T a short while go downsized a 40,000 person more or less in middle

management people. The IBM Company used to be a 400,000 person organization, it is now a 200,000 person organization and they're doing a lot more business than they did when it was a 400,000 person organization and if the downsizing has to take place by attrition, let it take place by attrition. I don't want to hurt anybody but you know and I know that there could be many, many changes as far as our City government is concerned and still get the job done. I think really what it involves actually is a more realistic approach to the times that we are now living in. I feel as though when I read the papers and someone alluded to the department head increases that were made a while ago, these people are getting, fifty, sixty, seventy thousand dollars a year plus all of the benefits to boot and as far as I'm concerned that tells you about our government and about government's in general and I think as far as citizens are concerned it isn't showing much compassion, that's one of those words we found in the Preamble. I think the days have come to pass where we can't guarantee salary, wage, and benefit increases every year, every two years, or every five years. I think the Commission has got to decide when enough is enough and that's it or the City has to decide it and as far as I'm concerned and you've heard me speak before people are doing pretty well, many, many people. There are inequalities there is no question about it and those inequalities should be able to be adjusted within departments. In **the New York Times** last Saturday, I buy one a week to get an idea of what the Big Apple's talking about and at the end of the editorial where it says "Municipal Employees Say Yes", they didn't say yes, but they're telling them to say yes "...half the City's budget goes to wages and fringe benefits, municipal workers have not had an easy time but the City's condition is dire and still more sacrifices lie ahead." I think our City conditions are dire and more sacrifices are going to lie ahead and let's hope that through your efforts that these sacrifices can be made with a minimal of pain for everybody including the taxpayers themselves and hopefully we can eventually get to a far more efficient City government than what we have today. Thank you.

Commissioner Sullivan asked could you tell me specifically what conditions are dire.

Mr. Stiles replied for example, in our City we have a declining tax base and we have an expanding expense base. In other words, the push is for more, more, more and the tax base continues to decline. So, when that happens something's got to give somewhere, it's got to give, that's all there is to it and it's also happening at the federal level, all levels. The taxpayer has to be given some relief. I can afford to pay my taxes, but there are a lot of people in this City that really can't afford it. They have to make specific allocations of their money so they either go without their pills, some of the food, or go without some of the heat they would like to have in their homes and they have to make concessions and when they look around and they see the department heads getting raises and they're already

making fifty or sixty or seventy thousand dollars a year, it doesn't fit too well with these taxpayers and I think there are a lot of them in the City.

Commissioner Sullivan in reference to downsizing through attrition asked if there are specific areas of City government that you feel should be or need to be downsized.

Mr. Stiles replied, for example, we've just gone into recycling. Now, the recycling truck comes around every two weeks in our neighborhoods the day after we put out or rubbish and that truck is run by one individual, that guy slides in and out of that truck and he picks up the plastic buckets, sorts the stuff out, and drives along to the next place and I'm not trying to belittle the Highway Department, I don't want to belittle anything, I don't want to get into a fight with anybody but our Highway Department trucks still have a driver and they have two workers on those trucks and believe you me, I don't know about you but I'm putting out a least a half to maybe two-thirds less rubbish for my regular pickup on the rubbish run before recycling started, so there's a place you can begin to downsize, you can begin to change over.

Commissioner Cook stated I think we neglected to say this for Mr. Levine and you and Linda and Mrs. Stiles, we should congratulate you on running for this Charter Commission, although you had better luck than we. The question I have goes to the role of the Commission which I think is suggested by your suggestions and asked do you see it as the role of this Commission to look in such detail to departments and the operations of departments that we would have any effect on manning and staffing of garbage trucks or rather to set up a framework which the City itself could examine those questions.

Mr. Stiles replied probably the framework whereby the City itself could do it rather than your specific organization. When I ran for the Charter Commission, I really didn't know what it would involve and I think all of you feel the same way and you gotta get started and once you get started that leads into other things and it goes on and on and on and hopefully eventually you'll end up hitting each other in the head and end up with some positive. I think this is a great Board here and I'm tickled to death and I voted for some of you. I think in the world in general, we want to live in peace and we want to live in peace in the City of Manchester too and as I said before a more realistic approach to the times that we are now living in and that should be one of the themes and one of the keys to your work and where it will lead to, I don't know but it certainly should help the City in the long run.

Commissioner Shaw asked what amendment would you make to the Charter if you could make one or improve.

Mr. Stiles replied I think I would see to it that for one thing the Mayor and/or a City Manager had more power. We have to have

a more cohesive form of government where we can act in a more efficient manner than what were acting now, but I think and I'm not saying you make the Mayor a dictator, it's a representative government and people have got to be represented and you need to have your Aldermen but I think probably another thing I would do and I don't know enough about the commission setup but I think a lot of the Commissions we don't need them.

Commissioner Shaw stated don't you think that goes against what Linda who spoke before you wants more citizen participation and the conditions or forms of citizen input to these departments.

Mr. Stiles replied I've spoken at a lot of hearings myself and I agree with Linda in terms of going and I also agree with a lot of things that Linda has said, however, when I was in the House of Representative Arnie Arnesen sat right behind me and I used to tell Arnie all the time, Arnie you're a wonderful person, a wonderful woman, but your politics are lousy. But, nevertheless, Linda, you're all right but I think we need citizen participation and I'm kind of chagrined at the fact that the Aldermen did away with the hearings on the first of the month hearings prior to the Aldermanic session and I think we'd better have citizen participation, but I think also, I really feel to a degree. I've watched the Aldermen and they come in with the agenda about that thick and I remember Ald. Hebert, he made the statement when he first was elected Alderman having said "Good Lord, they give me this stuff on a Friday afternoon and they expect me to be here Tuesday night and know what's in it." I don't know how anybody can know what's in it, it just goes on and on and on. Government is too cumbersome, there are too many details, it's got to be streamlined somewhere and that's part of your job, it's not mine but I feel it has to be done.

Robert MacKenzie, 180 Birchwood Road, Manchester, NH, stated: I'm also the Planning Director for the City. I really wasn't planning on speaking tonight but I did not want to miss an opportunity to take the lumps and I guess we have tonight as a department head. But, I did want to offer our assistance, I think there are a lot of good staff people, department heads, and other staff people in the City that want to make improvements in the City. Frequently, I get frustrated with the time it takes to get things done. I'm a public servant, we have a lot of constituents who expect a lot of things, a lot of services from the City. They expect a modern 1990's business but they frequently don't get that. It can be difficult, they use the term cumbersome at one point, it can be cumbersome to get through the process to get things done in the City but I think there are a lot of people and there are issues that perhaps department heads don't want to touch that you'll be looking at. But, if we can offer some assistance in some areas such as streamlining. We have been working towards making some improvements. The department heads meet regularly, we now have a Quality Management Team that are looking at such things such as efficiency, how to

respond better to constituents. So, I think if at some point you do hold hearings and would like the assistance from department heads we'd be happy to do so.

Chairman Pappas stated I think we are planning on doing that.

Commissioner Shaw stated he'd be curious about one thing. People come here and speak of the Mayor's strength and I wonder if anything has changed in the last eight years, department heads always reported to the Mayor both during my time and prior to my time and asked has that stopped, are you now no longer responding to the Mayor.

Mr. MacKenzie replied ultimately the Mayor prepares the budget and I think that is perhaps the greatest strength that the Mayor in the current system has. I have never known, myself a department head that did not respond to the Mayor when he was asked a question. However, sometimes department heads get caught in between their own commission, the goals of the Mayor, the goals of the Board of Mayor and Aldermen and I think that is where it makes it difficult to make the right decision sometimes because you're caught in a web. But, yes, I think the Mayor does have some strengths in the City, there are cities that Mayors have more power though.

Commissioner Sullivan stated for someone that has been around the City for a while asked do you think that the City is operating better today than it did when you first came to work at the Planning Department.

Mr. MacKenzie replied my own perspective, I think we are. I think we've had to respond. Obviously, we've had a situation where the tax base has declined over the last six years. My own department with through a consolidation process and it wasn't exactly easy but we are now operating with a budget less than it was six years ago and yet somehow we've been able to respond. There's been a lot more demands on the City, we're now moving ahead in certain capital improvements that we may have neglected in the past and I think we're trying to do the right thing. We're improving in certain areas but there are some areas that we haven't been able to move ahead in.

Mr. Stiles stated one thing that I had failed to mention. I think we ought to pay more attention to maintaining the infrastructure of this City. As you know and I hope you know anyway that I've been working along with a lot of people and seeing Bob MacKenzie here reminded me of it. A lot of other people as far as the restoration of City Hall is concerned. The City Hall has been abused not for 25 years, not for 50 years or 75 years but for 100 years. The last major change or renovation in City Hall a major change was a hundred years ago and that's a little bit too long. So, hopefully, we will pay more attention to all of the City buildings, they've done a nice job with

Central High last summer. I was flabbergasted of what a beautiful job done up on the third floor of Central High and we've go to do more of that.

On motion of Commissioner Cook, duly seconded by Commissioner Sullivan, 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 Charter Review Commission, on motion of Commissioner Stephen, duly seconded by Commissioner Shaw, it was voted to adjourn.

Respectfully submitted,

Kathleen N. Sullivan
Secretary

CHARTER REVIEW COMMISSION

February 21, 1996 **5:30 PM**
922 Elm Street (Bell Bldg.)
3rd Floor, Room 315

Chairman Pappas called the meeting to order.

Commissioner Sullivan called the roll. There were eight Commissioners present.

Present: Commissioners Pappas, Cook, Dolman, Dykstra, Lopez, Shaw, Stephen, Sullivan

Absent: Commissioner Baines

Messrs.: City Solicitor Clark; Richard Girard, Mayoral Assistant; John Andrews, Executive Director, NH Municipal Assoc.; Carol Johnson, Deputy City Clerk

Minutes of meetings held February 15, 1996 (2 meetings)

On motion of Commissioner Cook, duly seconded by Commissioner Lopez, it was voted to approve the minutes of the meetings held February 15, 1996.

Discussion and overview of Commission process with representatives from the City Solicitor's Office, and New Hampshire Municipal Association.

Chairman Pappas asked City Solicitor Clark to address issues the Commission might face with their legal counsel as they start their work with the Charter.

Solicitor Clark stated to the extent that the Commission would need legal advice his office was willing to provide as much as it could; that the Statute stated "City offices shall cooperate and assist the Commission" and they were willing to do so and knew they also had money invested in their budget for legal counsel and thought it was a good idea that at some point they might want to get independent legal counsel look at their work and to probably assist the Commission in its drafting but did not think that was something the Commission would want his office doing as his client was the Board of Mayor and Aldermen, but to the extent

that they would have questions as to how things should proceed or questions about the laws as they would come up in their deliberations he would be happy to assist the Commission with it and if they couldn't they would let the Commission know.

Commissioner Dykstra stated if the Commission did get legal counsel asked, by law, did the City have to pay for it, did the City have to pay for everything the Commission would need.

Solicitor Clark replied the Commission could only hire based upon the money the City gave them noting the City had to give them at least $100 and could perhaps provide more money. He noted there was an item on this evening's Board agenda asking for $25,000-$27,000 and knew that the last Commission had been granted about $25,000.

Commissioner Shaw noted Solicitor Clark had indicated his clients were the Board of Mayor and Aldermen, and asked aren't your clients the citizens of Manchester.

Solicitor Clark replied actually my client is the City of Manchester Corporation, acting through the Board of Mayor and Aldermen, noting he did not give legal advice to citizens.

Commissioner Lopez stated there had been a lot of questions relative to 49-C and 49-B and asked the Solicitor to enlighten the Commission as to what his version was.

Solicitor Clark stated his office had been reviewing 49-B and 49-C for a while and had also talked to various other attorneys throughout the City who had read it and had discussed it with them. Solicitor Clark stated this was a Charter Commission established under 49-B, whose purpose it was to either revise or establish a new Municipal Charter; that once they'd been set up and they decided that Manchester would be a City, then the Charter would be a City Charter and it had to follow the guidelines as set out in RSA 49-C. Solicitor Clark stated that the City of Manchester Charter presently did not meet the guidelines of 49-C; that it was a weak Mayor/strong Board government with commissions which was no longer an option under 49-C; that the options were a strong Mayor with a Board of Mayor and Aldermen form of government or a City Manager/City Council form of government; and that once the Commission would begin to change things or to revise the Charter they would have to follow one of those two courses.

Commissioner Stephen stated he had read 49-C and obviously it had a lot of information the Commission would have to look into, but in referring to removal from office for good cause, non-interference by the elected body, certain ethical provisions included in 49-C which were not included in the City Charter asked if Solicitor Clark were suggesting that if the Commission revised the Charter in any form, way, shape or manner they would then have to put in provisions for removal of office such as 49-

C:19 had non-interference by elected bodies and there was a provision for members that violated that provision that they could be removed, noting those were strict guidelines, and he liked them, but wanted to know Solicitor Clark's opinion as to whether the Commission needed to conform strictly with the requirements.

Solicitor Clark replied yes, the one he had mentioned 49-C:19 was a mandatory provision under 49-C and was not a discretionary feature, if they were to revise the Charter then that portion had to be included.

Commissioner Sullivan asked if this Board decided that there were changes they wanted to make to the Charter but did not want to throw the baby out with the bath water, so to speak, could they either (a) bring those recommendations to the Board of Mayor and Aldermen and ask them to put them on as amendments without the Commission putting a whole radically-changed Charter on the ballot, or (b) was there any certain limited amount of tinkering, for lack of a better word, they could do without kicking in 49-C. For example, one thing John has talked about was an Ethics Code. If the Commission wanted to add an Ethics Code and the Commission recommended it be placed on the ballot asked if they would have to throw in all of 49-C.

Solicitor Clark replied in his opinion the Commission was set up to revise, to set up a new Charter under 49-B noting it was not set up to adopt amendments to the present Charter and thought once the Commission started tinkering they would then be revising and once they started revising they would have to follow 49-C.

Commission Dolman stated even the smallest change, even if it was the smallest, minor change to the Charter what Solicitor Clark was saying was that the Commission would then have to conform to 49-C.

Solicitor Clark stated this Commission was not set up to amend the Charter; that if the Commission was talking about revising the Charter, they were then talking about following 49-C.

Commissioner Dolman stated if the Commission made one small, minute change did that mean that 49-C had to kick-in to change the form of government.

Solicitor Clark replied in the affirmative.

Commissioner Shaw asked did they have to change the Charter, did the nine members have to vote to revise the Charter, if they wanted.

Solicitor Clark replied it was completely within the discretion of the Commission to decide what new revision it would want to come up with or if it didn't want to come up with one.

Commissioner Shaw stated there was a method within the Charter itself to revise itself.

Solicitor Clark replied no; that there was a method for reviewing itself in the present Charter and making recommendations to the full Board who would then decide whether or not to make amendments and although it was not in the Statute, thought that the Commission did have the power to make recommendations to the full Board; that if the Commission would decide after their deliberations that they did not want to make a full revision of the Charter but wanted to recommend certain amendments believed they would have the power to do so.

Commissioner Dykstra asked when it would be brought before the people upon completion would there have to be a unanimous vote for that whole Charter, did they all have to agree to get it on.

Solicitor Clark replied it was a majority vote and believed the Statute provided for minority reports.

Commissioner Dykstra seeking further clarification asked when looking at revising and amending, could Solicitor Clark tell her the difference, if they were to change one part of the Charter would it be called a revision or an amendment.

Solicitor Clark replied the Commission was not elected to amend as they did not have the authority to do that.

Commissioner Dykstra referred to the conflict of interest ordinance she had done years back stated she would like to see that incorporated into the Charter, and asked if it was a possibility noting that when the Municipal Association had written it for her, it was basically non-binding, but it brought the question forward and the Aldermen and any board or commission within the City had to vote on whether that person was in conflict and asked if it would be legal because as an ordinance it could be amended and changed.

Solicitor Clark stated if they wanted to put anything into the Charter they would also have to put everything else that was important into the Charter.

Commissioner Stephen stated another issue he had read in the Statute regarding the administrative code asked if it existed in the City.

Solicitor Clark noted there was no merit plan in the City.

Commissioner Stephen stated if that chapter were revised the Commission would have to have a merit plan in order to ensure that all promotions were made solely on merit which the Statute provided for and asked if he was correct in his interpretation.

Solicitor Clark replied there would have to be a chief administrative officer who would have to develop an

administrative code which would eventually have a merit plan but was not positive as to how it would mesh with labor contracts.

Commissioner Sullivan asked if there was any possible argument that some could make that the mere fact that a Charter Commission would now have to come in compliance with 49-C.

Solicitor Clark replied the Statute as he read it was mandatory and if they were going to come up with a revised Charter, it then had to follow 49-C.

Commissioner Sullivan stated does the mere fact that the voters elected the Commission mean that they now had to have a Charter which complied.

Solicitor Clark replied, no; that there were two instances - if the Commission came back recommending no revision it would not have to be changed or if the voters defeated it at the November election the City could still exist with the same Charter.

Commissioner Dolman asked if 49-C was put into effect for new cities and towns that did not have Charters and since Manchester had a Charter before 49-C asked wouldn't Manchester's Charter and any revisions be grandfathered in.

Solicitor Clark replied, no; that there was no grandfather clause in 49-C; that 49-C was proposed a few years ago and he had gone up a few years ago on behalf of some Aldermen and testified against it because of the reason that it would not allow Manchester to retain its own form of government and believed at that point it had been sent to interim study and referred back to a Committee, came out again in the next session and was passed before the City heard about it, he didn't get up to testify against it and it was passed; and that it did not have any provisions allowing municipalities to retain their own form of government if they were to revise.

Mr. Andrews stated he thought Solicitor Clark was correct in his opinion that once you begin to revise a Charter, you need to conform to the 49-C noting that 49-B II (c) states "If the proposed Charter nominates the municipality as a City it shall be prepared pursuant to 49-C" which had never been litigated; that the City of Rochester was the most recent City which had converted from a strong Mayor system to a Council/Manager system. Solicitor Clark again noted it had not been tested in court.

Commissioner Lopez stated with reference to a strong Mayor or City Manager position he thought it would be full power of authority for those individuals and that the Board of Mayor and Aldermen
would not have any administrative say so whatsoever.

Mr. Andrews stated the Board of Aldermen would be the legislative body of the City, would pass ordinances, adopt the budget, but they would not have any administrative function.

Commissioner Shaw thought they should review 49-C and if there were things in there the Commission did not like, they could then make up their minds that they would not want.

Commissioner Cook stated there wasn't anything in 49-C that he did not like; that he understood why the City had gone up at one point saying "don't force us into a straight jacket we might not want to be forced into" noting that was a totally appropriate thing not wanting to be forced into, but on the other hand in reading through 49-C it talked about ethics, but it didn't say you had to pick this form of government or that form of government, it stated you would have ethics rules, you wouldn't have interference, and would straighten out a lot of things that a lot of people were concerned about (i.e., ethics rules, non-interference, administrative controls, etc.).

Commission Shaw asked what was interference, what did they mean when using that term.

Commissioner Stephen read that portion - "the elected body shall act in all matters as a body and shall not seek individually to influence the official acts of the Chief Administrative Officer or any other official or to direct or request, except in writing, the appointment of any person to or his removal from office or to interfere in any way with the performance by such officers of their duties. Any member violating this provision or this section as determined through procedures established in the Charter shall forfeit his office."

Commissioner Shaw stated that technically did not happen in Manchester.

Commissioner Sullivan believed that was the form of government in Concord now; that if a Concord City Councillor had a complaint about anything it had to come up at the City Council meeting and did not think they could take it directly to the department heads.

Mr. Andrews thought there was another City in New Hampshire where a department head had filed a complaint.

Commissioner Dolman stated based on that law, an Alderman might call up and say hey, you missed my street plowing.

Commissioner Cook noted it stated "shall not seek individually to influence the official acts of a Chief Administrative Officer or any other official or to direct or to request the appointment of a person or his removal from office or to interfere in the performance"; that if someone would call up and inform somebody that a street hadn't been plowed or if you asked questions to get information for a constituent that was not what they were talking about, they were talking about doing something inappropriate.

Commissioner Sullivan noted she disagreed in that if you were a department head and an Aldermen would call saying so and so is applying for a job, that would have some impact on that department head and thought the purpose of it, rightfully or wrongfully, was that any City business of that nature is conducted in public noting there was something to be said about conducting all City business in public instead of being behind closed doors and thought that was one of the complaints or comments she'd picked up so far in the process that there were people who thought that there were things done in the City, not in a public fashion that they would like to see exposed to the light of day such as hiring practices or complaints about this or the other thing and was not saying they were right about it but thought that was the purpose of that Statute noting there was a good reason behind it and she understood that everyone liked to think that everybody was good and honorable and would do the right thing, but it didn't always happen.

Commissioner Shaw believed the City had ordinances as to how people were hired, the procedures, the postings and in his opinion there were 2,400 people looking over someone's shoulders every single day; that they wouldn't change the Charter to gain that benefit in his opinion.

Commissioner Lopez in addressing Mr. Andrews stated with his expertise in this area asked where the checks and balances were if they went to a City Manager or strong Mayor form.

Mr. Andrews replied the City Manager would be hired by the Council which would normally take a majority vote or a two-thirds vote to hire noting the City Manager would be responsible to the Council for the efficient operation of the City and the Council's disciplinary actions or check would be with the Manager to get rid of the Manager if there was a problem; that with a strong Mayor system there wasn't necessarily that kind of a check as he was an elected official with the position being pretty independent of the Board of Aldermen and under 49-C the name was different but the authority was the same as the City Manager but directly elected by the people which would be a check that the people would have on the Mayor; that the people's check on a Council/Manager system was through the Council.

Commissioner Dolman stated if Aldermen raised questions about certain projects going on in his ward asking questions and raising concerns about those projects asked if that would be considered interference as he was really concerned whether Aldermen would lose their right to be able to represent their constituency and finding out and being able to answer questions.

Commissioner Shaw stated you'd find out in court when the department head would say you harassed him.

Mr. Andrews stated the body that was the judge of whether or not interference had occurred was the Council/Board of Aldermen

itself which was specific in that section; that in 21 years he had only seen a couple of instances where there had been some complaints relative to the newspaper or to the Council and had never seen a formal charge of interference with a Council or Board of Aldermen sitting in a semi/quasi trial situation and actually making a determination of interference and removal of someone from office noting he had never seen it happen; that in Concord he knew Councillors would go to a court meeting saying my constituents in my neighborhood don't want this rezoning, for instance; that in his 21 years it had happened so infrequently that he could not actually remember any other instance other than the one which was currently going on now noting it had not been resolved that it was interference, but it had gotten to the point 27 times in three months noting this particular Councillor had called this department head and complained about the way the department head was running the department or whatever his problem was and it was the only time he could specifically point and say it's happened

Commissioner Stephen asked if Mr. Andrews was familiar with Concord's Charter as he thought they had a provision in there that the City Council must find by clear and convincing evidence and they had strict procedures to find if someone had violated that particular clause; that the benefits far outweighed the detriments noting procedures could be established by which a complaint could be formed and filed and reviewed.

Commissioner Cook stated it did not define but they could define in there what a definition of things be such as it shall not be a violation of this Charter to make...; that there was a difference between calling up saying what's that project in my ward that's going on because I keep hearing it from my constituents and you pass that, I'll get your job you son-of-a-gun.

Commissioner Sullivan in reference to another part of the Statute asked if she was correct in her recollection that under 49-C the Welfare position was no longer elected but appointed.

Mr. Andrews replied yes, it was 49-C 20.

Commissioner Lopez stated a lot of people out there did not understand the Charter as he had to explain it quite a few times and thought a lot of people had the concept as did the Commission members themselves that they could do just about anything they wanted to do, as that was what he had been told in the beginning, but thought they found out that if they could do anything they wanted to do they would have to got to the strong Mayor or City Manager type form of government period; that the idea of what authority a strong Mayor had had been answered to an extent but did not know about the Welfare Commissioner at this point; that the City Manager or strong Mayor aspect appointed or fired everybody and thought that Nashua was under the strong Mayor concept.

Mr. Andrews believed that in the Nashua the Fire, Police, and Public Works Commissions made the appointments of the director and thought the Mayor sat on it and had the opportunity to nominate.

Commissioner Lopez stated Solicitor Clark had indicated the City had not wanted it.

Mr. Andrews stated they had not wanted it either; that they had testified against it, but was beat by the Secretary of State.

Commissioner Lopez noted Nashua was stuck with it, but Manchester was not yet.

Mr. Andrews stated Manchester was stuck with it more than Nashua because they didn't have a Charter Commission which needed to conform to 49-C; that there were a lot of words in it which needed to be read carefully, for example, C 18 "Appointed Powers" it said subject to the provision of the Charter the Chief Administrative Office shall have the power to appoint or remove; that there could be provisions in the Charter which would require, for example, a nomination and confirmation process; that they could write a process whereby a Chief Executive Officer could nominate a police chief which would have to be confirmed by a Council or Board of Aldermen; that there were a lot of minimum requirements in C but there were also a lot of opportunities to craft something which would fit what was needed or what the people would want; that he a read the news story on the Commission's first hearing noting he did not see anything that was suggested there by the people who testified that could not be done under the Statute and many of the communities already had that, for example, recall; that there were four communities in the State that had recall provisions in their Charters; that the last recall was done in 1979 or 1980 in Nashua (Moe Arel); that Hooksett had a recall provision as did Claremont and the Town of Durham; that he did not recall if Concord had a recall provision; that Somersworth, Nashua, Durham, and Hooksett had recalls in their Charters but it had only been used in one community in 16 or 17 years.

Commissioner Sullivan noting it was a very sensitive issue stated if they adopted or proposed a revised Charter under 49-C thought there could be a provision which would provide for a strong Mayor with strong nomination powers but still have the confirmation ability within the Board of Aldermen.

Mr. Andrews stated whenever 49-C said subject to the provisions of the Charter.

Commissioner Cook stated as he understood what they were talking about regarded a strong Mayor.

Mr. Andrews asked if Rich Girard had shared with the Commission the spread sheet he had done as a result of the task force last

year which analyzed all of the provisions of all of the City Charter's in the State noting the reason he had not reproduced it was because Richard had copied it from the facts and it was lousy, so if he had photocopied it they would not have been able to read it, but it was a great job.

Commissioner Sullivan stated the reason she had asked the question was because she thought there had been a lot of fear either by the Commission and others within the community that with a strong Mayor - a dictator - and thought it was important for them to understand that that was not the case and that if they decided to make some changes it did not necessarily mean what everyone was most afraid of.

Commissioner Shaw did not think anyone could define a strong Mayor and cast what our Mayor had beside it to see if we didn't already have a strong Mayor form of government; that in talking with a former Alderman noted that the Mayor appointed all of the Committees of the Aldermen which was a terrible thing and all of the Committees of the School Department and could take people off sometimes when he got mad.

Commissioner Sullivan stated there were various appointment procedures throughout the Charter depending upon the department, depending upon the commissions and in some cases the Mayor appointed and the Aldermen confirmed and in other cases the Board of Mayor and Aldermen did it and there was really no rhyme or reason.

Commissioner Shaw stated the first Charter revision which had been proposed to the citizens of Manchester without any idea what the Charter was was defeated so in any group who got together whether it was nine people or whatever there had to be compromises made in order to get the whole thing through, so if somebody didn't get 100 percent of what they wanted they maybe got 75 percent but what they didn't realize was that they created a strong Mayor and that was where they made the mistake, the Mayor's veto power, appointment of the Aldermen to different committees, the budget, the Mayor must produce the budget and present it to the Aldermen and the Mayor must supervise the administration of the budget after it has passed, so the dilemma is they made a mistake years ago, Hoben told me that noting that was the luckiest part of the thing that they got through a strong Mayor form of government and people didn't know it at the time.

Chairman Pappas asked was any part of that Charter passed.

Commissioner Shaw replied all of it passed, only ten years ago including provisions to revise the Charter with five people doing the revision subject to the Aldermen accepting the revision, it didn't go before the citizens.

Commissioner Dykstra asked if they could change appointments to elections such as Police Commissioner.

Solicitor Clark stated the Charter provided for five people to review it and make recommendations to the Aldermen and then would have to follow Statutory processes noting those five people never had the authority to revise.

Mr. Girard commenting on Commissioner Shaw's statement stated he had spent four years studying local government and politics which was his undergraduate major in college noting there were three elements which were considered necessary to have a classic strong Mayor form of government which was the ability to present the budget, have a veto, and to also have the authority to hire and fire all of the management, the department heads so there was a direct accountability link between the Mayor and the department heads so that there were no commissions or anything else that could direct the actions of the department, but there was in the academic world in the world of urban government a structure and a format of what was considered to be a true strong Mayor form of government.

Commissioner Shaw stated having practiced the job indicated he did not favor the Mayor making the appointment for department heads; that there were communities where the Mayor walked in and made all the changes and he found that Manchester had a smoother running government when the Mayor does not have that power to fire everybody or to hire buddies and if they went into the New York's and the Lexington, Kentucky's where the Mayor could do it, you found that the government did not function quite as well; that his recommendation to a 5-person commission would be that if they kept the commission form of government then the Mayor should nominate commissions and Aldermen should approve the Mayor's nominations, but if they changed the system to where Tom here was a department head and at the end of his term in comes a new Mayor and the whole bit and all of that service is gone on the whim of one person in the City of Manchester; that Manchester with all of its warts was ten times better off than the communities where the Mayor had that power.

Commissioner Sullivan stated she had not yet made up her mind if what they had now was best or going to something else but wanted to make sure she understood what 49-C in terms of department heads asked if the removal was subject to any particular personnel policies the City may adopt as she knew that in Nashua the Mayor had in fact just gone in a fired a couple of people, but if Manchester in our Charter had personnel provisions adopted a certain set of standards for removal asked if that could be done under 49-C, so they wouldn't have somebody who had the ability on a whim to fire someone because they might want to hire their brother-in-low or whatever and asked if the Commission could set up those types of policies.

Mr. Andrews replied it could be done either way; that they could provide for it in the Charter or provide for it in a just cause clause which would require that a person could only be removed from a department head position for cause after notice.

Solicitor Clark thought 49-C 18 stated all appointments shall be without terms.

Mr. Andrews noted the appointment of the Assessor in the City of Concord was for life, it wasn't an appointment for life, it was an appointment for as long as they did the job and met the criteria set forth for performance of the position and if they screwed up, they could be fired; that just because there wasn't a term of office for four years didn't mean it was for life.

Commissioner Cook stated both the appointment and the removal provisions said "subject to the provisions of the Charter the Mayor had certain powers" and among the provisions of the Charter which could be put in were the Mayor appoints the "X" department heads and employees subject to confirmation by the Aldermen, remove subject to the confirmation of the Aldermen so that the check and balance you put on is he can't arbitrarily say see you around, I've just become Mayor, I'm gonna fire the people who have done such a good job in the City of Manchester; that if the Aldermen sit there and say you have no basis to do this and the Charter can say for A, B, C, D, and E it didn't say at whim arbitrarily which would be inviting litigation.

Commissioner Shaw stated so, now the Mayor would like to have a new police chief and he had the votes to do it asked Commissioner Cook if he thought that was fair.

Commissioner Cook replied that was effective government.

Commissioner Sullivan stated by the same token if there were personnel provisions set up under the Charter then that could not happen unless they complied with the provisions of the Charter.

Commissioner Shaw stated what some people would like to do would be to write in every contingency into a Charter and right now the Mayor, if he so wished, could carry the book which had a lot more information than just the Charter in it and under the way in which Commissioner Sullivan would write a new Charter would have to have a tome this big.

Commissioner Sullivan stated don't say the way I'd write it, what we'd have to do as a body was to talk about all of these things and listen to the people and figure out what makes sense and thought a lot of it could be accomplished without having a bible of the size mentioned because then it would not pass and would only be spinning their wheels for six months.

Commissioner Dolman stated he had not made up his mind which way to go; that he was concerned with the Mayor firing able people; that there were department heads who didn't respond to the Aldermen but he was afraid of that provision which said if you were making too many inquiries when did it become harassment and when did it become just inquiries as an Aldermen's job; that

there were department heads in Manchester who did not respond to the needs of the Aldermen in getting questions answered.

Commissioner Shaw stated that in the Charter, the citizens were wise enough to give the Aldermen the power to direct departments to do thus, thus, and thus; that they were the governing body of the City, they passed budgets and had other duties and the thing with the Charter that was wrong was that it hadn't been implemented.

Commissioner Dolman stated the Board of Mayor and Aldermen sometimes gave directives to department heads and were not followed and there was also a case in this Charter where after a certain amount of time you had to set up a review committee, was ignored, and the City Solicitor said it had to be followed so his question was if there was a Charter.

Commissioner Dykstra asked when did a department head not follow a directive from the Board of Mayor and Aldermen.

Commissioner Shaw thought department heads who did not do the will of the Aldermen could be brought up for cause.

Commissioner Stephen stated the discussion was were they going to change the Charter in any way, shape, or form or if not would they go to the Board of Mayor and Aldermen situation and wanted to get a consensus or some discussion as to whether or not they should do and maybe that was what they were arriving at and the point he wanted to make was ultimately the voters had voted for them, voted for the Charter, approved the Charter, and asked shouldn't they revise the Charter in the way they feel it should be revised, give them the opportunity to say if they want to stick with the original form or if they want to vote for the form that they were elected to come to work on.

Chairman Pappas noted the Commission would eventually have to make that decision to go one way or the other.

Commissioner Cook thought they needed to do two things: one was that it was very helpful to understand what 49-C said and what 49-C meant as he thought it was very important that it meant those were the basic elements which went into a Charter; that if there was a Charter those were the things that had to go in basically, not exclusively, not of the things they could do; that it then seemed to him that the procedural way the Commission should go because if they looked in the process at all of the options for all of the parts of the government and they concluded at the end of the road that what they had now was so far better than what they could get by implementing those things as the basics and the other things they would want to put in the Charter they thought should be there such as if they want a recall or don't want a recall, if they want to retain the bidding procedure, etc. and if they thought when they got to the end of the road that they could not do what they wanted to do because of

the constraints of 49-C and, therefore, what they had now was better then he thought they'd have something; that Bob was right in that we had a stronger Mayor system than what we thought we had, the question was when they would study what strong Mayor meant, what it implied, what we presently had and what we would want if they found out it would prohibit them from having what they wanted and the present Charter gave them what they wanted then they could decide that was the most important thing and even though there were a lot of other inefficiencies and dumb stuff in the Charter they would keep it, but they would not decide it this evening nor would they make any votes tonight which would say if we start doing our job, we're committed to submitting something to the Aldermen down the road, reiterated they would not come to that conclusion this evening and it seemed to him that they were getting themselves into a phony argument with the phony argument being would they not do their job for fear that they would have to change things or would they examine stuff and see what they'd get at the end of the road.

Commissioner Dykstra stated in looking at 49-C it looked like it was encouraging them to do something because it was asking them basically or telling them that they could set up procedures and do things; that she remembered when she was an Alderman having seen things in transferring of funds noting that in 49-C 23 it was stated that they could set up procedures for the transfer of funds among various budgeted departments, agencies, if necessary noting they could do that now but maybe the people wanted the Commission to do it and that was why they were elected to set up the procedures and asked Solicitor Clark if within the document they could set up procedures, so what's to say what the City's doing under their ordinance set up for procedure and whose to say that would be something the Commission would like or thought would be the best way to do it; that say within a certain department the Board of Mayor and Aldermen voted on a certain amount of money on certain projects and it would be given to the department, the project would then go over and needed more money instead of coming back to the Board what used to happen was that the department would write out a check or expend more money without going back to the Board and thought those procedures should be looked at because she had seen where a study had been done on different types of jobs and then the guy came in and charged $20,000 more noting they were paid.

Commissioner Lopez in reference to A & B (City Manager and strong Mayor) in 49-C thought they were trying to make a lot of complicated things and write the book for a revision of the Charter and thought back when Tom gave input that there was a lot of power within the Charter as it was now; that the Board of Mayor and Aldermen had tremendous amount of power and had directed department heads on many occasions to do something which had to be followed by Charter but if all of the other things they could do such as (a) leave the Charter alone, if that was the final analysis that it was a good Charter and there was authority there, (b) that they had recommendations as to how City

government could work better by sending in recommendations to the Board of Mayor and Aldermen and would that accomplish the end goal and thought the end goal would have to be defined as to some process and perhaps Brad was correct that it could not be done at this meeting but they would have to have the goals that they were trying to achieve and it was a goal to achieve to comply with 49-C there was a lot of changes which would have to be made if they went by 49-C.

Commissioner Shaw thought that perhaps at the next meeting they could have in front of them the provisions in 49-C that it enumerates and asked what 49-C said, a list in summary form then they could understand if 49-C was the direction they should go in, such as if it allowed the Mayor to make appointments they could put in provisions as to how that should be done.

Commissioner Dolman noting his agreement with Commissioner Cook stated it was too early to make a goal as he thought they were there to examine and look at the Charter, listen at public hearings, hear from government officials who have to live within the Charter they have now and then sit down and make a decision on it and tended to agree that the Mayor did have enough power the way it was now and was open but for now he felt the Mayor already had enough power and also believed in a checks and balances system as that was what the federal government was based on, so if it could be proven to work out as John had said that it could be set out in the City's Charter that provisions could be set up, but wanted to examine and wanted to hear from everyone before he made any kind of decision.

Commissioner Sullivan asked if it made sense at some point fairly early on that they have someone go through the existing Charter, compare it with 49-C and tell the Commission what they couldn't do under 49-C what they did under the current Charter or how close could they get to it so that, for example, a nomination with confirmation and those types of things so they would know whether 49-C was the demon she thought a lot of them were afraid of at the beginning or was it something they could work with and keep the provisions of the current Charter they liked and perhaps they would have to talk about whether that would be something Tom's office would do or would they go out and retain separate legal counsel.

Mr. Andrews distributed a packet which included a copy of the Rochester City Charter; that 11 of the 13 cities in the State were City Council/City Manager communities with two (Nashua and Manchester) for Mayor/Board of Aldermen communities with Rochester being the most recent to change to a Council/City Manager plan; that there was also a copy of 49-B & C; that the packet also included a listing of attorneys experienced in Charter matters as well who had advised communities on drafting, term limit information.

Commissioner Dolman asked if there was anyone from Manchester.

Mr. Andrews replied he had put the list together after having asked others in his office.

Commissioner Cook stated in his experience having spent a pretty good amount of time at the Public Employees Labor Relations Board with the exception of a couple of people in Kathy's firm there were not a whole lot of city and town government attorney specialists in Manchester as they tended to be in Concord.

Commissioner Sullivan stated she had talked with three different people in Manchester and felt strongly that they spend their money in Manchester, with all due respect to those people on the list, there were a ton of lawyers in the City of Manchester.

Commissioner Dykstra agreed with Commissioner Sullivan.

Commissioner Sullivan distributed copies of a memo she had written based on conversations she had with a couple of local attorneys who she had contacted plus a third attorney who had contacted her and brought letters from two of them and did not know if that was something they would go into executive session on but thought perhaps Tom could tell them if they had to go by the Charter or what; that when they got to the point where the City approved their budget and they wanted to employ Counsel asked if they would have to go through the procurement or whatever procedures to hire someone to do some of the work for them as they would not want to wait too long.

Solicitor Clark stated there was a question as to whether or not they had to follow the procurement process if they were going to hire a lawyer; that if it was under $2,500 they would get quotes, over that there was the RFP process.

Commissioner Sullivan asked if there was an exclusion for professional services.

Solicitor Clark replied, no; that there was under the old Charter.

Commissioner Sullivan stated there could be one attorney who would represent the Commission during the process and another attorney for certification and thought they could perhaps have someone come in on each of those positions for $2,500 or less.

Commissioner Dykstra stated knowing Tony Simon was a great attorney and as he did certify the other one asked how they could have him look at it at an unbiased way and picking out things.

Commissioner Cook stated any discussion of specific talents or lack thereof or appropriateness or how they would go through personnel selection process should probably be held in executive session noting they were putting the cart before the horse as they had not decided what they needed yet.

Commissioner Dolman stated he liked Commissioner Sullivan's recommendation that there be a breakdown or a comparison of our Charter and 49-C so they could start looking at apples and apples, so they wouldn't sit there spinning their wheels and felt they needed to have that comparison broken down.

Chairman Pappas asked if that person would be the consultant or the legal person to do that work.

Commissioner Cook stated in terms of the present Charter thought they had done a lot of the analysis of what was in the present Charter by subject and function at the Government Review Task Force noting 49-C was not that complicated and to do a list of what 49-C required and allowed which were different and compare it to what they had in the Charter at the present time or did not have in the present time was not that complicated and would be happy to take a whack at it and run it past Tom who dealt with this all of the time and could perhaps accomplish it without having to pay anybody anything.

Chairman Pappas asked those present if they felt comfortable with that suggestion.

On motion of Commissioner Sullivan, duly seconded by Commissioner Stephen, it was voted to accept Commissioner Cook's offer to do a comparison.

Commissioner Shaw stated in following the recommendation that the Commission look at other people's Charters and find what's in theirs and not in theirs recommended that the Commission obtain the daily papers from each of those communities such as Derry/Nashua.

Commissioner Dolman felt the Commission would have to obtain the services of a consultant noting they had not yet received a budget.

Commissioner Cook stated he would like to hear from Mr. Andrews as to what the Municipal Association would have available to the Commission as they certainly had a lot of expertise in this area.

Mr. Andrews stated they did not have the staff depth to be able to do the consultant job that the City would need to have done but thought the Commission could get what they wanted in a couple of different ways and was not sure if they needed a consultant such as Pete Marwick or even a municipal resources and there were firms that did do that type of work and were people around such as the former City Manager for 15 years and also a former Mayor who would be excellent and he knew of a couple of others who might be interested in doing this work; that there were also third year law students at Franklin Pierce who could do work; that he was surprised to see a budget request of $27,000 as he believed Somersworth had done it for less than $5,000.

Commissioner Shaw stated he hoped that when it came time to hire a consultant they would take plenty of time to debate it as most consultants would only give you back your own opinion and if there were nine people they should be able to come up with their own opinion without paying somebody for it.

Mr. Andrews noted he would be pleased to attend the Commission's meetings, but what they didn't have the time to do was to go back and spend 22 hours in the office the following week getting ready for the next meeting.

Commissioner Lopez inquired if there had been other charters since the enactment of 49-C.

Commissioner Cook stated 49-C was enacted in 1991.

Mr. Andrews stated 49-C existed before 49-B, it just wasn't labeled, but Manchester's Charter was created long before that and Manchester's Charter was created back when it required an act of the Legislature, so what the City had was in existence when 49-A was passed which was almost identical to what they saw in 49-C; that in 1979 or thereabouts they got 49-B enacted and repealed 49-A; that they had wanted people to be able to experiment until they got to a point where the Town of Durham wanted to appoint their Town Clerk as opposed to electing the Town Clerk and noted this lady goes up to Concord and whispers in Bill Gardner's or the State's ear and says "oh, Bill, they're taking my job away from me" and they get all of the town clerks cranked up in the State because they're afraid that if towns enact a Charter and appoint a town clerk and in order to keep them out of town politics they wanted to make sure they continued to be elected, so figure that one out. Mr. Andrews stated everyone else was listening to Bill Gardner saying what we need in the State is uniformity and if a town enacts a charter it should be this charter, if a City should enact a charter it should be this charter, with experimentation could tip 234 different charters. Mr. Andrews stated they bought that argument and they enacted what you have before you with 49-C; that in the final analysis they knew when they were beat and they didn't have a choice, they didn't like it but unfortunately the last few screwy things put in there were put in at the last minute by Charlie Bass who didn't know what he was doing; that he wished they had the ability to experiment, had the ability to keep a lot of what they've got; that the question had arisen but had never been brought to the point of confrontation of once a Charter Revision Committee was elected did they have the option of going back to the Board of Aldermen and the people; that actually there was nothing they would do that would have to be approved by the Board of Aldermen, what they did would end up on the ballot in one question and did not know if they had the option of reporting back without changing or opening up a Pandora's Box without at least coming back with a document that conforms to the minimum provisions of 49-C like an appointed Welfare Administrator.

Commissioner Cook stated there was a question at the last meeting regarding the scheduling of public hearings according to subject matters and asked if the officers had had an opportunity to come up with a proposed list but thought the sooner it was done, the better it would be.

Chairman Pappas asked if the Commission wished to meet next week knowing it was school vacation week.

Commissioner Sullivan noted a number of the Commissioners would not be present.

Chairman Pappas suggested that the officers meet between now and the next meeting to come up with a proposed schedule.

Deputy City Clerk Johnson stated there was difficulty with Commission meetings being held in this location as the front doors were locked at 6:00 PM which, therefore, left it that it was not open to the public which was not part of the Right-To-Know Law suggested to the Commission that the Aldermanic Chambers were not used on Wednesday evenings noting there was recording equipment available or the Commission could make use of the Executive Conference Room.

Commissioner Cook asked what the Commission would need office space for.

Deputy City Clerk Johnson stated if the officers were to meet or if there would end up being sub-committee work or coordinator or whatever they would need to have a place to hang their hat for those types of things so this room could be used for those purposes.

Commissioner Sullivan stated whenever the officers needed to meet they could meet at her office which was right down the street but could not offer that space for public meetings.

Commissioner Dolman thought it might be nice to have some working meetings around the City also.

Chairman Pappas noted that would create a problem for recording purposes.

Commissioner Shaw stated the problem when having public meetings was that people did not understand what a Charter was and until the Commission learned what it was themselves thought they should wait a couple of months before they held their next public hearing; that people who want to put in this and that was not going to make the government work better such as the elimination of cars, have a right for public hearings at the Aldermanic meetings.

Chairman Pappas thought they would end up meeting twice-a-week if they didn't start moving a little faster.

Commissioner Dykstra stated the Commission would have to weed out what was being said at the public hearings.

Commissioner Stephen stated he wanted to get working and wanted to break up in groups and start digging into it and liked Commissioner Cook's idea of looking at 49-C and then perhaps the next time breaking up into some sort of sub-committees.

Chairman Pappas noted the officers would now have a week's break where they could get together and get a lot of work done and present to the members at their next meeting.

Commissioner Dolman asked Commissioner Stephen if he could go into a little more detail about how he would envision the breakdown.

Commissioner Stephen stated he had just looked at the provisions of the existing Charter noting they mirrored 49-C in the sense that 49-C talked about Article, General Powers, Finance, and each specific item in the Charter should be devoted to some type of sub-committee where they would work on the election of officers, the term limits, they could decide what subject matter would go into that sub-committee's review and then they could break up into sub-committees and go at it one-at-a-time and everyone would be working on something at the same time and then come back to the Board and say this is what we have, etc.

Chairman Pappas noted for the next meeting Commissioner Cook would have his comparison prepared, the officers would come in with a recommended schedule as well as sub-committee recommendations and how the work would be divided and perhaps discuss whether or not legal counsel would be hired and/or a consultant and that the Mayor and former Mayors would be invited to attend the next meeting.

Deputy City Clerk requested of the Commissioners that if anything was distributed to the members the Clerk's Office would appreciate receiving a copy so that it could be kept for the Commission's permanent records.

There being no further business to come before the Charter Review Commission, on motion of Commissioner Cook, duly seconded by Commissioner Dolman, it was voted to adjourn.

Respectfully submitted,

Kathleen N. Sullivan
Secretary

CHARTER REVIEW COMMISSION

March 6, 1996 **5:30 PM**
Aldermanic Chambers

Chairman Pappas called the meeting to order.

Commissioner Sullivan called the roll. There were eight Commissioners present.

PRESENT: Commissioners Pappas, Baines, Cook, Dykstra, Lopez, Shaw, Stephen, Sullivan

ABSENT: Commissioner Dolman

MESSRS.: Mayor Wieczorek, former Mayors John C. Mongan, Emile D. Beaulieu, and Bob Shaw
Richard Girard, Mayoral Assistant

Chairman Pappas informed the Commission that Commissioner Dolman would not be in attendance due to illness and that Mr. Ambrose, Deputy Secretary of State, would not be in attendance either due to an unforeseen circumstance.

Chairman Pappas requested that Mayor Wieczorek present his testimony to the Commission.

Mayor Wieczorek presented his testimony as follows:

> Madam Chair and Members of the Honorable Committee:
>
> As Mayor of the City of Manchester, I thank you for the opportunity to address you tonight. Charter revision has long been one of my priorities, so I am very pleased that you are here to receive testimony. Certainly, this has been a long time in coming.
>
> Manchester's government is antiquated and wasteful by design. The current commission form of government is a relic of the reform movements of the 1920's and has been dead in most places for at least forty years. It is cumbersome, inefficient, and serves as an immovable object blocking the patch of much needed government change and innovation.

I will try to tailor my comments to demonstrate the shortfalls of the current system after which I will recommend the changes that I feel are needed and appropriate.

The Problem -- Structure of Government

-- The Mayor

Manchester has a "weak mayor" form of government. There are only three people that I may hire, fire, and direct and they sit right outside my office. Incidentally, they are the only three that are directly accountable to me, even though the Charter calls the Mayor the "Chief Executive Officer" and says he has "supervisory authority." The Charter provides that boards and commissions "...shall be vested with full control and management of its department subject to directives of the Board of Mayor and Aldermen." (Sec. 3.10[a]). In other words, the Mayor has no direct grant of executive administrative authority. But, he is vested with the responsibility of administering the affairs of the City (Sec. 2.05[f]).

The Mayor may not directly appoint any department heads. The City Coordinator and the Personnel Officer are the only two that he may nominate and they must be confirmed by the Board of Aldermen. All other department heads are either nominated by their commission and confirmed by the Board of Aldermen or appointed and confirmed by members of the Board. The City Solicitor has ruled in years past that though the Mayor is a member of the Board of Mayor and Aldermen, he may not nominate candidates when it is the Board's prerogative to do so.

As a result of current Charter provisions, the department heads are either directly accountable to their commissions or the Board. The Mayor is powerless to remove even his own two nominations. Department head removal procedures are not detailed in the Charter, though they are mentioned three times (Secs. 3.21, 3.30, and 3.33). Section 2-5 of the Code of Ordinances provides no further detail except to say that charges against a department head shall be in writing and submitted by the Mayor and a minimum of four Aldermen or a minimum of six Aldermen. The Mayor may not even initiate what proceedings there are on his own.

When it comes to administering the day-to-day affairs of this City, the Mayor is not even a "paper tiger".

-- The Boards and Commissions

They are, in general, political and managerial nightmares that are vested with a tremendous amount of power over the day-to-day operations of this City's departments. They are

relics from days long gone when reform movements swept the country seeking to dismantle political machines. They were designed to be barriers to the machines whose interest was patronage and favors and not good management. The days of the machines are gone, but the barriers to the elected governing bodies they used to control are more firmly entrenched than ever before.

At best, these barriers are an unnecessary layer of government which removes accountability for departmental performance from the Mayor and the Aldermen, even though the Mayor and Aldermen receive criticism for poor and wasteful departmental performance. At worst, they are shields which prevent necessary information from reaching the Mayor and Aldermen, allowing each department to operate as its own fiefdom. They provide a level of autonomy that is nearly insurmountable, even to the point where directives of the Board of Mayor and Aldermen have been ignored.

Their very structure is counterproductive. Instead of requiring certain credentials that might actually be of assistance to the efficient management of the departments, the Charter has political and labor representation requirements. As a result, commissions have been a dumping ground for political allies which results in political pressure being brought to bear on the management and operation of departments. Take, for example, the many recent instances when commissioners or commission nominees repeatedly switched political party affiliation in order to gain or block an appointment. Such foolishness clearly shows that the historic purpose of the commission to provide for good government by limiting political abuse has been perverted into one that limits good government because of political abuse.

-- The Board of Aldermen

It must be difficult to be an Alderman. I mean that sincerely. This body should be one that debates the issues that face our City and develop policy to guide its course. Yet, its ability to do that is severely restricted by a number of problems, many of which stem from the structure of the Charter.

Because the Mayor is not empowered to administer the City's affairs, the Board is often called upon to intervene in management issues. Frankly, it leads to pervasive micro-management of the departments because human nature's basic desire to control an unsatisfactory situation is, at times, irresistible. Multiply an individual's compunctions by twelve and you have an intolerable situation. Add to this the Board's powers of nomination, confirmation, directive issuance, etc...and you do not have an environment that is conducive to good government.

For those who want to exercise undue or inappropriate influence, the current structure of government provides ample opportunity, if not incentive, by virtue of the fact that all commission and department head nominations, except to the Manchester Housing Authority, must be confirmed by a vote of seven Aldermen -- the Mayor, according to past rulings of the City Solicitor, may not break a tie in these instances. Ultimately, political reality dictates that those who wish to stay where they are will do what those Aldermen who can muster the needed votes want them to do. The focus is a political one rather than one of what is best for the City. This, too, is not conducive to good government.

-- Departments and Department Heads

Structurally, there are two glaring problems in this area with the Charter. The first is that the departments are actually established within the Charter. Even though there is language in Charter Section 3.01 that supposedly allows for consolidation of functions and departments, it cannot be done. I know. I tried it and list in a court challenge even though the judge noted that the consolidations were done in keeping with good business practice. Their existence within the Charter contributes to the idea of feifdoms because it allows them to exist independently regardless of whatever efficiencies may be gained by change.

The second problem is that of terms. Six year terms afford the department heads greater power because the elected officials only have a two-year term. It is hard to hold people that are nearly impossible to remove accountable when their longevity is three times your own. This also inflames the political chaos of the Aldermen as, many times, they act out of frustration caused by this disparate level of power.

<u>The Solution -- Restructure the System</u>

Before I go onto specifics, let me say that I strongly support revising the Charter and adopting the provisions of RSA 49-C. You know that the system of government you have is bad when it has been forbidden to be created again. RSA 49-C provides clear line of authority to the Mayor, policy-making to the Board of Mayor and Aldermen, and, therefore, accountability of the elected body to the people.

-- The Mayor

Manchester needs a "strong mayor". The Mayor needs and deserves to maintain veto authority so as to have an appropriate and necessary role in the formulation of policy for the City. It is also critical that the Mayor maintain the right and duty to propose a budget for the Aldermen to

consider. Because the Mayor is full-time, and is required to be under RSA 49-C in a strong mayor government, he has the necessary time, staff, and information to develop and format a budget and assist their deliberations with the information at his disposal daily. This should be a responsibility and obligation of the Mayor.

Though I know RSA 49-C grants the power to hire and fire department heads to the Mayor, I must tell you that this is essential to having a strong mayor and remind you that it is the same power that would be granted to a city manager under the statute. Since strong mayors are directly accountable for the performance of departments in provision of services to the people, those who manage the departments should be directly accountable to the mayor.

This should be a direct power to hire and fire without confirmation by the aldermen. The first reason is the line of direct accountability to the people for performance, as I have mentioned. The second, and more important reason, is that having to gain the approval of an elected body to hire or remove a manager only poisons the process by injecting politics into it. It creates a quid pro quo situation whereby a potential appointee could "owe" an alderman something for his vote or "give" him something to save his job.

There may be concern that with every change of the mayoralty there would be mass firings of department heads. This is not the case. Mayors are responsible for efficient service delivery. Mass upheaval of the management just because you are new is counterproductive to efficient service provision. One need only look to other cities where the mayor, or city manager, has this direct authority to realize that such politically motivated turnover is nonexistent. I would, however, urge that the Mayor be prohibited from hiring or firing below the department head level. Mayors need to manage, no micro-manager. Without that provision there could be widespread abuse both of and by the mayor in hiring practices.

Manchester needs a strong Mayor as opposed to a city manager for two reasons. First, mayors are directly accountable to the people for the performance of government and they should be. Someone has to be responsible for what happens and they ought to be responsible directly to the people. City managers are responsible to the governing body which elects them, dismisses them, and otherwise direct thems. There is the potential for political game playing that, in all probability, would reduce a manager to just another political operative looking to save his own job regardless of how well that job is being done.

Second, Manchester is faced with many difficulties and opportunities and lack a consensus on how they should be

approached. Because of its size, this will always be true, which is generally why cities with populations of more than 50,000 people have strong mayors, not managers. There are times when the Chief Executive Officer must take a position and fight for it. How effective will the Chief Executive officer be when it is a city manager arguing against the body that appoints it? If the manager holds firm to his position, how long will he last. Mayors have the power to mobilize public opinion and lead. Manager do not, unless they wish to spite the board that elects them. If that happens, you can bet that the manager will not be around too long.

-- The Boards and Commissions

Boards and commissions should be eliminated where not required by State law, except perhaps with some of the City's enterprise operations. Of those operations, the only one where I believe a commission is useful, if not indispensable, is at the Airport. Perhaps one should remain at the Water Works, at the Environmental Protection Division (the Highway Commission would still be eliminated), and the Recreation Enterprise. However, these should all be appointed by the Mayor, subject to confirmation by the Board of Aldermen, for an unspecified term of office so as to avoid "holdover" status. Further, all political and labor requirements should be eliminated in favor of various professional expertise, i.e., finance, law, marketing, etc... The Board's confirmation role should be limited to insuring that the qualifications of the nominee are in order.

-- The Board of Aldermen

The requirement that the Board act "as one body" and the provision of "non-interference" language under RSA 49-C would greatly empower the Board to deal with the real policy issues facing the City and remove the incentives which currently invite political acrimony. This does not limit an Alderman's ability to gather information or provide constituent service. It does act as a hedge against political pressure to hire employees, do favors, and direct departmental actions.

From ordering departmental action, to approving City expenditures, to providing benefits and services, to pressuring departments to hire friends and relatives, City government is replete with examples. The Board of Aldermen should be properly empowered to debate and decide policy issues, not empowered to interfere with departmental operations.

-- The Departments and Department Heads

Departments should be removed from the Charter so that government can consolidate and transfer functions as needed to maintain good business practices. The City will always have to provide services. But the method by which they may be provided efficiently will forever be changing. New technology, new opportunities, and new management techniques will always come forward. If we as a City are to take advantage of them to provide the most cost-effective, efficient, and responsible services, there must be flexibility in the government's structure.

Other than eliminating department head terms, which I understand comes with RSA 49-C, I believe the department heads are appropriately empowered to carry out their functions.

Miscellaneous Items

There are various other items that need to be addressed outside of these macro-structural concerns.

-- Purchasing

The Procurement Code is also antiquated and should be removed from the Charter. Though the City should be required to have a procurement function, it should not be institutionalized within the Charter as the marketplace moves too quickly and such codes need frequent updating. The current code is unresponsible to the marketplace and cumbersome to administer.

-- Retirement System and Sick Leave

It is inappropriate to have employee benefits institutionalized in the Charter. These are items that should be negotiated between the City and its employees. Recently, we had to go to the voters and amend the Charter to bring the Retirement System into compliance with current IRS regulations. Again, these provisions prohibit us from changing with the times and being innovative.

-- Board of School Committee

I strongly oppose removing the Department of Schools from City auspices and recreating it as an independent taxing authority. The taxpayers of the City of Manchester foot the bill either way. It is, therefore, my strong feeling that the Board of Mayor and Aldermen, as the governing body, should have the exclusive taxing authority. I believe the Mayor should remain as Chair of the Board of School Committee, but believe he should have veto power and only be allowed to vote in the case of a tie.

-- Term Limits

I support term limits of two four-year terms for both the Mayor and Aldermen.

-- Partisan Elections

I support the continuation of partisan elections and their extension to the Board of School Committee. Studies have shown that non-partisan elections turn out 10 percent to 15 percent fewer voters on average and strengthen the incumbency advantage. I have also spoken with elected officials in non-partisan cities who say that it does not produce non-partisan government. Besides, I do not believe that association with a party, its ideas, and/or organization is a natural enemy of good government. The competition of ideas often provides direction for government.

-- Conflict of Interest

Section 8.05 of the City's Charter, Incompatibility of Offices, attempts to prohibit any active City employee from serving as a member of either the Board of School Committee or the Board of Mayor and Aldermen. Obviously, it is not written well enough. Not only have we had City employees serve on the Board of Aldermen, we have had several more run for office. While I realize that many City employees are citizens and taxpayers, the conflict of interest must be recognized and forbidden. To have someone in a position to vote on their own labor contracts or departmental budgets is unfair. Even if they recuse themselves from a vote, they still may debate the issue and lobby for their position. The absence of their vote only insures that the people of their ward will go unrepresented. Further, this conflict allows for focus on personal or labor group circumstances, not the City's interest as a whole.

Conclusion

I realize that I have taken a great deal of your time today. Thank you for listening. The depth of my concern is great, but for all that I have shared, these are only the high points for they are the structural concerns that are crippling this government. Let there be no mistake, our Charter is inefficient and ineffective. It is the single biggest obstacle to good government and, in my opinion, is costing the citizens of this City millions of dollars in missed opportunity, antiquated requirements, and cumbersome obstacles.

The changes you make should be clear and convincing. You cannot protect the City or its citizens from every potential abuse of power. What you can do, though, is make the Mayor directly accountable to the people for the performance and

management of City government and the Aldermen directly accountable to the people for policy-making and direction setting.

We hear much about checks and balances. Government that is directly accountable in this manner to the people is the perfect check and balance you could have. Let the departments do their jobs and be accountable to the Mayor. Let the Mayor do his job and be directly accountable to the Board of Aldermen and the people. Let the Board of Aldermen do its job and also be directly accountable to the people, too.

Thank you for your time and consideration. I would be pleased to respond to your questions.

Commissioner Cook stated I thought I was going to have four or five questions, but it was fairly encyclopedic and one area you did not cover was the possibility of having At-large Aldermen, either all together or some added to the ward Aldermen system and asked do you have any thoughts on that.

Mayor Wieczorek replied, no, I'm not in support of having At-large Aldermen. I think that we still have to have this City divided up just as we do in equal wards and that's what I would support.

Commissioner Sullivan stated I would be interested in following up on what you think we'd get out of partisan elections for School Committee.

Mayor Wieczorek replied, well, I think that in a non-partisan, you still have, it's still going to be partisan and I've talked to a number of people in different communities and I've asked them, you have non-partisan elections, is it really non-partisan and the answer is, no. Usually, if you're going to be there representing a party, you're going to bring more people out. This is one of the items that I mention here is that more people eventually will come out because they're going to support the member of their party plus, I think what it does if you're going to be there running as a member of a party, you're going to be espousing certain things as we do at the national level with a party and people are either going to subscribe to what you're proposing or they're not going to vote for or against it, but they should at least know what you stand for and I think that this would help people to develop perhaps a more in-depth understanding of position that people take.

Commissioner Sullivan stated don't you think with School Committee or School Board, the point of having non-partisan elections is that this is something that is perhaps should transcend partisan politics and if one of the things that I think comes loud and clear from your testimony is that you're very

concerned about political influences in terms of employment and structure of government, etc., but doesn't that fly in the face of your position of having partisan School elections.

Mayor Wieczorek replied it should not, if you have non-partisan elections it should not work that way, but it does work that way and I think that's unfortunate but that's my view of how I see it.

Commissioner Lopez stated under 49-C-18 in reference to the appointed hours the Mayor has noted one of the questions I have in dealing with this is the subject of divisions of the Charter. It's indicated if we go to a strong Mayor type form of government that provisions can be written in the Charter. What I'm concerned with is the and not you, but somebody else coming aboard or whatever the case may be and it's happened in other cities where they come in and fire department heads without any recourse whatsoever and we talk about checks and balances asked would you elaborate just a little bit how would we go about that.

Mayor Wieczorek replied, I don't think as I've stated, I don't think that in the City of Manchester and I've said on many, many occasions that I think the City is fortunate that they have the quality of department heads that they have here, they've got a very fine organization. I think if you have a new Mayor that's elected and you've got a department head structure in this City that's set as it's set here you're not going to have some Mayor come in and say well, unless I got 26 brother-in-laws, I'm going to be getting rid of everybody in and bringing in all of my brother-in-laws, that's not going to happen because the bottom line is that the Mayor still has to be responsible and accountable to the people for the services that the community has to provide. This is the reason why I would never tell anybody who to hire because if I tell you who to hire and that person doesn't operate as they should either you have a disproportionate workload that you're going to have to carry or you're going to be cursing me because I've put somebody in your charge that is not able to carry their share of the load. I don't think you're going to find somebody standing there who is going to put themselves in that position so, I don't see the danger of that happening.

Commissioner Lopez stated in many of situations in talking to a lot of people they have indicated that they'd like to get more people involved in City government and we're going to eliminate a lot of people by eliminating the commissions per se. Two things are a possibility and I'd like you to respond do, if you would is that the Aldermen would probably have to work harder, number one and how is that accountable about getting more people involved by eliminating a direct ambassador, so-to-speak.

Mayor Wieczorek replied, I think what you have here is a little conflict. When you're talking about getting more people involved, you're real responsibility is to be able to provide the

services in a most efficient, economical way to the citizens that you represent. This government as it's structured here today is very cumbersome. You've got a commission and you serve on a commission, so you know that you've got a department that reports to the commission. The commission does not really report to the Board, you can do a lot of things that you want. Once the Aldermanic Board gives you your budget, you're in charge and its the commission that is set up there between the legislative body which is the Board of Mayor and Aldermen and the department, there's no direct contact or control and if you're going to ever increase efficiency, you're going to have to have a little bit more control rather than having another group that's in there that's going to be lobbying for something that's just going to bind up the works and this is really what I see happening. So, what you're really looking at is trying to streamline the operation and bring it into the 21st Century because all you'd have to do, if you really want to get it stopped up then form a few more commissions. For those departments that don't have a commission, make sure they have one and I'll show you a government that will really stop functioning.

Commissioner Baines stated a comment, then a question. The comment would be that your relationship with the department heads sort of evolved as the longer you stayed in office and working relationships that have developed asked can you comment from your early experiences to the experiences you're having now in terms of any frustrations you have, let's say prior to this positive relationship that's developed between the Mayor's Office and a lot of the department heads early on when you were frustrated by and any things that still happen now, for example, if you give a directive to a department head where that would be and I'm not doing that because my commission won't let me do that, do you have specific examples where those types of things have happened, Mayor.

Mayor Wieczorek replied, yes, I do. As a matter of fact, a specific example of that would be when we had issued directives to the departments to cut back on their expenditures for I think it was a 3-month period and I don't remember what year, maybe three or four years ago and that was virtually ignored and that was by the School Department, that was one of them. I had another one where on the Police Commission where we had people changing parties to see if they could get themselves put into the Commission and I've had that happen in more than one occasion where people have changed parties or if they were a Democrat or a Republican, all of a sudden they become an Independent because then they're not in line with either party and then go ahead and turn around again. I've also had commissioners who were holdovers, who if they weren't going to be reappointed would remain in a holdover status and I've had one even remain for two years because I was not able to make a change.

Commissioner Baines stated I'm more concerned with the operation of City government where the School Department issue could even

remain with the Charter revision because there are certain statutory responsibilities given to the Board of School Committee that this Commission will have absolutely no authority over, so that frustration probably will remain beyond us and other Charter commissions. I'm more concerned with the managerial aspects of your office, so if you had something the Highway Department wanted to be done or the Water Works or the Police Department, anything that you have said to one of those department heads that I want this done as the Mayor of this City and they've said, no I'm not going to do that, that's really the aspect that I'm trying to get at.

Mayor Wieczorek stated the Fire Department when I asked that they hold up on promotions that they were going to make, they did it anyway.

Commissioner Stephen stated I wanted to tell you that I appreciate the amount of work you've put into this, it's very helpful and I guess I want to ask you a question. My question is how would, you as Mayor, answer the question that's been posed to many of us that a strong mayor system may end up into a type of dictatorship and say if the term was increased to four years and if there's someone elected that ends up with a lot of power what can we tell the people that know this is still not going to result in a "dictatorship", I know I don't like that term but you hear it.

Mayor Wieczorek interjected, I don't either.

Commissioner Baines continued by stating you keep on hearing that from people that are contacting us.

Mayor Wieczorek stated there's arguments for and against 4-year terms and 2-year terms. I've always said that if you have a good Mayor and the Mayor's doing a good job two years is a very short time to accomplish your objectives. If it's somebody that's doing a terrible job, then two years could be a long time and if it's a 4-year term then you could do a lot of damage in four years or you can do a lot of good in four years, but if it's somebody that is really so bad then there are steps that could be taken to remove the Mayor from office. I don't think that you will find that when you have a City of 100,000 people, people who are putting themselves on the line to run for public office that you're going to have somebody that is going to assume a dictatorial position here. You're never going to get much done unless you're going to get the cooperation of the people that you have to work with. Sometimes standing there and I'll tell you there are times and we have other Mayors here who know that's a pretty lonely position because you're here and you have information that you're going to be dispensing to not only the legislative body, to your department heads, and to all of the citizens in your community. There are things that you know have to be done but in the political system it's much more difficult to get it done because it's not autonomous as it is in a private

business where if the Chairman of the Board says look, this is the way we're going to do it, that's the way it's done. In government, it doesn't work that way and that's one of the reasons why government is more expensive because of the way the power bases are distributed.

Commissioner Stephen stated I just have one final question, if I were to or if this Commission were to look into drafting an ethics code for this City what would be some of your suggestions that we would want to include in that code.

Mayor Wieczorek replied didn't we propose one here, we had two, we had a non-interference, conflict of interest and we have an ethics code. As a matter of fact, there was one sent here from the Retirement Board, I think.

Mr. Girard stated I think that got referred to committee and lost somewhere along the process, my only understanding is that there is some conflict of interest code that former Alderman Dykstra put through as a policy though, not as an ordinance.

Commissioner Dykstra interjected, it was an ordinance, it was something I put through on the State level which had to do with local land use boards and then when I brought it before the Board of Mayor and Aldermen, it took me a year to pass it, but it had to do with the Board of Mayor and Aldermen, it had to do with all of the boards and commissions, and what this did was allow the question to be asked. This Board, if I felt that someone next to me was in conflict, I could question it. Now, we tried that at one time I think with Alderman Cashin was here and Alderman Dolman about voting and I'll just be blunt about it about voting on his own raise. So, I brought up the question that he was in conflict and evidently Elmer Bourque did rule that by ordinance, in fact, it did allow that, that you had to vote. Now, it wasn't binding but at least it brought the question forward and out in the open and that was important and even on Planning Boards, if you felt someone was in conflict, if you ever went to court with something like that and the whole Planning Board said you're in conflict and you voted for it, it did have some substance in that area, but I believe that's all that we have, but it is an ordinance and I'd like to see that and asked, Mayor, would you have any problem if that somewhat was made a little stronger or basically put into a Charter.

Mayor Wieczorek replied, no, actually I think the AG's Office right now is taking a look at the whole conflict of interest situation because there are some good aspects to it and some bad aspects to it with the things that I see, but there's no question and I think if you're going to serve the public you want to make sure that you're not going to be in a position to betray the public trust.

Commissioner Sullivan stated I have two questions. One I'd like to get back to the ability to hire and fire department heads.

What limitations, if any, would there be on the Mayor to fire, would you have "for cause" limitations. In your testimony, you talk about that concern about change with mass firings when there's a change in the Mayor, but do you see any limitations such as "for cause" or personnel rules or whatever that would limit the Mayor's ability to fire department heads.

Mayor Wieczorek replied, I think you have to have, if there aren't substantive reasons for doing it, then my God, I guess you have to question the competency of the Mayor because at that point to me it becomes a spiteful act rather than one where you have an incompetent department head.

Commissioner Sullivan stated I guess my second question comes back when talking about the ethics and conflicts, there have been some people that have suggested that we should also have a stronger disclosure of financial contributions and whatever and I know it's not just Manchester, but statewide concerns about the level of disclosure of financial contributions and do you think we need to do anything more in-depth than we have already.

Mayor Wieczorek replied, I think the State is doing something along that line right now, aren't they, with contributions. You're talking about political contributions and the contributors. I think they are doing something.

Commissioner Sullivan asked the Mayor, do you think it is something we need to do more with.

Mayor Wieczorek replied, I don't know what more you can do. If you report every contribution you get other than if it's under $25.00, I know there's probably a few games played with some of those things but you get 5,000 people at $25.00 you have to be a little suspect with the party, but I think by-and-large it's pretty good.

Chairman Pappas stated I have just one question about that, your Honor. Do you think it would be wise to put restrictions on how political contributions are spent, can they be spent for anything or should there be restrictions on where the money would go.

Mayor Wieczorek replied, I'm going to tell you quite frankly, I don't know too many candidates that have anything left after their campaign is done. Usually, we're always a little bit short and if that's the case, I don't think that's the problem.

Mayor Beaulieu commented that prior to 1981 there was no financial reports necessary to place before the City as far as what money was taken in and I recommended that back in 1981, so I'm not sure when that was adopted and maybe Mayor Shaw remembers, but at one time there was no financial report necessary and I think the way it's working now, I think it's fine.

Commissioner Lopez in reference to 49-C 19 (Non-interference), under our present system we all know what it is and asked just exactly what is the Board of Mayor and Aldermen going to do, say yes and no to what, they can't interfere with any of your administration or a city manager's administration in the operation of the City, what are they going to do.

Mayor Wieczorek replied, no, I think it's a little different and as I alluded to in my message here that it doesn't preclude any Aldermen from contacting a department head if he's got a constituent problem, but when it comes to demanding that the department head do something, I think that is interference. If you're going to be telling the department head what he should be doing that constitutes interference.

Commissioner Lopez stated in one case in Rochester right now which was brought up by Mr. Andrews at our last meeting they have a Councillor up there who has been cited for 27 times in contacting the Highway Department and we don't know the outcome yet, but it was suppose to be taken care of some time in the future but it would be interesting to see what his peers are going to do to him under 49-C.

Mayor Wieczorek stated I can tell you that we have proposed a non-interference ordinance here in the City which has never been accepted by the Board of Mayor and Aldermen.

Chairman Pappas thanked Mayor Wieczorek very much for coming to see them and speaking.

Chairman Pappas requested that former Mayor Mongan present his testimony to the Commission.

Mayor Mongan stated I want to thank you for this opportunity and I prepared these remarks thinking I wasn't going to attend a public hearing and I would not have attended a public hearing if it was a general one, but seeing as you have it down to the Mayors, I'm glad to be here. This is an old subject with me, even before I ever put my feet underneath the desk at the Mayor's Office in my first term and in my inaugural address I called for Charter revision and a Charter was appointed and there was a Charter drawn up and it failed to get the vote of the public in the next election, but nevertheless during my terms that I was successful in eliminating the Finance Commission which had the veto on all City finances and I was successful in having the Police Commission appointed by the Board of Aldermen instead of by the Governor and at least that much was accomplished during my term and I like to get into the remarks as follows:

> Whereas I've always favored a strong Mayor system of government, with the city manager system a close second, I now believe that the city manager system is the way to go. No matter which of the two systems, one thing is clear and

that is that the present "system" of no City administrator must be replaced.

If a strong Mayor system was introduced, then the administrator of the City becomes the Mayor. All departments head would report to him/her. With the Mayor already the presiding officer over the legislative body that then makes the Mayor the head of both the executive branch and of the legislative branch of government. The Mayor gains power and the Aldermen become subservient to the Mayor - if they want anything from the Mayor, the head of the executive branch, they must go along with the Mayor, the head of the legislative branch. There would be no checks and balances.

Under the city manager system the Mayor is the head of the legislative branch and the city manager is the head of the executive branch. The Aldermen choose the manager, with the Mayor only voting in case of a tie, therefore, the Aldermen are subservient to no one.

Under the latter, who wins and who loses versus the present system? Nobody loses - the Mayor still retains his position as presiding officer of the legislative branch (he never has been the head of the departments) and the Aldermen retain their positions as members of the legislative branch. The loses of power are the appointed commissioners which positions would be eliminated.

The winners under the city manager system would be everybody but especially the department heads who now have no single administrator to turn to. The citizens would still have their alderman to turn to and his/her influence in getting things done would be enhanced - all it takes is a single stop, or telephone call, to one administrator.

Furthermore, a city manager recognized that he or she is always but a vote of the Board away from dismissal and, therefore, he or she pays attention to the request of each Alderman and of the Mayor. Of course, if it is a request that cannot be granted the manager would advise that it be put before the whole Board. In his/her daily performance as City administrator the manager is wise to guild a smooth working relationship with the Mayor even though the manager is appointed by the Aldermen. The Mayor, in turn, is free to concentrate on moving the City ahead through the legislative process.

Regarding the School Department, I have never seen a situation where the city manager also has the School system under his jurisdiction. I would propose that the School Department remain as it is with the Mayor still the Chairman of the Board. The School budget would be prepared separate from the city manager's budget and the city manager would

have no say over the School budget. However, the legislative branch, through the Finance Committee, would decide both budgets. This short of being an independent School district with no relationship to the City government, but it is a middle course that does not create a huge tax bill by having two competing governments vying for the taxpayer's dollar.

And, to give you my own background here, I have served as a Mayor, Town Manager, City Manager, and a City department head. I have a Master's Degree in Public Administration and have been an Adjunct Associate Professor teaching City administration at Suffolk University Graduate School and City Planning at Northeastern University Graduate School. Based on this experience I make the above city manager system recommendation as the most efficient and fairest for all. The city manager sits before the Board of Mayor and Aldermen at all meetings and is expected to answer any questions relative to the administration of the City. I am sure that the Aldermen, in particular, would very quickly become comfortable with this new advantageous - instant answers - system.

Now, I have a few remarks I want to make in my additional notes that after our unsuccessful attempt to have a new City Charter, that the time I was out-of-office between my terms they worked on a new City Hall and they hired a consultant and the consultant to come up with the spaces that would be required and the consultant's first remark was, first the thing you have to do is straighten out your City government and they said, well, we tried that with the City Charter, they hadn't tried it, but that had been tried and turn down by the people and so they had to live with the government that existed so the consultant tried to design the City Hall around a City government where nobody was the head. As the system exists right now is impossible to hold a department head meeting, you could not and would not make any sense to have your department heads meet with the Mayor because it doesn't mean anything unless they have their commissions with them and besides there are so many department heads you'd fill this room here because it gets down to the small of things, the Tax Collector and what that has to be represented also and a system of government or any business that you can't even hold a department head meeting shows that there's something wrong with it and I wanted to give you the example where Mr. Baines' was talking about where there any specific examples of where the Mayor gave an order to a department head and it wasn't carried out. I don't know how I happened to get into this, but I told the City Clerk not to put the carpet down and he had the carpets up in rolls and he went to the Board of Mayor and Aldermen and the Board of Mayor and Aldermen said put the carpet down and then they went to the City Solicitor and the City Solicitor said that's right, that the Mayor can't tell anybody anything and this was a great example and I did it for an example because that was actually on the threshold of the Mayor's door that you cannot

even cross the threshold and once you cross the threshold the Mayor has no power at all. Interesting thing, but I think they did it to spite, but they've kept the carpet there till this day, it's 26 years old. Then there's the case where after I came back from being City Manager in Illinois and I called on the Highway Department and the interesting thing is the place where I was City Manager of was one-third the size of Manchester, about 33,000 people, and this is 100,000 or close to it and so I had that for a comparison. It was somewhat different in that the City I was the Manager of didn't have the garbage but the department did have the water works. Well, if I could walk into my department of Public Works when I was City Manager and find nobody there but one girl during the day then I should go into the Highway Department in Manchester and find three people in the office, right. So, I go into the Highway Department and there's a whole entourage of people all over the place and I said, what do these people do and they say, oh, that's the emergency crew and I asked what do you mean emergency crew and they replied they wait if there's an emergency and this is the time when we had radios already in the vehicles and so that it was ridiculous that the Mayor could say, that's interesting and walk away and say I can't do a darn thing about it and one of the things that is an example of what happened on that same visit was that all of the trucks were falling apart and they were repairing them because one of the Alderman had a grudge and didn't believe in buying new equipment, he believed in repairing the old and I passed a note for five years and replaced every single vehicle in the Highway Department. Do you think that means they put an end to all of the mechanics they had, no, the mechanics were there just the same afterwards. So, the whole idea of having civilians or citizens running a department is for efficiency you would expect they were responsible for and the truth is that they were putting their own friends in the departments and they were over manning the departments and the Mayor had nothing to say about it. One of the other areas was in the Fire Department. The Fire Commissioners were chosen - one Yankee, one French, and one Irish - and I put an end to that by knocking out the Irish guy and appointing somebody else. But, how they rotated on the Fire Department was that each Commissioner, in turn had his turn to hire and I remember one person that really didn't have the physique to be a fireman and he called at the Fire Commissioner's house and it just so happened that that Fire Commissioner's term was the next one up and so the Fire Commissioner calls to the Chief and says I want you to hire this guy, whats your name and that's about as much interview as there ever ways of hiring a firefighter back in those days. So, these are the people that were expected to be the buffer between the politicians and the citizens money and they became the bigger politicians of all. Then the other is why does a commissioner want to stay to life. But, they've been on there for 10 years, 20 years, and they still want to be on there and that's the situation even today. I don't know what there is about being a commissioner that is that valuable and the power that goes with it, but even worse than that is you have down at the Water Works where it's passed on

within the family, you have to inherit the job in the Water Works and what is so great about these jobs and the power that goes with them and I've been a City Manager with all the power of all those people put together, but I can't remember that kind of satisfaction or it must have missed me if that was the case. So, with that there were some comments on the system of government on elections, on partisan or non-partisan. I'm the only person who has ran in both the partisan and non-partisan election for Mayor and when I ran the first time for non-partisan, I was against Mayor Benoit, I was fortunate in having just the two of us and if he thought, at all, that I was going to do as well as I did, I took 8 out of the 14 wards and lost by 398 votes out of 33,000, but if he thought at all that I was going to get that close he would have had a straw candidate in there and would have split the ballot and I wouldn't have made it anyplace near. So, the next time around I wanted it to be a partisan election and I fought for a partisan election and it was a partisan election and I'd rather take him on as a Republican in a Democratic City than take him on as a non-partisan because he would have loaded the ballot with a number of names. So, if you had a non-partisan election, you'd have to have some kind of a runoff system. But, the other is why I like the partisan system is I don't want anybody contributing to me, I want them contributing to the party. I want some distance between me and the person that's contributing the money and I would not like to run on a non-partisan where there was any great amount of money involved. When I ran to non-partisan my total campaign was $1,025, $1,000 for me and $25 for my brother. So, I didn't have to worry about anybody contributing to me but I think there's a great safety in having the parties between the candidate and the contributors.

Commissioner Lopez stated I have a couple of questions, Mayor Mongan. With your vast experience, how much do you think it would cost to hire a city manager for the City this size and two with your experience, how much time would the Board of Mayor and Aldermen spend in comparison to the role they have now.

Mayor Mongan replied, I have no feeling about how much time they spend now, so I have no way of judging it. But, a city manager system works darn well as far as I'm concerned in that when a member of the council wanted something they called me up and I did it and if I couldn't do it I told them that I couldn't do it and it's like that and it had better be because they're your boss and the relationship with the Board would be great and the Aldermen wouldn't have to get involved at all because all they'd have to do is call this one person and it's done or they find out why it isn't done. I like the system. Now, the thing is the manager is not a policy setter and I would have liked to have a manager when I was Mayor, I'd like to be a strong mayor, but if not a strong mayor, a manager and I say a strong mayor, any system but the present system. But, if I had a manager I'd be free to do the things I wanted to do policy wise and if I wanted to build a Brown Avenue Industrial Park as I did, it wouldn't be because the manager did it and I, as the Mayor, wanted to do it

and did it and had it passed and so, there's a different role between the manager and the mayor and the mayor still keeps his strong role in the governing body as policy and the manager doesn't get involved in policy, if he does, he's going to get himself in trouble and so stay out of policy, run the government. But, on the other hand in running the government efficiently and quite often of course your the manager so they throw the problem at you and when I went out to Illinois, the very first week they were going to buy a site for building, for digging a well, a municipal well and it was going to cost $50,000 or something and I said let me take a look at it and I located the well in the middle of the golf course because it went around in a circle and we didn't buy the land and saved $50,000 and that's what I'm suppose to do and that's how it works.

Commissioner Baines stated Mr. Mongan didn't answer the question, the question was how much do you feel you'd have to pay a city manager for a City this size.

Mayor Mongan replied, you pay. First of all, you pay what the competitive rate is. You're not going to pay less than $80,000 and you'd better pay $100,000 and closer to that category and you'd better hire somebody that comes from a City that at least is 30,000, preferably 50,000 and I've seen so many times where, where did they ever get that person that has no background at all and you see it done but you'd have the opportunity in a City like this to get somebody that already was in the business 15 years and he arrives with an awful lot of experience. Now, he has to learn if he doesn't come from New Hampshire and he could come from New Hampshire as there are plenty to choose from right here in New Hampshire, but if he doesn't come from here he has to learn the laws of this State and how things operate but he'll learn that very fast, the same as I did out in Illinois.

Commissioner Dykstra stated, Mayor Mongan, you mentioned that you had a concern about Aldermen becoming subservient to the Mayor in a strong mayor system and that under a city manager system that the Aldermen would be subservient to no one and asked don't you feel that possibly under a city manager system that the mayor might be subservient to the city manager whereas the Aldermen were the ones who appoint him.

Mayor Mongan replied not by any means, if you're a city manager you're going to get along with the Mayor, you'd better get along with the mayor and by no means is the mayor subservient to you, you're getting along or else you're not going to be there very long. A manager would be crazy to ever cross the mayor and so the mayor still has the power of running the city and he's the one that's elected by the people and it remains that way. The manager does not get involved publicly and what does happen to a manager quite often, is that you get a bully for an alderman or a city councillor and he beats on the manager and the manager can't answer because he can't get into the newspaper and be answering an alderman and so the manager has to take a lot of bologna and

if that situation arises when I would go for an interview for a manager position, I would arrive in town early, go to the library, look up the old newspapers, the past newspapers and I want to know what happened to the previous manager and usually there's one member of the board that went after the previous manager, that's a member of the board I want to watch for. So, when I'm interviewed I want to single out this person and see what kind of a person he is because he's probably going to be going after me too and he loves the publicity he got for going after the previous manager and wants to do it again. So, there are defenses that a manager has watch out for as his job could end tomorrow.

Commissioner Sullivan asked under the city manager system would you favor leaving the department structure in the charter or taking it out of the charter.

Mayor Mongan replied, I think the manager should be given a lot of flexibility here and yes, I'd take it out of the charter.

Commissioner Sullivan asked do you have any thoughts or comments about what departments you think whether it's in the charter or out of the charter what departments you think we need in the City.

Mayor Mongan replied, I'd leave that to the manager and I know that I've always thought and it's happening at the State level right now at HHS; that instead of having the traditional departments he has rearranged it and it's, of course, of particular interest because I have my wife to talk to about how this thing is working out and actually she talks favorably about it that you have one head of operations and all of these things that are external and right now you have the Cemetery Department and Recreation Department had been combined but the Highway Department is part of that so that you have a greater flexibility of moving things around, moving people around, and moving equipment around and it's not structured according to a department and the same thing under administration. All of these functions that are in City Hall would go under a director of administration and then all of the external functions having to do with development (planning and others) goes under the director of development. I'm only saying that a manager may want to come up with some kind of a system like this and he should have the ability to do so; that you put him in charge to manage, then let him manage. The other thing that I did have experience in other area that came up here tonight and that is worrying about even under the strong mayor system that the next mayor is going to throw all of the department heads out. Now, I became Mayor after there was a Mayor for 18 years and all of these people had been there 18 years and more than that and I'll tell you there were some that were pacing the floor and two of them that were my appointees and I had to tell them noting's going to happen, they just couldn't believe it; that everybody was telling them I'm going to kick them out and I said where am I going to get another

City Auditor, so that they finally settled down. So, even under a strong mayor system I don't think you'd ever had that situation.

Commissioner Baines stated, Mayor Mongan, when you came into office the second time there had been problems in the City Assessors Office, at least some accusations of political influence in dealing with that office and asked how would you deal with that specific office to isolate it from political interference, do you have any thoughts on that.

Mayor Mongan replied, no. Actually, after that situation was taken care of, I really should have taken action against the Assessors because they allowed themselves to be influenced politically and not according to what the fair market value was on a piece of land, but I did not go into that. But, there were other cases, I had another case of a Highway Commissioner, an impropriety and that was a very difficult thing but that was another reason to show us what they were supposed to be protecting us from and they can become part of; that I don't have an answer for you on how I'd, I just haven't had the opportunity to give it any thought.

Commissioner Baines stated of course, that might be an issue with the ethics issue in terms of interference. It just struck me that the fact I remembered that must be a sign of my advancing age because a lot of people have no idea of what I'm talking about and basically it was the result of certain properties being reduced in values with at least an allegation of influence from the Mayor's Office and it was the subject of that campaign in 1967 which really led to Mayor Mongan's upset victory over the incumbent Mayor and that was what I was alluding to, so just to bring some of you up to speed.

Commissioner Cook stated one question, Mayor Mongan, do you have any thoughts on the desirability of at-large aldermen either in whole or in part.

Mayor Mongan replied I knew that question was coming because I heard it before and I go both ways on the thing that probably the hardest thing ever I had there, I used to stand there and I would look at Aldermen which discussion was going on and I'd go from Alderman to Alderman to Alderman and as far as which one I could get to work with me, well, I couldn't get any except for maybe Ward 1 possibly, but the reason is because they were all wrapped up in their own wards and I had nobody that thought of the City as a whole. So, I would have loved to have had two at-large aldermen to have somebody that I could talk to. But, those two at-large aldermen, those are my two competitors at the next election; that's why they ran to at-large, they want to measure themselves against me and the City, so I'm not about to have two at-large aldermen if I'm the Mayor.

Commissioner Stephen asked what about the removal of a city manager. In your experience have you seen situations where a

city manager isn't doing a good job and there's action taken by either the Board to try to at least to attempt to get him removed, is that prevalent or is it just something that just doesn't normally happen.

Mayor Mongan replied, I've never seen that case but I suppose it does happen, but unfortunately I've seen the opposite. The city manager who was the manager before I was out in Illinois, he was terrific, then why was he gone. I arrived at this city thinking well, I'll straighten this mess out. Straighten this mess out, I never saw anything so good in my life. So, there's the politics of getting rid of somebody that had done his job. Well, the mayor wanted to run the city himself and so he got rid of the manager so that he could run the city and for six months he didn't have a manager and they put the pressure on him to do something and that's when I was hired. I was hired for a different purpose. You heard of the Chicago syndicate, well, they were afraid of it and it was my job to face up to the syndicate and I didn't invite my family out there until I knew it was safe; that was the weakness of the previous manager but as a manager he was terrific. The first Town Manager of Ipswich, Massachusetts who put through all of these improvements and tightened up on the departments and so they had a torch light parade to his house one night with the automobile flares, planted the flares on his lawn, the city workers and his wife was pregnant, she got very frightened and they escorted the manager down to his office while he cleaned out his office and literally ran him out-of-town. But, the thing was that any of the changes that he made were not reversed as everything he had done was correct and I watched this guys career and he went onward and upward. So, I've given you two examples of being run out-of-town for being good, not for being a poor manager.

Commissioner Baines asked what's your reaction to Mayor Wieczorek's recommendation that the partisan election be extended to the Board of School Committee and I think that might be in conflict with State law, but in concept, what's your thought of that.

Mayor Mongan replied, I just shuddered when he said that, I just could not think of anything that's partisan at all about the School Committee and I don't like that idea at all.

Chairman Pappas requested that former Mayor Beaulieu present his testimony to the Commission.

Mayor Beaulieu stated thank you very much for inviting me, I have the highest respect for the Mayors sitting here with me today, but I will differ in some issues that we're discussing here. First of all, when we talk about the School Board, I think the School should stay non-partisan. I found that when I served and even though the Mayor is the Chairman he is not to serve as

Chairman. I think the way it's been going and serving at this point, I think goes very well. The four different years that I spent at the School Board, I found that the things worked out very nicely and I have no idea today who is Republican, who is Democrat. When it came to the votes, it came to the issues and not by partisan so I feel that should stay where it is. The budget, of course, should be adopted by the Mayor and Board of Aldermen. I did recommend, I think it was 1988 that the School Board go out to public hearing for the budget for the School Board this way they get to know how it feels for the Mayor and the Aldermen to go out before the public to see what monies they need and how to spend it and I think that's a good system that we have and it probably should stay that way. As far as, I believe in term limits for Mayor and Aldermen. I believe that two 4-year terms would be adequate for anybody to serve and I'm not quite sure how the other Mayors feel about this, but I think term limits, I believe in many areas in Washington also. But, as far as the department heads, I think the system we have now is working very well. We do have some problems, we've had some problems. When I was Mayor in '88-'89 we had monthly department head meetings and if a department didn't show I wanted to know why and for two years we had monthly meetings with the departments to discuss some problems we might have with insurances, some new ideas, what was new in their department and by doing that we were able to cut down on a couple of areas. One was self-employed by Workmen's Compensation, sick leave and that and we made some changes because department heads were able to exchange some ideas by doing that. I think one way you could make the Mayor a little stronger is the commissions, to keep the commissions, you could keep them at five or three and when a Mayor does come in, I think those commissions should change with the Mayor and I think rather than changing some of the other area, I think if you have say three commissioners and the various boards, they be appointed by the Mayor. If you have five, you have to work out a system of who would stay if you had three new ones but if you wanted to because otherwise if you change, if you have three and you change all three you might have some difficulty in running the department or trying to do their job. But, I think somehow the Mayor should have authority to appoint at least three new ones out of the five and I think that way you'll have better control over the department heads because those commissions would be responsible in reporting to the Mayor. I think on the commissions also you should have at least one representative from union. So, as far as hiring and firing, it's a difficult question and I think there's a fine line there and it's not that a new Mayor would come in and fire everybody but I think you could do it through a commission-type change, by changing the commission and somehow you could work out how they would come in if you have five, if you replaced three or if you had a total of three and how you would do that. I think one thing is needed, the Mayor needs more staff. I think we've all struggled with that, Mayor Mongan had his wife helping him out and I don't know she probably made ten or fifteen dollars a week, I don't know, but we've all struggled with that as far as getting

enough help. I was fortunate enough to have John Hoben who was a good manager who helped prepare the budget along with various people but the way it is now I think it must be very, very difficult for Mayor Wieczorek to prepare a budget. The way it's written the City Clerk shall sit with the Mayor and it's the Mayor's budget, but it's very difficult. So, I think somehow there has to be drawn up in a Charter that the Mayor shall bring in a person to help him manage and that position like Mayor Mongan had said the position could go appropriate to what the manager's are making of communities 50,000 or 75,000 or more and that manager would go out with the mayor if the mayor would lose the election a new mayor would bring in his staff. But, somehow the Mayor has to have more staff and where the line is whether he needs three or four or five, but he needs some staff and there's nothing against Rich, Rich works very hard, I'm sure he works on the budget as well, but somehow the Mayor needs additional help to prepare the budget and run the City. We talked about financial disclosures, I think some department heads could be combined. You have the Health Department, Welfare, and a few other departments and I've left some materials for Attorney Brad Cook, Commissioner Cook I should say to glance through and there are some ideas in there that were brought to my attention in 1984 about consolidating some of the departments. One area I talked about was probably the Parks and Recreation and as far as heavy equipment you have the Water Works, the Highway Department, Parks & Recreation, they all have equipment and they all want to have their own new piece of equipment and the City can't afford that any more. Somehow, they've got to consolidate and make things operational so you have a dispatcher somehow and there are ways to do that. I'm not the expert, but I think by doing that you would have a better functioning community and also be able to save some of the tax dollars.

Commissioner Baines asked, Mayor Beaulieu, during your four years as Mayor did you have instances where you gave directives to department heads, excluding the School Department because they have their own Board, where your directives were not followed, that you were defied simply on the basis of directors from commissions that countermanded what you had directed to be done, can you give me any examples of that.

Mayor Beaulieu replied sometimes might have been some of the spending in some areas, but again if the Mayor's able to appoint the commissions I think that could be controlled but really they weren't out of the way totally because when you prepare a budget, of course, there's always the idea that if you don't spend the money, next year you're not going to get as much. But, in the two terms that I served, the two last years I was fortunate enough to leave and of course you don't see the money but there was $7.5 million in 1989, but there was some monies left there for the operations of the City and it's not actual dollars you can put your hands on but by having monthly department head meetings, I think it worked very, very nicely.

Commissioner Baines stated but that was not a frustration of yours so that if you contacted the head of the Highway Department you wanted something done, you weren't frustrated by "I'm not going to do that because I have to report to my commission".

Mayor Beaulieu replied, no, not really, there were minor instances but nothing really drastic as far as things happening like that but again if you change the commission along with the Mayor the Mayor will control that commission because a new Mayor comes in he will put his people in there and that sort of gives the Mayor an extra eye to keep on the department heads to find out if they're functioning well, he can meet with the commissioners periodically. I don't remember, at any time, meeting with all of the commissions because if the Mayor appoints the commissions then he should be able to have a meeting and find out what's going on, what's happening, make new recommendations and that can be done, but, of course, a lot of that would have to be adopted by the Aldermen too.

Commissioner Dykstra stated I just wanted to make a clarification on what Mayor Beaulieu said. When you mentioned about a Mayor issuing a directive, evidently none of you Mayors could issue a directive on your own, it had to be a vote of the full Board of Mayor and Aldermen, so you still didn't even have that power, isn't that correct, you couldn't issue a directive, the full Board had to vote on that in order to issue it.

Mayor Beaulieu replied you have the budget you work with, it's the Mayor's budget as you remember and that's where you control the purse strings, there is a certain thing that you control there. But, as far as being able to give a directive as far as them it's very difficult, but again if you do it through a commission that's been appointed by the Mayor, I think it would make it a little easier, but you're right.

Commissioner Sullivan asked what was your biggest administrative headache as Mayor.

Mayor Beaulieu replied not enough staff to do the job.

Commissioner Sullivan stated there are some commissions that the Mayor is an ex-officio member of and asked did you ever exercise your ability or your right to attend any of those commission meetings.

Mayor Beaulieu replied, I attended them all. In fact, I missed a few School Board meetings, but just about all of them I did attend and I also visited all 21 schools we had in the City at least once-a-year to find out from the principals what needs were needed to upgrade the schools and I know that Mayor Shaw did an awful lot of bringing that up, financially bringing up and repairing some of our schools.

Chairman Pappas requested that former Mayor and current Charter Commissioner Shaw present his testimony to the Commission.

Commissioner Shaw stated I get to talk to you a lot anyway, so in listening to the conversations of the other Mayors, former Mayors and present it reminded me of the conflict between myself as a service station dealer and people who sell cars. Someone comes into my station and they have a problem with their car and, of course, my goal is to fix cars, the salesman's job is to sell you something new from the car dealership and people who don't understand the problems, of course, may immediately want to go out and buy a new car, but that doesn't suit me very well when they want to do that and I've got to do a good job of selling, a good job of convincing that person that it's in their economic best interest to do repairs. Back in 1982 and 1983, the citizens of Manchester thought about this problem or the people that designed the Charter and they put into this particular Charter that we have now Section 8.03 and that was that the Board of Mayor and Aldermen would appoint five citizens to review the Charter, present their findings to the Board of Aldermen, who in there says in their sole judgment could decide whether these things would be implemented or not. Wow, there's a way to repair the car, you see. We do not have to go out and buy wholesale a brand new car because this Charter is only 13 years old, it works very, very well. It depends on the way that people implement the Charter, how do you implement the changes for departments. Well, under Section 8.03 you could have done that a long time ago, you didn't have to wait to have a brand new Charter Commission to do that. Would you like to make the Mayor's salary part of the Charter versus an ordinance, you could do that under Section 8.03, you just needed five citizens who could convince the Aldermen not to buy a new car, but to fix what they presently had. Commissioner Baines had asked a question, a very good question, one that has been difficult for people to answer because you see what's wrong, what is wrong with this government that we have and what frustrations have you had personally that could not be addressed by just strong management, convincing the Aldermen of your position. Mayor Mongan said the carpet down at the City Clerk's Office and how he was overruled. He was not overruled by the department head at all. He was overruled by the Democratic body and they were Democrats at that time. But, the citizens elected officials, made a decision that I think both parties were right. The Mayor didn't want them to have a carpet, that's his right but the elected officials of this City said, hey, Mayor you're wrong and that's democracy; that's the way it's suppose to work. When I was elected Mayor of the City of Manchester the very first thing I did was obtain space at the City Solicitor's Office and asked them for help because I was an elected official and I didn't have, I was incoming Mayor but I didn't have any budget or any staff or the whole bit and they provided me with a lot of services and they sent out letter to every one of the department heads asking them to come and sit down with the incoming Mayor and discuss the government of the City of Manchester. Every single one of them showed up, every

single one of them gave their input into what was needed and everything. So, cooperation was total. The perception is and we have this in the federal government too. What powers does President Clinton have, we don't quite know. We think he has this and he can say that, we blame him for everything and we blame Mayors for everything. Well, I asked Mayor Dupuis about that once about the Mayor's Office in the City of Manchester, I said what powers do you have, what rights do you have and he said nobody knows and since they don't know, I don't tell them, I just say I'm the boss. Well, I was luckier than Mayor Dupuis because in the Charter it says "The Mayor" is the boss and when they passed that they didn't know they were getting Bob Shaw because they would have left that out because I like being the boss, I don't mind telling people what I think needs to be done. But, I'm a strong believer in democracy, I'm a strong believer that department heads have views that are different than mine and that they have expertise that I don't have and it is my job as the Chief Executive Officer to marshall the forces to prove that I'm right. Not just by the power of my office, but the fact that I am really right and then when I'm not really right then I'll pass a budget that'll make me right and I had said that as Tom King he stood right over here and he said, you can't take those Police officers away, and I said we already did, but he said it's never been done before and I said don't worry about it, we did it. So, you can, with the Board of Aldermen here as a governing body you can manage this City, it is not in such disrepair as some people would lead us to believe. It requires the force of the personality and if we all recall back to Mayor Mongan's time when the Charter was really weak in the area of his being able to administer and yet if you list all of his accomplishments you'd have to wonder why we changed the Charter. If a man with no power could make the major improvements that the City of Manchester made, the Plaza was pretty much in your time, Brown Avenue Industrial Park in your time. If you come to my station, I promise you, you'll not buy a new car, I promise you, you will fix it. I thank you very much for listening to me.

Commissioner Sullivan stated having said that asked is there anything in your opinion that needs to be fixed.

Commissioner Shaw replied under Section 8.03 only there are things that I would fix, there is nothing that I would want this Board to fix.

Commissioner Sullivan asked if you had a commission under that provision of the Charter what would you want them to fix.

Commissioner Shaw replied there's a discussion about whether commissions are good or bad, they were not a problem, I got along with them all and they had the best interests of the citizens at heart, at most times and yes they got a job for their relative, it's a small price, the person still had to put out the fire and do the other things that were necessary. I'd like the Mayor to be able to appoint commissioners if we kept that form of

government with confirmation by the Aldermen, I think that all appointments should come from the Mayor, I think that all nominations for department heads should come from the Mayor and not from even the commissions themselves, I would take that away from the commissions and have the Mayor make the appointment. But, it's interesting, I didn't see it in **The Union Leader**, but I saw in **The Globe** glancing through, peeking at the paper. There is a major, major discussion happening in Nashua with a strong new man coming in and boy bodies are falling. Now, we could have as Mayor Wieczorek said and I think he's correct, the type of people we would hire or elect as Mayor probably wouldn't make those kinds of modifications but every once in a while we'd hire a maverick you would be out with the people that are there, it was in **The Globe**, out with them, people that have been there, people that have expertise that are gone. So, I don't favor the Mayor having that power to remove people without cause.

Commissioner Dykstra stated I think I read it in **The Union Leader**, Bob, I really do.

Commissioner Shaw stated I can't admit that I read **The Union Leader.**

Commissioner Baines asked would you favor partisan elections for School Board members.

Commissioner Shaw replied, no, of course not. I would favor for the School Board under Section 8.03, I would favor that the School Board be elected not all 12 at once. I think maybe a longer term. I don't see anything wrong with the School Board because it not partisan, a four-year election but stagger their election, I think that would be better. And, I favor larger wards for School Board. I don't know in Niagara Falls, their form of government School Board members are elected only one or two per year and it is a major election, it is hard to get on the School Board, it is a prestigious thing to be a School Board member in Niagara Falls and I don't think it's that prestigious in Manchester, at all. I don't think it's worth a warm bucket of spit.

Commissioner Baines stated you can't even get people to run, any numbers of people to run.

Commissioner Shaw asked in which way.

Commissioner Baines replied a lot of people just don't run for those offices.

Commissioner Shaw stated because it has no meaning, it has no bearing and there's something lacking but that's an nationwide problem. It is not related just to Manchester or just to New Hampshire. School boards, in general, if you check the voting they get the lowest number of votes in any type of election. People tend to skip voting for school board members. It's not quite inherited, but it's pretty close.

Commissioner Stephen stated I know we had this discussion about 49-C in the legal opinion as far as if we make any changes at all, we've got to pretty much comply with 49-C. I guess your position then is, did you look completely at 49-C, do you like some of the stuff in there.

Commissioner Shaw replied, I like some of the stuff that is under there under Section 8.03 could be implemented. I ran for this position and I ran for office on this air that I think it is wrong for these nine members to be studying the Charter after only 13 to 15 years and so I don't favor, I don't favor you making any changes because if you make one change you might as well make them all.

Commissioner Stephen stated I guess you just answered my next question which was going to be why are we here.

Commissioner Shaw replied, we're here because a certain group of citizens and this is an honest answer, a certain group of citizens in Manchester are dissatisfied with the way this government works. They believe that there are 35 or 40 commissions which is totally false, they believe that the commissioners thwart the Mayor's performance of his duties which is false, they believe that the Mayor of a city should appoint more than three people, his secretary and two others and so I don't see the necessity for that. Having served in the office, I disagree, but I ran for the office because I didn't want to come to meetings sitting at the back.

Commissioner Sullivan stated assuming that we could make the changes that you suggested here, knowing that the voters of Manchester albeit a majority of those that voted, not all of the registered voters voted for this Commission to look at the Charter asked why not go through this vehicle as opposed to waiting for something to happen under Section 8.03, if you truly think that there should be some repairs made.

Commissioner Shaw replied, first of all I don't know what it is that this Commission will finally come up with, so when I get my ninth vote on this particular thing but say you were to choose the city manager form of government, I would recommend to the citizens that they vote against the Charter. Let's say that you voted for a strong mayor form of government with the right to fire as Nashua has, I would favor that form of government be disallowed in the City of Manchester. Now, if you were to put into the Charter that the Mayor was to make those appointments X, Y or Z with safeguards for the people who have faithfully served this City then I might not be adverse to that. So, I am very, very nervous. If you were to, as some people wanted to and Mayor Wieczorek was right on this particular issue, separate into two separate taxing - the School Board taxing and the City taxing - I'm strongly opposed to that, that's the Concord method, that's expensive. I think to change this thing is this is the issue

before you. What's wrong with it. When Commissioner Baines asked the question, that's the key question, that's the question that should be asked of everybody, every single person that comes before this Commission - what's wrong with it - and when we get into the carpet problem that's not going to be fixed by the Charter. The Mayor should not have such power that he can stop people from putting in carpets if the Aldermen wish to do it. So, I don't favor many changes.

Commissioner Sullivan stated I just wanted to make sure I understand that, but you are in favor of a few changes that you've already talked about and if it was those changes that they've talked about such as appointing commissioners and a department of nominations with the safeguards, etc.

Commissioner Shaw interjected but not necessarily to have it done, it's only nice, it's frosting. The charter we have is a kind of a cake out there, white and chocolate, pound cake, very good. But, every once-in-a-while you like to put frosting. It is nice, but it will not make Manchester work better, it will not do anything except it is just more effective. They have all of the power they need, honestly. Read Section 8.03 and when people come before you and say we can't do thus, thus, and thus say why didn't you change it. I don't know if they gentlemen remember, but they authorized me at one time to go to the Mayor and say that four former Mayors wish to serve with this five citizen group here, we made the offer, we had no written response, we had no verbal response, we never were acknowledged that we had come before the citizens of Manchester saying we'd like, well the four executives who had served including Syl, Syl was to be Chairman of that committee, never heard back.

Commissioner Cook asked when you repair cars instead of buying new ones do you use new parts.

Commissioner Shaw replied, not all the time, it's funny you should say that, went today and bought a used part for a Saab, much cheaper.

Commissioner Dykstra stated, Bob, when you're talking about supporting the periodic review, I don't know if I find this a little contradictory but I don't want to use that harsh word I guess, is the fact that if these citizens go out and they recommend some kind of a change and whatever that the ultimate decision ends up in the hands of the Aldermen to decide and you like that, well that's nice, but the thing is right now we are elected by the people. When you look at the Aldermen and serving as an Alderman, I was part of the City government that these people felt needed to be fixed whether you believe it should be fixed or not. So, I can't understand in your wisdom how would want the Aldermen to make that decision whereas we had election, a lot of people turned out, the majority of the people wanted a revision or wanted us to look at it and not only that, Bob, but a lot of people possibly didn't come out that wanted it, that stayed home so I can't understand your thinking on that.

Commissioner Shaw stated first of all you have to understand how the body politic of the City is going to vote on this Charter, how is it going to be informed about the changes that we make and they're not going to be informed because the attention span of the people who are going to inform us is very short and they will not give due diligence to the debate. Now, everything that comes before the Aldermen, in my opinion, that is controversial at least is debated and it is recorded and it is even viewed by Channel 40, people who watch Channel 40. This Charter, the changes you make, if I'm not mistaken, do you favor a revision of the City of Manchester Charter - yes or no. Well, how are you going to know. I'll tell you what it says, at the Library all Trustees will be eliminated and whatever.

Commissioner Dykstra stated what you're trying to tell us is that the people aren't going to know what they're voting on, but I disagree for the mere fact that under this revision we have to put forth a document that is suppose to be accessible to all the people and that they can look at this document so there is going to be a document and if the people are that interested they will look at this document, it will be discussed probably through the media of some of the major changes, so I kind of disagree with him just looking at those few words.

Commissioner Shaw stated the Charter was revised in 1982 because you had to implement in 1983. So, let's presume it was passed in '82, I can't even tell you whether I voted for it or against it but I know that it was probably only a two or three sentence line on the ballot and I was totally shocked when I came into office that there it was, I made all these changes, I can't believe how lucky I was. Now, I don't favor wholesale changes.

Commissioner Stephen stated I believe Commissioner Dykstra had mentioned about 8.03, the power in 8.03 is vested in the Board of Mayor and Aldermen. Well, the people in the City who voted for this Charter Commission didn't like it, over 50 percent.

Commissioner Shaw stated, no. First of all, you have fifty something percent but they didn't understand what they were voting for. You have to understand that, Commissioner, and it was the Chamber's position, the Chamber of Commerce through its select committee who convinced the Aldermen that sending out for this was harmless, they didn't even know probably section 49-C at the time.

Commissioner Stephen stated I have a problem. If I think there should be strict terms in there about removal of office, non-interference by the Board, conflict of interest rules, campaign finance reforms, strict ones and you're telling me that you think the Board of Mayor and Aldermen that a lot of these rules are going to apply to are going to pass that under Rule 8.03.

Commissioner Shaw asked tell me why interference is a problem. Where do you have testimony in the City of Manchester that

interference is a problem and where do you find in other communities that they've had this interference and they've taken somebody to task for it except in Rochester.

Commissioner Stephen stated it happens to be in the 49-C and its part of the City of Concord's provisions, it's part of a lot of cities and the fact of the matter is we need to hear from the people and the people that work in the City obviously to make that decision but what you're saying is don't even look into that decision.

Commissioner Baines stated we're going to have him for five months to talk about this, so we don't have to do it all tonight, he's going to be here for five more months, it's going to be a long five months I've found out.

Commissioner Shaw stated with the interference thing, I would like to have some documentation that this is a problem in communities in New Hampshire, number one and in Manchester specifically.

Chairman Pappas stated I think these are issues we can work out later among ourselves as Commissioners and asked if there were any further questions of former Mayor Shaw.

Commissioner Lopez commented that I agree with a lot Commissioner Shaw has said about checks and balances and the Democratic process, believe me, I've fought for that on a lot of things, but I look at the City as a service, not big business to make big bucks and I'd like to have your comments. To me, the people that are involved in the process of whether there be commissioners, Aldermen, School Board are providing a service to the community and asked the former Mayors if they had any thoughts about that.

Mayor Beaulieu replied I think we're very fortunate to have people who serve on commissions and a lot of them really don't, as far as getting paid extra hours from their regular jobs and all and I think we're very fortunate to have a community that people do care on serving on some commissions. I recommended some minor changes that might help the Mayor as far as some of the commissioners and rather than removing department heads, I think that's the best way to do it but we've got a real good community when it comes to doing something for government or for agencies, we're very fortunate, I think it works well.

Commissioner Shaw stated I saw something in the paper today and Mayor Wieczorek jogged my memory when he brought it up that the Airport Commission was one of those that should last and I find that to be humorous. If commissions are bad, then Airport Commissioners are just as bad as any of them. In **The Union Leader** this week there was an article that showed the economic impact of the Airport itself. A self-serving, self-fulfilling document paid for by taxpayers dollars.

Commissioner Cook interjected incorrect, you had never bothered with the facts, so go ahead.

Commissioner Shaw continued by stating I thought of all of the other departments in the City of Manchester that are not allowed to do that; that are not allowed to produce reports that show the benefits that they provide to the City of Manchester and why they draw business. Why is it that Manchester might be such a good community, the School Department maybe should put out a report showing that for every tax dollar we spend ten more dollars come in; that the Assessors definitely could show you that for every dollar they tax people, we get more potholes filled. So, I just point out to you that we don't run the whole government effectively and efficiently because we're jealous of the people who do that type of work, we're jealous of their pensions, we're jealous of their holidays and vacations and so we tend to think that the services that they provide are less than efficient and less beneficial than they really are and I think that we do a poor sales job; that is the job of this government doing a better sales job, showing people how they impact on their lives and why they're beneficial to their lives.

Mayor Mongan stated the question was on service and after we were unsuccessful in getting the Charter revision the first time, when I came back into office I knew what I was going to inherit and so you have to live with what you've got and it's like the President when he has a Congress of the other party, he becomes interested in international affairs where he looks good because he's only going to get knocked down on domestic affairs, so I put my attention into these developments and things like that. But, when I became a City Manager, I kind of found it fun to be a City Manager and if you asked me what was the best job, they were two different jobs. One was expansive from a point of view of city development and the other was internal making it work better and I'd love to be a City Manager of Manchester and I would tell you the changes would be very rapid and probably not drastic in that heads would roll immediately but you'd tighten up and tighten up and tighten up; that situation I talked about when I went into the Highway Department and there's a whole crew sitting there waiting for an emergency; that would never happen with a City Manager. I just came up an elevator that's a disgrace and I had said this to the newspaper before and they said oh, so you want a City Manager so you can have a replacement carpet in the City Clerk's Office, this building is a disgrace and if there was a City Manager I'd fire the City Manager to let the building get to this condition and so that the system is not working by any means and if you had a prospect you were bringing up to the Mayor's Office and for some reason you didn't take the stairs, you'd have lost that prospect by the time you got to the top of the second floor here and that is because the building has been allowed to deteriorate. It became an issue before the rug again, before the whole Board of Mayor and Aldermen about the rug in the City Clerk's Office, if you had a City Manager that rug would have been replaced 20 years ago or 15 years ago and there's nobody running this outfit is what it gets down to.

Mayor Beaulieu commented as Bob Shaw said we are very fortunate, we have some really good, outstanding department heads and City employees. Quite often, we overlook the work that they do because they're on the line and once in a while you have instances that are not good for the City of Manchester but I've seen a lot of School teachers, for instance, where the budget was cut to take their funds, buy things for the kids in school and what I used to do periodically and it's very difficult at times because you're so busy that during a snow storm at the Highway Department that's done a good job is pick up the phone or go over there, have a cup of coffee and say hey, a job well-done and that goes a long way, but overall we have a real good City.

Chairman Pappas stated we really appreciate you coming by and seeing us and we thank you again and please visit us anytime.

Minutes of meeting held February 21, 1996

On motion of Commissioner Sullivan, duly seconded by Commissioner Stephen, it was voted to approve the minutes of the meeting held February 21, 1996.

Chairman Pappas stated the officers had been requested at the last meeting to present a calendar for future meetings noting she and Commissioner Sullivan had worked on it earlier in the day; that they had taken Commissioners Cook and Stephen's recommendations and included it in the revised proposed schedule.

Commissioner Cook inquired as to no meeting being held on April 3, 1996.

Commissioner Sullivan noted that April 3rd was the beginning of Passover.

Commissioner Cook wished to reinforce that publicity be given so that anyone wishing to talk have an opportunity to do so.

Discussion ensued relative to the location for future public hearings and it was suggested that the City Clerk's Office check with the School Department for the availability of Central, Memorial, and West High Schools.

On motion of Commissioner Cook, duly seconded by Commissioner Baines, it was voted to approve the revised proposed schedule as submitted.

Chairman Pappas addressed the issue relative to sub-committee assignments.

A brief discussion ensued whereby the following sub-committees were named:

Ethics & Conflict of Interest Sub-committee
Commissioners Dykstra and Stephen

Technical Sub-committee
Commissioners Cook and Sullivan

Sub-committee to Review Correspondence/Documentation
Commissioners Lopez and Pappas

Chairman Pappas distributed copies of Commissioner Cooks comparative analysis of RSA 49-C City Charter Requirements and the existing Manchester City Charter.

Commissioner Cook in reference to page 2 under Conduct of Meetings noted it was not "The Mayor shall pride...", it is "The Mayor shall preside" and on page 5 in Transition Rules we dropped the Statutory reference and that should have after the end of it (49-C:27) and explained what it was and what it wasn't; that he undertook it to do a comparison of what is on paper in 49-C and in the present Charter noting that both he and Tom Clark undertook the assignment; that the paper before the Commission was a comparison between what was on paper in 49-C, what was in the present Charter, and the first run through by Tom with him and did not purport to talk about extraneous State Statutes which might have established something some time like the School Department being a contiguous School Department with Manchester which was set up by special State Statute in 1868 or sometime and they did not examine all of the State Statutes; that Tom's office was at the present time going through those things for them to see additional statutory references which might exist and also did not purport to go through the Rules of the Board of Mayor and Aldermen as to all of the practices that occur at Aldermanic meetings, for example. It was what now existed and what did not exist and after having had a discussion with a representative of the Secretary of State's Office and Tom a few of the items got in there including the comment at the very end of the document and did not propose to go through the whole thing tonight; that the last provision on the right-hand side on page 6 talked about the things in the Manchester Charter which were not mentioned in 49-C; that his conclusion in having talked to the Secretary of State's Office and Tom in regard to 49-C was that 49-C was a document which stated if you revise a charter what elements you have to have, it does not prohibit you from having anything else unless it is in direct conflict with what 49-C says you're going to have and it doesn't talk about how you flesh out 49-C; that 49-C is a skeleton, you can put a lot more stuff in your Charter that explains how you want things to work under 49-C as long as they don't conflict with 49-C itself and that's as Commissioner Lopez had talked about previously subject to the provisions of the Charter, well those are the rules and regulations or a further explanation you put in because the things in 49-C merely talk about the elements you have to have; that in the left-hand

column he only went through 49-C and broke things down into components and either found or didn't find a similar provision or a provision handled a different way or however Manchester handled it which he put in the right-hand side and it would give them an understanding of what was in both places noting they would be getting more information from the City Solicitor's Office on specific parts of it but it would give them a start as it had given him some comfort from what they had heard from Mr. Andrews and Tom last time which was slightly alarming in that you can build, first of all the present Charter has a lot of the things the State law requires and that you can build a Charter similar to the present Charter and still comply with 49-C without throwing the baby out with the bath water, and had learned a lot by studying the Charter and hoped they would also.

Commissioner Cook asked if Commissioner Cook had explored the issue on the grandfather clause, the issue brought up at the last meeting because the Charter was in effect before the State Statute and would it supersede this in any way.

Commissioner Cook replied he had gotten two responses to that; that one was if they were to design a Charter, if they wanted a Charter that said X and 49-C was arguably at variance with X there were many examples of special legislation passed by the legislature saying notwithstanding the provision of State Statute the City of Claremont can have something or other in their Charter, they do it all the time, so we're not bound but we would certainly have to get changes in State law to do that and if they decided they wanted to do something that was at variance to State law; that there was a long grandfather clause in 49-C, the very last part of 49-C as distributed which preserved special State Statutes and what not noting it was not referenced in the chart because it was not something that would go into a Charter, it was saving legislation; that the mere fact that the City's Charter preceeded 49-C did not appear to anybody to say, see you around we don't have to deal with 49-C.

Commissioner Shaw asked Commissioner Cook why he editorialized in one section of it, you or somebody did anyway and that is under Elected Legislative Body on the first page as he wrote it, he should define it; that it said "Mayor and Aldermen (weak Mayor with Boards and Commissions, see below).

Commissioner Cook replied I did not editorialize; that our form of government with commissions is referred to by political scientists as a weak mayor form; that a strong mayor form does not have commissions interposed between department heads and mayors, a weak mayor form does have commissions and that's a term of art in political science and government.

Commissioner Shaw stated there were places if someone should ask the City Library for references of that particular word as he was concerned about it.

Commissioner Cook stated there were three basic forms of government recognized under political science and government formats: strong mayor, weak mayor, and city manager which were terms of art and not editorializing; that the stuff which Mike and Toni would go through from the Muirhead Task Force had the reports from the political scientists who had given a seminar last summer on it and would have a great deal of material.

Chairman Pappas inquired of the Commissioners if they wished the Officers to pursue the hiring of a consultant. The Commissioners agreed to having the Officers pursue such information relative to hiring of a consultant.

Chairman Pappas addressed the matter relative to signatories for purposes of payment of expenses associated with the Charter Review Commission; that it was the general consensus that Commissioners Pappas and Sullivan be authorized to sign for such purposes and that either the City Clerk, Leo Bernier or the Deputy City Clerk, Carol Johnson also be authorized to sign-off as the need may arise.

There being no further business to come before the Charter Review Commission, on motion of Commissioner Cook, duly seconded by Commissioner Baines, it was voted to adjourn.

Respectfully submitted,

Kathleen N. Sullivan
Secretary

CHARTER REVIEW COMMISSION

March 13, 1996 **5:30 PM**

Chairman Pappas called the meeting to order.

Commissioner Sullivan called the roll. There were nine Commissioners present.

PRESENT: Commissioners Pappas, Baines, Cook, Dolman, Dykstra, Lopez, Shaw, Stephen, Sullivan

MESSRS.: Aldermen Wihby, Elise, Clancy, Domaingue, Pariseau, Cashin, Robert, Hirschmann
School Committee Members John Gatsas, Sandra Paradis

Discussion with members of the Aldermanic Board and Board of School Committee.

Chairman Pappas requested Alderman Wihby, Chairman of the Board of Aldermen, to address the Commission.

Alderman Wihby stated I'm speaking for myself and not as Chairman of the Board, so in case there are other Aldermen that are going to come up and testify that they would like to see something different. Just to go back a little, I don't this the Charter Revision is what I think the Aldermen voted on. We were told that there were two ways of changing the Charter. One was that we could elect five people and another one was, we could do that if there wasn't a lot of changes, if we were going to change one or two items that's the way we should do it. If there's going to be a lot of changes and they were going to amount to a lot of items then the only way to do it would be to do it the way that we did. Nobody told us at the time that it wasn't going to come back to us and we weren't going to have any more input or look at it and at the same time nobody said that you had to change the form of government in order to do a Charter change and I think that I'm hearing different reactions to that from people that I've talked to, so I don't know if it's true or not but what we're told now is that if you change the form of government you can't really do a lot of changes and I don't know if that's true or not but that's what we're hearing from the City Solicitor anyway. I think that if we had known that we probably would have picked the other way where we would have nominated five people and we would have had them change the Charter because I think that the Charter is fine the way it is. There's probably little sections that should be changed, but I don't think it would

amount to a lot and I think with those changes we could have done it with those five people. My suggestion would be to leave it alone and let the Aldermen pick the five people, maybe even the nine people that are on this Board and do it a different way, but I don't know if that's possible or not. As I say, I'm a supporter of the current form of government, I'm in favor of the School Department remaining as it is. I think if you make it independent you can end up with a huge tax bill and right now we have some controls over that and I think it works pretty good. I think non-partisan elections for the School Board's fine, I don't have a problem with that. I think it works good with the 12 Aldermen, I don't know what you're going to gain by having Aldermen at-large. I think the Aldermen represent their areas but they also represent the City and we take a lot of big votes, we try to do what's best for the City I think when we're voting and I think with the 12 of us in there everybody's giving and taking and things get accomplished. So, I wouldn't see a necessity to go with any more than the 12. One of the big items I think that people address is the commissioners. Some people like them, some people don't like them. I would suggest just a change, having five commissioners on all the boards, maybe three picked by the Mayor with one of those being a union representative and the other two picked by the Aldermen, one as a Republican and one as a Democrat. I would define when that person had to be Republican or Democrat because the Board really fights over little things or argues over little things, it's not the big issues that really tie up government. For instance, if somebody wanted to put somebody in and the person changed their party the night before just so they could put a person in; that type of stuff should be defined. If you wanted to change it a little instead of having term limits, maybe you have it coincide with the Mayor's term and maybe you have alternating chairmen so that there can't be a chairman every time that a new Mayor comes he might have the same person. The Mayor might pick the same person but it would be a different chairman there and it would go with his term, so every time there's a new Mayor he could pick a new person or he could leave it the way it was. But, if there was a new Mayor he would have three members sitting on that commission that hopefully would do what he wants and listens to what the needs of what he wants and try to address that with the commissioners. Another issue is that some of the commissioners that are on there go away for the summer and aren't here for the whole time, so maybe that could be addressed in there too where if they miss so many meetings or something that you're deemed to have resigned. I'm not in favor of term limits. If you look at the Board right now, look at the last years out of the 12 Aldermen, 10 of them are different so all these people that are saying you need two 4-year terms. We have it now, every time we have an election people are picking people and if you look at the last eight years, it's changed, 10 out of the 12. Even the Mayor's changed in the last eight years. So, that's already happening and you don't need term limits, I think. There's few items in the Charter that have caused problems over the past - the definition of a City employee was one, is it a School person

or not - and I don't think anybody cares what it is except that it was defined in the Charter then there wouldn't have been the argument. Department heads should probably go from six-year terms to four-year terms. I think the way they'd be picked was if you went to the other system, the commissioners would pick the department head, but three of the five commissioners would be picked by the Mayor. So, technically, it would be the Mayor's pick or he could replace the commissioners as they went along. But, I think six years is too long, I think four years would probably be better. It should allow us also to look at different departments, consolidate, merge, reform, revise which was a big to-do when we couldn't do that and we did it and we got into a legal hassle. I think if we were able to do something with that we could probably run government a little better and I think when the Mayor talks about, his comment being, I don't know how he put it, but this was one of the big bottlenecks or whatever, I think he's talking about being able to change the Charter so that we could consolidate departments, that was a big to-do this year. It should also be able to eliminate City officers and department heads if we want to consolidate a department, we should be able to consolidate that department and be able to cut somebody out if we were able to save some money. Directives - we issue directives all the time. The departments, a couple of years ago we sent a directive to the School Department and we were told from the School Department they weren't going to listen, the City Solicitor said they could, they had to, they did but there was a hassle over it and that should be defined better that the directives would include the School Department or not include the School Department, one way or the other. I think a couple of things that should be excluded from the Charter - retirement, sick leave, procurement code which could be handled by the full Board as far as the rules go. Another item just to throw out which never made much sense was the Commissioner of Welfare being elected. I think it should be a department head and picked the same way as the regular department heads and not have to go through the election process. I think that's a waste and I don't see why it was ever that way.

Commissioner Sullivan stated I guess I'm a little confused. You start out by saying that perhaps we leave the Charter alone and go through the Aldermanic Charter provision because you don't think they're going to be many changes, but you actually have quite a laundry list some of which sound quite reasonable, some I think we should take a hard look at which really sounds to me like you think there should be some pretty serious changes in the Charter.

Alderman Wihby replied a lot of the items I went through, I said I would leave alone. I think the way the commissions run now, is fine. If you wanted to change it that was one of the recommendations. Term limits, I'm against that, so that wouldn't change. Defining better the School teacher, that's not really a change, that's defining one way or the other if it is or it isn't. Department head term limits, that would be a change, but

that's a minor change. As far as consolidating or eliminating departments or department heads that would be a change that I think is necessary, but I don't think in and of itself that would be enough to warrant the whole Charter change as that could be done with the five people that the Aldermen picked. The directives, we already have that, that would just define whether or not the School Department's in that or not. I just think that, if in fact, this Commission is going to change the Charter and have to change the form of government to do that, I think it works fine as far as the way that the government works and I think the checks and balances are there, I don't think you have to go to a strong Mayor. I think in the past we've had Mayor's that didn't serve more than the two 2-year terms as Mayor Wieczorek's first one that has done that since the 1950's, I guess and the changing of that would complicate matters, the politics are still going to be there no matter if you have a strong Mayor or weak Mayor. Comments in the newspaper from different Mayor's that it should be changed. I'm sitting here in front of you as an Alderman. The Mayor sat in front of you as Mayor and as a sitting Mayor. I would have been surprised if the Mayor said keep it the way it is and I don't want any more power and I guess you'd be surprised if I sat here saying I'm an Aldermen, but yet I want to lose the power. There's talk someday Dave Wihby wants to be Mayor and I understand that and I sat down and I said what's right for the City, not what's right for Dave Wihby if Dave Wihby decides to be Mayor at some time and I think it's to keep it the way it is.

Commissioner Sullivan asked if the Charter was changed and there's been some discussion about what is a strong Mayor, if we decided to suggest changes and the City decided to enact them, if it went to what is being called a strong Mayor but that included Aldermanic approval of things like department head nominations and commission members would that satisfy some of the concerns you have about changing the form of City government.

Alderman Wihby asked what would you be changing.

Commissioner Sullivan replied as I understand the Statute, one of the things that would be changed and what is meant by a strong Mayor is that the Mayor would have the authority to nominate or appoint department heads, but we've also been told that we could, in addition to that, however, contain a requirement that the Aldermen have the authority to approve those nominations made by the Mayor. So, I guess my point is I'm not so sure that changing to what is set forth in 49-C really necessitates the types of massive changes I think some people are afraid of.

Alderman Wihby stated again, there's all different forms of doing things. I guess you'd have to define what a strong Mayor or what more powers you'd give the Mayor, but if you wanted to define him as a strong Mayor and then give the Aldermen the control anyway, I don't see where the difference is, I think we're talking about keeping it the way it is then and I think a strong Mayor is a

strong Mayor, he can hire and fire the department heads and that's it. Once you start giving control more to Aldermen to control those things, I think you're getting back to a weak form of Mayor and I don't think it's any different than what we have now.

Commissioner Sullivan stated, I guess that's my point is that I think that there is a lot of things being said out in the community that may not be quite correct as to what the Statute permits us to do in terms of defining the authority of the Mayor and the Aldermen that what people are saying is a strong Mayor form of government, in fact, may provide the flexibility to keep the good parts of the system we have now but still make some of the changes such as the ones you've suggested.

Commissioner Dolman stated I think what she's getting at is if the Mayor was making all of the appointments of commissions but the Aldermen had the right for approval, he makes the nominations and you have to vote for the confirmation and he makes all appointments that's one way of defining a strong Mayor because some people say when he makes all nominations for department heads again with the Board of Aldermen doing all the confirmation. Not where you're suggestion where it was that the Mayor makes three and we keep two by the Aldermen. Any problems with the Mayor making all nominations with confirmation by the Aldermen.

Alderman Wihby stated I really don't see a difference in what we have now, I think you're playing with the word "strong Mayor" so you can change the Charter. I think it's the same thing, it's still a weak form of government, I don't think people sitting in front of you that say they want a strong government are saying well, let the Mayor pick everybody and the Aldermen just say no to him and I don't think anybody's looking at that when they're saying strong Mayor, they're looking for the Mayor to pick the people and keep those people. So, any other version of that makes it weak.

Commissioner Dykstra stated, Alderman Wihby, you mentioned the fact that you thought that the Aldermen should pick the five commissioners and I just want to know which four are you going to eliminate.

Alderman Wihby replied as I said, we would pick five, but I mean we could make it nine, I guess and maybe have all nine people that are sitting here do it in a different form, it doesn't have to be five, I don't think, it says "shall pick five" but it doesn't say you can't pick anymore than five.

Commissioner Dykstra stated you were sitting on the Board the same time I was, I guess, when we put together the Conflict of Interest Ordinance that basically is an Ordinance in the City and I wanted your opinion, do you believe that that is something that could be incorporated in the Charter and felt that it would be a good thing too to have there.

Alderman Wihby replied, sure.

Commissioner Lopez stated I'm just trying to understand the first part under Section 8.03 how we got to this process of electing a Revision Commission, didn't the Board take up that particular section.

Alderman Wihby replied we were told that 8.03 was only for small changes, to change one or two items, nothing major and if you were going to do a lot of items then you had to do it in a different way and you couldn't use 8.03 and I think that is why the Board went with a Charter Revision rather than 8.03 because we didn't know what was going to have to be changed, so we figured well, if we're going to sit down and change something you might as well look through the whole thing and change through the whole thing. But, we weren't told you had to change the form of government, we weren't told that there wasn't going to be, I guess we assumed that it would work the same way. All the changes would come to the Board, the Board would discuss them, the Board would see what they thought worked, what didn't work and then it would work from there but we weren't told that you had to change the actual form of government in order to change anything and later on they said, well no, you could do major changes in 8.03 too, it didn't make any difference. So, I think we would have chosen 8.03 if we had known at the time and that came from the City Solicitor's Office.

Commissioner Lopez stated at the same time the City Solicitor is instructing us that if we change anything then we have to change the form of government.

Alderman Wihby stated the first time I knew about it was when I read it in the newspaper the day after he told you guys, he never told us that.

Commissioner Stephen stated, Alderman Wihby, in your opinion should a City employee be allowed to run for a political office, City office.

Alderman Wihby replied in my opinion, no.

Commissioner Stephen asked why is that.

Alderman Wihby replied we've had problems in the past with the definition not being defined, so I think it should be better defined if you choose that it should be then that's fine, but define what is a City employee, but I just think that a City employee just shouldn't be able to hold a public office for the town that they are going, if they're getting paid by the City and being a public employee then they shouldn't hold an office in that City because there's always a lot of budget negotiations that come down and different things that happen to that individual department that that person would work in.

Commissioner Cook stated on the assumption that, and just make these assumptions for me, that we don't have to revolutionize the world in this process and that we can fix things that are wrong without picking a whole new form of government for the City of Manchester which is at least an arguable position under the process that we're in. There are several things that you alluded to in your testimony that are in the present Charter - sick leave and somebody's going to explain to me someday why sick leave is in the Charter, all of the election process, the procurement code, and the retirement system. You've been on this Board for some time and I know we're going to hear from Alderman Cashin and Alderman Pariseau probably and people that have been here for a while. Would it facilitate the administration, forget the administration. Would it facilitate the legislative activity of the City, if you had more control over those items at the Aldermanic Board than being straight-jacketed by having those things in the Charter.

Alderman Wihby replied, that is my feeling, yes.

Commissioner Shaw stated after ten years on this Board, can you tell this Board what frustrations you've had trying to get departments to do what you wanted and how a Charter change would enhance your ability or the Board's ability to get its way.

Alderman Wihby asked to do what the Board wanted.

Commissioner Shaw stated maybe you want them to buy trucks with bulldogs on the front and they wouldn't do it, why weren't you able to tell them to do that.

Alderman Wihby replied, I can't think of any that comes to my mind that we asked a department head to do something and they didn't do it. The only one would have been the directive to the School Department when we were making cuts to cut from their budget and they did it, they argued, but they did it. There might be items where we think it should go one way and the department head thinks it should go another and in Committee we might decide that that department head is right, but it's not because they didn't want to do it, it's because we heard all of the facts and changed our mind. But, I can't think of anywhere where they've disagreed with us and just went ahead and did something that we didn't want them to.

Commissioner Dolman asked wasn't there a time when the Mayor tried to pass consolidations, wasn't there a directive passed by the Board of Mayor and Aldermen saying that there would be no pay raises due to consolidations and wasn't that ignored by the Finance Department. So, that was another instance.

Alderman Wihby replied that would have been one, yes. There was an argument on both sides to that though.

Commissioner Baines stated I'd like Alderman Wihby to react to the statement that was made by the Mayor. It says here "because the Mayor's not empowered to administer the City's affairs, the Board is often called upon to intervene in management issues. Frankly, it leads to pervasive micro-management of departments because human nature's basic desire to control an unsatisfactory situation is, at times, irresistible. Multiply an individual's compunctions by twelve and you have an intolerable situation. Add to this the Board's powers of nomination, confirmation, directive, issuance, etc. and you do not have an environment that is conducive to good government." asking would you react to that please.

Alderman Wihby replied, I think every Alderman reacted in the same way when they heard that. Again, he's Mayor and I don't think he wants to lose the powers of the Mayor and he wants to gain some and I guess if I was sitting in his shoes and frustrated with some of the things that have happened during his administration maybe I'd feel that way. But, being around 10 years and seeing what's gone on and working with Mayors in the past that communicate with the Aldermen, maybe a little better, I think that some of those problems were brought on with poor communication that could have been solved and I think that there were some issues that people didn't feel the same as the Mayor would and that's probably more frustration than anything else. As far as power goes, in talking to department heads and having them do favors for us all we're doing is putting it onto another person and that person gets to pick everybody. If the Mayor wants to, if he was going to make all appointments he could have all his friends come in and do the same thing. You're talking it from the Aldermen and now the Mayor has all the appointing authority so there's really not anything there, I think, that's to that statement other than frustration on the Mayor's part.

Chairman Pappas requested Alderman Cashin, Dean of the Board of Aldermen, to address the Commission.

Alderman Cashin stated if you haven't accomplished anything else and you never do, you're going to have accomplished my agreeing with Alderman Wihby tonight. I totally agree with what Dave has said with one exception. I believe that the Welfare Commissioner should be elected. I say that only because of her budget restraints and I don't think it should be controlled by the Board of Mayor and Aldermen. The budget is itself, but I don't think the individual should be appointed by either the Board or the Mayor, it should be an elected position. As far as the School Board goes, it should be non-partisan. I don't think there's any question about that and as far as a strong Mayor and a weak Board or a City Manager or any of those things you have the ability, for any Mayor, to be as strong as he wants to be through a consensus. All he needs is seven votes and he can get anything he wants through the Board of Aldermen. If you can't get the seven votes then maybe you ought to look and revisit whatever the

problems may be. It may not be with the Board, it may be with something else. I refer to people that I have had the privilege of serving with, Syl Dupuis. Syl never had a problem getting consensus. At least not that I can remember. Anything that he wanted, he'd sit down and he knew how to do it. You do have people today that probably don't have that ability. But, don't blame the Charter for that. The Charter was well-written, the Charter has stood the test of time, and a couple of things were mentioned here today like sick leave and retirement. If I'm not mistaken those were put in the last time revisited the Charter and they shouldn't be there. It does hamper the Board of Aldermen. All I'm saying is the Charter to the City of Manchester is like the Constitution is to the federal government. It's fragile, let's not break it, it works. As far as the commissions go, commission form of government, I don't have a problem with the commission form of government. I have been around a while, I know most of the commissioners and we communicate and, quite frankly, if I want something I very seldom, unless it's unreasonable get a negative answer. As far as department heads go, if you should decide a strong Mayor who is going to have the right to hire and fire department heads then you're going to put this person whoever he or she may be in a position where they're going to provide over the legislative branch and the administrative branch. Where does that leave the Aldermen, they become subservient to the Mayor. If the Aldermen don't go along with the Mayor then he controls the department heads by hiring or firing so the Aldermen could be cut right out of the loop. If you don't vote with the Mayor under these conditions you could get nothing for your constituency. Now, I represent 4,400 people and there's 100,000 people in the City of Manchester, give or take. Ladies and gentlemen, I ask you just because a few people want change, please don't change it, it doesn't have to be changed, it works, it works if the people know how to work with it and if I can answer any questions, I'll be happy to.

Commissioner Stephen stated I've been through that Charter so many times and I've got to tell you that in the area of ethics, I don't think it has enough, in my opinion. Do you agree with that or do you think there could be some things done with regard to Conflict of Interest, it says "remove for cause" but no provisions about how you do it, there's no Ethics Board like some towns and locals have. What do you think about that.

Alderman Cashin replied you'd have to break it down for me. Conflict of Interest, let's face it, we're all busy people, everybody in this room at some point in time is going to have a conflict of interest because we all have a lot of irons in the fire and that in itself is not bad. If you try to get somebody to serve on this Board or Mayor or even on this Charter Revision without a conflict to some degree, who are you going to get. I think you just have to handle a conflict. I've been in position on this Board where I've had to pass on certain votes because of a conflict.

Commissioner Stephen asked do you think the Charter can be amended in some way so that we can take account in the future to make sure that the public out there is represented in the sense that we know that whoever is going to be engaging in the decisions for this City are doing it in the best way possible. We know that the decision-makers are not going to have a conflict of interest, are going to disclose when they have any propriety interest by going to not engage in any type of activity outside of the Board, not act individually, those types of things. Do you think that we can do something, at least something good by changing in that area. You've got more experience than most people here and I just want to hear from you, but is there something we can do positive in the area of ethics.

Alderman Cashin replied I'm going to give you the short answer, no, I don't think there is and I'll tell you why. In the years I've served on the Board anytime that an Alderman has had a conflict of interest, to the best of my knowledge they have always come before the Board and said look, I have a conflict here, I will not get involved in the debate, and I will pass on the vote. How much more can you ask of an individual. How much more can any individual do. What do you want. Let me ask you a question. What would you do if you wanted to change the ethics, what would you write into the constitution.

Commissioner Stephen stated this is something that we are obviously going to discuss, but one of the things I'm trying to get at is there is no type of procedure. If someone has a conflict and doesn't disclose it, what is the procedure and how are the citizens of this City, how are they going to be able to say or be defended in the sense that they know that the Aldermen voting or the Mayor himself who may have a propriety interest is there another check and balance. How are they going to be safeguarded that way, I guess that's what I'm asking. In the Charter itself should there be some provisions for some type of check and balance just like you have the system where you have an Aldermen check and balance on the Mayor's decisions.

Alderman Cashin replied I guess maybe you could, but I don't know how you'd do it. Honestly, I can't answer that, I don't know how you do it. There is a section in the Charter right now on Conflict of Interest and I don't know what more you can do with that.

Commissioner Stephen stated I believe it's an Ordinance, I think it's very well written, it was written by a member of the Commission here and I wanted to hear from you. Obviously, with your experiences there's something else we could do and I guess I'm getting the answer.

Alderman Cashin stated I don't think there is. I think it's as tight as you can make it without making it so stringent that some people just couldn't run for public office.

Commissioner Cook stated step back a minute as the sitting Alderman and be the institutional memory since you've been here longer than probably, collectively any of us have been here with the possible exception of Mayor Shaw. Do you think the Chief Executive function or the Chief Administrative function of the City should be vested in the Mayor or some other Chief Administrative person or do you think 13 people can serve that function.

Alderman Cashin replied based on what I've seen over the years, 13 people can serve that function, yes they can.

Commissioner Cook stated the second question I have is the same one I asked Alderman Wihby which is do you think that the enactment of things that I enumerated before - the procurement code, sick day policy, election code, and the retirement code - in the Charter is helpful to you as a member of the legislative body or a hindrance.

Alderman Cashin replied, I believe it's a hindrance.

Commissioner Shaw asked are you saying that the procurement code is also a hindrance, I want to know because then I want to know what's wrong if you say yes with it.

Alderman Cashin replied the procurement code as I see it takes some of the authority from the Aldermen and puts it in the hands of some departments heads which I think it should remain with the Aldermen.

Commissioner Shaw asked to do what to buy. Aldermen should be allowed to buy.

Alderman Cashin replied Aldermen should be allowed to oversee the purchase of, yes and under the procurement code we don't always have that ability as I understand it.

Commissioner Shaw stated the main point in the procurement point is that anything over $2,500 has to be pretty much open to bid. Are you opposed to that.

Alderman Cashin replied absolutely not. As Chairman of Lands & Buildings we bid everything.

Commissioner Shaw stated except that you can't say buy off of Llewellyn's what else does the procurement code stop an Alderman from doing. If it's all bid then you don't have any power except the people gave power to the Charter.

Alderman Cashin replied the only problem I have is when I was Chairman of Lands & Buildings we had a few run ins and I'd rather not get into real detail here where I felt that it would have been better served if Lands & Buildings and more authority to control the situation at the given time and I don't know if that answers your question, but that's the best I can do.

Commissioner Cook stated for clarification, I was not meaning to suggest and I didn't take your answer to mean that there wouldn't be a procurement code or a retirement system or a sick pay policy. My question goes to the fact that these things which, I don't think it's a secret, in my view ought to be subjects of legislation so there's some flexibility to meet the existing need as opposed to being set in the concrete of the constitution which I think it's been borne out by the courts can't be changed by the Aldermen so you can't meet the existing structure. There's both sides of that story but that was the thrust of my question, not that there shouldn't be such ordinances in the City.

Alderman Cashin stated and that's what I agreed to.

Commissioner Shaw stated under Section 8.03 and you've had more than 10 years to make changes under that, you have made some minor changes to the Charter you could have eliminated procurement problems had you wished. So, you always had the power to make the modifications, didn't you.

Alderman Cashin replied, yes we did.

Chairman Pappas requested School Committee member John Gatsas to address the Commission.

Mr. Gatsas stated I'd like to thank this Commission for inviting the School Board and the Aldermen here to have their input. I'm speaking as myself as a School Board member representing one, not the Board. I found on serving on the School Board for 12 years the most frustrating thing is the budgeting process. The process the Mayor and the Aldermen go through is one thing but I think the thing I want to address is the timetable. Under the system that we have March 15th we issue out pink slips. We may not know until the last day of June what our budget it and that time period we are losing good people that go to other districts because they are in limbo of where their jobs stand. Some of the programs that we have building programs and so on are put in jeopardy because funding starts July 1st. I would like to see the budgeting process come to an end and a final budget decided by probably May 1st. It could still be enacted July 1st but give time to the School Department to make decisions on keeping people instead of losing good teachers and good help, planning for projects to make sure they would be able to start once school ends making sure that the money is there. The way that it is set up now it's if we get the last day of June and we don't have a budget or we get the money we're laying people off, they go to

another district, programs are put off until the fall, the next year, whatever and things happen and we lose a lot. So, I would like to see, if possible, the deadline moved up, the first or second week of May, budget established. If it's possible going into place for July 1st, but to give the School Department an opportunity to plan ahead for their projects and plan ahead for their personnel, that's the major concern I have.

Commissioner Shaw asked could you explain why you have to notify teachers in March.

Mr. Gatsas replied that was under the State law.

Commissioner Shaw stated my point is why don't you change the law, why do you have to change the Charter or the budget process when it's simple for Concord to change the law that you notify them on June 30th. The point is we don't have to change the Charter just because you have a small technical problem.

Mr. Gatsas replied, I understand what you're saying, but I think that you have to understand what I'm saying also. If you receive a budget the last day of June and that is your operating statement and you have to operate on that these people, there are many teachers, if they get pink slipped or projects they may not go into place or may not happen because of the funding. I've been living in Manchester my whole life like many of you people have. I love the City, I'll end up in the City but the thing is the process, I think, has to change. We have to accommodate the people more out there and the people I represent say to me, this is a ridiculous way of budgeting. You wait until the last minute to get your money, now you lose some good people because people are in a system and, Mayor, you know, you were there before that some people are laid off because their enrollment is down in this class and so on and you have to juggle things around and it's a very difficult job for the Superintendent to do and he's trying to do the best he can and the School Board, I feel, if we were given a little more leeway with that money and knowing what time we had, it would make things a lot better.

Commissioner Dolman asked do you feel the School Board should be autonomous.

Mr. Gatsas replied, I have mixed feelings on that, there's pros and cons on both sides. If the School Board is autonomous that means we have to pay our own bills, etc., the revenue has to be there and so on. If we're not, I think that the Mayor and Aldermen and the School Board have to sit down, work closer together in communication in planning their budget. So, I really have mixed feelings about that, I can't give you one answer or the other. There's pros for and there's pros against. You could have ten people saying it isn't. I really like the way it is set up now.

Commissioner Dolman stated the present Mayor made a statement when he spoke to this Commission last week that he feels that the School Board should be a partisan race rather than a non-partisan race, do you as a School Board member agree with that or what.

Mr. Gatsas replied, no. I feel that it should stay a non-partisan race. I think that you're getting good variety of people, Democrats, Republicans, Independents. But, they're running on issues, they're not getting support from one party. I've been elected, this is my seventh term and I've been elected by Democrats, Republicans and Independents. I think what they're looking for are people to represent them in their needs to better the School system. It should stay just the way it is.

Commissioner Dolman asked define what you think the role of the School Board is. Do you think the role of the School Board is pro education, taxes, what do you feel the role of the School Board is.

Mr. Gatsas replied, I feel that the School Board has to give the citizens of their community the best education possible. I think that they have to be listened to, I think that the Aldermen and the School Board have to sit down more often and communicate their needs. It's a pro education system because if you look around us that is the future, that is the future of the City right here. All of us are bred in New Hampshire, we're born here, we're going to stay here and I think that we've got to continue that.

Commissioner Dolman asked would the role of the School Board change if you became autonomous, would they become more concerned about the bottom line, the tax bill.

Mr. Gatsas replied, I think the autonomous part is this. It's just not, there's a lot that I look into, the State funding has a role in that also. The State funding is cut back and cut back. Right now we're getting ten cents on the dollar. The less State funding that would put more programs in jeopardy in the school Department by being by themselves.

Commissioner Dolman stated you feel the School Department has complete control over the Schools except for the bottom line figure, is that correct; that the Aldermen set the bottom line figure and you make policy and you set policy and the Aldermen have not control over policy or anything else.

Mr. Gatsas replied that is the way it should be.

Commissioner Dykstra asked do you believe that School Board, people that are teachers should run as Aldermen in the City of Manchester and do you also believe that it's fair that City employees should run for elected office, we've had several on the Board, I just wanted you input.

Mr. Gatsas replied, I just feel that if someone is willing to put the time and effort into the position then they are qualified to do the position. I don't think that because they are a City employee or teacher or however you want to address it that they should be left out. They're a taxpayer, they have a vested interest in the City, they want the best for the City, they want the best for their constituents and I think that everyone should have an opportunity to have that.

Commissioner Lopez stated in reference to this pink slip, every year we go through that as you say and the lay person says there they go again, the pink slips are out, but they'll hire everybody back. Now, the process that you're speaking of asked has this ever been brought before the Board as to try and solve, any particular issues such or the Mayor's budget and putting it into a separate account on a one-year basis and then rotate it every year, roll it in every year, if it's such a major problem.

Mr. Gatsas stated I don't think I understand your question.

Commissioner Lopez asked how much money are you speaking of in reference to the pink slips.

Mr. Gatsas replied that depends. It varies on what, a few years ago there were a number of pink slips. I'm not talking about 10 or 20, I'm talking higher number, I don't know maybe Mr. Baines could correct me. There was a large number of pink slips distributed because at that time the budget was reopened and looked at and so on. The School Department had to cover themselves for all of those expenses. Now, under a contractual agreement, if we didn't give those pink slips out, we were responsible to pay those people and find the money if we didn't have it. So, let's say if we were suppose to give out 70 pink slips and we didn't give out 70 and we thought the money was going to come through and we were short 70 pink slips, we contractually were to cover that money and we would be back to the Mayor and Aldermen asking for the money.

Commissioner Lopez asked is this in the year that you're speaking of or the new budget coming up. In other words, in May or June, you said March.

Mr. Gatsas replied that's right, it would be for the next year's budget. What I'm saying is, if we finished the budgeting process by May 1st, if the budgeting process is finished by May 1st or the first couple of weeks of May, the School Department then can make their adjustments of people who they're going to hire and so on. We run into the same situation with pink slips dealing with Federal employees. The Federal government, you have to pink slip them and you have to cover yourself until the money comes through from the Federal government and if you don't you are contractually obligated to that.

Commissioner Cook stated I'm not uncharacteristically confused, if the State law and the contract with the education system require the notification to teachers of termination at a certain point prior to the budget process how is May 1st going to help you better than June 30th when you're obligated to tell the teachers either on the 1st of March under the contract or the 15th of March under the contract, but both of those are prior to May 1st and your suggestion was that there be some kind of budget process on May 1st.

Mr. Gatsas replied what I'm trying to state here is, if we knew May 1st what our budget was, we may know have Joe Jones which is a Biology teacher applying to another school district and we lose him and he's a very good teacher because he's been pink slipped. If we know May 1st, he may still get pink slipped in March, okay, to cover ourselves but come May, May 1st we know that we're going to have "X" amount of dollars. So, that means that Joe Jones doesn't have to go to "X" school district and teach. We can keep him in Manchester.

Commissioner Cook asked but why wouldn't you rather, I'm not saying a charter would ever do this, but to take your logic one step further, why wouldn't you rather have process by which you would know what your budget is going to be for the following year by March 1st, if Mach 15th and March 30th were the two dates on the budget, so you wouldn't have that agony anyway.

Mr. Gatsas replied, I see these small towns and communities having their budget now, I work in a district right now that just had a Town Meeting in the school district. They now, right now, what their needs are, they know what their bottom line figure is for the next operating year. They can make decisions with that number in mind, with supplies, with personnel, with building projects and so on. If we moved it to March 1st that would be even better for us and I'm just saying unless the whole process changes, bringing back and setting a budget, giving the School Department, there was situation last year there were some projects that were going to be held up. The Mayor gave the okay to Public Buildings to give the project and one was at Green Acres (roof) and so on and it wasn't supposed to start until after July and the Mayor's Office and the money was put there, but that project started before so that it could be completed. If it was suppose to start after July, I don't think it would have been done, that new roof would have never been in place, that floor tile would have never been on the floor if it was after that time period. But, because of accommodations made that happened.

Commissioner Shaw stated there were 900 employees, teachers, by State law or by contract to be notified, there are 2,400 employees in the City of Manchester who don't get any notice, it is you people, the School Board and the teachers that got the State laws enacted to protect their vested interest and no one else has that, no one has that right even at my business, I don't

have to give as much notice as you give. So, I think you should change the State law, easier to change the contract, maybe, so that you don't give notice and you had a perfect system when you were on the calendar year for your problem and you change it to a July 1st which now puts you in a terrible bind. So, I think having changed the fiscal year, you should change something else. I believe that this Charter Commission hears a lot from these different people coming forward with specific problems that are really not part of a constitution.

Chairman Pappas interjected that was very possible.

Commissioner Sullivan stated I don't see anything wrong with decreasing a period of certainty, having seen what people go through when they have to pass out those pink slips, however, also just before John left, I just wanted to let you know that Dan Healy had called me to tell me he couldn't be here this evening and he had a couple of comments he wanted to pass along and I thought I would say what those are now in case John had comments too. One was, Dan said that he thought the School budget process, the finance management for the School district should remain as it is which prevents the School Board to adjust its own line items without going back to the Board of Mayor and Aldermen and provides the School district with its own financial person. He also said that the Charter should provide for mandatory joint meetings of the School Board and the Board of Mayor and Aldermen, at least once-a-year as this would foster some better communication between the two Boards and I don't know if you have any comments on either of those.

Mr. Gatsas stated I had asked the last term that the Mayor and Aldermen, I hear it said that it should be run like a big business. I see big businesses meeting quarterly. I had thought that the Mayor and Aldermen should meet with the School Board every three, six, nine, and twelve months. Their concerns addressed, the School Board's concerns addressed and work towards a budget process; that's the way I would like to see it done. It might be more, it might be less. It was discussed the other night at the meeting and they're going to set something up that way. But, I don't know if it's a Charter thing mandating that or something between the two Boards.

Commissioner Baines commented in a historical reference which I tried to do last time too. The reference to the Charter and the discussion wasn't until the new Charter which mandated the adopting of a new budget by a certain date that the City and the School district started to operate with a budget prior to the start of the fiscal year, it was very common practice in the City for budgets to be adopted for the City and the School district many months into the fiscal year until this Charter addressed that issue. So, it's an appropriate comment when you talk about a Charter being either modified to accommodate the needs of the City because the new Charter did exactly that.

Chairman Pappas requested Alderman Domaingue to address the Commission.

Alderman Domaingue stated, I guess I want to begin by saying that I don't envy anyone sitting around this table and I wish you, all, with all sincerity a great deal of fortune and luck in your deliberations because you're going to hear from so many different constituencies. The opinions that I give this evening are strictly that, opinions and they do not represent anyone else's opinions but my own. If I were to favor one form of government over another, it would be a strong Mayor form of government because I would not favor a City Manager form of government. Specifically, because I believe that the person in charge ought to be accountable, directly to the people and not indirectly to a board. I would favor the election of City officials every two years, I would not favor the election of City officials every four years. I would also favor a term limit on City officials (Aldermen and the Mayor) of eight years. My intent is not because I would like to see someone gotten rid of but because I feel the City could gain an infusion of new ideas and new perspectives with that kind of change. I would favor the elimination of all department, boards, and commissions with possibly the exception of the Airport Authority and that is because of their dealings with the Federal government and the strict standards that must be adhered to in terms of transportation safety with vehicles of that size. I would favor the Mayoral appointment of department heads with the exception of Welfare which I feel should also be an elected position, with confirmation by the Board of Aldermen. I don't fear that as, I have heard some people. I don't have a problem with seeing the Mayor make an appointment and asking a Board of 12 members to confirm. I think we need to have input from both sides. But, I would also include language in the Charter relative to the removal or a department head by the Mayor, again with confirmation by the Board of Aldermen. Recognizing that there may be a difference of opinion on that issue and on the issue of commissions, department commissions, I would say to this Commission that if this Commission, by majority, should choose to keep commissions in the City of Manchester then I would offer the following suggestions relative to Article III, Section 3.11: that the terms for commissioners of any commission be two years with a maximum term limit of six years or three terms; that these appointments be staggered annually and I would have the Charter mandate that the person who serves on this commission, on any commission for the maximum number of terms should then be required to step out-of-service, down from any commission for a period of two years or one term before assuming any other commission position and I would retain language specifically pertaining to one representative of labor, if you're going to engage in playing with that wording because I feel very strongly that this City was built with labor as a key component and so I would keep this representation of one member of labor, if you do choose as a majority to keep the commissions. But, I would

remove political requirements and I would insert professional experience requirements because I think that that is critical going into the 21st century. In Section 3.21 and 3.30 of Article III of the Charter, I would reduce the term of office for any department head and City officer to two years for the purpose of better accountability, though I would not make it concurrent with the terms of the Mayor and the Aldermen in elections. Relative to Article III, Section 3.01, it says the Board of Mayor and Aldermen has the power to define the scope and the extent of City departments, but it also forbids abolishment of those established by the Charter which appears to be a direct contradiction. Now, I would hope that this City, in the future, would have the flexibility if it so chooses, if its elected body so chooses to be able to tailor those departments to meet the needs not only of the citizens but of efficiency of the department themselves. So, I would say to you my recommendation would be to remove the line "may not abolish". I would favor inclusion of a Conflict of Interest provision that prohibits Aldermen from voting on a contract, on an appointment, on a hiring, or on a removal that would directly or indirectly affect the Aldermen or any member of his or her family and the reason I raise that is having served at the State level there is at the State level the option of taking Rule 16 which allows for a House member to refrain from voting if there is any perceived conflict of interest and I think that is a good rule, I would recommend it as part of your consideration. I would also ask the Charter although it is not one of the hot button issues is the best way to put it, but I would ask this Charter Commission to consider language formalizing a monthly public forum in the Charter, I don't think it would hurt and I think it would acknowledge the right of the people to be able to address its elected Board. Regarding School Department autonomy, well, I've been a member of the School Board and I've sat on the House Education Committee for three terms, six years and I know that at one time the City of Keene, I think, had an autonomous School board as well as the City of Concord and there was a time when I would have said gleefully and mischievously, oh please, let them be autonomous. But, I have to be fair and consider the education picture for the future of Manchester and I would simply ask you to consider these points. If the School Department were to become autonomous I would look at what was happening or what had happened in the last 24-48 hours with Town Meeting and see how budgets not adopted can cause drastic delays and changes and wonder whether or not it is the best course of action for the Manchester School Department to be an autonomous body. I would ask you to consider that the School Department, right now, enjoys the benefit of the personal advocacy of some of those Aldermen and that advocacy can sometimes be lost if you're dealing with a larger picture and a larger body known as the voters. I would also ask you to consider that the taxpayers should have but one body to respond to with respect to the final decisions on the financial issues relative to education and I think that that's critical to the public, in their interest, in their involvement. And finally, in summation Madam Chairman, I would like to say that I have read both Mayor Wieczorek's comments to this

Commission and also former Mayor Mongan's and in former Mayor Monday's I found a statement that I felt obligated to respond to, I guess it's the best way to put it and I would quote, he said "one comment heard during the evening had to do with the amount of time required by the Aldermen for their duties. I wasn't aware that that much time was being spent." This time around for this period as an Aldermen, I have been in office for 72 days and I would direct you to those three boards over there that I brought with me because I have a meeting to go to. The items that are listed in black and white are relative to Ward 8, they are not small concerns, they are major concerns. Not only to that ward and its impact to the people in that ward, but also to the City at-large and the items that are written in green on the other board are simply a listing and it is not complete, I didn't have time to finish it, of all of the issues I have had to deal with as an Aldermen from Ward 8 in the last 72 days since I took office. Now, I'm not employed outside the home full-time, so I have time to review these issues and do investigations and make decisions and cross check. But, I would say to you as you deliberate this process that there are many Aldermen on this Board who work full-time jobs and then some. They don't have the luxury that I have. They look to you to streamline a document that will make Manchester's form of government more efficient and accountable.

Commissioner Sullivan stated I've got three questions. The first one is I'm also in Ward 8 and I wonder if you had any specific changes that you might think would be advisable in connection with the Airport Authority other than the general comments you had regarding the commission since the Airport is something near and dear to your heart. For example, although I know there is currently one member on the Airport Authority from Ward 8 but something requiring Airport Authority member from some geographic district close to the Airport.

Alderman Domaingue replied I'll leave that to the discretion of the Charter Commission members and yes, I would love to have put into that representation obviously from Ward 8 since it's immediately impacted, but I think as you deliberate on all of these issues you're going to have to put them in some type of priority and I'd say to you, right now the Airport Authority now more than even and believe me I've experienced it when it's not been has been responsive to the concerns of the public and I say that in all honest. There was a time when it was not, but right now in terms of priorities, obviously, that was not a pressing concern of mine.

Commissioner Sullivan asked do you have any thoughts on whether the Aldermanic and Mayoral election should be partisan or non-partisan and following up on your comment regarding the amount of work that the Aldermen have to do, do you think that we need more Aldermen than 12.

Alderman Domaingue replied, I thought the partisan question was going to come from Commissioner Dolman, myself. Partisan elections is a tricky issue is the best way I can say it. Either way you have weight added to it whether it's partisan or non-partisan. If anybody thinks that a non-partisan board is not impacted by partisan politics they're mistaken. At one time or another, it will be. I would love to see non-partisan elections here but I don't think that this Board should become bogged down in the partisan non-partisan issue question, I think there are other critical issues which need be addressed.

Commissioner Sullivan stated the other part of that was the number of Aldermen.

Alderman Domaingue replied I'd love to have a team mate because of the volume of work and to do it right and it's not a matter that the Aldermen know more than the Mayor or have more responsibility than the Mayor or should have, it's a matter that in order to be responsive to the people, to get the word out to the people, to feedback, bring back their opinions to the Board level it takes a lot of work and you have to consider the fact that there are Aldermen at this Board level who are very, very busy with full-time positions, with full-time family responsibilities and then you turn around and start looking at lists like that in 72 days and that's a 7 day-a-week, 72 days and you're talking about a lot more responsibility. So, yes, I would advocate for additional Aldermen. I'm not sure at-large is the solution.

Commissioner Lopez stated if I understood you correctly you would have a turnover every two years for department heads and commissions, everybody two years is that correct.

Alderman Domaingue replied that is correct.

Commissioner Lopez asked how would you maintain, as a policy maker, which the Board of Mayor and Aldermen are really policy makers and give directions for the department heads. Some of these projects take nine months, some a year-and-a-half to complete, where would the continuity be.

Alderman Domaingue replied in the professionalism of the people you hire, Commissioner Lopez.

Commissioner Lopez stated if you turn them over every two years.

Alderman Domaingue replied I'm not advocating you turn them over every two years, I said they should be up for approval every two years. I would say that that would speak to the issue of accountability of department heads because if every two years they had to be accountable for what had gone on the previous two years, I would say you would have streamlined the accountability problem significantly.

Commissioner Lopez stated to follow up on the department heads, for example. These people were hired to do a job, the Board of Mayor and Aldermen are policy makers, why do they have to micro management all the time.

Alderman Domaingue replied I don't think it's any more micro-managing than asking the voter to reelect someone every two years, I think we're speaking about the issue of accountability.

Commissioner Dolman stated since you did serve on the School Board do you feel that the School Board should be a non-partisan race or partisan race.

Alderman Domaingue replied I've had no problem with the School Board being non-partisan and relative to its position as an advocate for education, I would hope that partisan politics would not take place but I would reemphasize that that is not a world of reality.

Commissioner Dolman stated with Rule 16 at the State level would that prohibit any City employee running for office like Alderman. I know at the State Legislature you have State employees who are members of the State Legislature.

Alderman Domaingue replied that would not prohibit.

Commissioner Shaw asked would you define the difference between an Alderman and somebody that serves on the board of directors or a large corporation, maybe a $150 million business, what's the difference between the two types.

Alderman Domaingue replied I've never been a director of a corporation that had $150 million.

Commissioner Shaw stated but you're an Alderman of the City of Manchester.

Alderman Domaingue replied you're asking me if I know what it is like to have the experience working for a corporation and being on that board of directors.

Commissioner Shaw asked what is the difference between being an Alderman and being a director of a corporation that does $150 million worth of business, where do you see an Alderman different than a board of directors.

Alderman Domaingue replied probably not a lot.

Commissioner Shaw stated the list that you gave, no one would serve on a board of directors of any corporation that had to do that much work, but don't you think, not you personally, but don't you think that the Aldermen spend too much time or certain ones of them do, too much time trying to run the City of Manchester versus make policy decisions.

Alderman Domaingue replied I guess we just have a basic difference of the definition of running the City of Manchester versus constituent service. Those issues are directly related to constituent service and as an Alderman, I'm obligated and happily so to provide service to the people who elected me to this office.

Commissioner Shaw stated someone wanted to have in the Charter something to do with interference asked do you understand that issue of interference versus Aldermen contact with department heads, is that something you'd like to see in the Charter that interference be put in, non-interference by Aldermen be put in the Charter.

Alderman Domaingue replied you're asking me a very vague question, Commissioner. If you have a specific proposal that's on the table, I'll be happy to respond to it, but that's a pretty vague question.

Commissioner Shaw stated Rochester has it in their Charter something to do with interference. But, you've never heard of that issue.

Alderman Domaingue replied certainly of the issue of interference but there are a lot of issues related to the heading interference and what I say to you, not having seen what the proposal would be, I'm not about to comment on it. If you're saying to me you have something specific in mind, I'll be happy to respond.

Commissioner Cook stated this question of category of representation, you said you'd do away with party representation on commissions but you'd keep labor. I've been intrigued watching different administrations in Manchester on how good they are on finding Republican or Democrat members of unions. Why, assuming that labor means organized labor union members and given the decreasing percentage and this is no criticism or advocacy, but given the decreasing percentage of people who are members of organized labor unions would you keep that category to the exclusion of other categories.

Alderman Domaingue replied I think I only referred to three categories and when you say to the exclusion of other categories.

Commissioner Cook replied we have Republican category, the Democratic category, and we have the labor category and assuming labor means members of unions as opposed to working people.

Alderman Domaingue replied I think if this Charter Commission, as a body, chooses to keep those commissions then you need to be mindful and respectful of the importance of the history of the contribution that the labor movement has had and made and contributes to the City of Manchester and I don't think that ought to be excluded. If you're saying to me, we don't need that

in there because automatically we know labor will be represented on any commission in the future, then I'd say fine take it out if you can guarantee me that.

Commissioner Stephen stated I think you initially said you'd like to eliminate all boards and commissions, can you tell me or just give me an example of a problem that you've had in your experience with the commission system. Have you had any problems, why are you asking to abolish the commissions.

Alderman Domaingue replied because I feel very sincerely that it is another layer of bureaucracy that is not necessary. I don't think that a department head ought to be accountable to more than one direct body, direct legislative body either the commission or the Board of Aldermen and what appears to happen is that a department head feels as if they have to split their loyalties between the commissioners and then sometimes with the Aldermen and then possibly a third time with the Mayor. Right now, I see that the department heads are asking for accountability and greater efficiency in government ought to be able to have a direct line to the elected officials and be able to report directly to them without having to go through the commissions. Also, the commission system is one in which it is not an elected position, it is an appointed position. They're not accountable to the public.

Commissioner Stephen stated my question is have you, yourself though experienced the problem that you can share with me about the commission system. We hear this from people that because of the micro-management issue that the Mayor should be held accountable and the Mayor should be able to direct the departments but can you tell me, from your experience, has there been a problem that you can point to that I can understand rather than the micro-management issue.

Alderman Domaingue replied there are a couple of areas I could discuss, but not in open session.

Commissioner Stephen stated being new to this process, I'm obviously going to have to hear from some of the commission members, but let me ask you a second question. What would you think about, talking about conflict of interest issue you raise, what would you think about the formation in the Charter of an ethics board that would be separate from the Board of Mayor and Aldermen that would have an independent power to administer, enforce all the conflict of interest provisions, the campaign disclosure ordinances and other ethics provisions.

Alderman Domaingue replied, I personally, would not have a problem with that.

Commissioner Dykstra stated being a former School Board member, I'm probably going to ask you the same questions that I did to John Gatsas, it's only fair. Do you feel that School Board, people who basically work for the School Department, teachers should run for Aldermen and do you believe also that City employees should run for elected office.

Alderman Domaingue replied, no.

Commissioner Dykstra stated it seems that whenever people talk about commissions, they're thinking about the powerful commissioners, whatever. When you talk about abolishing commissions, maybe there are some that we don't need, but on the other hand we have some commissions that we have put together basically one that was put together during my term which was the Conservation Commission which I think is not a political commission, it's a commission that basically protects our land and basically is a good commission, then we have the Elderly Commission. Right now, under State law I think the Mayor had mentioned that if it wasn't required by law we shouldn't have it but there is also enabling legislation in the State that allows the Aldermen to put forth commissions that they feel might be in the best interest of the people, that including the Conservation Commission. Would you believe that something like the Conservation Commission should be abolished.

Alderman Domaingue replied no. I believe my direction was specific to the departments themselves, the commissions that directly oversee the departments within the City of Manchester. The Conservation Commission, again, I would not have a problem with.

Chairman Pappas requested Alderman Elise to address the Commission.

Alderman Elise stated it was my opinion that the Commission is still looking for another opinion relative to what this Commission can or cannot do.

Chairman Pappas replied we're still debating and listening to input from different people.

Alderman Elise stated if you do change one thing in the Charter you have to change the form of government and you're still looking into that.

Chairman Pappas replied yes they were.

Alderman Elise stated I've developed my opinions in context of that. In terms of whether my opinions would contribute to changing to just part of the Charter or revamping the whole Charter.

Chairman Pappas asked your opinions would be if we could revamp the Charter.

Alderman Elise replied my opinions also do reflect if you don't revamp the Charter either, so my opinions are basically done in that format and I do have written testimony which I would like to read if you don't mind. My opinions are based on my experience and observations during the five years I've been an Alderman. The first thing I would like to say is that I have grown to respect our present form of government. Originally thinking it was inefficient, unprofessional, and susceptible to favoritism. Some of these things may have been true, some of these things may not be true. Whatever the case, increase in professional standards for department heads and City employees, new technology, and better management practices as well as a growing awareness of a code of ethics in both management and the political structure, the system as it exists, in my opinion, has been able to diagnose itself, take its medication and is much healthier today. I think it is the job of this Commission to look at the present system and see how it can achieve optimum health according to today's standards and the needs of the community. City government is a public entity, financed by public funds which is different from private entities owned by individuals or stockholders whereby it is investment and profit is held by one or a group of individuals. There needs to be adequate representation from the public on how the municipality is run and how the money is spent. There needs to be checks and balances. Get rid of the commission system, maybe. Some have said it slows down government, the commissions have too much power. I've seen where they have done much of the ground work for recruiting very good department heads, researching alternative methods of delivery of services, etc. which is very technical and timely work. They have made recommendations to the Board of Mayor and Aldermen in these areas. At times, the system did not bring forth recommendations that department heads, the BMA or for that matter, myself, have liked. But, I've seen where the commissions were a great assistance to the department heads and the Board of Mayor and Aldermen. And, most importantly, the public interest was better served and protected in some cases. Is it wrong for the government to be slower if the public is going to be better served, I'm not sure. Our weak form of government is missing one thing, a strong central manager. A strong central manager is different from a policy maker. In the commission form of government if you so chose to keep that the City Coordinator's position could be rewritten for this. Someone needs to be in charge of the day-to-day operations of the City, full-time. Presently, the Mayor's Office is charged with that. With all due respect to the present Mayor and previous Mayors, present and previous employees of the Mayor's Office number one: are these positions filled with individuals that have the education, training, and experience to tackle and administer complex nature of the problems the City is facing today. There is a vast difference between the credentials of the Mayor's Office staff and the department heads which they oversee; two, in

my five years in office it was more common than not for vacancies to exist in the Mayor's Office. This was due to staff looking for job security elsewhere and difficulty with the politically charged nature of the office. One can logically imagine how much more efficient a city manager's office would serve the day-to-day needs of the public and City institutions with less down time caused by vacancies, campaign seasons, and/or changes between administrations. One can logically imagine what is going on without a city manager office and staff. The city manager form of government would ensure there is someone in charge of the day-to-day operations of the City at all times. The city manager is hired by the Board of Mayor and Aldermen based on their training, knowledge and their experience, not popularity. Real power is retained by the Board of Mayor and Aldermen. The Board of Mayor and Aldermen is strengthened in its policy-making role by being free of administrative duties. Many cities have converted to a city manager form of government. According to the International City/County Management Association 50 percent of the cities with populations between 25,000 and 100,000 have adopted this form of government. To date, 94 of the 177 U. S. cities with populations of 100,000 have adopted the plan. Getting back to the Mayor and Aldermen positions a mayor is very important as the chief policy making official presiding over meetings, representing the community in ceremonial ways, community events, and relationship with other government and most of all in providing political leadership. I feel our present Mayor has valued this role and I feel he has done an outstanding job. The Aldermen need to have the power in the political and policy-making process they will not adequately represent their constituents if the power is diluted to that advisory board. On other matters, I advocate for longer terms for the Mayor and Aldermen. Much time is not used efficiently on policy-making due to new Aldermen learning the system, campaign time, and change of administrations. On term limits, I have advocated for term limits but is this a decision for the people to make. If they are unhappy with an elected official they can be voted out. If you look at the elections this past year a few Aldermen were elected by wide margins. What does this say about the electorate's position on how they want their City to be run. I definitely feel a code of ethics or a conflict of interest clause should be more explicit in the Charter. In regard to autonomous School Department, it may allow for more accountability and representation to the public on these matters but it may not allow for alternatives to the system to be looked at and eventually adopted such as voucher system, charter school and strong relationships with private school systems in the City. As was mentioned earlier, a Conservation Commission was created earlier on in regards to management of the land in the City and natural resources and I do advocate for a new creation of a Heritage Commission that would operate on the same purposes as advisors to the Planning Board but in respect to our historical buildings and neighborhoods within the City and also to act proactively in preserving these assets as well as taking on individual projects itself. Just as a clerical matter, the term Alderman does need to be changed. Personally, I don't care

for gender-related names such as Alderperson, Alderwoman, Council person, Committeeman, etc. My personal preference would be to shorten Alderman to Alder, but that is something that you need to decide.

Commissioner Dykstra stated you basically support a city manager form of government is what the basis of your testimony was.

Alderman Elise stated I've come to really appreciate the commission form of government, I've seen how it has assisted the department heads in working with very, very controversial issues regarding delivery of service as well as working with constituents and I don't think that a lot of the work in the City would have been done without the commission system. But, I do feel that there needs to be, and if you so chose to keep that, a person that would be a central figure head in terms of a manager maybe rewriting the City Coordinator's position needs to be in place with a separate staff that is not related to the political system.

Commissioner Dykstra stated you then support commissions and you basically support a city manager as someone over them. You did mention the fact that this person would basically, this city manager or coordinator would be hired by his professionalism and not by his popularity and that the Board of Mayor and Aldermen would be hiring this person. How can you basically say that that would be so, is that the Board of Mayor and Aldermen would hire them for their professionalism, what makes them not want to do it by popularity, how can you basically say that they could do it only on professionalism and not on popularity.

Alderman Elise replied there would need to be a job description done with qualifications, education, and experience and in the time I've been on the Board I have not nominated anybody to a position where I have felt that they were any less than what the job description called for.

Commissioner Dykstra asked do you feel if you did have a city manager type, do you feel that possibly the Mayor could be subservient to that person.

Alderman Elise replied, absolutely not. A city manager if you did choose to go to that form of government a Board of Mayor and Aldermen could not be subservient to that person because that's not the nature of that particular position. The job of a city manager would be to do a lot of the administrative work regarding budgeting, recruiting department heads, making sure that departments are operating efficiently and they would not be able to operate outside of policies set by the Board of Mayor and Aldermen. In actuality, I think, the role of the policy-making on the Board of Mayor and Aldermen would be strengthened quite a bit by a city manager.

Commissioner Lopez stated under Section 8.03 that was discussed previously when the Board of Mayor and Aldermen decided to go for a Charter Revision Commission was there much discussion about this particular paragraph as to maybe a Charter Review Committee would accomplish a lot within the Charter to change the way some things are done versus the Charter Revision Commission, could I have your input on that.

Alderman Elise replied, I wasn't aware of the fact that if a Charter commission was put in place, they could not amend the Charter, but if they did make one change that they would have to change the form of government, I was not aware of that.

Commissioner Lopez stated under changing the Charter and we implement 49-C, the State Statute, what Commissioner Shaw mentioned before was non-interference which was 49-C:19 of the Aldermen interference with the administration of City government, how do you feel about that.

Alderman Elise replied, I have in no way every interfered with how a department was being run. I know that I have on a basis that I feel very comfortable with, if I'm having a problem or if I want an opinion I can call up a department head and express this particular problem and that department head knows quite well in dealing with me that yes, they are in full control and they will make recommendations as to whether they can do something about the problem, what are the range of things they can do, and also if they cannot do something about the problem. I don't call that interference and if there was anything that was going to box me in and preventing me from doing that I would say, absolutely not. I think that I, as an Alderman, benefit immensely by being able to communicate with the department heads and at this particular point I couldn't really prove that interference has occurred. I couldn't tell you an instance where interference has occurred, so I couldn't give you an example of that.

Commissioner Stephen asked could you give me an example of a situation where you think the commission system has worked to benefit the citizens of this community.

Alderman Elise replied I have seen where at the Parks Department, Ron Ludwig has been in the middle of some problems that have occurred and I'm sure this is an example of what has occurred in a lot of departments where he has had to make decisions relative to the public's use of certain buildings. Yes, he can make that decision, and I think it's been helpful for him to have a commission to fall back on and say look this has happened, what are we going to do and I think the public was better served in a particular case because he did have the commission and that's just one example. I think a lot of people are, I guess there was a statement made before where one of the Mayor's had said that there is a big and intense need for people to control. I think the commission system has the benefit of sharing the control and sharing the power so that the citizens may be better served in

terms of having representation or having their opinions brought forward and not have one entity say, this is how it should be. So, I think the commission system has been helpful and I've grown to appreciate that.

Commissioner Stephen stated maybe you did say this earlier, I may have missed it. Do you agree with Alderman Domaingue that there should be term limits set on commissions, commissioners.

Alderman Elise replied, I have advocated for term limits in the past, I would say eight years is a good amount of time for an individual to serve on a commission and there have been commissioners that have served longer periods of time and have really contributed a lot to the community and I think that I would advocate for term limits and I would say that these particular individuals would be welcome or maybe even valuable to sit on other commissions after they have had the experience on sitting on.

Commissioner Stephen asked has there been a situation where there's been commission appointments with the Board of Aldermen or the Mayor have had to go out to the public and solicit members to come forward for the commissions or has there always been people there who have willingly come forward. If we do term limits, could there be a situation where we don't have enough candidates and then the Board of Aldermen goes out and tries to get people from the community to come forward, is that something you've seen.

Alderman Elise replied, I don't think there's been a lack of people interested in serving on the commissions and I know that there has been some long-term commissioners that have really contributed a lot to the community and I think they have done a good job but I would still advocate for the term limits.

Commissioner Dolman stated we've talked about term limits for commissioners, whether there should be labor representation on commissions, whether there should be political party representation on commissions and asked what about geographical boundaries for commissioners. Sometimes you have a situation where you have more than one commissioner from the same ward where there's a geographical part of the City that has no representation from the ward, do you feel that there should maybe be some kind of geographical limit or making sure that each area of the City gets represented on a commission.

Alderman Elise replied if you did choose to go with the commission system, I think geographically if there was an issue which was pertinent to a particular ward like the airport that a representative from that area should be on the commission maybe.

Commissioner Dolman stated like the Highway Commission which serves all wards and say if the west side didn't have a representative on the Highway Commission, would that be fair to the west side where maybe the north side of town maybe had two representatives on the Commission.

Alderman Elise replied it probably would have been better if a Highway Commissioner had been elected from the west side with the landfill.

Chairman Pappas requested Alderman Hirschmann to address the Commission.

Alderman Hirschmann stated I am the newest Alderman on the Board, I believe, besides Willie Shea and we are certainly getting indoctrinated to the running of a large corporation such as Manchester. I don't feel qualified to speak as to, I'd like to give some recommendations for your panel, I don't feel I have all the answers, I'm not that qualified to give you all of the answers but I welcome all the questions as soon as I'm done. To start, I respect that the voters selected you just as I did myself, in an attempt to correct Manchester's future. I think that they voted on a referendum to put a panel together to change Manchester because Manchester is perceived to be not working properly. So, they spent money on a special referendum election and they further spent money on a budget to fund you folks and I've got to tell you I envy you because I walked in January to this large corporation and I wasn't given an office, I wasn't given a key, I wasn't given a direction. I knew in my heart what I had to do and what I wanted to do and I set out to do it. I'm not knocking you folks, I'm just saying that the Aldermen that run this City don't have a place to go to start off with. So, I hear comments on interference. If an Alderman wants to find something out from a department head, being a newcomer I try to keep an open mind, an unbiased mind. I don't want to get all of my answers and comments from one office. So, I think that the aspect of going to directors or departments, commissions, any layer of government that has a piece to the puzzle because Manchester has become a myriad of entanglement and that's where we're at right now. We are an entangled City, we have departments serving departments serving departments. To stay on course here, I believe that your job, this is my opinion now, okay. I believe that your job is to sincerely change Manchester and how my opinion would state this would be to have a strong Mayor. I believe in the election process. I think that a city manager would become a puppet master, would become a puppeteer to 12 Aldermen, to commissioners, to Mayors, to aides, to everybody. It would be this persons's personal nightmare, the city manager job in a City this size. I think that the Mayors of Manchester should approach the people sincerely with their goals and visions and get themselves elected and then have the power to install themselves and perform on what they set out to do and when they set out to do their vision and goal they should have the power to

overcome obstacles and when I said the myriad of entanglements and the obstacles there are obstacles. Right now, we all know the Mayor doesn't have the power to probably displace a department head. I think that he should be the Chief Executive, the department heads should report to the Mayor which would render the commissions, in effect, to a degree, if you are going to have a commission structure maybe there should be a dotted line that the department heads report to the Mayor and the commissions are dotted lines in that process that the commissioners don't run the department heads. As far as the budget, I don't think the budget, the Mayor should have the sole authority over the budget and it's indoctrinated in the Charter that he shall come forth with his budget. I think that the Board of 13 should come forth with a budget and I don't know if that's possible but the struggling that's going on with the falling of our tax base, we are going to have a conservative budget and that is where all of the in fighting comes. I position myself for a strong Mayor form of government. I believe in the election process so terms limits aren't that important to me. I would say a two-year term with a strong Mayor especially because if you ever went to a four-year term and heaven forbid if we made a mistake if somebody wasn't what they said they were, we'd be stuck with that fella or nice person for four years. As far as the Aldermen go, the theme I would like to place on the Charter and especially the Charter is accountability and accountability is what has to happen and that's why the Mayor has to be empowered to run the City. The Aldermen have to be empowered to help budget, to carry out the budget, and to set policy and if, at times, it seems like there management and micro-management going on, well, by golly they're trying their best to help run the City and there's probably some mistakes being made. As far as the City goes as a whole, the concept of accountability, I believe that the whole City is greater than the sums of its parts and you've heard that before. Right now, we have a triple A bond rating, Manchester is poised for success, we are capable of it, but we are being drawn back with the reins because of our budget and our tax base. We could damage ourselves by going to a city manager who the 12 Aldermen torture on a daily basis. Right now, things are decentralized there is a Mayor, the Aldermen don't report to the Mayor, we interact with the Mayor and his staff, we interact with commissioners, we interact with deputy directors and there's all kinds of titles, I don't have them all down yet. Terms, I guess, I'm staying with two years. Commissions, my idea of commissions is that they are the taxpayers, if the taxpayers had a cake, the commissions would be if you had five layers in the cake there would be five layers of frosting and that's what the commissions are, they have to bite through all these different layers. I see commissioners with six-year terms and I see them getting reelected and if you watch me on TV or if you come to these meetings, you see me, I'm trying to change City government. I'm trying to make it more affordable, just what the Charter says, give the people something that they can use, not to keep reappointing people for 6 and 12 years. Have commissions been an obstacle, I would say yes. Specifically, the Highway

Department. The Board of Mayor and Aldermen set the budget for road resurfacing and reconstruction and repair and potholes and patching and try to get something done, this isn't a jab at a department head or anything like that but try to get on a priority list. There may be a hundred thousand or two hundred thousand in an account, but if you want something done, boy. Chairman Robert is Chairman of CIP, there's 12 of us that are going to be jumping on his back in about a month trying to encumber this million dollars that's set aside for projects and he knows it's going to be a huge in fight. The Highway Department can tell from its commissions which streets are going to get repaved. I don't know why they should have the power to choose which streets should be resurfaced, I don't know how that happened. Procurement, I believe there should be a department of procurement. I think that is a check and balance, it's in the Charter and we don't have one right now. Anything under $2,500 let the department heads do it. I think that if RFP's came from a central place that volumes of equipment, pens, paper, all these things could be bought in greater volume and distributed. This is my opinion. Ethics, I've worked in corporate America for 20 years and corporate America you live and die by your ethics. You sign a policy, policies are crafted and you sign them - I will work in a drug free environment - I promise to do this - I promise to do whatever it is - it should be crafted, it should be signed by Aldermen, the directors of department heads, whomever. There should be a policy set forth. A lot of companies put together a non compete, people sign them, you can't compete with us while you work for us, you can't compete with us a year after you work for us. I think that a document could be crafted and that could be put in the Charter that this policy could be created. I guess the Aldermen could set that policy too. Departments, I don't mean to pick on anyone in particular, I will talk about two departments. One is in Section 3.12 of the Charter which talks about Special Services Departments. Being the rookie Alderman on the Board, I don't have any links to people, I don't have any relatives that are in the system, I don't have any friends in the system, isn't that scary. I think it qualifies me to give you an open mind and an open sight. With the Board of Assessors it states that there shall be three Assessors who shall be appointed by the Board of Mayor and Aldermen. The Assessors acting as a Board shall constitute the department head. That one sentence right there, I think that has to be changed in your Charter. I believe that you need a department head in the Assessors Office. I'll give you an example, specifically. The Board of Mayor and Aldermen previous to me gave out department head raises last year and I'm a scrutinizer, I love baseball statistics and statistics. I looked at these statistics and saw that the line item for that department raise was through the roof and I said what happened, how come that one guy got a big raise and I said oh no, Keith, there's three department heads for the Assessors so they all got this magical department head raise. Wow, aren't we messed up. So, I ask you to write the Charter so there is a department head or a director of assessment and maybe he has two deputies so that

the next time a raise is doled out for department heads one person would get that raise and it wouldn't impact the entire budget. With reference to Schools which is another department, I would say, please keep that as a department. Only if you want to maintain your checks and balances, I think the School Board is doing an outstanding job with reference to policy and I think our schools are run magnificently. Some of the principals, Dr. Duclos specifically and some of the other schools throughout the City, I hear all these good things. So, I think the schools themselves are being run properly. I'm just fearful that should they break off, this year they've asked us for $54 million and we all ran the numbers and our tax rate, I don't know how we're going to hold the line this year. If they break off and set their own budgets and carry things out and grow and grow and grow and build charter schools and build this huge dynasty, I don't think anybody in town is going to be able to afford the school district and maybe they'd start sending their kids all to parochial school then, I don't know what they'd do. As I said earlier, the whole is greater than the sum of its parts, I wouldn't want you to see off the Water Works, I wouldn't want you to sell off or if the School district became their own entity we could start, the things that are in the budget that we could be charged back to the School district, we could start charging them for crossing guards, we could start charging them to plow their driveways which comes out of Parks and Recreation that myriad of entanglement would take over and the costs would go up. I think that the Water Department is a very critical asset to the City of Manchester, I would never want to see that spun off, the cost of water is viable and it will be for all of our children. So, to keep our bond rating and to keep our City as a whole and keep our revenues as a whole and keep our tax rate down, I ask you to keep the City as a whole.

Commissioner Shaw stated I'll zero in on your last thought, you said "never spin off the Water Works", I'm not advocating it, I just want to know when you used the word "never" and then you put it into the Charter that it shall never, what if someone came along and said you could, we'll pay you this much for the Water Works, we promise never to raise the water and we'll pay taxes on the beside, would "never" apply in that case in your scenario or would you allow.

Alderman Hirschmann replied not being a trusting person, I would want the control of Manchester's water, water is power, it's a resource, you can drink it, you can swim in it, you can do all sorts of things with it.

Commissioner Shaw asked controlled by who, Alderman.

Alderman Hirschmann replied, the City of Manchester, the people. Right now, the rate that people pay to drink water and use water is reasonable. If you go to Towns such as Raymond or other little towns that the cost of water is unbelievable.

Commissioner Shaw asked who would you want to control that "never", are you saying that the Aldermen.

Alderman Hirschmann replied the City Charter, I don't want to be in control of it, if that's what you're asking.

Commissioner Shaw stated because then you go on to the role of an Aldermen, you make the Aldermen very subservient to the Mayor when you said at the very beginning of your remarks that the Mayor should be elected based on a platform, that he should be able to implement that platform, but the citizens, I thought, elected 12 other people who might have differing opinions.

Alderman Hirschmann stated that's why I asked for their authority to control the budget process.

Commissioner Shaw stated that's it and not the Mayor's agenda because I see a conflict here in what you want the Mayor to be, you want him to be all powerful, is that because he's been elected by the citizens, in general, that he should have his way and yet we elected you to counter his having his way, if you wish to do it.

Alderman Hirschmann replied that's a tough answer, Bob. To be an Alderman you have so many concerns within your ward you almost shouldn't have a total say as the direction that the City is going. You're role as an Aldermen is such that your concerns in your ward are paramount but a 180 degree spin at any minute puts you, the whole City's, you're in charge of both.

Commissioner Baines commented you can have nine friends now, we can all be your friends.

Alderman Hirschmann stated I'm taking a page out of Tom's book, I didn't come down to City Hall to make friends, I accept the invitation after this.

Commissioner Baines stated my question would be would you supporting giving the Mayor the authority to remove department heads, let's say a new Mayor would come into office and at his or her choosing could remove the department heads just so they could have people in place to carry forth that agenda, would you support that.

Alderman Hirschmann replied for cause.

Commissioner Baines stated to carry forth the agenda.

Alderman Hirschmann stated you'd be setting up a political monarchy if you did that, Mr. Baines. If I ran for Mayor in two years and if I found 12 friends and wanted them all in as department heads, we'd have a problem.

Commissioner Baines stated some of the testimony we've received has advocated for that and that's why I'm asking that question to see if you support that as an Alderman.

Alderman Hirschmann stated when I asked to give the Mayor that specific empowerment what I meant was if there was a department that should be performing a task or at a certain rate and it's understood that there's budget to do it and manpower to do it and it's not being done then "for cause" there should be a replacement and that's what I would advocate.

Commissioner Dolman commented that I think you forgot about the PUC and the water rates, I think the Public Utilities Commission has something to say about rates.

Commissioner Shaw stated not Manchester's water rates, they only have a say on the town's rates.

Alderman Hirschmann stated I wish the PUC had some effect on Manchester because our sewer rates are going to go through the roof in the next decade.

Commissioner Dolman stated based on what you said earlier about the Aldermen being so limited in their view because of their constituent problems in their wards, so would you then be in favor of probably adding some at-large aldermen whether it's regional or City-wide who might have a broader view.

Alderman Hirschmann replied, I want to go back to the term accountability. I would say no. I'm not saying, it's not a control thing for me or for others, but in my position I'm so accountable to the people of my ward, why would we want to put a person on a board that isn't accountable to any group. Where I could be called 36 times in one day for 36 potholes where this other fella's off working on who knows what, you have to be accountable and that's why I think if we're going to add aldermen you would do a redivision and add an alderman, maybe Jackie's here with all those problems she's got maybe she needs another alderman down there.

Commissioner Lopez stated I personally invite you to the Parks and Recreation Commission to learn exactly what commissioners really do for the City. There's been some talk about a lot of term limits for commissioners, department heads asked how do you feel about term limits for Aldermen.

Alderman Hirschmann replied, I don't really know how I feel about that because I haven't served long enough or haven't seen the process long enough to comment but I know that Alderman Cashin has been around and the people have elected him faithfully so I would say that term limits will take care of themselves. If people think that you need to be gone, you'll be gone.

Commissioner Lopez stated I know you've only been an Aldermen for a short period of time, have you experienced any major things with any commissions or departments.

Alderman Hirschmann replied you saw Jackie's list, my list is just as big, I just didn't bring it with me. When you ask about interference, I was sincere when I said the only way an Alderman can interact with the departments is to seek them out and a lot of the departments have written me letters of invitation and have been very cordial to me and a lot of the chairmen's of commissions have done the same. I've investigated to the degree that I want to, I'm not going to go down and turn stones over at the Parks and Recreation Commission headquarters, but I've looked at your operation, believe it or not and I've looked at many of them and we haven't sat down face-to-face.

Commissioner Stephen stated being new to the Board and just recently having run an election for an Aldermanic seat can you tell me whether any citizens in your ward on the west side that came to you and told you that they had problems with the commission system.

Alderman Hirschmann replied when you ask a question things bounce in your head. I hear and hearsay isn't good testimony, is it especially if you're in the legal professional. Hearsay isn't good, but firefighters that I've spoken to have said that the Fire Commissioners are all powerful because they get to put new employees on the payroll and I won't go out-of-bounds and say that there's any kind of favoritism or anything going on but maybe there's an air, when you look at things and you say is everything okay, I don't know enough to say yes or no. But, when I hear people say to me there's this favoritism going on, I've got all my eyes and ears open and I'm going to proceed for the next two years in that fashion and if I find a problem, if I find in this book that there's a removal of cause for that problem, I would recommend it.

Commissioner Stephen asked would you be satisfied as a sitting Aldermen if we came up with strict conflict of interest or those types of rules rather than abolishing the commission system, making sure that they are held directly accountable to the people.

Alderman Hirschmann replied I won't use the word concession but that would probably be a good concession, a good strategy to get everybody under a policy or a doctrine or a document, signing that they wouldn't compete, they wouldn't proceed unfairly, they'd do a drug policy, background checks, whatever is required, education, whatever it is.

Commissioner Dykstra stated when you mentioned about the Fire Commissioners, their involvement in hiring people, right now we do appoint Fire Commissioners, we do appoint Police Commissioners, would you support having these Fire or Police Commissioners be elected by the people which they are in some.

Alderman Hirschmann replied my opinion on commissioners is that if we were to have any that they would be elected by the people and that's why I really respect this Board was put together by the people of Manchester and I was hired by the people of Manchester and that I don't like outright appointments.

Commissioner Lopez stated I want to go back to the interference, your for a strong Mayor, I presume.

Alderman Hirschmann replied, I believe I said that. I want accountability and a Chief Executive.

Commissioner Lopez stated so as an Alderman you wouldn't be able to interfere with the administration if we were to adopt a strong Mayor concept under 49-C:16 and 18 and 19 on the interference, you wouldn't be able to go to department heads and tell them what to do, whatever the case may be. You would sit here at the Board, how do you feel about that.

Alderman Hirschmann stated I wouldn't be able, as the Charter issued, to issue directives any more, you're going to take the power of giving directives away from the Aldermen, is that what you're saying.

Commissioner Lopez replied if you went to a strong Mayor concept, under State Statute, as an Alderman you could not interfere with his administration, how do you feel about that.

Alderman Hirschmann replied, it's an awful question. What I would say is that if I needed to interact and ask questions, that's by nature, but by nature I would never myself, personally. The interference thing sounds like kind of like a witch hunt thing where you go into a department, your badgering people, and you're bothering people.

Commissioner Lopez stated let me help you a little bit. There's an incident up in Rochester that was alluded to a while ago where a councilman went to the Highway Department and wanted to get 27 different things done and they called that interference and they're testing a court case there now.

Alderman Hirschmann stated what I would say to you now that anything that became that important would be addressed at the full Board level so that you wouldn't have one Aldermen inquiring, you'd probably have 12 Aldermen interfering with you.

Commissioner Sullivan stated it's not so much a question, I'm just not really sure that 49-C, was is 16 Mike on non-interference, what is actually says is "elected body shall act in all matters as a body and shall not seek individually to influence the official acts of the Chief Administrative Officer which would be the Mayor/City Manager or any other official or to direct or request, except in writing, the appointment of any

person to or his removal from office or tend to interfere in any way with the performance by such officers of their duties." I'm not so sure that what that is saying is that the non-interference says you cannot call with respect to constituent questions such as pothole questions, can I call the Highway and complain or if a constituent has complained about a pot hole. I didn't want this to be seen as something greater than the non-interference section in the Statute really is and I think that, hopefully, just reading that it makes it a little more clear that it appears that the intent is, for example, that the Alderman doesn't call, for example, Principal Baines says so and so is applying for a job as a teacher, would you give him some consideration or, for example, call up another department head and say I want the potholes on Mammoth Road before they're fixed anyplace and that's the way it's going to be and that that's the type of thing that would come out at a full Aldermanic meeting, I just wanted to clarify that.

Alderman Hirschmann added for the benefit of Commissioner Stephen's noting I had thought about it before commenting on it, so it was something I had to be careful with but I wanted to be respectful and bring it to the table. I just approved the restructuring of the Parks and Recreation Department and, of course, that came from a commission, I believe it came from Mr. Lopez's Commission. One piece that's been sent back is that the Director they linked with this restructuring that the Director gets a two grade pay increase and this probably doesn't have much to do with this book and that's the type of thing I don't like and the commission currently has control of. The Commission of Parks, Recreation & Cemetery sent to us a restructuring plan and linked with it a pay increase of two grades. When I investigated this through Personnel, I interfered with the Office of Personnel and had them write to me as to what the individual was making, he was making a substantial sum of money and I asked what the sum of money would be that he would get in the future. When I saw it, I was astonished and shocked and I made sure that that didn't pass. I fought in our Aldermanic Committee to break off that because we're in a declining tax base and I don't think he should get a raise because all of the department heads just got a raise, so that specifically is the type of thing that the Aldermen are the checks and balances and you're having a board below them or quasi aside of them or wherever these boards are sending us pay increases after pay increases with these restructuring efforts and when I get back to that quote of the myriad of entanglement that is what we're trying to pull apart and fix so we accepted the restructuring of the department to save money and we shot down temporarily this pay increase and I really wanted to put that on the table so you'd know what I'm talking about.

Commissioner Baines asked isn't that a testimony that the system works as opposed to it doesn't work, that sounds like the system worked.

Alderman Hirschmann replied, again, I don't have any friends but maybe it worked.

Commissioner Cook stated following up on something Commissioners Baines and Sullivan said you've got to be very careful in terminology here or we're going to get all bottled up, you're requesting information so you can intelligently vote on that reorganization by finding out what the ramifications of it were in terms of what's somebody going to be paid or not paid, is not interference, that's information gathering. So, that would not be prohibited under any system that I know of. Secondly, if you had said I won't do thus and so unless you do thus and so, you will award the increase or I won't vote for the reorganization, that's interference. Secondly, following up on what Mr. Baines said the fact that the Mayor and Aldermen asked implicitly or explicitly for a reorganization of the Parks and Recreation Department just like it could ask a citizen advisory board of a department to give it advice on the subject, subject to the approval of the Board only seems to me and that's not a question, it's a comment, it's seems to be to be an intelligent way to proceed when you're dealing with people who know something about the department, you have the right to say accept certain parts and reject certain others. So, I'm not sure that the point vis-a-vis of commissions is but if you retain the power here to set certain pay rates, authorize people to occupy those positions, ratify them if the Mayor were to appoint them or to reject or accept certain advice you get from a commission, I think that's something that we should all take some encouragement and education from.

Commissioner Shaw asked how would we know if he was the eighth vote, you see the Mayor can veto if there's seven people but if he was the eighth vote and he was to get a soccer field in the northwest corner of Manchester and he voted to give the man the raise, how would we know that he hadn't interfered or that the department head hadn't interfered to try to obtain that eighth vote.

Commissioner Cook replied I think it's the misuse, he didn't do this, and I don't want to say "he" in this case but how would you know if somebody was interfering. It goes to what somebody did and not whether they were successful at it, we have a noted criminal lawyer here and crimes aren't denoted by their success.

Commissioner Lopez commented that a lot of work went into that reorganization plan and I thank you for approving it without the pay raise.

Chairman Pappas requested Alderman Robert to address the Commission.

Alderman Robert stated, Ladies and Gentlemen, thank you for asking me to come here and asking me for my opinions, my perceptions as to what I think is good or bad about City government. Most of my ideas have been formed by really my

perception and my constituent's perception about City government. My impression, my feeling after a tremendous amount of frustration building within the people of the City they tend to gravitate around certain things but I think it essentially boils down to that they don't feel that City government is being responsive to their needs and that can manifest itself in a lot of different ways. I, myself, in my contact with my constituents, I've tried to identify precisely what they are and I've tried to sympathize my approach or my vision as to what I think the solution to the problem is. I think our City Charter is a big part of the problem. It presents obstacles whether their easily recognizable or not to getting things done or getting things done at least so people feel they want to have done. I think what we're seeing in the people is a frustration aggression cycle building, maybe it's past, I don't know. But, again, that's just my perception. I look at our present system of government - weak Mayor - a weak Mayor form of government. Some people call it antiquated, but I think it may have its place probably like a lot of other systems, but I think in trying to respond to what people feel that they want it takes away, it detracts from that. I think it lends itself to what I tend to think of a degenerate form of governing. What I mean by that, usually from my experience I find that politics, trading for favors usually is the overriding decision-making factor when any decision is made. The needs of the people come in second, third, fourth or whatever but it kind of happens way too often and way too frequent for my taste. I find that a strong Mayor form of government would facilitate getting the people what they need as quickly as possible and it allows the people to decide what it is that they want once they finally clarify what it is that they want. I tend to think that that is a higher standard of governing if we focus on debate of ideas and policy as opposed to what I usually find that I encounter. To really do that there has to be clear lines of power, authority in a decision-making process. I think that since the Mayor in this City is the only person that campaigns City-wide and actually looking at the terms of practice, he's probably one of the few people that actually develops a clear perspective of what his view for the City is. Aldermen generally focus on the needs of their particular district and I'm sure that others have developed a City-wide perspective, as well. But, that agenda or that contest that happens every few years, the voters have a chance to feel out the candidates, they get a chance to pick up a sense of where that person is going and particularly if there's primaries and more than one candidate, more than one person articulating a vision for the future of the City, it's a healthy process and we boil down to an election where people are elected. I have to act on the assumption, at least in general principle, or at least generally that the people want what that one person's vision that was projected. A government like what we have right now you get a person in the Mayor's Office with very little ability to do anything else besides maybe project his ideas at the Board level but if this Board doesn't buy it that's the end of it and then on a more practical level our Mayor whoever it may be if there are

problems or if there are things that aren't working that person tends to get the blame and I find that to be not only unfair but really counterproductive. Whatever that vision might be, whatever that goal might be I'm sure we're going to argue about it, we should argue about it, we should present the ideas to the people but we lack a clear avenue of getting that done. Again, the City, a strong Mayor form of government, I like that as opposed to, certainly as opposed to what we have now which is a weak Mayor. The city manager form of government, I think it detracts from the ability of the people to get what they want implemented, implemented quickly. What you would have essentially is 12 Aldermen or whatever amount of Aldermen you choose to put on this Board, you'd have a small group of people making all of the decisions and some of these people making these decisions aren't answerable to all of the people, all throughout the City. I think it's a poor decision-making process. I think also as a practical matter, it seems that a lot of city manager's and again this is just my impression they come and go regularly. I don't know how well that would serve our City in terms on continuity. But, if we did have one person such as any Mayor that the people wanted, again, the people will make up their mind what they want and if they don't like him they'll get rid of him. If they like what he's doing they'll probably keep him there but, again, clear lines of authority have to be drawn. He has to be given the ability to manage. One of the things I would suggest that the Mayor that is elected be given the authority to hire the department heads that he wants to have without authorization, without confirmation from this Board simply because if this Board gets it politics and favor trading comes into it and that's counterproductive, it takes away from what the people want. Also, commissions I would probably eliminate most of them probably the first one that comes to mind is probably the Airport Authority just because of the nature of that animal down there because it crosses town lines, probably maintain that commission but I believe that a lot of our department heads have the ability to manage, you hire them in an atmosphere where there is no political overtones, you should be able to hire them based on their ability to manage, their knowledge. Particularly in the areas that there's a lot of specialized knowledge involved. As far as I'm concerned you do appoint a Mayor to enact an agenda to manage a City, if that person's not managing that Mayor will have the ability to get rid of him or to keep him on if he's doing an excellent job. I believe that should be at their discretion. I also believe that the department should be eliminated in the City Charter simply because it should be the people's decision, at any time, to decide what they want to do, what's good for them. One of the things I've been hearing or promoting is efficiency, accountability, effectiveness. I've never advocated eliminating a department but if the people so chose to do so at some time that's their prerogative, that's up to them and they can and will and should be able to decide from here on out. I think one other important thing, I believe I'm speaking broadly as I don't have prepared statements. I'm one of those people who Alderman Domaingue spoke about that has a busy family life and a busy work

schedule but one thing I think is very, very important here is Manchester is to limit the terms. The number of years, I figure is up to you. But, around eight years seems to be reasonable for Aldermen, the Mayors. It just seems to me that through much of my experience, power and influence come with time on the Board and it doesn't necessarily have to do with what you want to do, what you want to do for the people, it's who you owe favors to and other political factors. I figure once you get to a point you probably accumulated too much of that, too much of that mind set and it does begin to take away from the focus on dealing with the needs of the people. Other things that I think that may be necessary getting away from the strong Mayor form of government, I do not believe that the School Committee should be made an independent body. I enjoy that annual ritual of going to public hearings and listening to that but I think that we need to keep control of their budget. Also, I think that partisan elections should be maintained for both bodies. I feel it helps identify where people stand on certain issues. Although in many instances party labels don't necessarily apply, issues haven't really been brought into good focus but I think the strong Mayor form of government would facilitate that. I wouldn't favor at-large aldermen. My feeling is that if you had at-large aldermen, essentially we would detract again from that idea of focusing in on the people and I think some areas of our City would become neglected. This way it ensures that somebody's always answerable to somebody and nobody gets forgotten. Again, those are just my general thoughts and I'd be happy to answer questions.

Commissioner Dolman stated philosophically you and the Mayor tend to agree more this time but if there was someone else sitting on that seat who philosophically doesn't agree with you and you give him that power to appoint all of the department heads and run his agenda without giving you, as an Alderman, and the other Aldermen some say what the agenda is and how it's run, you've got to think about the future, you tend to agree right now with this Mayor but what happens if there's Mayor sitting there who you disagree with philosophically. Do you want to give that one person all that much power.

Alderman Robert replied, I believe that is for the people to decide, not for me. If you put that framework into place, let's say, I as an Alderman, and Mayor no matter who it might be he is going to enact an agenda supposedly what the people want. Myself, in the proper role would be to alter the policy a little bit or to change a policy. If a majority of the Board felt that that was necessary. To answer your question, Steve, yes. If you were Mayor, yes, I would still vote for it.

Commissioner Dolman stated the question I asked is because you say you're afraid that when you do it with the Aldermen and politics is involved, what prevents the politics of the Mayor using his office to pay back political friends or people who contributed to his campaign with no say to the legislative body.

Alderman Robert replied to answer your question as best I can. I guess I'm looking for the optimum. We're all human beings, we're all frail, and we're not perfect. I'm thinking this would emphasize the positive as best it can be and minimize the negatives.

Commissioner Dolman stated there is a possibility of that happening, you'd have to admit.

Alderman Robert replied, let's put it this way. What we have right now is horrible, it's horrible and anything that is done to get us out of this cesspool would be a great benefit and again that's my idea.

Commissioner Baines stated I came on to this assignment with some feelings about strong Mayor/city manager and I've been trying to get at this issue with those who are in a position to react with their own experiences and to date after talking to the present Mayor and the former Mayors and the Aldermen, when we get at this issue of real tangible issues, something we can put our hands on, on our frustrations or where departments haven't responded appropriately to effect in a negative way the management of City government, we're not getting anything substantial. We're getting a lot of rhetoric, we're getting comments like cesspool and this mess that we're in. You've described a Manchester, by the way that I don't recognize; that's not the Manchester that I'm living in but maybe you've got a different perspective. Can you give me some tangible evidence that this system is broken other than using the rhetoric of words like cesspool.

Alderman Robert replied all you have to do is talk with the people.

Commissioner Baines interjected we have been, that's my frustration. We're talking to them and their not giving us the evidence.

Alderman Robert stated knock on doors, walk up and down the streets, they'll tell you what they think if you ask them, if you stand and listen to them. Again, this is my perception, this is my opinion.

Commissioner Baines stated I'm not interested in the citizens for this question. My question is the elected officials who should know about the workings of government and other than the rhetoric where are the examples that the system is not working. I'm trying to get that from you, I haven't got it from anyone else yet.

Alderman Robert replied I'll speak from my own experience. In trying to get done what my people I'm assuming want me to get done because I tell them everything, I lay it right out for them. If they don't like it, fine, if they like it I got elected three times so, I guess that means something. In my trying to take

those concerns to this Board there's just been many roadblocks. Our Mayor having a similar agenda in trying to implement a program has encountered many of the same roadblocks. Again, I want to keep our conversation on a higher level, I don't want to point the finger at people, I don't want to incriminate people. But, you asked my opinion and I'm giving you my opinion and I believe that it's based on experience and what I think I have to do to get my constituents what they want.

Commissioner Baines stated again, I'm not getting the specifics and what you're describing to me is democracy. That is just what you described. The fact that I might have an agenda and I can't get it forward or push it forward through a legislative body because they may be looking at other issues of the City as a whole and you don't get your issues through; that does not mean the system is failing; that means your dealing with democracy.

Alderman Robert stated I guess what I'm saying is and again this is my opinion, it's not responsive enough and I'm trying to address the frustration level that my constituents express to me. I have to talk to these people all the time on the phone and if they don't like something I do. The sewer rates just went up recently and there was a wave a phone calls, a wave of resentment and people react to that and that just comes on top of all the other stuff that's happened in the last five years since I've been here that I've taken official charge to try to deal with their frustrations.

Commissioner Cook asked could you further explain, the Mayor said this last week and I'm still not sure how Manchester City government or the administration of our schools would be improved if we went from a non-partisan School Board to a partisan School Board.

Alderman Robert replied I think the focus of the debate on education in the City of Manchester is not clearly defined. I have definite opinions on it. On a national level, on a State level and maybe not so much that debate is more clearly defined. I think the people have to know that if a person is a member of a particular party they have generally speaking or maybe in the future when that clearly defined agenda or perspective becomes tangible that that person because he's a member of a particular party has a philosophy that he would probably lean to or promote given the opportunity to do so. I just think that if by getting rid or making elections non-partisan it just takes something away from a person that may identify him with a particular approach to government. Again, I tell my people everything. My ward is two Democrats, everyone Republican and I tell them, lay it on the line and that's the way it is. People respond, I think, to a good logical argument, a reasonable argument. I think people want to be respected. Politicians, some of us have a bad reputation for saying one thing and doing other things and trying to skirt around things. Labels, I think, help in this case.

Commissioner Cook stated you and I both happen to be Republican, do you think that means we agree on education.

Alderman Robert replied probably not.

Commissioner Shaw stated I'm interested in the definition of strong versus weak form of Mayor, mayoral government and Brad Cook gave me his definition last week, but I'd like to zero in on a couple of thoughts, if I might. First of all, if six Aldermen agree on a particular issue and six disagree how strong is the Mayor in our form of government.

Alderman Robert replied he does have a veto, he can break a tie.

Commissioner Shaw commented then he's pretty strong, if six agree and six disagree.

Alderman Robert stated that's one of the few chances he gets to vote as I understand.

Commissioner Shaw stated if seven Aldermen agree on a particular issue and five disagree how strong is the Mayor on any particular issue on that vote.

Alderman Robert replied he gets to veto it.

Commissioner Shaw stated if there are eight Aldermen that agree on a particular issue how strong is the Mayor then.

Alderman Robert replied the potential then for him is to be overridden.

Commissioner Shaw stated well, I ask because when I was Mayor of the City of Manchester we used to have a term called the "Gang of 9", but I think my point is and maybe you could define this here because after I left the "Gang of 9" dissipated and persuasion of the Board became more in tuned with the Mayor where he's had either six, seven or eight votes and I don't understand your frustration or his frustration where he thinks he's weak when he has eight on his side and I thought I was strong when I had nine against me.

Alderman Robert replied they're not clearly defined by party affiliation. I guess what Commissioner Cook had mentioned just because we're members of the same party doesn't mean we agree on education.

Commissioner Shaw asked do you agree on not raising taxes, pretty much don't you. The majority party of Aldermen on this Board are opposed to raising taxes.

Alderman Robert replied I've always advocated efficiency and effectiveness.

Commissioner Shaw stated you're against buying books for the Library.

Alderman Robert replied I've never said that I would eliminate a service or downgrade it. Some people may take issue with that but I, myself, in my position as I tried to present it from my perspective of dealing with my constituents, I've always pushed efficiency and effectiveness.

Commissioner Shaw asked but how about the majority view of this Board is to reduce the cost of government, to reduce the amount of books are bought or the school supplies or fixing schools that is a policy isn't it of a majority and if the majority had that philosophy isn't the Mayor very strong if he can convince the Board of his position on those issues. Isn't that a strong position, a strong Mayor form of government that we already have that our present Mayor is strong.

Alderman Robert replied that in my three terms on this Board usually the Mayor has found himself in the minority of many issues. He's found it very difficult to get things done that he's wanted to and I think he's had to scale back his agenda. Now, again, that's just my perception of how this Mayor is acting but I know your Commission doesn't want to focus on our little struggles. You want to move on, you want to get into the 21st century and set up something for the City to operate in that area.

Commissioner Shaw stated wouldn't I want the Mayor to be strong, wouldn't I want him to get up in the morning without a bowl of Wheaties thinking that he is strong, do I want anybody to come before me like yourself and say that the Mayor is weak, I don't understand why people use that word, it demeans him which is wrong to do and it demeans the people that held the office before him, the Stanton's, the Beaulieu's, the Syl Dupuis's.

Alderman Robert stated I'm not saying that there is anything that is derogative. Previous Charter Commissions have made decisions to set government up that way. I'm saying to you that to respond to the needs of my constituents, I see this as the best way to go forward now. I don't care what's happened back then, I just want to move forward, I want to take care of them. Keith Hirschmann said I'm not here to make friends, I haven't made a lot of friends and personally, I don't care. I'm going to take care of my people and that's it.

Commissioner Baines asked all of them or just the ones that voted for you, what about the ones that voted against you.

Alderman Robert replied all of them. If they want a raise, I've already told them they're not going to get it.

Commissioner Baines stated I'm just curious about your philosophy of government, I guess this is probably not the time to have this debate but you're going to do what your ward people want, only the ones that voted for you, what about the ones that voted against you, and the ones that didn't vote, and how about the kids. Think about that, I think you should.

Commissioner Stephen stated you've been here for three terms and I guess I'd like to expand on Commissioner Baines' question, I mean, I'm new to this process, I'm a young person, I am looking at whether we should keep commissions or not and I don't think I have yet to hear an example, a specific example of where the system has failed the people and where the Mayor would have been able to make a better decision, can you help me with that.

Alderman Robert replied when I advocate eliminating commissions, I advocate clearing the channel away of potential obstruction. Again, I'm trying to keep this on a higher level, I don't want to get into specifics, I don't want to incriminate people, I can speak to my own experiences. But, myself, our Mayor that we have now trying to enact an agenda has to surmount not just a vote of this Board but in instances there's been, let's just say our commissions haven't always been as accommodating as maybe I would like, as some people would like, maybe the commissions have acted in such a way that they defended a position that they thought was right and didn't want let's say our Mayor to get involved in. I guess when I say I advocate getting rid of the commissions I have faith in the department heads to make certain decisions, to make many of their decisions and I think it's sound management philosophy to allow that person to run a department and not have to worry about what 13 people on this Board are thinking about them and what seven or five or three other people may be thinking about them on another. Again, it lends itself to political factors, in trading favors. It takes away from the ability for myself, our government to deliver the services in the manner that the people want them to and again, I'm trying to address this frustration that's out there.

Commissioner Stephen stated I know the Charter Commission back in the 1980's or late '80's obviously came up with this commission system, it heard from the public, and had gone through this same process from that point until this point right now have Mayor, in your opinion, being on the Board not been able to get their agendas across because the commission system stonewalled their agendas.

Alderman Robert replied it's my perception that if you want a government that's very stable this is it and that's fine if that's what you want. But, what I'm telling you is from my experience and again trying to keep this discussion on a higher level this is not getting my people what they want and I'm saying to you that if you have a strong Mayor, he can appoint his department heads. If he is given the ability to manage the City as he sees fit, I think the chances will be much greater and that

the people will get what they want and that's really the bottom line as far as I'm concerned. Aren't we all here to serve the people. I just think that it's a better way of doing it.

Commissioner Dolman stated, Tom, I'm one of your people and you've never asked me what I want, so I just want to let you know that.

Commissioner Dykstra asked did you vote for him.

Commissioner Dolman replied that's not the point, he said it's not relevant whether I voted for him or not. You said in one of your statements that the man in that head seat up there takes the blame if there's a bad relationship between the Aldermen and the Mayor. Former Mayor Shaw with the "Gang of 9" if I remember correctly got elected twice and the only reason he left the third time was because he chose not to run for the third time and he had that kind of relationship and it didn't appear to hurt his chances of getting elected. The other thing you said, you made a comment that you want the School Board to be partisan because you need that label because that will give people an idea what the philosophical things are but you and Commissioner Cook are definitely both Republicans and definitely don't agree on the role of education.

Commissioner Cook interjected I didn't say that, I asked him if he thought we did.

Commissioner Dolman continued by adding do you feel that all, that certain parties, or you said you got elected in the Democratic ward so you're serving more than just Republicans, you're serving Democrats, you're being a person with your own philosophy serving your ward, your people so wouldn't that be more than just Republican or Democrat.

Alderman Robert stated let me just address that. If you want to focus in on education that's fine. I've talked to my people, I've told them that I don't like the public school system, I don't send my kids to it. I won't take money away or weaken the system that's already there but I have told them I like vouchers, vouchers is the best way to go to get the best cost-effective education that they can and I've also talked to them and I've promoted resurrecting the parochial school system, voucher system including them, that's what they want. Whether or not you like it that's fine. I put it out there for you, I put it out there for everybody and that's what I'm going to try and get them because I think it's right and I think it's was they want and I quite honestly I don't think I'm going to get a lot of squawking about it and I haven't, but that's my philosophy. The Republican party on the national level promotes vouchers. When it comes closer down to the City level, it's not so crystal clear but that's fine that's my job that's my job as a legislator on this Board to formulate debate.

Commissioner Lopez asked where are the checks and balances under strong Mayor.

Alderman Robert replied the Board of Mayor and Aldermen. Alderman decide on policy, decide on direction. They amend essentially what the Mayor would want to do or turn it around. What I'm saying is that you should clear the obstructions other than what goes on on this Board by doing the things that I suggested. I just believe there will be clear sailing, we'll try different things, we'll take different approaches to doing things, people will sort out things that they like or don't like and this level of frustration that I encounter will lower itself and we should all be happy.

Commissioner Dykstra stated, Tom, several times you alluded to the fact that things were being done on the Board of Mayor and Aldermen for basically not for the best interest of the people, and I've there for four years too and I understand what you're talking about sometimes. The thing is that you've also alluded to the fact that there are commissions that basically do things, favors for people whatever and sometimes that happens, sometimes it probably doesn't. The point I'm trying to bring up is the fact that if an Alderman feels that there's another Alderman that has a financial interest or a personal interest and not to push my Conflict of Interest Ordinance again but there is a mechanism within the Board that if you feel that your fellow Alderman is voting for something to benefit himself you can always call for a vote, you don't even need a second, the vote shall be taken according to this Ordinance. So, that is in some instances brings things into the open. It also affects the Mayor, the Mayor can also be brought up on something like this and all of the boards and commissions within the City of Manchester and what I'm asking is several times I've watched Channel 40 and at times things seemed where I possibly thought that there could have been a conflict and I don't really see my Ordinance used very much, is it something that is never used, I thought it was a pretty good Ordinance but I see that it hasn't been used as much as I would hope that it would be used.

Alderman Robert stated for the most part most of the obvious conflicts of interest generally tend to take care of themselves. I guess the ones that don't tend to be a little bit more ambiguous or hard to prove, but I guess I'm not really prepared to answer your question and answer it well without provoking a lot of other questions that I'm not prepared to answer but to answer to as cleanly as I can most of the major ones tend to take care of themselves. I'd have to give that a little bit more thought.

Commissioner Dolman stated you talked about electing the department heads and Commissioner Lopez said what about the checks and balances, you never discussed the term limits for department heads. Now, if this Mayor appoints these department heads without checks and balances by the Aldermen is there

anything you would change for the amount of years they can serve or will you allow them to serve beyond the term of the Mayor.

Alderman Robert replied my feeling is that term limits apply to politicians. I don't think they should necessarily, I don't think they should apply to the department heads. Again, the department heads serve at the pleasure in my idea should serve at the pleasure or as long as the Mayor thinks that he or she is doing a good job.

Commissioner Dolman stated so you're saying the Mayor appoints a department head for a term of six years and this Mayor who appoints this person now his philosophy is not reelected the next time but this department head is still in office for the next four years then you're not putting in or creating any checks or balances for this person.

Alderman Robert stated I can't really say this for sure but what I understand it doesn't happen that often. I know the thinking is that has happened on the federal level. A new administration comes in and he puts a new cabinet in and I know that's the thinking behind that but further down to this level as I understand it, it doesn't happen the frequency that it does but I think one other reason that that may not happen at this level, you may end up destroying your institutional memory. I think if a manager manages a department professionally, I think he can manage his department in a philosophical way that may be consistent to what's trying to be achieved and that's my belief anyway. All the things that I'm promoting aren't perfect and you can bring up situations that's not going to necessarily work in but I find that it's much more preferable to what we have now.

Minutes of meeting held March 13, 1996

On motion of Commissioner Lopez, duly seconded by Commissioner Sullivan, it was voted to approve the minutes of the meeting held March 13, 1996.

Commissioner Dolman stated I wasn't here on the 13th and I wanted to make sure that I understood what Commissioner Dykstra stated on page 13. I agree with you, Leona, because I voted for that Conflict of Interest when I was on the Board with you, you said something about, I don't know if you were insinuating that I did vote for my raise on page 13.

Commissioner Dykstra replied, no. We were talking about voting, there were school raises that came up and then I questioned if there was a conflict if you did vote on it, that's all that I said. It was about voting on your raise.

Commissioner Dolman stated for the record I did leave every time.

Commissioner Dykstra stated the reason I brought it up was the fact that I had mentioned the fact that that was the first time we had used it and I had brought it up and the City Solicitor rules that we had a right to vote on it and that was the thing and that was fine.

Commissioner Dolman stated the reason I had brought it up was because I don't think it has been used as I know there are some present Aldermen who have voted for raises maybe not directly influencing themselves but their family members and they didn't abstain.

Commissioner Dolman suggested that in the future, if Commission members are absent from a meeting and there is information which is distributed that the City Clerk's Office forward such information by mail to them.

Commissioner Sullivan stated this was something that Commissioner Lopez and I discussed and the Chair also discussed. There's been a lot of divisive and incorrect information circulating around the City regarding RSA 49-C and what we can and can not do and I'm starting to feel a little stymied and I think some of that came out tonight with Alderman Wihby's presentation and I've had some calls regarding this - strong Mayor business, what you can't do, the dictator, etc. - I really would like to see if we could get a strong written statement, hopefully, from someone be it the City Solicitor or the Secretary of State's Office sort of confirming some of the things that Brad and Tom Clark worked on so that we can start correcting some of this incorrect information. If it is indeed incorrect so that some of this sort of background noise to what we're doing can be cleaned up. I find it somewhat frustrating that we're here, we're working hard and then I hear out in the community well, you can't do that, you won't be able to have the Aldermen have approval over nominations if you go to strong Mayor, you can't have this, you can't have that which is opposed to the information we have received from previous meetings and I would like, not only for our benefit but for the benefit of the people out in the community that we get it straight, written, strong statements as to what exactly we can and can't do.

Commissioner Cook stated I think that would be lovely, I'm not sure you're going to get it. I had the opportunity this week for another reason to be at the Secretary of State's Office and encountered Secretary Gardner and his Deputy Mr. Ambrose who both said to me that we understand there's been some discussion about 49-C at your Charter Commission in Manchester and they made several points. The first one is consistent with what we heard when Mr. Andrews was here at whatever meeting it was which was 49-C has never been used in a context of revising a Charter in a City with an existing Charter and so, therefore, there is no

precedent on what it does or doesn't say. The second thing that became clear to me from them was 49-C is an orphan because I think there was an impression left, at least, at the prior meeting that 49-C was attributed to them, they attributed it to the Municipal Association. The third thing that Bob Ambrose said to me was pass anything you want and send it up here, we have never interfered with anything that a City wanted to pass in terms of a Charter and the only times when questions have come up the Legislature has passed saving legislation and you see it all the time. I don't know how many of you get the glorious honor of reading every type of legislation the way I do, I know Leona did when she was in the Legislature. But, there are bills upon bills upon bills to legitimize the Town Meeting and the City of Claremont and approve this and approve that and approve the next thing. Now, Ambrose said he wasn't even sure that 49-C was designed and there's nothing in 49-C that I can find to substantiate this, so don't take this as gospel but he said he wasn't even sure that it was designed for the revision of pre-existing Charters in cities that had charters. He said he thought it was designed to those towns that were becoming cities and what they could adopt in terms of a new charter. But, my feeling on the thing is that nobody is going to go out on the limb and predict what a court is going to do because there isn't any history on the thing. So, we can get opinions Kathy and I know and Johnny know that you get three lawyers, you can get three opinions and they'll all be right if there's no precedent. But, the advice at the Secretary of State's Office was do what you think is right and you'll probably get it ratified, don't get all hung up on the fact, don't do something that's absolutely contrary to the existing State law, but do what you want, send it up here. If we think it's blatantly illegal, we'll send it back to you and you might have to get saving legislation.

Chairman Pappas asked does it help.

Commissioner Sullivan replied it does to some extent but my concern so much isn't going forward and what the Secretary of State's Office does and we send it up to them. I guess my real concern and maybe I'm the only one experiencing this is hearing things being said in the community such as you either have to go strong Mayor or city manager and strong Mayor means total power of appointment, can hire and fire at will, strong Mayor's going to do this. What I think personally is just some information that is not correct and I think there are certain pieces of perhaps or certain questions that we could ask and perhaps that means having our own attorney that we can go to and say as your read the Statute is this something that we can or can't do.

Commissioner Cook replied I think the only place you could be able to get the determinative advice on that subject would be the Attorney General's Office.

Chairman Pappas stated and they're not willing to give us an opinion as we've spoken to them but we did speak to Bob Ambrose and there's still a possibility that he might come down at some point and meet with us.

Commissioner Shaw stated first of all it's going to be easy to get the Secretary of State's concurrence with this. He's going to read it, he's going to understand it and he's going to go along with our philosophy. But, we're not going to be able to get the citizens to understand the issue the same way that the Secretary of State understood it. If we could have two Aldermen here tonight who said that if they had known that Section 8.03 was enough we wouldn't be here, they were misinformed as to the necessity of having nine people versus five people. Now, Wihby said that enough times.

Commissioner Sullivan stated I think one of the things he was saying though was had he known it wouldn't come back to the Board of Mayor and Aldermen they would not have gone along with this particular group.

Commissioner Shaw stated they would study the issue more in depth than the average everyday citizen whose going to vote in a national election between Clinton and Dole. There were instances where there are problems that we should make major modifications to the charter, all of us know, we could take a vote tonight that says we will never approve a charter that makes the mayor the sole responsibility for hiring and firing the city employees, we will elect a system that has safeguards, and then Alderman Wihby says but if you do that then maybe what you have is what Brad doesn't want or his people didn't want, a weakened mayor form of government. Commissioner Shaw stated once you give it back to the aldermen to confer you have gone to the philosophy of weak, and I really believe we have not defined the word strong versus weak.

Commissioner Dolman stated that he spoke with the Secretary of State also and he got the same impression that Brad did, and I don't think we are going to get anything out of the Attorney General's office until we send something up there. Commissioner Dolman stated my impression is if it is ever going to be tested in a court of law, and I am not a lawyer, you are going to need to know what the notes are of the committee that did this and what their intent was when they passed 49-C, but my impression is that we should go ahead with what we are doing. I think what is going to help us, and what was said about out there in the public, right there is going to help us, channel 40 tonight, let the people know that we need to define what strong/weak is, that's semantics, and that you can have a strong mayor with the powers of confirmation with the Board of Aldermen, that is going to help us. We need to get the message out to the public, and that means the media.

Commissioner Dykstra stated I am just hoping that when, Alderman Wihby brought up the fact about the five and whatever, we are elected by the people, I am hoping that, is there anyone here that believes that we should now turn it over to the aldermen and let them pick, other than Bob.

Commissioner Shaw stated to a five person commission.

Commissioner Dykstra stated I think what they are looking at is not so much as us nine versus the five, is that they want the power to decide whether to accept what we do or not.

Commissioner Shaw stated (the power) that the citizens gave them.

Commissioner Dolman stated you know what is wrong with that though, the charter did say in section 8.03 that you needed to set that up prior to a review, and they didn't follow their own charter, that is what bothers me. We were elected by the people and we go back to the people. The fact is they did not follow their own charter and there was no ramification for that, they ignored the charter.

Commissioner Dykstra stated yes, and now its too late and I think its for the better I think.

Chairman Pappas asked so do we all feel more comfortable about the fact that we can make changes without being hampered by 49-C.

Commissioners Dykstra and Dolman stated I think we are all set.

Commissioner Lopez stated there we go again saying we think we can, we think we could, and I can't believe that the Secretary of State and the Attorney General's office can't give better guidance than that to a commission. I really can't. Are we to listen, let's say I understand that there is documentation that Commissioner Cook had last time and Tom Clark is looking at it and he is going to make a comparison and send something to this board also. Are we to listen to whatever his standings as a city attorney if he comes in and says something else.

Commissioner Dolman stated that this was why he thought that Commissioner Sullivan's idea of hiring our own attorney is a good idea because again in this case I think the city solicitor is a legal opinion, not a decision, just as anyone else can give an opinion, it's going to need to be found out.

Commissioner Lopez asked when do we hire our own attorney.

Chairman Pappas stated last week they suggested the officers get together and do that and we did discuss it a little bit we think maybe we should start interviewing people.

Commissioner Lopez stated he would feel more comfortable listening to an outsider tell me yes or no.

Commissioner Pappas stated they had several resumes especially from Manchester people, at least 3 or 4, perhaps they could get together and interview these people. Members concurred. Commissioner Pappas stated they would do so within the next couple of weeks she hoped.

Chairman Pappas advised the other item to go over was that they had three public hearings and the Clerk's office has done some research and this is what we have come up with for locations.

March 27 - Central, April 10 - West, May 1 - Memorial, was this agreeable providing an opportunity to move around the city and have space.

Commissioner Shaw asked who is the public, the same people who came the last time.

Chairman Pappas stated they would like new and different people to come.

Commissioner Shaw asked if they could put in a proviso that they don't really need to listen to the same people a second time.

Chairman Pappas stated they would advertise as much as they can and get the word out to the public, and maybe they could write letters to certain groups.

Commissioner Shaw noted this was why the Board of Mayor and Aldermen did away with the public sessions, because it was the same people, people would turn on their TV and think they were watching last months meeting, and I want to be sure we don't want to hold three public hearings, for what purpose, unless we can ask Mr. Baines.

Commissioner Dykstra stated we had decided to go with different issues and I thought basically it was, there were so many issues facing us we couldn't do them all within one hearing. Commissioner Dykstra noted that people had to look at the same 12 aldermen all the time, so they could look at the same constituency I guess.

Commissioner Lopez noted that they did set the rule that people could come and speak for five minutes, and those rules were already set in the event the person did not have enough time the first time.

Chairman Pappas advised the next meeting was March 20, and they had invited the enterprise boards, as well as John Mayer from the Historic Association, and they have a public hearing the following Wednesday.

Commissioner Lopez asked if former Mayor Dupuis was going to speak.

Chairman Pappas stated she had invited him to come back and he had not said what day is good for him, and if there are any school board members or any aldermen that would still like to speak we will certainly encourage them to come as well.

Commissioner Stephen stated he had one more item and he wished Commissioner Shaw to listen to this one. Let's assume we are going to move on with the proviso that 4-C, we can basically do what we want and make minor changes, whatever, and I assume that if that's okay we can continue in that respect. Looking at Commissioner Cook's concern early on was the time factors, or time limits here, and I just want to raise that, Commissioner Pappas and Chairman Pappas, I have a concern about the time limits and if we are going to encounter these public hearings and meetings, when are we going to begin, I guess in the outline I provided if we are going to begin tackling issues and problems and addressing them as far as possible amendments, putting together amendments, changes, when are we going to tackle these issues, are we going to wait until May or are we going to do that during these meetings, are we going to do it separate in working groups, I just would like to know that.

Chairman Pappas stated that was a very good point and she thought they might have to work simultaneously with some of the subcommittees that we have set up and hopefully when this research person comes on board that person maybe can start pulling some of this together for us while we are having these hearings, and do you think we should meet another night during some weeks to start that work, or is it still too early.

Commissioner Shaw stated he thought they should start to meet pretty soon, but I think he made a great outline of the charter will all of the different sections in it and I think we should take this outline at separate meetings from this where we don't have other people testifying before us, and we should address and read those sections as homework, and then we should come in prepared to debate why that section is no longer valid, or why it is valid.

Commissioner Cook stated I agree with what Commissioner Shaw and Stephen are saying because I think somebody someplace ought to be keeping a list, either all of us should be doing it by jotting down the issues that come up or the officers if they get together as an officers group or something to keep a list off the issues that appear to be issues, whether they are big issues or small issues, I think the ethics subcommittee that was appointed is going to come back to us with a bunch of knowledge on what the various options are for a discussion, I think the technical corrections group or the technical research which is Kathy and he are going try to meet with various people who have expertise on the procurement code and the election procedures and the retirement system, to come back and say A, are these things still consistent with the way we are working, are they consistent

with the way the law works, have we gotten any suggestions that they do or don't work and it is kind of a global issue, should they be in the charter or they should be in ordinances, how do you handle them. I have got to tell you I have no preconceived notions on any of that stuff, but I think in terms of the issues we are hearing about, the only thing I would say about what Commissioner Shaw just said is this is not a debate and something that has been driving me slightly berserk since the beginning of this process, is this is not about whether the present city charter of Manchester can work, it works every day, this is a question about what is the best government system for the city of Manchester given its history, given its present, and given its future, and our job, and what we were elected to do by the people of the city of Manchester is to come up with the best government system to go into the 21st century, not a ratification or a non-ratification on a particular system that we have now, and if this is going to be a debate section by section of whether an existing system works I think we are missing the pigeon, and I'm not going to approach it as debate section by section on whether we keep or get rid of something that is already here. I'm going to approach it as what is the best system for us running a $100 million dollar business going into the next century.

Commissioner Shaw stated he disagreed with the Commissioner in the sense that one of the options we were granted as commissioners is whether the system works presently. We were not granted the right to change to the best that could be obtained, but also we were granted the right to say that it works. All right. The testimony we've had, most of the people who have made testimony to us couldn't really identify what was not working. All right. I think we should divide the problem into six parts, the first part I think we should save for last, and that's the mayor type form of government that we might have and what powers he might have, but I think we should decide quickly whether aldermen should be elected, how they should be elected, then we should decide whether we like commissions or whether we don't like commissions, okay, and I think we should decide on departments, whether we should have departments or not have departments, then we should discuss issues that relate to the school, should we have partisan or non-partisan elections, should they be part of the city or not part of the city and last, and the mayor would be last, operations of the city itself, we should discuss that within the framework of what Commissioner Stephen gave us in probably the second meeting we had, the outline of the charter that we have.

Commissioner Sullivan stated my one suggestion in terms of starting to make those decisions we have to wait on some cases until after we have had the public hearing on those issues, for example, on the departmental structure I would prefer to wait until after April 10 public hearing and the April 17 meeting with the department heads, and perhaps what they can do although they talk about the mayor being last, after March 27 we could even,

perhaps then as a rolling appointment of subcommittees, as we get past each meeting, each hearing, start appointing whose going to serve on what subcommittees and they can start as soon as those meetings or hearings are over.

Commissioner Shaw stated there are basically six things do we want as a group at some point do we want the schools to be separate or not separate, yes or no. I am ready to vote today on that.

Chairman Pappas asked do you wish to work as a group or do you wish to divide up into subcommittees for each one of these topics.

Commissioner Baines asked if they agreed on the topics.

Chairman Pappas stated if they agreed on the topics, which it seemed to her doesn't work but she thought she would throw it out.

Commissioner Dolman stated he had not seen the one that Commissioner Stephen handed out last week. I would like to be able to study it for a minute before I vote, I think I have no problem with it, okay, and I have not been assigned to a committee and I have no problems being assigned to a committee.

Commissioner Baines stated I would like to make a suggestion, I think this meeting has gone on long enough this evening, I really don't think I am in the mood to be very productive in terms of this issue and I don't think a lot of us are. I would like to see this outline presented to us and we could act upon it at the next meeting and start subcommittees at that time.

Commissioner Cook stated before we finish that I don't think that Commissioner Shaw, I won't put words in his mouth, but it is just my impression, that Commissioner Shaw wants a subcommittee made up of me and two people I will pick from this commission to be coming back here with a recommendation on some of these major issues which just procedurally tends, because of the way organizations work, to give a certain point of view or another point of view a head start. So all I would suggest to you is some of the issues, and I don't have a particular problem with Bob's outline of how we deal with these issues, but I think some of these things are more susceptible to commission wide discussion and some of them are more susceptible to subcommittees that have to work on details, because I think some of these things are global enough issues that we are going to want to talk about them so I don't think we should decide that everything should go through subcommittees that have to work on details. So I don't think that we should decide that everything goes to a subcommittee or nothing goes to a subcommittee.

There being no further business to come before the Charter Review Commission, on motion of Commissioner Dolman, duly seconded by Commissioner Dykstra, it was voted to adjourn. The motion carried with none recorded in opposition.

Respectfully submitted,

Kathleen N. Sullivan
Secretary

CHARTER REVIEW COMMISSION

March 20, 1996 **5:30 PM**

Chairman Pappas called the meeting to order.

Commissioner Sullivan called the roll. There were nine Commissioners present.

PRESENT: Commissioners Pappas, Baines, Cook, Dolman, Dykstra, Lopez, Shaw, Stephen, Sullivan

MESSRS.: Patrick Duffy, Airport Authority
Fred Testa, Airport Director
Robert Rivard, Highway Commissioner
Howard Keegan, Parks, Recreation & Cemetery Comm.
Ronald Ludwig, Director, Parks, Recreation & Cemetery
Raymond Provencher, Water Works Commissioner
Thomas Bowen, Water Works Director
John Mayer, Manchester Historic Association
Carol Johnson, Deputy City Clerk
Mr. Skilogianis

Chairman Pappas stated this evening, it's a pleasure to welcome our Enterprise Boards which I understand are a little unique in the kinds of structures they have and welcomed Howard Keegan, Chairman of Parks, Recreation & Cemetery and one of our own Commissioners who serves as a Commissioner, Michael Lopez and also Ron Ludwig.

Mr. Keegan stated first I should start out with what my concept of what an Enterprise Board's responsibility is. I really feel that enterprise which means running a department in a public sector like a business and on the basis of that, I feel that and forgetting Parks really, in any enterprise operation that the commissioners should be like a board of directors of any kind of a company and the board should be chosen based upon what they can contribute to the success of the company and I guess I'd have to say that the board or the commissioners as you may want to call them should have a pretty heavy business background. I think it's always good to have at least a woman on the board and I also feel that I don't understand why an enterprise board or enterprise commission needs to have a union member. This is my concept how an enterprise should run, if you really contend an enterprise to be run like a business.

Commissioner Lopez stated I would like to speak in reference to the enterprise commission concept and I agree with the Chairman that we should be the directors along that line. The enterprise is new to the Parks and Recreation, number one. On the recreation aspect of it, on the Park side is the tax dollars. But, on the recreation this is our second year of going into it and very, very successful. At first, it was not received very, very well but then as we worked the system and worked the numbers out and the tax dollars for the School Department came in which the Board of Mayor and Aldermen gave $650,000 for all recreational activities for the School Department and to see what we have done in the last couple of years that we could not have done for ten years previously as to manage the money coming in as to what we need done within the department has been a great relief on some of the activities in getting done such as the golf course, such as working out with a new Zamboni for the ice arenas, etc. which I'm sure the department head later on as we get into it at another meeting will get into specific details. The Commission, being directors is a sounding board in my opinion for the department head as an assistant. He comes in with ideas, he bounces them off of us, we kick them around, we ask the questions and sometimes it takes two or three meetings to really get the whole drift of what's going on. With the aspect of having the right people in the right place for when we went into the enterprise, we needed an accountant. We fought for an accountant, got an accountant a tremendous help for the enterprise system. Without the accountant, I don't think we could operate as an enterprise and she had done tremendously for the department. The enterprise system at the present stage is working. As for the future of the enterprise of Parks depends on the tax dollar portion coming into Parks because one area, I think, and I have to bring this out is that one area where we don't receive any funds from is the swimming areas and that's about $300,000 right there that we have to pick up in our enterprise fund and it's not a particular complaint, it just has to be worked out and the board of directors with the department head are looking at it and following the line. So, somewhere along the line if they ever cut the money then the enterprise is going to suffer because you can't continue to tax people, tax them so much that there's not going to be too much left. Do we want to really want to stay with the enterprise system and not the commission.

Chairman Pappas replied, yes, I think not tonight and for some of us it's all brand new, so we'd like to hear more about that, I think.

Commissioner Lopez stated once of the biggest things we've been able to do in the last couple of months, I should say and our department head has presented many programs, we've been able to plan within a two or three year program as to which direction we're going to go as far as whether it be the price of ice time, the price of golf, we know exactly the revenue that's coming in

and the projection that we can do and program and equipment and everything else. So, the enterprise system at the present stage is working for the Parks and Recreation.

Commissioner Dolman stated when I was on the Board, Parks and Recreation and was not an enterprise yet. So, what part of Parks and Recreation is now enterprise, I'm just trying to understand. Is it just the golf course that's enterprise, is the whole Parks program, what is enterprised and what is not.

Commissioner Lopez replied the enterprise system in the Parks is any type of recreation such as the ski area, the golf course, the ice arena, Gill Stadium is all enterprise.

Commissioner Dolman asked what about the baseball fields, the swimming pools.

Commissioner Lopez replied the swimming pools are enterprised, the baseball fields are not enterprised, that's the tax portion.

Commissioner Dolman stated are you possibly suggesting when you talk about maybe not having enough money for the swimming because the money's coming in from the golf and the skating and maybe putting in user fees for the swimming too. Is that something.

Commissioner Lopez replied that's something I've been against and I think the Commission's been against. We've been able to work out the numbers with the revenue coming in to include with the $650,000 for the School Department and all of the activities that they do.

Commissioner Dolman stated so the recreation programs are separate, they are still on the other. But, the same commissioners supervise the enterprise and also supervise the regular recreation programs.

Commissioner Lopez replied that is correct.

Commissioner Keegan added that they also supervise the cemetery.

Commissioner Dolman asked are there still Cemetery Trustees, when the Cemetery was a separate department there were some Cemetery Trustees, is that still and are there still Cemetery Trustees.

Commissioner Lopez replied there are Trustees of the Trust Funds and we're Commissioners of the Cemetery.

Commissioner Dolman stated you mentioned something about you couldn't understand why labor was on it, but you would like to see a woman on it, Mr. Keegan. I have a problem and I mentioned it at the last meeting and I just want to get it across again. When the makeup of commissions whether their enterprise or not and their appointed they seem to be coming from whatever geographic area, whoever is making the appointment from and some

areas get bypassed like the two last appointments to the Parks and Recreation Commission which supervise both the enterprise and the regular Parks program are both from Ward 1. Now, my feeling is are there equal representation on these commissions from all geographical areas. Are we bypassing some areas that are not getting represented, I'm just curious. Don't you feel there should be some kind of geographical makeup that keeps in mind because sometimes the west side has no representation on some of these commissions because I remember when I was an Alderman, Ward 5 had no commissioners at all except that I got an elderly person appointed to the Elderly Commission and that's a ward which is a big part of the center-city that had no representation on some of these and we have parks in our ward and that really concerns me. So, I'd like to see geographics and have the commissioner's considered that as part of their factors when they're thinking about labor or women or Democrats or Republicans, I think the geographics needs to be considered too.

Commissioner Sullivan stated a couple of questions and this is the first one I'm confused about and I apologize for not knowing more about how this works. Do you receive any City funding other than the $650,000 from the School budget.

Mr. Keegan replied no.

Commissioner Sullivan stated so, basically the change to the enterprise form for Parks and Recreation was really a philosophical change that going from having the City providing some basic Parks and Recreation services as a service to the citizens to where you have to make your own money, to operate your programs plus something from the schools and that's for what their use of the various facilities.

Mr. Keegan replied, yes, that's right.

Commissioner Lopez stated understand that the School Department has high priority on all the recreational facilities and they can use it any time they so desire.

Commissioner Sullivan stated there's been some questions that have been raised at prior Commission meetings or suggestions and I'd like to get your thoughts on as Commissioners. One is there has been suggestions that there be term limits for the Commissioners. Do either of you have any comment on that. I don't have an opinion either way at this point, I'm just curious. As Commissioners, do you have any thoughts.

Mr. Keegan replied I don't have any concrete thoughts. If you're going to run the enterprise like a board of directors, board of directors don't have term limits. I think the term limits probably in the enterprise portion at least should be when, as long as the commission or the board is competent, I think that dictates the time. Commissioners on the tax funded part of our place, I think there should be some kind of a term so that you

can have fresh ideas coming into play. I don't think you necessarily need fresh ideas in a corporation. So, that's sort of a two-handed answer to the question.

Commissioner Sullivan stated that there's also been some suggestions made that the department heads should be nominated by the Mayor or perhaps the Board of Mayor and Aldermen as opposed to names coming out of the various commissions. Do you have any comments on that.

Mr. Keegan replied that's a tough question. I think that I'm in favor of a lot of revisions in the Charter and I think that the department heads should have a responsibility to the Mayor or manager. But, then once you get down into this directorship responsibility is to be able to select a head of the business and they should be able to dismiss. I've been in business too long, I guess. I know that is can't quite work that way but I think that's the way it should be.

Chairman Pappas stated Carol Johnson, Deputy City Clerk, wished to clarify a few things as she was not sure that everyone fully understood what an enterprise system was.

Clerk Johnson stated I just wanted to clarify because there seems to be some confusion going on as to what's what. When the Board of Mayor and Aldermen adopts budgets and I know Steve Dolman is familiar with this and Mike is, but there are separate funds that they fund from. In the case of the commissions that you're seeing this evening, they are what we term an enterprise fund. An enterprise fund is a self-sufficient fund based on, in their instance, it's recreational fees that they bring in and in the instance of the Environmental Protection Division, it's based on sewer fees that they bring, the Water Works is based on their own fees, and the Airport is based on Airport revenues. They are not what we call tax based dollars, they are not from our operating budget or from the tax base. In the instance of Parks and Recreation and Highway whom you'll hear from later, they run dual roles. They have budgets that are from the operating budget that is the Park's side of the Parks, Recreation and Cemeteries and in the instance of the Cemetery funds there are Trustee funds which is why you get involved with the Trustees of Trust Funds. In the instance of Highway, you have the sewer user charges that run the EPD but you also have the public works portion which is funded from the operating budget and some of your capital projects which come out of CIP which again revert back to the tax base as far as paying the bonding and so forth. Airport and Water Works are entirely basically on their own, they don't use any tax revenue. So, I just wanted to clarify that because when she asked do they get any tax funds, yes they do but not as an enterprise fund which is what you're seeing them here for tonight. So, it becomes confusing to them sometimes on how to answer the question. So, I just wanted to know that everybody was operating at the same understanding, I guess.

Commissioner Dolman stated they are receiving tax funds when they get it from the Schools.

Clerk Johnson replied but the Schools are paying for usage on the recreational side. The $650,000 is based upon the tax base, it is being paid from the School budget and is appropriated through the operating budget.

Commissioner Sullivan stated can I ask you then, what's the difference or what's the breakdown between the park side which is tax funded as opposed to the recreation enterprise side, what's the break between what's covered by what.

Clerk Johnson replied, I think that Mr. Keegan or perhaps Mr. Lopez indicated that you have your ice arenas, you have your golf course, you have the ski area, all of those recreational sides are tied into their enterprise funds. I think that the only one that is not contributing physical money in is the swimming areas.

Commissioner Sullivan stated but that's paid for by enterprise funds.

Clerk Johnson stated it's paid out of enterprise funds because it's considered they're subsidizing it in essence through that fund.

Commissioner Sullivan stated and through Parks budget what is covered there.

Clerk Johnson replied your little league fields and all of your Bronstein Parks and things of that nature.

Commissioner Dolman added Fun-in-the-Sun Programs and stuff like that.

Commissioner Stephen stated Cemetery Department is with Parks and Recreation now, is that correct. I worked at the Cemetery Department when I was younger and I was always amazed at the number of supervisors they had and the amount of money that the City probably paid in excess supervision and asked can you just give me an idea has that, probably the streamlining or the formation of Cemetery with Parks and Recreation, has that had a good effect for the City in terms of saving money.

Mr. Keegan replied the City puts in only about 30 percent of the overhead, I used to be a Trustee of Trust Funds, but when I was asked to go on the Commission of Parks and Playgrounds, it was a perceived conflict of interest and I'm glad I'm not doing both. But 30 percent does come out of taxpayer money. Yes, the overhead has been reduced in the last three years, is it completed, no it's not. Things in public sector do not move fast. We have a complete reorganization plan which is so substantially more savings for Cemetery, but things do not happen fast in a public sector as it would when I was running the

Amoskeag Bank. So, all I can say is yes, it's moving, there is some more to go and ultimately it will be down to the cost level that we can go.

Commissioner Stephen asked, Mike, do you have anything to add to that about the Cemetery, in particular.

Commissioner Lopez replied only financially I can tell you that it's a very complicated process and Howard probably explained it in the simplest terms. We had an individual from the Finance Department come and talk to us for two hours on the particular system and it really boiled down to whatever the budget may be at the Cemetery Department and the revenues that they take in it all balances out, let's say for an example if they take in $300,000 and they're budgeted for $600,000, there's $300,000 that goes back to the general fund. It's very complicated and I couldn't begin to explain the financial aspects of it, but it all balances out in the end and they're running pretty good.

Mr. Keegan added when our budget was cut severely in the Parks Department, you look around and see some of the parks that don't look as good as we'd like to see them. I think it would be a horrible mistake and you'll have a lot of crying around here if you let the cemeteries deteriorate so that the people that put them up for a lifetime, I think there's a point of where you can't cut. Give us another year.

Commissioner Stephen asked so, it's working in your opinion, the consolidation and it's saving money.

Mr. Keegan replied, yes, it is. Remember 70 percent comes out of the funds from the Trustees of Trust Funds, that is the money that people have put up for perpetual care and let's hypothetically say that 30 percent of the land out there nobody had put any money up and that's for me or for you, so that taxpayer money has to maintain the land that nobody's bought yet. I just think we can't cut too much.

Commissioner Baines stated I had a question about the enterprise fee system. Who sets and controls the enterprise fees. For example, in the different agencies when they're setting fees for environmental issues whether it be sewer fees, things of that nature. Who actually sets those fees and controls the setting of those fees.

Clerk Johnson replied the authorities vary depending upon what department you're talking about. I believe, for instance, Airport sets their own fees through the Airport Authority and their fees are based on their operational costs, as I understand it. Parks and Recreation, I believe, most of their fees actually have come through the Board of Mayor and Aldermen but Parks set the fees initially.

Mr. Keegan interjected no, no, we run it like a business.

Clerk Johnson noted the process may have changed somewhat when the enterprise was initiated.

Mr. Keegan stated we look in the market place to see where our competition is and we set the fees that are reasonable and lower than private golf course, much lower, the McIntyre is lower, our ice rates are lower but we are gradually moving our pricing up in order to generate our profit. The profits we need, we'll be able to replace some of our equipment that's falling apart. We won't have to go back anymore to the Aldermen and the tax base to say, our Zamboni, we need a Zamboni $80,000, we don't have to go back anymore, we gotta have it or we're going to shut the ice arena down. The primary focus for us is to have a high-quality operation in the recreational area and have enough money for capital improvements.

Commissioner Baines stated perhaps we could get information through the different enterprises to find out how the fee systems work. And one compliment, I've made this public compliment before but in terms of the Cemetery Department, in particular, and living close to that property, I've often said if the City of Manchester reflected the kind of pride in the overall City that the Cemetery Department has exhibited through the pride in the way they keep the Cemetery which is more beautiful than Arlington and some of the other national cemeteries it would say much more about the City, so I think that's one department that shows a lot of pride and I've often noticed and commented on that.

Commissioner Shaw stated perhaps Mr. Keegan could answer these questions. Who do you think is the boss at the Parks Department, the commissioners or the department head.

Mr. Keegan replied you know my background, Bob, I feel that the department head should run it and the commissioners should not micro-manage it. We should set policy, long-range plans and it's more so now than it ever was. Ron Ludwig has done a great job, he's learning, quite frankly, how to run a business which he was never able to do before. We do not micro-manage it, he tells us what he'd like and we decide well, yes Ron or no Ron or whatever. No, he is running it. But, not just him he has a great staff would probably heard of RJ and Elaine is an outstanding accountant.

Commissioner Shaw asked do you favor keeping a Parks Commission in the Charter itself. We have two choices: eliminate you or keep you or modify like you would not hire anybody, the Mayor would hire the department head, he would hire the people. Do you favor that, you personally. Do you see yourself as being in the way. Some people think the commission form of government is in the way of good government in the City. Do you find that you're in the way.

Mr. Keegan replied well, that's a double question, Bob, but let's start out with the first part. In an enterprise, no. I don't think the Aldermen or the Mayor should make the appointment. I think that we should make the recommendation as a board of directors and the Aldermen and Mayor obviously can override or veto it. Now, if you're going to talk about other departments in the City that aren't run like a business, I don't know that much about the process in Manchester. I know a lot more about Concord.

Commissioner Shaw stated so you favor keeping the commission, in my opinion and that they should appoint. On a comment that you made and this is the last question because you cannot run it the way you ran the private business, but what changes would you make in the Charter that would strengthen the hand of commissioners to run departments like a business.

Mr. Keegan replied I think there needs to be some changes in the existing Charter, yes. I'm not, I don't think the way it is now is the way it should be. I think it needs improvement. But, you people are here to make those recommendations, that's not my job.

Commissioner Dykstra asked did Parks and Recreation ever have to come before the Board of Mayor and Aldermen for additional monies towards the Contingency funds.

Mr. Keegan asked what part are we talking about, Parks or enterprise.

Commissioner Dykstra replied I don't think - the enterprise wouldn't would it?

Mr. Keegan stated that no it would not.

Commissioner Dykstra said that the reason in bringing it up, is because she knows when she sat as an alderman, many times there were certain monies that would given out and lots of boards and commissions would come before the Board of Mayor Aldermen for additional monies and it came to quite a bit at times and she didn't know whether the Parks and Recs ever had to tap the contingency through the Board of Mayor Aldermen, et al.

Mr. Keegan stated that he knew what Commissioner Dykstra was talking about, and stated that had not happened since he had been there.

Commissioner Dykstra asked how long Mr. Keegan had been there and asked if his term was up yet.

Mr. Keegan stated that he had been there two years this June?

Commissioner Dykstra thanked Mr. Keegan.

Commissioner Sullivan stated that she knows part of the answer to this question. As she understand it from Ms. Tringault to Commissioner Lopez, none of the monies that you generate from the enterprise part go over to the parks side, is that correct? No, it's not correct.

Mr. Keegan stated that no, it cannot.

Commissioner Sullivan confirmed that it cannot.

Mr. Keegan stated that it cannot any more than he supposes the Highway Department, no.

Commissioner Sullivan stated that it was totally, totally separate. So, the way things are now, he could have a profitable enterprise side, right?

Mr. Keegan stated that they do.

Commissioner Sullivan stated that a park side that, frankly, needs help, if you look for examples at the athletic field at West High School, for example. That is a -

Commissioner Baines stated alleged athletic field.

Commissioner Sullivan stated that it was an alleged athletic facility.

Mr. Keegan agreed with that statement.

Commissioner Sullivan said that it was an awful mess, and said that will continue in the future, that the - no matter how profitable the enterprise side gets you will not be able to generate funds that could fall into Parks.

Mr. Keegan said that they couldn't any more than they do now. The Highway Department can't take their enterprise and put it into the tax base.

Commissioner Dolman questioned Mr. Keegan's earlier statement, which he thinks was said, and he wanted to make sure he had that clarified, that Mr. Keegan felt that the Mayor should make the appointment for the department head, and later on, when asked by Commissioner Shaw, Mr. Keegan kind of said that the Commission should. He asked Mr. Keegan who he thought should make the appointment of a department head, as that is one of the questions that they are dealing with. Should it be made by the Commissioners or should it be made by the Mayor.

Mr. Keegan said that on the enterprise portion that it should be made by the commissioner's desk and that on the other part he was fuzzy on that. He thinks that the system, there should be more - either a city manager - or a little more power from the Mayor than there is right now. Not this Mayor, any mayor.

Commissioner Dolman questioned Mr. Keegan that in other words for an enterprise he feels the Commission should do it.

Mr. Keegan stated that he did.

Commissioner Dolman questioned Mr. Keegan stating that for a regular department he feels that the Mayor should do it. Based on that theory, should there be commissions for regular departments at all, like should there be a commission for the Parks Department or should these just be an enterprise commission like the Airport Authority and the Water Department and not be a commission dealing with the other part of the program. He stated I mean that we will have to deal with commissions on a whole later on, so he asked Mr. Keegan how he felt about that.

Mr. Keegan stated that he thought there was a lot of merit to that, that he didn't think we needed all the commissions that we have in this town. They have a tendency to, and he's not talking about where he is, other places they intend to put them in. He said that we should decide who runs it, just like when he ran the Amoskeag National Bank he didn't let the stockholders in the Bank decide who the president should be and then be on the Board of Directors and live on that selection. Talking business now, on the other part, he said he didn't think he had been here long enough to understand the need and the purpose of all the commissioners of all of the departments in the City.

Commissioner Dolman asked Commissioner Lopez the same question, because he has been there.

Mr. Keegan stated that Commissioner Lopez has more experience than he has because he's a mixed system.

Commissioner Lopez stated that he was happy to say that he had been a Parks and Recreations Commissioner for thirteen years and that he thinks you have to know a little bit about a commission. He gets $200.00 per year, and after Social Security is taken out of that he probably ends up with $164.00 a year. The hours and everything he does, representing department and commission meetings, it's not very much pay. He does it because he enjoys it. To answer Commissioner Dolman's question he stated that he doesn't think that you can split, in his particular situation, where they have parks and enterprise, he doesn't think that you can split Ron Ludwig the Department Head in half. He thinks that you have a commission-type system, it has worked, we are better off in the recreational area in this City, more so than a lot of cities, and all you have to do is go down south and find those cities down there and see what they have in comparison to what we have. He thinks that the Commission should nominate - and he says that truly because if we had a different type of system, in the past year or so when Ron Ludwig got nominated by the Commission and he unanimously approved by the Board. He said he didn't know what would happen on the other end, but that we know

what we have. We have an individual who came up from the ranks, all the way from being a laborer to being a department head, so who is there, understands the job. Commissioner Lopez stated that he was just a little leery whether somebody new coming in, and he believes in promotion from within, but that somebody new coming in would have to start the whole system all over again. Commissioner Lopez stated that the answer to Commissioner Dolman's question, he thinks, is that the commissioners who work with the department head or the staff that is moving up with the recommendation from the outgoing department head, he thinks the Commissioners made a wise choice.

Commissioner Cook said that he had several questions. On that last point, do you not think that a mayor wouldn't recognize the same - or a city manager wouldn't recognize the same factors in terms of hiring from within, in terms of picking someone who's got experience in terms of disruption.

Mr. Keegan stated that he would say that that is possible, looking at how young the department head is in comparison to a lot of people in the recreational area, as to whether applications or whatever the procedures would be, as to whether or not somebody within would be promoted to a department head remains to be seen in other parts of the country and other parts of the cities in New Hampshire that mayors have fired department heads and hired department heads, not from within but from outside.

Commissioner Cook further questioned Mr. Keegan and stated that one of the things that intrigues him about Manchester City government is the responsibility for the schools. It's his understanding that the Parks and Recreation Department, and he assumes this comes under Mr. Keegan's jurisdiction, has responsibility for maintenance and plowing at the schools, physically, outside. Commissioner Cook requested enlightenment on that chunk of the running of our school system.

Mr. Keegan said that he could say a little bit about it. He says that he's a little puzzled about some of the things that they do, but one is doing all the plowing, but it seems to him that that's the Highway Department's job. He said that they are also responsible for if you have a tree that's in front of your house that's falling down then they have to take care of all of the problems with all of the trees in town. That being as it is, what - why should the Parks Department be taking care of plowing that he thinks the Highway Department should do, and why should they be doing all the tree trimming and cutting down of the trees that the Highway Department should, it seems to him, be part of their responsibility. He stated he didn't know whether it's going to make a lot of difference as far as the tax dollars go, but that it's just curious, the way things have developed.

Commissioner Cook asked, and he recognized the input and the work that has been done and that the other commissioners have done, whether Mr. Keegan thinks there is anything in terms of the policies and the procedures and what not that his commission has done that a citizen advisory panel to the Parks Department, which didn't have administrative responsibility, but had policy responsibility, that couldn't do.

Mr. Lopez said that he thinks they were able to act and make a final decision on many of the programs and direction and planning that the Department head wanted to do on the spot, versus putting it on an agenda and coming down and seeing the Board and Mayor and Aldermen and going through the whole process all over again, may be weeks, when something needed to be done. He thinks they have accomplished that.

Commissioner Baines questioned Mr. Keegan's response of "I'm not sure why that department does that," and asked where are all those things delineated? Where are all those responsibilities delineated, which says that Parks and Rec does this, Highway does that? Where are those?

Mr. Keegan stated that he'd only been there less than two years so he couldn't really answer to why they are doing all of the things they are doing, which doesn't make any sense to him.

Commissioner Baines then questioned Commissioner Lopez about this.

Commissioner Lopez stated that he could answer it this way, and that we can get into more detail and that we can have the department head look into it, but he does know for a fact that because since they are responsible for the playgrounds around all of the schools, and therefore - it takes different types of equipment to plow a school yard versus the highway, they have assumed that responsibility ever since he has been a commissioner, long before Clem Lemire came aboard, we had it. But there are different types of equipment that has to be taken into consideration when you are doing the schools, and that you just can't take a big plow in there.

Commissioner Baines stated that my question is, is there a list somewhere that says these are responsibilities of Parks and Recs and Cemeteries, these are responsibilities of Highway. Maybe we could research that and get some information on that, because he would be very much interested in seeing that, because I would like to find out where it says who is responsible for school grounds, for example. I have heard Mayor Shaw on numerous occasions comment that when he was mayor, and since he's been out as mayor, about the deplorable condition of the school grounds because no one will assume that responsibility. There isn't a department in the City that assumes that responsibility in terms of the upkeep and of the improvement of the appearance of school

grounds. Going back to my comment about cemeteries, if somebody took that same kind of pride in the school grounds, it would say an awful lot more positive things about the City than we can say right now, so I would be curious to get that list, if there is such a list.

Clerk Johnson stated that part of that answer to that question actually lies in how the budget works, and when Commissioner Lopez refers to the smaller trucks being owned by Parks and Recreation, that's true. Highway goes through the Transportation Committee, and Parks and Recreations goes through the Transportation Committee to get equipment. The Transportation Committee says, "Okay, we'll give the small plows to the Parks Department so that they can do the school grounds." The same thing with the staffing issues, and former Mayor Shaw can attest too, positions are looked at in the budget processes as to how many positions you need to do certain things, and those - typically the tree division, tree cutting and that sort of thing, has always been assigned to Parks, along with the staffing to do those things, or theoretically with the staffing to do those things depending on the budget year. But, that's in essence part of how those assignments come through. Also through the committees of the Board just asking different departments to take on responsibilities and sometimes funding them and sometimes not funding them. And, this is based on covering meetings and various committees that have gone to the Department and said, "Will you do this for us?" and they'll say, "Well yeah, but we have a concern about getting staffing," and they'll say "Well, we will deal with that in the next budget process, but we wish to start doing this," and it's just something the department takes over, but there is no list that says, "this is what Parks does, and this is what Highway does."

Commissioner Baines stated that he would find that very interesting and curious if there isn't such a list.

Clerk Johnson stated that there is no list, but that if you want to know, for instance, what Parks does, the easiest way to do that, is to request, in essence, each department to submit a listing to you of general services that they perform.

Commissioner Baines stated that that doesn't speak well for the City, and that his comment would be if there isn't such a list -

Commissioner Lopez said that there's such cooperation between departments, there is very little animosity between departments, they know where there turf is, and they don't tend to argue. They didn't - there's nobody coming from the Highway Department that says, "I want to take over their job."

Commissioner Cook stated that you might get a case, like the case he just presented on school grounds, where no one will assume responsibility because there is an absence of that delineation of responsibility.

Commissioner Lopez stated that there is somebody responsible for school grounds but that they don't exercise it. That is the Superintendent of Schools, along with the School Board. They are the voice for taking care and seeing that the other side provides it with the services they need, and if they don't ask for it - if you don't ask, you don't get. But there's not much animosity going on.

Clerk Johnson said that she wanted to address that school issue, just because that seems to keep coming back, and stated that in terms of the schools, the internal portions of the schools, the educational portion, has been handled traditionally through the school budget. The public building services side of it, which is the maintenance, internal maintenance, and theoretically, your stairs going in and your sidewalks has been handled by Public Building Services. Some of that ran into some problems when they lost all of the janitors and contracted out. The Parks Department has been responsible to remove the snow and to maintain the playgrounds. They go put their request into the CIP every year for major playground equipment, or to go in and seal lots or whatever needs to be done. Recently they were trying to get a retaining wall over at Northwest. There are all of those issues. So, it's actually three separate entities that are dealing with that one service through the budget process.

Commissioner Dykstra stated that she wanted to mention that when you look in the Charter, it basically mentions the responsibilities of the Department of Parks and Recs, and it says, "that the Department of Parks and Recs shall be responsible for city parks and recreational facilities and programs and shall perform duties as prescribed by law or by the Aldermen. So basically, when you're getting into the Charter, it mentions what the responsibilities are of these departments, but if you want to get into specifics, that what - that lies within the realm of the Board of Mayor Aldermen and this brings back the fact of how far you want to go into the Charter. Do you really want to bog them down with all kinds of specifics? Or do you want to leave that in the realm of the Board of Mayor Aldermen. So, what I'm trying to say, I guess, is that the Charter tells you what the responsibilities are but they just don't go into specifics. They do the same thing within the Highway Department, so they tell you what they're responsible for, the Board of Aldermen decide how far they go and what they do after that, unless we want to do that, then that really gets down to a little too much I think, and too complicated. Thank you.

Mr. Keegan stated that he had two comments. One, we used to be picking up garbage at all the parks, as an example, and quite a few years ago the Commission, along with the Superintendent, got together and, because we didn't really want this job anymore, and we worked it out with the Highway Department and got that transferred over to the Highway Department. He stated that he think what needs to be done to solve the problems with the

schools, and this has been a long going issue, the principal needs a janitor assigned to him so that he can tell that janitor what to do, whether it's clean the sidewalks, or do whatever it is he wants him to do.

Commissioner Dolman stated I just want to question, since we got into it, even though it's not really dealing with the enterprise when we got into conversations about, but I figure since we are into it already, let's ask this question. One of the things that has come up at one of the public hearings is consolidation. And it came up by the Mayor again, and Mr. Keegan, you said one thing that I would like to get a response from. You said, you don't understand why you have some duties at the Parks and Recreation Department, like the trees and so forth, so how do you feel about a possible consolidation of Parks and Recreation into the Highway Department in the creation of a Department of Public Works, and maybe that would answer some of the problems where if we move public buildings over there and so forth, then it would be the Department of Public Works. What is your feeling? I'd like to hear from Mr. Lopez also.

Mr. Keegan questioned whether he meant leaving the enterprise alone?

Commissioner Dolman stated that we could keep the enterprise separate, as an enterprise, because it is an enterprise. He stated I'm not sure whether you need a commission to handle an enterprise after the enterprise is formed, do you really need a commission to handle the enterprise. He stated that the enterprise is formed and you set the fees and the Mayor and Board of Aldermen come back and they have the final say on the budget, so once the enterprise has been formed and you have a fee structure in, do you really need a commission to do that. But the question is about the hope of having the whole department of Parks and Rec being combined, keeping your enterprises separate.

Mr. Keegan stated that the enterprise has to be separate because the exact set this year - for the next ten years - stated we have to look out for the market, and we have to decide how best to spend the money. Stated he thinks you need an intelligent Board to help on making these tough decisions. That's like running the Amoskeag Bank without a board of directors, and he doesn't agree with that, but as far as taking the tax funding part of us and putting it into the Highway Department, I don't think it would work, I really don't think it would, because we work with the guy that runs the Park Department and the guy that runs the cemetery and the enterprise people sort of - we work back and forth - in other words, when we use the Parks people, we pay them to do some work for us. As a businessman, I don't see how this would work, I really don't. It would make my job easier, because I don't need another job.

Commissioner Lopez stated that he agree with Howard Keegan that he didn't see how it could work. The only thing, if it was made into the Highway Department, he could foresee our parks being in bad condition, as is proven in other cities and he gives the example of the system in Johnstown, Pennsylvania, where he grew up, they did put the Parks and Recreation with the Highway Department and you can't write all the rules, like everybody says you can, write everything in the Charter, but when that department head of the highway decides he needs something, he's gonna let Parks suffer, in my viewpoint, versus going out - everybody going out and snowplowing, or whatever the case may be, which is a higher priority. When it needs some bucks, it's gonna come from the Parks, it's gonna come from Recreation. Parks and Recreation is not like surfacing roads, fixing potholes, you're dealing with - anything that we do in Recreation and Parks has a human element to it, and outlet for the people to enjoy a life a little better than everyday stress. Thank you.

Chairman Pappas reminded the Commissioners of the time and stated that there were three other departments which needed to be heard. She thanked Howard, Mike and Ron, and stated that it was great of them to come by and that it was appreciated. She stated maybe it would be smart to go over to the Highway Department since we've been talking about consolidation, and then maybe the Airport Authority next. She asked Bob Rivard if he was going to be up alone and invited Pat and Fred to come up.

Mr. Rivard addressed Madam Chairman and Members of the Commission on behalf of the Highway Commission, Commissioner George Gott, Bob Jobin, Kathy Schneiderat and Bill Kelley - absent, Kathy Schneiderat excused I understand, and thanked them for having us this evening. He stated, I don't know why you need to talk to the Highway Commission after they did such an eloquent job from the Parks and Rec, but he said he probably will be surprised real soon. For the record, he stated that Section 3, Paragraph 4 of the City Charter says, "There shall be a Department of Highways, the structure of which shall include a Highway Commission. The Department of Highways shall be responsible for Highways shall be responsible for highways and streets and shall perform such other duties as are prescribed by law or assigned by the Board of Mayor and Aldermen." The makeup of the Highway Commission is five members, no more than three members from one political party at one time, one member representing Labor, and we all serve a three-year term and get appointed annually two commissioners this year, one commissioner next year, and the following year two commissioners. So it's two new commissioners, two - and then one. "Authority. Except otherwise limited in this Charter, each Board of Commissions shall be vested with the full control and management of its department, subject to directives of the Board of Mayor and Aldermen," which Commissioner Dykstra touched upon. The interesting part of the Highway Commission developed in 1972 after the passing of the Federal Clean Water Act, in 1972, it was obvious that the City of Manchester would be required to clean-up

the Merrimack River. A study was conducted and a plan developed to do just that. Part of the plan was for the City of Manchester to build a regional waste water treatment plant. Building a plant would qualify the City for federal and state funds. The recently expanded plant treats all of Manchester's waste water and a portion of Londonderry, Bedford and Goffstown, which the past Aldermen entered into a municipal agreement, and that's where the E.P.D. comes into play. So, somewhere along the line, in 1972 or so, the Board directed the Highway Commission or the Highway Department to be responsible for operating the E.P.D., the Environmental Protection plant. As we speak today, we have forty-one employees at the E.P.D., with an approximate cost for completing our project over One Hundred and Seven Million Dollars ($107,000,00.00 so what we have done, is we have satisfied most of the requirements by the federal and state government in collecting the raw discharge in the City of Manchester and we direct it to the treatment plant, we treat it and we discharge it, and we hope we do that without violating any laws. So far we've been very successful. So, with that, I will open for questions.

Commissioner Shaw stated under Section 3.04, that if we took four words, and left that section except for the four words, take out the words, "a Highway Commission," which we don't need a Highway Commission, how would you feel about that?

Mr. Rivard stated that he would be very disappointed and so would all the citizens in the City of Manchester, because the Highway Commission sits as a Board of Directors and an advisory Board and as a team, makes sure that the citizens of Manchester get the best deal possible when it comes to public works projects and environmental. We are out there, we are guiding the Ship of Public Works through the City.

Commissioner Shaw stated that he had heard in the Muirhead report that also indicated that, that the Commission is detrimental to running a modern city in the twenty-first century.

Mr. Rivard stated that he didn't know where he heard that, that he didn't hear it from the Commission, obviously, and said that it all depended on who you talked to. He said that if the Mayor wanted to be a strong Mayor in the hiring and firing of department heads as will, and decided who gets the sewer projects and who gets paving, and who gets hired, then obviously, you'd want to eliminate the Commission, but if we believe in democracy that it's the government for the people by the people then obviously we would not want to eliminate the Commission.

Commissioner Shaw asked what he would change in the Charter, to make your job easier?

Mr. Rivard stated that no changes were needed, that his job is rather interesting, it's challenging and it's not difficult.

Commissioner Dolman stated that he gathers from what Mr. Rivard said, he just wants to make it for the record to make sure, that he feels that the Mayor shouldn't make the appointment of department heads.

Mr. Rivard stated absolutely not. First of all, no matter what Commissioner it is, we're closer to the situation, we work on a day-to-day basis, we understand the intricacies of it and the difficulties of it, and we're somewhat expert, and it doesn't take anything away from the Mayor whether it be my self-worth, I mean the Mayor can't be an expert in every field, obviously.

Commissioner Sullivan questioned Mr. Rivard and stated as I said earlier, a lot of - several people coming before the Commission have suggested - this Commission, have suggested that term limits for Commissioners is something we would look into.

Mr. Rivard stated I'm against terms limits. I believe that we have the opportunity to remove people rationally, and we do that at the polls every year, and the Aldermen are the people who are responsible for appointing and confirming commissioners and if it is their ultimate wisdom and they decide that someone is not doing the job that they were appointed to then they can remove them.

Commissioner Sullivan stated that at our first public hearing there was also a couple of comments made by some folks that they felt that there wasn't enough public input into the Commissions or opportunity for public input on the part of the public. She asked if he had ever found there was a problem with people not being able to speak with Commissioners or do you get a lot of public input, is the better question.

Mr. Rivard stated that he can't believe, and obviously doesn't know who made those statements, but nevertheless, he thinks that those are one of the benefits of having a commission because he thinks that everybody on your street, that everybody in your Ward, everybody in the community knows who the Commissioners are, and it's consistent with the way the State of New Hampshire operates, when we have the third largest governing body in the free world, right, with the four hundred legislatures, so the Commissioners are obviously available to find out whose sewer is not working, and whose street needs to be paved and all the other serious problems in the City.

Commissioner Sullivan stated this is her last question, and that this comes from Commissioner Dolman, that on geographical representation, do you think that the geographical representation on your commission reflects the City as a whole or do you think there is a need for better geographic representation either on your commission or other commissions?

Mr. Rivard questioned if this was as specifically stated in the Charter? He stated he hopes that no matter what part of the City that you come from, that you would do what's in the best interest of the City, the streets and sewers and snow removal and solid waste, those things effect everybody weekly throughout the City and is really not quite sure that, if you lived in Ward One and if you lived in Ward Eight it would do - get to look at the services differently, but there have been some comments about the West side not always having representation. He doesn't know if that's a legitimate issue, but that's an issue the Board has to deal with, obviously, because they're the ones who make those nominations. He stated he has not seen a problem in the Highway Department regarding regions, whether they all come from the North end or they all come from the South end, it seems that the City gets fair and equitable treatment.

Commissioner Stephen asked Mr. Rivard if he agreed with not - having some provisions that Commissioners disclose publicly their finances.

Mr. Rivard stated that if there was a good reason for it then it would be okay.

Commissioner Stephen stated that this would be in case, so the public can know if they are voting on or making decisions that effect their interests that they know and feel that the disclosure protects the public's interest as well and questioned Mr. Keegan as to whether he had any problem with that as a Commissioner.

Mr. Rivard stated he didn't see a problem with it, but that he doesn't see a need for and that there are too many tycoons on the Commission, and is really not sure if he wants to make his tax return available to everybody in the City of Manchester.

Commissioner Stephen stated but as far as some company that you are involved with, you invest in, or you receive any type of remuneration from, asked if Mr. Keegan had any problem with that.

Mr. Rivard stated if he understood the question, if his brother-in-law owned a paving company, obviously I would not want it involved in a predicament where -

Commissioner Stephen asked what happens in Mr. Keegan's experience as a Commissioner, has he seen where there is a conflict of interest that arises, what happens, what other procedures that the Commissioners undertake.

Mr. Rivard stated that I would imagine it's consistent and that someone would withdraw, that they wouldn't participate in the discussion, they wouldn't vote, and can think of one in his experience when we had Commissioner Duchette on the Highway Department and Duchette's brothers would bid on snow removal, or construction projects, and he would obviously not participate, but outside of that -

Commissioner Stephen asked if it was incumbent upon the individual commissioners to disclose - just basing that on their honesty, and not insinuating for one second that they're not honest, but I'm just trying to gather information so that if we, if this Commission were to come up with an Ethics Code, I can tell you the City of Concord right now is proposing an Ethics Code with an Ethics Commission with pretty serious and strict requirements, that we are looking into.

Mr. Rivard stated as a republican I'm supposed to be conservative, but as an individual, I think some of these things get a little out of control, like what happened in Hudson, some guy went to lunch with some guy and they suspended him, but I'm not quite sure that that is necessary, but how far -

Commissioner Stephen stated we can always put provisions in to cover the situations like that in the Charter.

Mr. Rivard stated what do you take a cup of coffee at Dunkin' Donuts but you can't get a hamburg at McDonalds. I'm not quite sure what we're trying to accomplish here. If we are trying to discourage people from serving, I think that will do it.

Commissioner Stephen asked whether Aldermen have contacted the Commissioners in the past outside of the meetings. Do Aldermen freely speak to you about certain activity that's going on? How does that occur?

Mr. Rivard responded that if they have an interest, if they have a street, a public works concern, whatever it might be, whether it be sewer, garbage related, snow removal, they talk with the Public Works Director, they talk with the Commissioners, they try to get our ear and you have to understand that in the City of Manchester, like all the cities and towns across the country, we're limited on resources, financial resources, so when you have twelve Aldermen and twelve wards, who have streets that need to be repaved, and they are all legitimate, and you have a Hundred Thousand Dollars ($100,000.) to pave Three Million Dollars ($3,000,000.) worth of requests, then people talk to you. I mean, how do you know which - which gets your attention.

Commissioner Stephen stated we've discussed that as being a legitimate activity and is wondering from your standpoint, do you often receive requests or are you often contacted from Aldermen, is there very much -

Mr. Rivard said I'm not sure what "often" means, but yeah, we do communicate, and that's wonderful, we encourage that, obviously. Because, this formal Board setting here, you can't always do what you want to do, you don't always have the time to get around the agenda. It may be a minor thing, it may be some guy's catch basin gets backed up, that's serious, it may not require Board attention, but when your sewer floods up it certainly gets your attention and that's an important issue for people in Public Works.

Commissioner Stephen stated for a final question, that I was surprised at the amount of hours that go into these meetings and into the stuff that you do, and can you just expand upon that for me, at one of these meetings, are you - can you just give me an idea of the number of issues that you face during one of these - give me an average meeting - and the number of issues and the types off issues.

Mr. Rivard stated tonight we're talking about Environmental Protection, so that's only a portion of our agenda, so we'll just discuss the portion of our agenda. Our agenda, which is obviously published, it's printed, of public notice for our meetings, I understand that somebody thought that we had private meetings, but that's not true, we have publicly noticed meetings the first Monday of every month, and we record them. We record them on a tape recorder, obviously we have the minutes recorded and then they are typed and accepted, but, probably on Mondays which was required by the - the Charter requires us to meet once a month, and we do that on the first Monday of every month, and we meet from four o'clock until seven or eight o'clock every Monday. But that is the formal meeting, that's like a Board of Mayor and Aldermen meeting here on a Tuesday. There are several informal discussions where people call us up about maybe - whatever the issue could be - whatever it is - and you meet Aldermen on the streets. We're dealing with the federal government right now, and the state government in Concord would C.S.O. just to - Mayor Shaw obviously knows about this, and a C.S.O. has a major, major financial impact on the City of Manchester. We're talking about millions and millions of dollars that the federal government wants us to spend, this is an unfunded mandate, as we're all familiar with, and we go to Concord and we talk to those people and we try to convince them that half a loaf is better than a whole loaf and they want to take a loaf and a half. They're trying to sell us a loaf and a half, and we really only need, we don't need any of it really, to tell you the truth, if it was legitimate we don't need to buy any of it, but anyway we're gonna get stuck buying some of it, so we deal with those guys, we try to put a plan together and take this, and then you come back and do it that - and you go back up and you do it that - and they make their livelihood on having meetings. If you ever accomplished anything then they'd lose their job. So we meet and we meet and then we meet to meet again. So anyhow, yes, we do spend a lot of time with federal

requirements and when we set the rates for the sewer user fee based on the expenses that we anticipate over the next four or five years so we've got a rate of a dollar and fifty-five cents ($1.55) right now, which is probably going to be in place for another year. We're gonna look at it again and revise it and go back to the Board and say within the next five years, if this is what you want to accomplish, here's what it's gonna cost. We'll probably go to a dollar seventy-five ($1.75). The average home owner today is probably paying Two Hundred and Thirty Dollars ($230.) a year for their services that they hope that the treatment plant provides. Most of the cities (sic) in Manchester are over Three Hundred Dollars ($300.), so we're run very cost effectively. We're dealing with odor problems. If you lived down there, and if Alderman Domaingue was here, she's familiar with it, we're dealing with that odor problem down there, and we deal with it more seriously because the public does interact with us, they tell us, "hey you guys gotta keep moving, cause that if we move slowly - eventually - hopefully we're gonna - I don't think we'll ever eliminate it, but we're gonna reduce it. I think we have reduced it. But, there's a lot of things that we do, that we really certainly can't talk about tonight because they kind of pop up. So there's a lot of work to be done, and the Board can't do it, the Mayor can't do it.

Chairman Pappas thanked Bob very much for coming by, and stated that next, if everyone agrees, we can do the Airport Authority, Pat Duffy and Fred Testa are here.

Mr. Patrick Duffy stated good evening Madam Chair and Members of the Commission. I am pleased to have this opportunity to be before you this evening and respond to some questions you may have. I invite a fellow member of the Airport Authority to join us, but hopefully it's a member of your Commission and if he wishes to do so, I think it would be appropriate. As you know, we are a seven member Airport Authority that's constituted in chapter law in the State of New Hampshire as well as in the City Charter. It's a seven member, as I mentioned, five of whom are from Manchester and two from Londonderry, although the Charter calls for, of those seven, at least four from Manchester and two from Londonderry. I think that there are a number of issues that distinguish the airport from other - both commissions as well as departments in the City of Manchester. I think we're all aware that it is an enterprise fund in its entirety, that there are no tax dollars that are used to run the airport, it comes from user fees. Those fees are, as previously mentioned, established by the authority and basically we are a market driven organization. The market for the airport is not just the City of Manchester and residents of the City but obviously from people around the area, from the state of New Hampshire, and in fact more and more of our traveling public are coming from out-of-state to use Manchester Airport. So, we are quite aware of the fact that this particular Commission, and I think is rightfully so looking at how all these commissions are organized. At the present time, we feel that if we do have - we are in a position to respond to the traveling

public, we are responsive in a number of different ways, and of course much of the guidance that we have received is not just from local or state law but obviously from the Federal Aviation. Manchester Airport, of course, is part of a nationwide air transportation system, and therefore, since we receive and accept federal funds through the FAA, obviously we are subject to the rules and regulations associated with aviation as governed by the Federal Aviation Administration. So with that, I think that perhaps without going into a lot of the particulars, it may be more helpful just to open it up for questions.

Commissioner Dolman stated in the Muirhead report it suggested possible sale of the Airport. What is the reaction of yourself, and Mr. Testa what do you feel about that?

Mr. Duffy stated that obviously that's a decision not so much for the authority itself, that is obviously a decision that since the asset is a City of Manchester asset, that's a decision for the Board of Mayor and Aldermen. It's a valuable asset, it's marketable, there are a number of communities around the country where that fact has taken place so they would not be unique, there's plenty of precedence. It is - I don't really have an opinion, and I think that it's not appropriate that I have an opinion, chairing the Authority, to make a judgment on that particular issue.

Mr. Fred Testa stated that he wanted add too, a little bit before that, and it's not an opinion, but most of what Pat was talking about is that most of the communities around the country have gone to the Authority by transferring, rather than sale, I think sales to a private entity or a company like Lockheed, the federal government has not allowed that to happen, but most of it is transferred to an independent state-chartered authority, that's what's happened in the country.

Commissioner Dolman stated I don't know how that's done, is that what's done in Boston, with Massport?

Mr. Testa stated yes, Massport, New York Port Authority, Indianapolis Authority, Rhode Island Airport -

Commissioner Dolman asked if they were quasi public and part public. Mr. Testa responded affirmatively.

Commissioner Dolman asked how's their funding work, does their funding work like our funding where the City of Manchester does the bonding.

Mr. Duffy responded no. We would have, in that kind of an operation, and it doesn't have to be the one you described, there is any number of variations, but one of the things that come with that is bonding authority so that this "independent authority" would in fact have its own fundraising capabilities, just as many others do today.

Commissioner Dolman commented right now the City of Manchester has to do the bonding.

Mr. Duffy responded the City of Manchester has the bonding authority right.

Commissioner Dolman asked was there, now I'm not sure if I understood it, but I tried to follow it in the paper, was there some problem last summer with funding and the paying back of bonding or possible problem.

Mr. Duffy responded no, there wasn't and unfortunately there was misconstrued quite honestly and we have a very positive cash flow, we are meeting all of our obligations and covenants under the bonds.

Commissioner Dolman stated maybe you can't answer this, with the bonding we do for all of these enterprise communities perhaps Bob (Shaw) could help, does that effect the amount of bonding that we can (or Carol you were with CIP), does it effect the amount of bonding we can do for the City of Manchester, are these separate, they are separate so it doesn't effect the bonding. okay.

Mr. Testa stated it would be looked at as part of your rating, but it doesn't come under the cap that you set on yourself.

Clerk Johnson stated that I believe the cap that you are talking about is a self imposed cap by the Board and those are utilized for capital improvement projects. There is a description under state law as to what you can bond, but the city would never, in essence, never reach that level, so as far as the effect on capital projects of the city imposed cap, no, it would have none.

Commissioner Cook stated this is an additional point and if I'm wrong, Fred please say it the right way, but my understanding is under FAA rules and regulations the Airport is prohibited from returning any monies from its operations to the City except for services actually purchased, so in other words when you understand the relationship between the Airport, notwithstanding the fact that it is a City department, it could be fabulously successful in terms of profit and would be unable to return money to the City's budget under FAA regulations.

Commissioner Dolman noted Brad was on the Muirhead report. Commissioner Cook noted he was on the committee not on the report. Commissioner Dolman asked how he felt.

Commissioner Cook stated the Muirhead Committee or the government organization task force recommendation was that a study be undertaken to consider the desirability of as opposed to saying there ought to be a transfer to an independent authority. The thoughts there and the derivation of that idea was in the process of the study two different departments various people talked

about as sources of cash very frankly for the City, because they were assets. One was the Water Works and one was the Airport Authority. The Committee heard it so many times, didn't have a recommendation on it, didn't say it ought to happen, but said we've heard this enough times, it might be that some body of the city might want to look into that in the future. The rationale behind the airport was that since it cannot return any cash flow to the city by federal aviation rules, and because it's a regional or state-wide, probably bigger than state-wide, asset that it might be a distraction to the City's administration, it might have some effect on the City's operations, and it might better be treated, since it's in two counties and two communities, as a state authority and in if in fact the study showed, and we didn't say that it would, that the authority would purchase the remaining investment that the City had in the place it might in fact return some money to the City, but we didn't have a conclusion on that fact. The Water Works we will get to.

Commissioner Shaw stated there was a time that the City put money into the airport, probably they kept records, so the airport probably owes us some money, take them a long time to catch up. Wouldn't happen in your or my lifetime, but I'd like to ask Mr. Testa, Commissions for airport, is this a federal requirement to have.

Mr. Testa responded no.

Commissioner Shaw asked are there any communities in America that don't have, that have cities that are federal airport monies that don't have commissions.

Mr. Testa responded yes.

Commissioner Shaw stated so it is possible that Manchester wouldn't need a commission if it so chose. Mr. Testa responded yes. Commissioner Shaw stated why is it then that when the report came out from the Muirhead that was so strong against commissions, only yours was favored.

Commissioner Cook stated that was not true, Water Works was there too.

Mr. Testa responded he had no idea.

Commissioner Shaw asked do you think that commissions, you're the executive there, are the commissions a hindrance to the running of the Manchester Airport.

Mr. Testa stated he would not speak to any other commission in the city, but as far as my commission no, not a hindrance. Commissioner Shaw stated they are a plus. Mr. Testa responded absolutely in my case yes. My commission is an absolute plus for running the airport.

Commissioner Shaw asked why would an airport commission be advantageous, but not a highway commission.

Mr. Testa stated I couldn't answer that except that I can tell you that in he airport, and I know people hate to hear this continually, but airport is something different in hat it has to be run as a business on a business basis because that's really what it does, it provides a transfer station for people to go through and all the businesses and all the contractual relationships we have with all the businesses that use our property from airlines to concessions to taxicabs, bus companies, rental car companies and a whole mess of things. We manage property, we rent property, we develop property, there are a lot of those typically business kinds of things, and with the commission form of our operation, with our commission, I can get instant answers and react pretty quickly to changing business conditions.

Commissioner Shaw stated that wouldn't be possible for a Highway Director to feel that.

Mr. Testa stated he did not know about the Highway Commission, I'm talking about on a non-commission basis where I would have to go through the department of public works or department of aviation and wait for the Board of Mayor an Aldermen to meet to discuss with them and it gets sent back to committee for study and then back out, no, especially if I have a chance to get an airline in and I've got to approve a contract or at least approve the business relationship, my committee is at the end of the telephone and it works very, very quickly, so that is the difference I think.

Commissioner Sullivan stated if there was an independent authority rather than City of Manchester, monies generated by the airport would still be kept within the airport authority would not be able to be turned over to the state of New Hampshire is that correct.

Mr. Duffy stated that was correct.

Commissioner Sullivan asked if the City of Manchester sold, gave, conveyed the airport over to an independent authority what kind of guarantees would there be of input by Manchester citizens to the operation of the airport, and there may be somewhat speculative but having worked and having some experiences reviewing other airport authorities that are not locally owned what provisions are made to have that type of local input.

Mr. Duffy responded that again would have to be whatever is written into a charter, they would obviously have some sort of operating agreement, but today we have input from not just the City of Manchester, but from users at the airport, we don't restrict ourselves to comment to people from Manchester for obvious reasons, but you could still put some provision in the language of whatever kind of an agreement there is in place.

Commissioner Sullivan stated the real estate that's at the airport, there is real estate - correct me if I'm wrong - that is owned by the city that is leased out to businesses for development at the airport, is that done through your authority.

Mr. Duffy responded yea, anything within the airport district, which includes a portion of which is in Manchester, and a portion in Londonderry, is handled through the authority.

Commissioner Sullivan stated and the funds that come in from that real estate development, are those funds also limited in heir return that they cannot be turned over to the city, they can only be used by the airport authority.

Mr. Duffy stated as far as anything that is airport related it stays at the airport for the management and enhancement of the airport.

Commissioner Sullivan stated so if it's a piece of land for example that someone leases, 30 or 40 year lease to build a business development, which may not be airport related in the sense that it's a carrier or a warehouse or something but someone who wants to be located near the airport, those monies stay within the authority and do not come back out to the city.

Mr. Testa said yes.

Mr. Duffy responded that the City of Manchester in its wisdom decided some time back not to tax the land associated with that kind of a project, however the property whatever structure is built on the land is taxed by the City of Manchester and obviously is accrued to the general funds, so there is a return to the city of Manchester for those kinds of properties.

Mr. Testa stated but basically, if you asking if the property were built and it was a stamping foundry, yes that income by federal law has to revert to the airport. Many airports are transferred over from government, especially civilian military, with other buildings on them and those buildings and areas are transferred over to the airport to help fund the airport's operations, capital needs and investments.

Commissioner Sullivan stated turning to the public input side of it as you may have heard me mention earlier, there were some comments particularly at our public hearing regarding lack of ability to provide input to commissions or say the airport authority. What steps have you taken or do you take to obtain public input.

Mr. Duffy stated we have, as many other commissions have, a monthly meeting that is public, that is posted, we have a public comment period starting out every one of those meetings for anyone that wishes to be heard it's an opportunity to make their comment. In addition to that we have had any particular project such as the sound insulation program that has been underway for the last couple years has also afforded individuals an opportunity to come and either publicly or through the sound insulation office so we do have a number of ways that people can provide us with input.

Mr. Testa stated in addition to that the masterplan that is going on now, we have already had six public information meetings at various locations throughout the City of Manchester and the Town of Londonderry in which we send handbills to everybody and invite them to meet with my whole staff, the consulting staff, the commissions there, we do this on a regular basis.

Commissioner Sullivan said when you say everybody, within a certain geographical location.

Mr. Testa responded we've sent out 2 or 3 thousand handbills for each, we have developed a list for those people who were in particular areas around the airport that are impact one way or the other about the airport. We post it in the newspapers. We have a citizens representation on the masterplan study advisory committee, and we give handbills to give to those citizen representatives also to bring into their neighborhoods.

Commissioner Sullivan stated in terms of geographical location, your a little different from other agencies and authorities in that you have membership from outside of the City of Manchester, and within your minimum requirement of four members from the City, how would you feel about a requirement that at least one of those Manchester residents be someone within a certain geographical area from the airport.

Mr. Duffy stated I personally don't feel that there needs to be that kind of limitation or restriction. I think we already have restriction in terms of requirement built in to the authority. We have two members of the authority need to be federally licensed pilots. That puts an added demand in terms of qualified people for the authority. To necessarily suggest that a particular area be said it needs to be represented even though we have that kind of representation I don't feel that is necessary to be built into the charter.

Commissioner Lopez asked if the commissioners were paid. Mr. Duffy responded no, they are not even reimbursed. There is no pay.

Commissioner Lopez asked do you know of any airport authority around where the commissioners are paid, and along with that maybe you can enlighten me regarding the expertise required of commissioners.

Mr. Duffy responded that to his knowledge there were no authorities that were paid. Mr. Duffy stated I think that people come with certain expertise. They are identified with that expertise in two instances they have to have certain expertise that calls for FAA licensing, but beyond that there is no other expertise per se, that an individual needs to be appointed to the airport authority.

Mr. Testa stated they do return, every hour of time we use of city employees, we pay for that return. We transfer money to the city on a regular quarterly basis. Every time I call Tom Clark his clocks starts. Every time I use Tom Arnold in a deed transfer, he charges, based upon and plus an overhead rate plus all the benefits and salary and everything else. Whenever Hugh Moran does a search for help and advertises, we pay for the advertisements, we pay for his staff time, we pay for the interview all of that so we pay for every bit of expertise that the city delivers to us.

Mr. Duffy stated I think the question was relative to the commission not relative to staff and support from the city. As far as the commission's concerned, as I mentioned earlier people are appointed to the Airport Authority, they develop their expertise having been on the authority and then have an opportunity to develop that through the experience of serving on the authority.

Commissioner Stephen stated is anyone on the commission from the southern part of the town.

Mr. Duffy responded yes. Marion Ciechon is from Ward 8.

Commissioner Stephen stated his question was to Patrick Duffy, I asked Commissioner Rivard earlier, you know as well as I do as far as the state end is concerned the commissions, there is a form to fill out for financial disclosure. Would you be opposed to or is there any reason to be opposed to having some similar requirement or provision in the city for commissioners or commission members.

Mr. Duffy responded the one that is filled out by people at the state though is very non specific type of information it doesn't, and I don't see any objection to having that type of statement. There really is more in an area of conflict of interest, and that's basically what you are certifying that there is no conflict of interest by serving in your capacity. There is no requirement beyond that.

Commissioner Stephen asked do you have any suggestions if we were to have some type of financial disclosure requirement here that the City we should look at.

Mr. Duffy responded personally I don't think that there is any, it's not germain to have financial disclosure. I think conflict of interest is the issue, not financial disclosure.

Commissioner Stephen requested Mr. Duffy to expand on that.

Mr. Duffy responded well financial disclosure suggests that you somehow or other you have to you're going to be influenced by what sources of income you have and how much that income is versus whether or not those sources of income somehow or other are influenced in terms of the decisions you make. As an authority is, and I'm sure as many of the other commissions do if a person sitting on the authority has some possible conflict that's identified up front and they are excused from participating in either the discussion or the resolution and the vote on that particular item.

Commissioner Dykstra stated just to mention the conflict of interest that I put forth and is basically an ordinance in this City would that apply to your commission also, this ordinance basically applied to all boards, commissions, the Board of Mayor and Aldermen, and I believe that also would take in your commission.

Mr. Duffy responded he believed so.

Commissioner Dykstra stated in that instance then even within this ordinance it states that a person that may have a financial or personal interest shouldn't even sit in on the hearing or any discussion of such thing that just basically not voting on it wouldn't be enough in that also a vote can be taken but only from you members of the commission, that if you felt that someone was in conflict you could basically call for a vote so I believe that is also part of yours. The thing that I wanted to mention also is that when Johny was mentioning about the ethics, I believe in 7.10 of the charter, and I just lost my place here and we were talking about disclosure, now this has to do with procurement code, would that be applicable to your authority.

Mr. Duffy stated we do operate under the city.

Commissioner Dykstra stated it says that such procedures or requirements shall incorporate a appropriate disclosure requirements. So evidently the charter to me seems to basically make that something that basically is mandatory. It says that it shall incorporate these procedures. I didn't know whether this was something that was already in there and we just never went ahead and did something with. That is 7.9 of the charter, so when commissioner Stephen mentions the ethics and the basically the disclosure requirements when I was looking through this I saw that by talking to people it seems that no one wants to have this disclosure type thing but evidently when the charter was written before it seemed to have been something that we should do something with. I just wanted to bring that to your attention and probably go on to my question now, and that basically had to do with your talking about the department of aviation, when your talking about your duties and your responsibilities it also says that any other such duties which are prescribed by law or assigned by the Board of Mayor and Aldermen. Either one of you, has the Board of Mayor and Aldermen ever assigned any duties to you or anything that you should do other than what your authority is suppose to do. They never have. Do they know they can do that.

Mr. Duffy stated I'm sure they know they can do that.

Commissioner Dykstra stated what would they.

Mr. Duffy stated that more appropriately, the law that they are talking about here is not just city or state law it's federal law as well. To participate as I mentioned earlier in the national airport system you have to be certified by the FAA. Its called part 139 certification which takes place on an annual basis, and that it governs the operation of the airport to ensure that we are meeting all of the requirements, safety requirements and other requirements associated with the airport. Those are the kinds of things that I think are implied by that statement in the charter.

Commissioner Dolman stated that it was mentioned earlier that you try to meet with neighbors when there is any kind of concern or anything that is going to effect the neighborhoods. I just want to bring up what happened this summer when the cutting down, caused a big uproar, the cutting down of the trees down on Muse Road over there and the neighbors seemed to be surprised at the amount of trees being cut compared to what they were told were going to be cut. Is there any way that something doesn't occur again? Was there some kind of misleading, and I don't know on whose part, but did somebody misconstrue it, or did somebody not communicate well? How was did this problem occur?

Mr. Duffy responded that in light of the fact that this Commission is considering some fairly global issues, if you would like me to respond to that, my only comment would be that that perhaps could have been handled than it was. We feel that there were some issues that perhaps could have been brought to the attention of those that were going to be impacted directly, and I think that in hindsight, we perhaps would have handled things a little differently.

Commissioner Dolman stated that Commissioner Sullivan brought up the issue of the land owned by the City - is this the Airpark? Manchester Airpark? And, if so, wasn't that land owned by Manchester Housing?

Mr. Duffy said that is not their land.

Commissioner Dolman confirmed that it isn't their land, and that the money from that does come back to Manchester.

Chairman Pappas thanked Mr. Duffy for coming by, stating that it was very interesting.

Chairman Pappas then invited John Mayer from the Manchester Historic Association to address the Commission and noted they would then take Water Works. Mr. Mayer is just here for one matter which is to discuss the possibility of a Heritage Commission.

Mr. John Mayer thanked Chairman Pappas for the invitation and stated many of the Charter Commission members will be shocked to know that he is not a student of a city charter, and he is not there to speak with any technical advice in terms of specific wording that would help with the Charter. What Chairman Pappas mentioned is correct, he is coming as a Director of the Historic Association with an advantage that is important to share with you. It has to do with an awareness that he has developed over the four years that he has been on board at the Historic Association of the need for the City of Manchester to develop a thoughtful way to inform its planning process that engages the public in matters that have to do with the preservation of historic resources in the City. There is a state statute that provides for a city to develop something called a Heritage Commission, and that is a matter that is under consideration, currently, with the Historic District Commission, the Planning Department, and the Board of Mayer and Aldermen, and what he would like to do is just suggest that an aspect of the City Charter that would engage that need, or address that need, for thoughtful public planning involving historic resources would be very beneficial to the community.

Chairman Pappas thanked Mr. Mayer, and asked if there were questions or comments. She stated that they will take the matter under consideration and thanked Mr. Mayer.

Commissioner Sullivan stated she had a question wanting to know what the response has been so far from the various City agencies that Mr. Mayer talked with about establishing a Heritage Commission.

Mr. Mayer responded that there has been an uneven response because he believes that people have responded to that on a number of different levels. One level is that it represents, and it may be misrepresented, as an additional layer of bureaucracy and people are opposed to more. Also, some people are concerned about the specific way in which a Commission would be put in place, whether it be a combined Historic District Commission or a Heritage Commission, and what the pros and cons of those various strategies are. There are some members of the Board of Mayer and Alderman who are very much in favor of this, who have recognized the lack of thoughtfulness that has guided planning decisions and there are some that are very comfortable with the way things are going currently.

Commissioner Dolman asked how Mr. Mayer would recommend, not in the exact words, but what the purpose should be - more of a historical district or a heritage, and what would be the difference?

Mr. Mayer stated that a Historic District Commission has specific regulatory duties for areas of the City that are defined by particular boundaries. A Heritage Commission has a city-wide responsibility to participate in the planning process, provide advice and guidance as it's requested to different city departments or commissions, so it is not regulatory, it is simply advisory and it, hopefully, would be used and in that way allow the decisions to be made in a thoughtful and even-handed way. One of the risks that is recognized, and the Historic Association was invited to be the leader of, was an effort to discuss the demise of the Harvey Schoolhouse. There are other properties that have been altered or demolished in the City that nobody has come to for help with, and yet the property owner of the Harvey Schoolhouse attended several meetings, met with the Historic Association and met with concerned citizens, and I would say that if I were that property owner that I would feel that I was treated differently than other property owners who exercise their same rights and were not dealt with in a same manner.

Commissioner Dykstra asked how many Heritage Commissions there are in the State.

Mr. Mayer responded that he knows of at least one, and that it is a very new statute, and that there is one Commission in Concord.

Commissioner Dykstra stated that this was enabling legislation, and brings this up because when she put a Conservation Commission forth, it was enabling also. It took her a year to get it through, but the thing that she wants to ask Mr. Mayer is that when she put the Conservation Commission together every town and city basically had their own, and she drafted her own. Her question to Mr. Mayer is whether there is a certain Heritage Commission that is out there, or is it something that would have to be drafted with certain specifics or guidelines, as she did with the Conservation Commission?

Mr. Mayer responded that there is a model that they can use, and that has been used, which is available through the State. He stated that he had used that as a guideline.

Commissioner Dykstra asked if he only needed seven votes.

Mr. Mayer said yes.

Chairman Pappas thanked Mr. Mayer and moved next to the Water Department.

Mr. Raymond Provencher stated that Commissioner Tessier, the Chairman, has asked him to be in his place because of his prior commitment. He has an opening statement and then it can be left up to questions. The Manchester Water Works is the state's largest private water utilitiy with 26,500 customers supplying an average of 15.4 million gallons of water per day. Approximately eighty-four percent (84%) of the water is supplied to residents of Manchester, and the remaining sixteen percent (16%) are in Auburn, Bedford, Derry, Goffstown, Hooksett and Londonderry, with franchises under the Public Utilities Commission jurisdiction. The Manchester Water Works as a department of the City of Manchester is, like the City, celebrating an anniversary in 1996, Manchester Water Works will be 125 years-old on August 30th. The Department currently employs 85 personnel in areas ranging from engineering, clerical, meter readers, water treatment plant operators, and patrol officers. The unique status, as an enterprise fund of the City, operating outside the City process, and without impacting the tax rates, has allowed Manchester Water Works to operate more like a business than a city department. For that reason, Manchester Water Works is able to provide water, meeting all federal standards at a price well below all other comparable water utilities in the state, at approximately $1.10 per 1,000 gallons. One would have to say that that is quite a bargain, and that's pretty much what the City's best value is at the present time.

Commissioner Cook stated that he had seen a letter, a legal opinion that was generated six or seven years ago that recounts fairly extensively the factors that make the Water Works different from the other departments which were aluded to, and in fact comes to the conclusion, at least at that time, the Water

Works had a different fiscal year, and it had its own budget that was not part of the budget process of the City, which was established by the State Charter, complies with the rules of the Public Utilities Commission and basically came to the conclusion that the Manchester Water Works was at best, a quasi-public entity, but certainly not a governmental department; more like a separate corporation. The task as charter Commissioners is to make the Charter make sense and the question is, can the Charter Commission really have any effect on the Water Works, even if it wants to?

Mr. Thomas Bowen stated that he cannot answer it legally, but the best answer to that question is that Manchester Water Works was the original enterprise fund in the City of Manchester. It was the first. It was an enterprise fund 125 years ago, and that however, it has been operating within the confines of the Manchester City Charter, seems to have been working well for the 125 years. It has been offering, as the Commissioner mentioned, a tremendous value to the citizens of Manchester, and that in and of itself speaks for itself. There is no value to the citizens of Manchester in changing the status of the Manchester Water Works.

Commissioner Shaw says that the Manchester Water Works is a department, in almost all the senses except that it does not present a budget to the Mayor, but is more just tradition over time, maybe 125 years of tradition that that was never done before.

Mr. Bowen stated he had been in the Department for twenty-five years and that it has never been asked. A budget is presented to the Board of Mayor and Aldermen.

Commissioner Shaw stated that this goes back to one of the things he originally said, and that things here work by tradition. They work without animosity, and they work because of good will. There is good will between all the different entities, the Aldermen have good will towards the Water Works, but that Manchester Water Works is a department.

Commissioner Stephen asked Mr. Bowen what the retained earnings of the Water Department were.

Mr. Bowen stated approximately Seventeen Million Dollars ($17,000,000.00).

Commissioner Stephen asked if any of that Seventeen Million Dollars ($17,000,000.) goes back to the City in the General Fund.

Mr. Bowen stated that it does not. It is much like the Airport, by their charter, their enabling legislation. The money within the Water Works must stay within the Water Works. That money was accumulated over the years as the result of payments of water bills. The citizens of Manchester are the ones that have received those earnings.

Commissioner Stephen asked whether this was a different type of commission in the sense that the Mayor sits as an ex officio member of the Commission, and how successful this has been in the past, as far as the commission system.

Mr. Provencher stated that he had only been there for two years and that he has seen Mayor Wieczorek once or twice. If he needs something, then he does let them know ahead of time, but that he has appeared two or three times at the commission level in two years.

Commissioner Stephen asked Mr. Provencher how many meetings they have had in two years.

Mr. Provencher stated that as a full committee, they meet once a month, and that there are also sub-committees.

Commissioner Stephen asked if at these meetings of the commission if many major decisions are made, as asked if the Mayor ever votes on any of those decisions as a member.

Mr. Provencher stated that he does vote if he goes to the meetings.

Commissioner Baines asked for clarification to the allusion to the fact that Manchester Works does not present a budget, and then that they do.

Mr. Bowen responded that the budget is approved by the Commissioners and submitted to the Board of Mayor and Aldermen.

Commissioner Baines asked if it was submitted, and if the Board of Mayor and Aldermen can effect any change in the budget.

Mr. Provencher stated that they can do it by directive, by telling the Water Works, if they wish. It is in the Charter that they are a department.

Commissioner Baines asked if the Board of Mayor and Aldermen could say, as they do to other departments at certain times, that they want you to cut back in your budget by, say four percent (4%) or five percent (5%)?

Mr. Bowen said that they can do that.

Mr. Provencher stated that they don't get raises though, if everybody else in the City doesn't get a raise, then the Water Works employees don't get a raisee. The retirement plan, they are part of it, so they only get the same type of retirement even though they are an enterprise, they don't get better retirements than other people. On the question there, and it was Commissioner Dolman's point way back at the very beginning, although I'm not sure if it was said publically or if was said to me in private, but if the Charter was adhered to then we wouldn't be here, because it does say in the Charter that they Mayor shall serve, or whatever, as ex officio, but they don't go. I think that a lot more "must" instead of "shall."

Commissioner Dolman stated that he can understand why the Mayor doesn't go - and that's because he has his hands full, and that's the purpose of a commission, but he's been on the Board of Mayor and Aldermen for so many years that their hands were full and they just couldn't be into all of the departments.

Commissioner Shaw stated that Aldermen are not on commissions and that the Charter says that the Mayor shall serve on certain things. There was a mayor that went to the meetings, and Hooksett has water in a certain building because the mayor was at the meeting, so it is advantageous from the Mayor's point of view to be at the meetings.

Commissioner Sullivan stated that she agreed, that as some of them said earlier, that we do have great water in the City of Manchester and that it is a very valuable resource for which they are very lucky, and as said earlier, the price that Manchester residents get their water for is great in comparison to other communities. A couple of informational questions - how much real estate does the Water Works control in the City of Manchester, not outside of Manchester?

Mr. Bowen responded that that's a hard question to answer because they try to operate the Water Works without town lines because there are customers - and that the land holdings go well into Auburn and Candia and Chester. Totally they have control of 8,000 acres and that is primarily watershed land. Nearly ninety percent (90%) of that is outside the City of Manchester. There is quite a bit of land along Lake Shore Road that is watershed land.

Commissioner Sullivan asked if there has ever been much thought given to, perhaps getting together with a department like Parks and Rec in Manchester, or other departments - similar departments outside the City, to try to open up some of that real estate to some more recreational activities, obviously not swimming, but hiking, cross-country skiing and that type of thing, to open up that resource to the citizens of Manchester and communities around Manchester?

Mr. Bowen stated that the watershed is open to the quiet enjoyment of the watershed. There are fire roads throughout the watershed system and those, except for the areas right around the intake systems, are open to the general public. Unfortunately, the more you publicize the availability of something like that, the more that there is going to be misuse, and they put a tremendous amount of effort right now into making sure that the - the primary job is the quality of the water, not the recreation of the watersheds, and while they allow a lot of activities on the watershed, they are not in the business of promoting and encouraging a lot of people - there are a lot of people right now, that spend a lot of time hiking and bicycling and cross-country skiing the watershed trails.

Commissioner Sullivan asked if there was any representation from their commission from the geographic area around the watershed in Manchester.

Mr. Bowen said no.

Commissioner Sullivan stated she had a couple of questions similar to what has been asked of some other commission. Are there any comments on the suggestion that there be term limits for commissioners?

Mr. Provencher stated that he would be against it.

Commissioner Sullivan asked, in terms of public input, if they had developed methods of soliciting public input or if they find they get a lot of public input.

Mr. Provencher stated that they do send a flyer with the bills and perhaps once a year they have a "Water Week," in which even the schools participate, and this is coming up in the month of May. These are ways that they give input.

Commissioner Lopez stated that his understanding is that Water Works is like the Airport Authority, but that they submit a budget to the Board of Mayor and Aldermen.

Mr. Provencher stated that they do not submit a budget, but that the budget is submitted to the Commissioners and once approved, it is then reported to the Board of Mayor and Aldermen.

Commissioner Lopez confirmed that the Board of May and Aldermen don't do anything with the budget and that the money, under law, none of it can come back to the City.

Mr. Bowen said this was correct.

Commissioner Lopez inquired as to what about - like the Airport Authority - if you lose services within the City, is the City reimbursed?

Mr. Bowen stated that what they do is that they reimburse other departments for out-of-pocket expense and that has been pretty much a mutual agreement between the Water Works and departments like the Parks and Recreation and the Highway Department, that they interact with most often. They do not pay for, directly pay for, services of the City Solicitor's Office or the Personnel Office. Nor, do they charge any city departments for the water that they consume - the School Department, the Parks and Recreation, City Hall - so, there is a balance of services that are provided between the two departments, which is a fairly even level.

Mr. Provencher stated that in some case the Water Works does hire an outside attorney.

Commissioner Cook stated that this would be an appropriate time to clarify, as a member of the Government Review Task Force, what it did or didn't say about the Water Works, because there have been a lot of people who did not get any farther than the capitalized headline summary at the beginning of it, that accuses us of wanting to sell the Water Works. We heard, as I alluded earlier, from a lot of people in the process that if we could only sell the Water Works we would get enough money to pave the streets in gold, build new schools, put computers in every house and, probably, cure cancer. We not only didn't take it on as an assignment, but we said that if anybody really wanted to look into that, perhaps a committee could be established to investigate that. I did a little further work on that, and I think, unanimously, the members of that committee, and it was alluded to in the report in their back-up materials that have been delivered to the Commission, which said, "ain't gonna happen," because what happens is, if you were to appraise the fair market value of the Water Works property, and sell it at its appraised price, water prices in Manchester would go to about the same price as bottled water and nobody would stand for it, and the PUC wouldn't stand for it and they wouldn't allow it, because they wouldn't allow rates to be that high. Anybody who has read that report to indicate that we advocated selling the Water Works - we didn't advocate anything, but the conclusion we came to was it would ultimately prove a fruitless endeavor.

Commissioner Shaw stated that the Commissioner stimulated a question, and that is, what is the difference between your Water Works and the Nashua Water Works? What is the difference in rates? What is the difference in pay for the employees and the directors of the Water Works?

Mr. Bowen responded that the salary of the Director of the Penichuck Water Works is not published in the Manchester Union Leader, so I couldn't tell you what his salary is. As far as water rates are concerned, their water rates are about thirty-five to forty percent (35 - 40%) higher than ours and they had had three water rate increases in the last five years, mainly due to significant system expansion that has been occuring in their

area, and some very needy improvements that they are working on. We like to push the numbers around that we have not had a water rate increase here in Manchester for seven years.

Commissioner Baines stated that he was trying to understand City government through participating in this process, and he is not certain how the budget process works with the Water Works deparment. It does not work, obviously, the same as the Highway Department submitting a budget. Why not? And, where does that authority come from? I don't see anything unless I'm missing it in the Charter that gives that authority to the Commissioners, different from the Highway Commission, so try to enlighten me a little bit.

Mr. Bowen stated that there was a very extensive legal opinion issued on that by Attorney Samuels of the McLane Firm, and I would be glad to make that available to the Commission.

Commissioner Baines questioned whether the authority comes from state law.

Mr. Bowen responded that it did. Part of Attorney Samuels' opinion is based on state law and also his reading of court decisions and so forth pertaining to the Water Works.

Commissioner Baines stated that that was interesting, and that he doesn't think that a lot of people understand that.

Commissioner Dolman asked if they submit a budget to the Aldermen - the Commissioners submit a budget to the Aldermen and the Aldermen receive it in the ballot.

Mr. Bowen responded that they do not take action on it.

Commissioner Dolman asked if it was part of the City budget.

Mr. Bowen responded that it is not.

Commissioner Baines stated the question, the budget process, in terms of explaining where this authority comes from, this independent authority, to establish the budget. Commissioner Baines stated that was a curious issue for me, not that it's good, bad or ugly I just would like to know a little bit more about how that works, and it sort of points out that if in fact the elected city officials are going to have any impact on your budget, whether its being expanded or diminished, that it be important that the elected officials attend the commission meetings dealing with that. That was an editorial comment but I'd like you to expand a little upon how your budgetary process works.

Mr. Bowen stated well, the budget is submitted to the Board of Water Commissioners, in November, and voted on by them at the first meeting in December. Immediately after its being approved it's submitted to the Board of Mayor and Aldermen. Of late, the budget has been placed on the consent agenda I believe and accepted.

Commissioner Baines stated so the question would be if the Mayor were to say there were not going to be any increase in department budgets in the City, not that something like that would ever happen, but if he were to say that, how would that impact your budget.

Mr. Bowen stated it would impact our budget because our commissioners are privy to that information.

Commissioner Baines stated but could they ignore it.

Mr. Bowen responded could they ignore it. Well, they have not. Could they. They could submit a budget much like the school department submits a budget that's within the guidelines or much like any other department that submits a budget that is not within the guidelines of the Mayor, but the Board of Mayor and Aldermen he would assume would have the authority to send it back to the Commission for reconsideration.

Commissioner Baines stated see that is not what I am clear on because I have heard.

Mr. Provencher stated I could probably add to that. I think that if there would be a water rate increase we would hear from the Board of Mayor and Aldermen.

Commissioner Baines stated forget about the increase. That doesn't really answer my question either because let's say that there directives on the budget might result in a water rate decrease. My question is does the Board have the authority to not accept your budget and I would like some clarification and if we cannot get it here, I'd like to get some clarification of where the authority rests on that budget. Because not only in this department but others you keep hearing this does not have any effect on the tax rate, but it does have an effect on fees people pay and if you don't call a fee a tax that's fine, but if you are paying your sewer bill and people are beginning to think of that as a tax no matter what you call it and I know there's been some discussion at the Board of Mayor and Aldermen about that, whether that was a great decision to make that an enterprise, so that is a very important question, I believe that we need some clarification on.

Mr. Provencher stated I don't know how you can call a water rate a tax. It is a service for an actual product.

Mr. Baines stated well couldn't the school department make the same claim.

Mr. Provencher stated I suppose so.

Mr. Baines stated yea, I've been in the city for years and when hear people say that's not a tax, it is, it depends on how you define tax. They're getting a service. I'm getting water. I'm getting education for my kids. I might make the differential that the water is a tax and the education is a fee.

Commissioner Cook stated I don't think the number of gallons that you buy for the school department is what you want to start paying for though.

Commissioner Dolman when I was on the Board the fiscal year was the same as the calendar year so it always came as part of the budget process. When it comes on the consent agenda, the aldermen have a right not receive and file, they can take it off the consent agenda and send it back if anyone had any questions. So I would think that the aldermen do have a right to do something with it.

Commissioner Baines stated he would just like to see where that authority is delineated.

Commissioner Shaw stated in the budget itself it says the Mayor shall produce the budget for the departments, they shall submit the budget to him and he shall submit the budget. Now I believe that in 1984, the Mayor that took office then continued the tradition, this is a brand new charter and it didn't cross anybody's mind that the water works was a department in the same sense as the Highway Department, even though the words are in here that says it was. I think the tradition.

Mr. Bowen stated I think the previous charter looked upon us in the same light, but as you say I think it has been a matter of tradition over the years and I think they have allowed the water commission to manage the department. Without advocating their right to send it back to them.

Commissioner Shaw stated an no monies from the city go to the water department to manage the water department versus when Mr. Keegan said they have an enterprise zone. That money used to be there the money is given to the school department raised by property taxes and then given over to the Parks Department as if it were something different when it isn't. It has been a tradition and you have to understand how the water works works its just an unusual department.

Chairman Pappas stated I think we have two more questions.

Commissioner Sullivan stated it was not so much a question as a comment, maybe to confuse matters even more. I'd be interested in seeing that letter that Rich Samuals wrote about the Water Works because I think that in actuality there are certain divisions/departments within the city that are not just regular city departments and do have other constraints or other authorities to answer to under state statute and perhaps because of the original charter of the Water Works that may be one. But I'll give you another example. The library, which you might consider to be a department, under state statute the Trustees are responsible for submitting the budget to the city, not the Mayor, and that is under state statute. So even though the charter may say it's the mayor's responsibility over the budget in our case for example I take the position in the Library's case that's our responsibility to come up with our own budget and then submit to the City. The Water Works goes one step further perhaps , we don't know but I would sort of like to see what Rich Samual's letter, maybe they don't have to get the approval from the Board of Mayor and Aldermen. I don't know. And just to confuse things even more I think you will find these little nuances in the city.

Commissioner Shaw noted you wouldn't get any money if you didn't submit it in proper fashion.

Commissioner Dykstra stated I don't know when I look at the charter in some areas I think it is kind of clear and to me it seems like things are being followed at all, or maybe I'm just misreading something but in section 3.10 when it talks about authority of boards and commissions and directives of the Board of Mayor and Aldermen, if you're talking about the Water Works being a commission and whatever, it says that they may issue mandatory directives, to boards, commissions or department heads relative to the expenditure of funds. Now, this is mandatory. You have to do it. So I don't understand how they can just go ahead and do their own thing in that area and just not have any input, I mean why is it in the charter that we can issue a mandatory directive, when it has to do with expenditures. And I just wonder if in some cases we have a charter and a lot of it is good, I'm not going to agree with Bob that the whole thing doesn't have to be changed, but when I look at it I see an awful lot in here that probably just isn't followed or used or for so long they have gone their own way and I'm not just talking Water Works but any other board or commission. And the only thing that I can see has worked wouldn't be a mandatory directive, as what was mentioned and Mr. Bowen hit on it and I haven't seen it, is the fact that if it did conflict with existing RSA's with the state law, then most like this wouldn't be applicable, we couldn't use it so that's something I would like to look into cause I think when you say mandatory directive it's very clear.

Chairman Pappas stated I think that is a good point and I think your point Commissioner Sullivan is good, there could be a state law, but we certainly should look into it.

Commissioner Baines stated and it should be referred to I think in the charter if in fact there is a restriction there so it's very clear, because it is not clear to those of us who have been in the City all of our lives and the alderman that is sitting on the table who is suppose to truly understand where the authority rests.

Chairman Pappas stated that was a good point, something we could look into.

Mr. Bowen stated they would be glad to make that decision made available to the commissioners.

Commissioner Cook stated he had it and would send it over to the clerk for circulation.

Chairman Pappas asked for further questions or comments. There were none. Chairman Pappas thanked Mr. Provencher and Mr. Bowen stating we appreciate your staying so long.

Chairman Pappas noted we just received the minutes tonight and we will bring the minutes of March 13 back at the next meeting for acceptance.

Commissioner Shaw asked if it were necessary to do the minutes verbatim.

Commissioner Baines stated the officers were advised by the City Clerk that this was required.

Chairman Pappas stated well maybe not required but a good idea.

Commissioner Baines stated they got the message that it was something they needed to do.

Commissioner Dykstra noted so the less they talk the smaller they are.

Commissioner Baines commented that if they had some of the thinking that went on in the previous charter commission wouldn't that be helpful to us, and there will be a history that we will be building with this process. They may be something that no one will be willing to read but if there were research behind the rationale of why we might make some of these decisions it might be important.

Chairman Pappas advised that Clerk Johnson had some housekeeping items and asked if everyone had received an organizational chart (submitted by the Planning Department).

Clerk Johnson advised that the City Clerk would like to have a picture taken of the commission members. The City Clerk's office is starting to gather pictures of current and prior Board of Mayor and Aldermen, Welfare Commissioners with the intent of displaying them at some point in the Chambers, and it was thought that it would be nice if the Commission would like to have its picture taken for perpetuity purposes to be hung in the Chamber with the Board of Aldermen. If there is no objection to that we will try to set up a date to have somebody come in and take a picture.

There were no objections by the members. All concurred with the request.

Clerk Johnson noted that the other item had to do with the public hearing schedules, and the schedule that got adopted at the last meeting. There was a conflict for the department heads and boards and commissions apparently the Library is having an opening of its New Hampshire room on the same night that the department heads and commissions were suppose to be invited before the Commission. We took the liberty of contacting the school department to see if we could switch dates from April 17 and April 10 and reverse the two meetings so that the public hearing would be held the date the department heads were going to come, and the department heads would come the date of the public hearing instead. Originally department heads were scheduled for the 17th, so we will re-send out all those letters with the Commissions approval for the 10th.

In response to questions, Clerk Johnson advised that the March 27 Public Hearing is to be held at Central, it being the next meeting of the Commission, at 7:00 PM. There was no meeting on April 3. On April 10 will be a meeting with the department heads, boards and commissions. April 17 would be a public hearing at West High School and May 1 was Memorial. The topic for March 27 was:

Government Structure, including:
a. Governing Body (Mayor/Aldermen v. City Manager)
b. General Powers and duties of elected officials/city manager
c. Term and number of elected officials
d. Elections
e. Vacancies
f. Meetings, including public input
g. Appointive powers

Commissioner Lopez asked if this was being publicized this way.

Clerk Johnson responded that it was publicized that way in a legal notice and I would presume that we will attempt to get Mr. Toole or Mr. Schaufenbil (Union Leader) to expound upon that in an article.

Commissioner Lopez asked if they were still going to have the five minute rule.

Chairman Pappas yes and they would try to keep people to statements about these topics.

Chairman Pappas advised that the officers had not yet had a chance but they are planning to interview some people next week.

Commissioner Sullivan stated yes, she had some success setting up one appointment, one person would be unavailable, the other person is out until Friday.

Commissioner Baines stated he was not going to participate so if the Chairman could find someone else.

Chairman Pappas asked for volunteers, and referred to Brad Cook.

Chairman Pappas advised I have had a request for another speaking engagement with the Kiwanas or Rotary, I'm not sure which one it is, how do you all feel about it.

Commissioner Sullivan stated I think at this point I think it makes sense for the chair to start talking to groups like that to get the publicity, let people know where we are in the process.

Chairman Pappas stated if the requests keep coming in I hope we can share them if they become overwhelming.

Commissioner Cook stated that the fear they had was that people were going to be invited to appear before advocacy groups that were going to try to push them in one direction or another, if it is a matter of publicizing what we are doing, how we are doing it and what the process is I think that's fine. Our concern was I don't go for example to the Democratic City Committee and have them push me around on certain issues, and you (Commissioner Shaw) go to the Republican Committee and have them push you around.

Commissioner Dykstra stated if they are going to talk about the process that's fine I think that be careful on what opinions on what we are going to be doing with appointments, like Chairman Pappas do you support, you have to be careful in that area, so they might tend to ask questions there but I'm sure Toni's going to do a fine job.

Chairman Pappas stated thank you, I will talk only about the process.

Commissioner Lopez stated Commissioner Cook, my understanding in the comparison chart that Tom Clark is suppose to be sending us something in comparison.

Commissioner Cook stated Tom said he would send us anything that he had that he thought supplemented or contradicted what was in the charter. I have not received anything from him. Now, as part of the subcommittee's work on technical things, Commissioner Sullivan and I are having lunch with Mr. Clark tomorrow and one of the things on my agenda is to remind him in his many, many things he has to do in life which is certainly many if he has some of that information for example things like we heard about the letter. This letter that Attorney Samuals wrote about the water works is apparently fairly famous in city government, which doesn't mean that every one of us has every heard of it, but you know when they brought it over to me it's a very interesting document. My concern and what I want to know from Tom is how many other departments as Commissioner Sullivan eluded to before, how many other commission or departments that we have are the creatures of state statute that may take precedence over what we do. One of the technical and boring but important aspects of the charter for example is the retirement system. There happens to be a Supreme Court case right now pending at the NH Supreme Court on how you amend the Manchester City Retirement System which was established by the legislature, passed by the voters in the charter, and doesn't have an amendment provision. So the Supreme Court has been asked how do you amend it. The City Retirement System asked them because there was a case that challenged an amendment that was made to it, and somebody said you can't. Well everybody looked at it and said apparently and so they are waiting for the Supreme Court to say. Well we could do anything we want but if the Supreme Court says something different that goes to the questions that came up before about well it says in the charter x, y, z about the water works. It can say, I'm sure there are a lot of southern city charters that still say segregation is the law of the land in the south, doesn't mean segregation is the law of the land in the south, what evers in the city charter and we need as much guidance on this as we can before we go into this. So the long answer, we are going to ask him tomorrow where the stuff is.

Commissioner Baines stated I think its critical for us to get that kind of information if we are going to go forward in terms of meeting our responsibilities and he's got to know that.

Commissioner Dolman stated that's why I think we need somebody to a lot of this legwork and research that we're not going to have the time to do.

Commissioner Stephen stated I guess at this point I can add what I wanted to give Chairman Pappas. I've done some research on this issue of 49-C and whether any changes we make because we've had so much discussion on it, are we bound by 49-C. I took my lunch hour yesterday, went over to the Concord library , I've been speaking to some members of the City of Concord, that have been involved in the process in 1992. I found two laws in 1992, Chapters One and Chapter Ninety-Six, that both have provisions that the City of Concord enacted or had enacted in February of 1992 and in April of 1992, and the provisions basically state notwithstanding the requirements of 49-C the City of Concord is allowed to ...da, da, da... and it lists a number of things like amend their charter to allow for the Mayor to have a stronger vote in terms of the Council Manager program or form of government. Also, to allow for department heads under the council manager form to be chose for definite terms which is contrary to 49-C. The reason I bring this up now, and I want to make sure the letter and research gets handed out, we need to act quickly if we are going to seek legislative changes, I'm not sure of the deadlines or the time is ticking so my recommendation is we need to contact our representatives from the Manchester area and find out first of all, as far as legislation what are the deadlines for filing same, and when we find out these deadlines.

Chairman Pappas advised we've passed the deadline.

Commissioner Cook stated I think John you would find, at least this is the information that Secretary Gardner and Mr. Ambrose gave me, that those were passed after they worked on charter as is common in town meetings and various things, when they pass things that are inconsistent or arguable inconsistent with state law and have them ratified. The legislature isn't going to do a preempt and say could can do this sub-part or that sub-part only to have the voters do something different, its after you do something and remember that the effective date of any changes that we make is July 1, 1997 because that is the beginning of the fiscal year first following the adoption by the voters. The legislature from January until June would be the one to ratify those and if they failed to ratify them then there would be a question of whether they would go in.

Commissioner Stephen stated the Charter in Concord was enacted or sent to the voters in November of 1992. Those changes were enacted or that legislation was enacted in April of 1992 and in February of 1992 so I think in all due respect Brad that's incorrect. And one thing they did and that's why the first provision is they sought legislation to have their election of charter commissioners to be held on the February presidential primary outside the scope of 49-B. That was sought in January I believe of 1992. Its special legislation, they might of amended, I've worked with the legislature before on many bills. There must have been some amendments put in on existing legislation.

Commissioner Baines stated we've passed the deadline for bills for this session anyway, so the only way that anything we do can be dealt with by the legislature will be next January anyway. So even if Concord did that, and obviously you must be correct because you've researched it, we will not be able to ask for any amendments till after what we do is either ratified by the voters or rejected by the voters. If it is ratified by the voters and we do some things that may be contrary to that state statute we are going to be asking our legislators to ratify in the legislature what we did in November.

Commissioner Stephen stated we may have to wait until after we ratify it but at least there is precedent for us to get some legislation passed.

Commissioner Baines noted they had passed the deadline for legislation.

Commissioner Stephen stated I understand that but I would like to talk to some of the representatives about the possibility of amending existing legislation.

Commissioner Dolman stated but you are missing one step here. Before we can even put a charter together to go to the voters, it has to be approved by the Secretary of State, the DRA and the Attorney General, so it's not going to be approved without those three bodies giving us an approval. That's the thing we have to remember here. Before anything goes for the voters for ratification we submit this to the Secretary of State's office, to the Attorney General and to the DRA, and they have to give approval. Based on what Brad has told us he has spoken to the Secretary of State, I have spoken to the Secretary of State and I'm getting the same feeling that Brad is getting that I think we can go about and do what we have to. It's too bad that we can't get a decision prior to from the Attorney General to let us know, but no, I don't think we can get it.

Chairman Pappas concurred that they would not give it to us.

Commissioner Dolman stated we can take it in good conscience then we can move ahead and try to.

Commissioner Stephen interjected in any event then there is precedent that we can alter the terms of 49-C and I think that's the most important thing.

Chairman Pappas agreed this was the most important point, an excellent point.

Commissioner Sullivan stated following up on what John said, albeit we can't have a vote at this point because of the various deadlines. I think it may behoove us though to take up something John has suggested which is to start talking to some of our reps about the possibility that we may be coming in to them in the fall.

Commissioner Shaw stated for what though.

Commissioner Sullivan stated I will give you a make believe. Make believe that we have a unanimous decision of this commission to make some changes or recommended revisions to the city charter.

Commissioner Shaw stated which is contrary to state law.

Commissioner Sullivan continued stating and, that we present that to the state authorities that we are suppose to and they tell us go back and take a vote apparently even though there may be some condition, will do this conditioned upon your getting approval from the legislature because some of these may not be permissible under state law. I think that might be doable.

Commissioner Shaw stated I am trying to think of something that might not be allowed under state law.

Commissioner Sullivan stated bear with me while I walk down this yellow brook road of imagination, that it may behoove us at this point to talk to some of our legislatures about the possibility because I think that the earlier we start the process and talk to them about these possibilities the better off we all are because we don't want to find ourselves going through the process, having an election, perhaps getting something ratified by the voters, and having our legislative delegation not be prepared or not interested in taking this up to Concord. John raised a good point that I don't think we should just ignore.

Commissioner Dykstra stated just to speak as a former legislator, I mean I think its important that we get someone even from Municipal and County Government. I sat on that committee for eight years. When Derry had problems with their Charter, we'd say hey, you know, there are provisions for a charter but you guys are not doing it correctly. How it comes to us is in a form of a bill. There were votes that were taken illegally, they didn't follow thins right and then we'd ratify votes through the legislature. So what they do is present legislation to that committee, a proper committee, go through the process, go through the House and go through the Senate and it goes through its regular legislation, but they were ratified after the charters were in place.

Commissioner Shaw stated I would just like a for instance from the three lawyers or a legislator, of something when 49-C would not allow us to do ... just to make believe what thing would there be no allowed to do.

Commissioner Baines stated as a point of order Commissioner Stephen gave an example. Could you repeat the examples that required an amendment to 49-C for Concord.

Commissioner Stephen stated the first one was 49-C says you take either this form or this form. The City of Concord said, wait a second, we want to give the voters a choice on either one. We want to give them both, and they had to go for special legislation for that. That's one. The second thing is definite terms on the city manager. They did not want to have a city manager for life. They wanted to basically say look, six years.

Commissioner Shaw stated so 49-C requires that he be for life.

Commissioner Stephen responded unless he is removed for cause.

Commissioner Cook stated it says that they serve at the pleasure of the Mayor and City Council, it can be for life.

Commissioner Stephen stated he can be removed at any time.

Commissioner Cook stated right, but if they're not, they can go forever.

Commissioner Stephen stated they wanted to every six years keep renewing the option.

Chairman Pappas asked if any of our Manchester people serve on municipal and county.

Commissioner Cook stated there were no Manchester representatives on municipal and county. Tom Barret is the Chairman.

Chairman Pappas stated maybe we should even include them in the process sometime before we finish.

Commissioner Cook stated that he thought John had a good idea but if we had somebody appear before the Manchester delegation at some point just to bring them up to date on what the progress was and alert them to the fact that this might come in sometime, they'd all be prepped.

Commissioner Dykstra stated we could meet with them.

Chairman Pappas stated yes, or at least their officers, they have officers.

Commissioner Shaw stated except for the Mayor, when will we have somebody testify before us that says that this charter should be changed. We haven't had that kind of testimony.

Commissioner Sullivan stated last week someone suggested and said maybe the officers should keep track of various suggestions and issues that are raised, so not having enough to do, I took a couple of hours and quickly started reviewing my notes and some of the minutes, and I hope to bring it next week I wasn't able to do it tonight, a list of various questions or suggestions that have been made by various speakers before this commission. I was up to 34 at around 5:20 P.M. today. Various suggestions, comments, so forth. Without making any editorial comments as to whether they are good suggestions or bad, but I'm just listing them and I'll bring them in, and so I think you'll see Bob that maybe perhaps not somebody has come in and said they want a wholesale change in city government, but there have been various questions and suggestions made about pieces of city government.

Commissioner Shaw stated I think what she is doing is great because at some point it would be nice if somebody did list down all of these ideas and then we, the nine of us, pick those that we think we should explore, and discard those that seem not in the best interest, that are not going to get by the majority, not even a unanimous majority.

Chairman Pappas commented that this would be a good approach for us to take we were talking last week about how to do this. It's a very good point.

Commissioner Lopez stated I just want to make sure with all the talking and confusion that probably I have, I don't know about anybody else, that we're still in the concept of going through this process doing whatever we want to do, and when the decision time comes that we make the decision based on the guidance that I was given last time we met that we do what we want.

Several members concurred. Chairman Pappas stated we are all in agreement.

Mr. George Skilogianis was recognized by the Chairman and stated he had been coming to most of the meetings here and I'm still sort of confused as to what the commission is supposed to do and what exactly are you going to present to the city. It sounds as though you want to make some changes, but you aren't going to make any changes, what is the purpose of this commission at this point. I'm really confused. I've been coming to the meetings and all I've been hearing is, you know, people sitting down and talking about change. I think Attorney Sullivan had a good suggestion and things that have been suggest should be presented and discarded, not picked and discarded they should be pretty much made available to the citizens because.

Commissioner Baines noted that they were only at an information gathering mode at this time.

Mr. Skilogianis stated he understood this, whatever information you are going to gather is what do you do with that information.

Commissioner Baines stated that was going to be the great debate when we get to the point of debating.

Mr. Skilogianis asked where does it go.

Chairman Pappas advised we don't know. Commissioner Baines interjected because we are not at that point of deciding what we are going to do, we may do nothing if we follow former Mayor Shaw's suggestion, we'll just leave everything alone. We're already from changing everything completely to doing nothing, and we'll probably end up somewhere in between, that's my feeling.

Mr. Skilogianis stated then I don't understand the process because you were elected by the people to report to something, and it seems as though.

Commissioner Dolman stated whatever we do we will give back a report to the citizens. If we come up with, and I don't think we will, the suggestion of not making any changes, we would come back with a report of after studying the charter, after x amount of testimony, we felt the charter was fine the way it was. If we felt the other way or extreme, we felt the charter was terrible, and we were going to make a complete change, we would come back to the constituents saying we have taken this whole charter and changed it completely, after having testimony we feel it needs a complete turn around, complete do over. I think like Bob said we are going to come in between, we are going to find some place that we need to make changes and we are going to make changes.

Chairman Pappas stated we are gathering information and now we are discussing the best way to make our decisions. How to attack the information so to speak. How to bring it forward and discuss it.

Commissioner Shaw stated I'm hoping that if there is any change that there is only one. I have modified my view. Section 8.03 of the City Charter I believe that we should insist that there be safeguards put into that section and that the aldermen are not the final arbitrator of changes made to the charter, but if 3/4 of the aldermen agreed that a change should be made, that that change must go before the voters at an election. In other words, see that gives Wihby what he had said, if he had known that 5 could do it, and it also puts the safeguards in that aldermen can't arbitrarily change the charter by picking the right commissioners, the whole bit, but must seek approval by the citizens. And then the charter is perfect.

There being no further business to come before the Commission, on motion of Commissioner Dolman, duly seconded by Commissioner Lopez, it was voted to adjourn.

Respectfully submitted,

Kathleen N. Sullivan
Secretary