

CHARTER REVIEW COMMISSION HEARING

April 10, 1996

5:40 P.M.

Chairman Pappas opened the hearing.

Chairman Pappas stated: I would like to welcome you all this evening. It is a pleasure to see such a nice big crowd. I would like to welcome our first speaker, former Mayor Sylvio Dupuis, and we are sorry you missed our last meeting because you would have been part of a wonderful class photo.

Mr. Dupuis stated: Thank you very much. I think former mayor, Bob Shaw, has promised me that maybe we could get together and do a picture at the sandwich shop, which would be fun -

Chairman Pappas stated: That would be great.

Discussion with Former Mayor Sylvio Dupuis.

Mr. Dupuis stated: I have prepared a written statement, because that will tend to keep me on the track a little bit better. I would be happy, afterwards, to try to answer any questions that you might have. I would start out by apologizing - I should not maintain my own calendar, and this was one time when I did, and imagine my surprise when I woke up Thursday morning and picked up the paper and found out that everybody had been here the day before, so I am really glad for having you provide me a second opportunity to share my thoughts with you regarding the critical task that you have undertaken. I commend you for running and for being so generous in making your time available to the citizens of our wonderful city. There are really no easy solutions to creating a new government system that will effectively address the governance needs of a dynamic and ever-changing community. We need to change the agenda, and create an environment where collaboration can thrive, and where the ultimate goal is to make Manchester a healthy community where the mind, body, spirit and soul of

our people can be nourished. Let me then make a few points about community governance and share with you some of my personal views regarding matters that you may want to consider. I will touch on the following areas: strong mayor versus manager; leadership and governance; the commissioner assistant; and policy versus operations.

Given the size of our community and the complexity of the process of government, I do not believe that it is an either or decision regarding mayor or city manager. I would personally recommend a strong mayor, elected by the citizens of Manchester and accountable to them. The mayor should and must function as the president and chief executive officer of the City. The compensation level should be set in a manner that recognizes his or her leadership position. It should be set once and then move in tandem with other management offices of the City in order to maintain parity, going forward. As a former mayor I hold very strong views about that. I did not serve as mayor because of compensation or because of lack of compensation, but if you want the mayor to be the president and chief executive officer, and you want to pay the department heads and a lot of other people less than he or she makes as mayor, I do not think that that is a responsible position. I think the mayor, he or she, is in fact the president and chief executive officer of this community, should be the highest compensated official within that community.

The mayor's budget should provide for the hiring of a strong management support person. His or her term could be co-terminus with the term of the mayor or for a specific designated term. This system would allow the mayor to concentrate his or her energies, to create a clear vision of the City's direction and to work closely with the aldermanic board and department heads to build a consensus on the needs and priorities of our City and our community. In essence, the mayor and the board of aldermen would steer the municipal boat. The rowing would be the principal responsibility of the mayor's chief deputy and the department heads. A critical function of the mayor's chief deputy would be in the area of operations, coordination and collaboration, and to serve - and I think this is very critical - to serve as support to the aldermanic board in the development of the information needed to make policy decisions to support our community agenda.

Leadership and governance. It is critical that our community develop and implement its agenda for the twenty-first century. It is not that past solutions have

failed, but more that we are moving into a new era. One in which resources are at a premium and competition for those resources, both internally and externally, is fierce. We need to create new partnerships between the public and the private sector and be concerned not only about our City, but about the entire region that we interface with. A strong mayor with the time and the right resources can be a most effective agent of change, and move our community and its people forward. Leadership and governance cannot be separated, nor real progress towards creating a healthy community made, without a strong and ongoing commitment to collaboration by the public and the private sectors, and I mean collaboration. Cooperation frequently means "I won't bother you if you don't bother me," and that is not what we are talking about. We are talking about real collaboration between the public and the private sector to make sure that the resources that are available are used in the most effective manner possible. There must be, in our community, clarity of purpose, unity of direction, and intensity of purpose, if Manchester is to achieve its true and real leadership destiny.

The commissioner system. I believe that our commissioner system of governance has served our community well. It has provided a checks and balance system, and provided an effective vehicle for citizen participation in the governance process. It is really one of the only ways where there can be, in this community, effective citizen participation. Let me comment then on some of the changes that you might consider in terms of how the commissions function. The commissions need to be carefully examined and their role and function needs to be carefully examined. In my view, they should serve as an advisory board to the department head of the agency they serve, and as a direct liaison to the Board of Mayor and Aldermen. The Review Commission needs to be very specific in defining a scope and function for the advisory role of the various commissioners. The authority provided the commissioners must be clearly defined and the advisory role must be emphasized and reinforced through the establishment of policy by the Board of Mayor and Aldermen. I would recommend that commissioners be nominated by the mayor and confirmed by the Board of Aldermen, using perhaps a nominating process made up of a group of aldermen, but that the nomination should come from the mayor and be confirmed by the aldermen. Mayor service should be limited to two consecutive terms of three-years duration. Following the expiration of their terms they should be illegible to serve on any other board or commission for a period of two years. That is a private sector kind of initiative, if you are concerned that commissions perpetuate

themselves and move from one commission to the another and seem to have lifetime appointments, then you need to take a different direction, and this is a possible consideration for you. One of the principle functions of the board and of the commissions must be evaluation of the directors performance within their area of oversight. When vacancies occur, the board or commission should work directly with the office of the mayor to select a suitable replacement. The mayor would nominate and the aldermen would confirm the nominee to either unlimited terms, or perhaps on a term-limit basis. It seems to me that this process would reinforce the authority of the mayor, while mandating a truly collaborative process between all responsible parties.

Policy versus operations. The citizens of our community and its leadership and management structure must understand and accept the very real differences between the establishment of policy and the management of day-to-day operations conducted to allow the City to achieve its vision and goals. The Mayor and the Board of Aldermen must set a clear direction and develop a vision of what they believe Manchester **should** and must be, as we enter the twenty-first century. It is not such much to - as a need to reinvent or recreate or downsize or right-size, I have tried to keep those words out of my vocabulary. I think it is instead, a need to create a new and responsive government that has the will, the resources and the persistence required to meet the challenges of a new and different world. It is not that what we have done in the past has been correct or that government has not worked correctly, it is the fact that the environment has changed, it will never be the same again. And, that effective communities will create a new response to that changing environment and be prepared not so much for an agenda for change, but - at really changing the agenda. How do you change the community agenda? How do you look at what really needs to be done and what the goals and objectives of this community are? And, then you propose a structure that allows that to happen. The department heads and their support system in this community must operate their individual units in a manner that is both cost effective and responsible to the needs of their real customers - the citizens of Manchester. It is my personal belief that our City has a bright environment destiny, and I again commend each of you for your willingness to be involved in developing a governance structure that will permit policy-making and operating functions to work in a collaborative and productive manner. I have got a little quotation, and it is from Professor Mark Roberts who is Director of the Kennedy School of Government, where I spent a bit of time last summer, and I

think it is particularly appropriate, because all of the department heads are here and a lot of the commissioners are here, that they know and understand what he said,

"Should we give the easy problems and challenges to the free market? We reserve to the public sector the complex issues that significantly and fundamentally impact our people. The very essence of public-sector management is conflict. And politics is the essential ingredient to creating and managing change in a democratic society."

This group is going to face very critical decision, and I think I would want to say, that it is not about current mayors and my comments certainly are not directed at current mayors or former mayors, or not about the past of the City, or not about the things that we might have done, or the things that we should have done, but is it about our future. It is a future that I think has much promise, and it is a future that you can have a real impact, because you can talk about status quo, and you can talk about "if it ain't broke, don't fix it," and we hear that expression many times, and it is not one of my favorites, and you can talk about let's try to keep everybody happy, or at least keep them equally unhappy and keep sometime of a balance, but I think the challenge that you have is a wonderful challenge and it is a great opportunity to say that we are willing to look at how we have been governed, we are willing to look at all of the good things that have happened, but we are also willing to say, "what kind of community do we want?" And I keep reading about strong mayor or not strong mayor, and I cannot define a strong mayor unless you could absolutely establish a dictatorship where there would be no one else present, and whoever is elected dictator is, you know, dictator of the year like Idi Amin was, that might work, but it is not going to work that way, so what you need to put in place is a structure that has balance, and a structure that recognizes the need for community input and community support at all levels of government, and I think a modified commission form of government does offer you those kinds of options. But the bottom line for Manchester will be the ability of the City to develop a consensus, and the ability of the City to work under a leadership that knows and understands the problems and the challenges that the City faces, and is willing to accept them and to work towards their solutions.

Again, I want to thank you very much for giving me this second opportunity to be here, and I would be happy to try to answer any questions that you might have.

Chairman Pappas stated: Thank you for your excellent testimony. I think the first question comes from another former mayor, Commissioner Shaw.

Commissioner Shaw stated: Okay. If it ain't broke, don't fix it. And it ain't broke - don't fix it. I could make it better though. - not sure - are you aware of Section 8.03 in the current City Charter?

Mr. Dupuis stated: I should be, because I think you have asked that question of other people, but could you refresh my memory, please.

Commissioner Shaw stated: Well, there is a system. In fact, five of us had volunteered - former mayors - review. A system, five citizens chosen by the Board of Mayor and Aldermen, that the report coming back to the aldermen to be confirmed or not confirmed - their suggestions - and then going out to the citizens to be voted on. Now that is rather unique, isn't it? I mean we have the tools to do some of the things you thought of - bring us into the twenty-first century - on a current basis.

Mr. Dupuis stated: I think that is there. I don't think the work, certainly that this group is going to do, would ever be wasted - and even if you had to go through a second process and use that process, the work and the testimony and the minds that have been opened up by this process would certainly not be wasted. My understanding is that this came about through a different electoral process, and I know that there has been concern about an up or down, and you have to take it or leave it. But I think some of that has been resolved, also. I am not sure of whether one process or the other would be better, as long as what comes out of it is a better management structure and a better governance structure for the City.

Commissioner Shaw stated: One final question. You destroyed my first question that I wanted to ask you by not being able to define strong versus weak. I could define strong as Syl Dupuis, but that would be prejudicious.

Mr. Dupuis stated: Thank you.

Commissioner Shaw stated: But, did you view yourself as either strong or weak when you had this relationship with the department heads and commissions? Did you find a frustration that you could not overcome as mayor of this City?

Mr. Dupuis stated: The memories blur after twenty-one years, and you tend to remember the good things and not the tough things, but I can tell you that I thought I was a pretty strong mayor, and one of the sure signs of that was when I called the department head meetings, the department heads were there. And when I called about a particular problem in a ward or issues that we had, they came. We put together something called a Utilities Coordinating Committee, which brought the public and the private sector together, so you and I as citizens would not have the frustration of seeing a street done over and then having the gas company come in and then the water company coming in - somebody else - and I think there was a lot of enthusiasm about that, but it was not because I - perhaps I did not realize whether I had the direct authority or not, I just thought that if you were the mayor and you called a meeting, that people were going to be there, and there would be a reminder that at some point we would go through a budget process, and during that budget process that the attention of the mayor would probably be directed more to those departments that got along with - and that - the result of that was I think that we got along with all of the departments and worked well. But, I suppose if you wanted to define a strong mayor, unless you make him an absolute dictator, if he or she can build consensus, and has eight votes out of the twelve votes, then he or she will be a strong mayor. But that is not made by an Charter revision, and it is not made by any of the work that you will do. It is made by having mayors who can exercise sufficient leadership to get the aldermen to go with them, because there is a clear agenda about what this City wants to do. I would give you an example of mass transportation. - Is that we had an authority in place to do mass transit, but it was not there. And, buying an old bus company and making a big investment in new buses was not, initially, the most popular thing going. We went and got statistics about how many bus riders there would be, and what kind of a hole there would be in the dynamics of the City without their transportation systems, and in about fifteen months went from having the worst transportation system, in the world probably, to having one of the very best. But that was done by consensus and by having each alderman understand the stake that we had in the community that the bus drivers translated into a job. And a school bus that did not have wheels falling off of it translated into less phone calls to a school board member, but - But, it is a job of consensus, and I do not know how you can write into a Charter that the mayor shall form a government that will operate by consensus, but that is what it is, and that is what you need to try to do.

Chairman Pappas stated: Commissioner Baines.

Commissioner Baines stated: My question pertains to compensation. As you know, the issue of compensation for the chief executive has been the subject of great debate through years going back to the time when Mayor Benoit served, and I think that he was frozen at - I don't know, I remember it around Six Thousand Dollars, and then when it was raised to Nine Thousand, I think during Mayor Mongan's term, there was a human cry that how could we possibly pay a mayor that kind of money. I think it is up to Forty Thousand now. If you took into account inflation, it has probably been a reduction from what Mayor Benoit was making. Would you advocate that the Charter specifically address that issue, and because of politics being what it is, that it would be very difficult for a Board of Mayor and Aldermen to pass a raise for a mayor?

Mr. Dupuis stated: Well, there a couple of things. And I think the more fundamental thing than the actual dollars, is, if you say we are going to have a full-time mayor for a full-time job, then you have to establish that the mayor is, in fact as he would in a private corporation, the president and the chief executive officer of that city. And, if you take that analogy to the private sector, there are not too many organizations where the president and the CEO of the company is not the highest paid employee. I have made this little speech to the Chamber and other people so many times - I said it could be settled one time, and it could be settled with a sentence in the Charter that would say, "The mayor as the president and chief executive officer of the City shall always make five percent more than the next highest paid or elected official within that community." And, it would never come to the Board of Mayor and Aldermen again, but it would mean that if you want to pay the next highest paid Seventy Thousand Dollars, that the mayor would make Seventy-Three Thousand Five - and when you gave a three percent raise to the department heads or - that it would be automatic, and it would not be discussed any more. Now, perhaps I am wrong, but I do not think that it is unreasonable to say that if the boss is the boss and you want him to behave that way, and you want him to be the president, and you want him to be the leader, then you do not compensate one more than another, and say, "well this mayor has only been in a couple of years." If he is the president of the company, he is paid as the president of the company, and if he is not and you do not like what he or she is doing, then you get another mayor and another president and CEO, but you establish the fact that he is the president of the municipal corporation. And I

say you do it once, and you simply make that statement, and you never have to talk about it again. Because if you give other people a three percent raise, or a five percent raise, or a two percent, he gets - he does not have to vote on his or her raise, it does not come before the Board of Mayor and Aldermen, when you set parity for the other municipal employees, the same parity exists, and then you would never get in - to this problem of now saying, "it's Forty - it should be Seventy-Five." But how do you take it from forty to seventy-five? You may have to initially consider doing two increments, or doing three increments over a three-year period until you get there. But I think that we live in a very responsible community and that properly educated about that fact, is that none of us would have an issue understanding that the mayor is either the president and the CEO, or he is not. And if he is, that is the level of compensation, that it is not being voted to Bob or to Syl and to Harry, it is whoever is mayor, and that's my feeling about it?

Chairman Pappas stated: Commissioner Lopez.

Commissioner Lopez stated: Your honor, in some of the reports that we have received, a consolidation of departments - would you agree with that? And if you do, how would this be operated? Would we hire a new administrator for each category such as safety, like in the Muirhead report? I'm sure you are familiar with -

Mr. Dupuis stated: Yes. To tell you the truth, and the truth is I do not know. I have not thought that through. But, I would hate to think that in the consolidation you would lose all of the experience that you have. Consolidation requires some very tough and some very challenging decisions, but if I looked behind me and saw the leadership talent and the leadership skills that are there, I think it needs to be a rearrangement of that, there will be some tough times with incumbents, but I think that if the City really wants to move ahead, that is what it needs to do. For example, if it had a Department of Safety that encompassed a number of agencies, you would have one commission. Not a Police Commission and not a Fire Commission and not a - so that - you just have to decide, and I hate to keep challenging you, but how serious are you about a twenty-first century government that is going to respond to what is happening out there with the federal government pushing things to the state level, and the state level pushing things to the local level, whether it is welfare or whether it is health care, that the impetus

is back to the local - then you have to step back away from what you have, and say - as Fred Jervis of the University of New Hampshire used to say, "If we had a perfect form of government, what would it look like?" And if we could arrange our Charter and rearrange the way we do business here in a way that we are really convinced that it would work, then what would it look like? And then you - you really have to back away from that and try to put that kind of a structure into place. But I think that consolidation is important, and it becomes simpler because of technology with faxes and phones, and cars and trucks - I mean an ability to communicate in a way that you did not have before. But it requires stepping out of the box and looking at what is happening in a new and a different way, and saying, if these are these objectives that we have, then we have to think in a new way.

Commissioner Lopez stated: I just have one more - In reference to a deputy - individual that you refer to in your remarks, versus a city coordinator that is in place now - what is the difference?

Mr. Dupuis stated: There probably would not be a lot of difference, and I have to tell you the truth, that I invented the term Coordinator of Resources and Development when I came to the mayor's job, because it sounded pretty flashy and I did not see how anybody could possibly argue with a Coordinator of Resources and Development, and I would also tell you that that gentleman started work at the City at a higher salary than the mayor at that point in time. But basically, he functioned as the manager, and when we did mass transit, I did not understand UMPTA and all of the things that were going on and all of the permissions that you needed from the Southern New Hampshire Planning Commission, he did the detailed work and brought that work to the aldermen, brought it to a place where we could - had options - and then we could make decisions. And that is what you need, so that the mayor can spend his time with the chamber and with industrial development and with growth and community. I do not want to be too much reminiscent, but when I ran for my second term, my opponents talked to me about - and about me - on the radio, about being a "smiling, doing nothing mayor who was always out cutting a ribbon." And my response to that was that if I could do that on a full-time basis I would, because every time we cut a ribbon it was a new shop or a new business or a new industry and that was the principal function of that - of this mayor - was to see to it about industrial growth and development.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: Thank you, Madam Chairman. Two comments and three questions. One is, if we could just write Syl Dupuis in as mayor for life, we could dispense with other changes. The second one is, I would remind the Commission that it was his vision that came up with the Government Review Task Force. And then the questions are, we have had a lot of discussion both because of the Government Review Task Force and the testimony of other people about the relative merits of partisan versus non-partisan elections, some or many or none at-large aldermen, and whether the two-year terms or four-year terms should be instituted, and I wonder what your comments are on those three issues.

Mr. Dupuis stated: Well, as an office holder I think you always want to hold on to the chair for the maximum time possible. Four years would certainly make it a lot easier, in terms of beginning with a new mayor, particularly to begin to build a consensus and build an agenda. I think it gives the community, on the other hand, a chance to look at a new mayor after a couple of years, and I think it has been very infrequent that a mayor or a governor have been turned out after one term in office, so perhaps from - the politician in me says, four years, because that would make it a lot more comfortable. I can live with either of those situations. I do not have a lot of hang-ups about partisanship. I used to comment that I have not met a republican sewer or a democratic tree - or is that the consensus issues in the City, everybody mentioned people issues and I am not really that strong. No matter what you do in terms of non-partisan, it still becomes partisan, because people get caught - Nashua for example, they have non-partisan, but they pretty clearly understand who their republicans and the democrats are, and running, I think for the first time in many years, this time, they did in fact elect someone who came from the republican side, so I do not think that that is the fundamental decision - it could go either way. I would have to say, with the issues of the City, that even with what we talk here - many years ago - that there is a certain attractiveness to having perhaps a couple of at-large aldermen, that can look at the City from a different perspective. My experience has been that when you bring information to the board, and bring the right information that you have got the decisions made - and that the partisanship may come - in terms of some of the appointments of the boards and commissions - but I did not see the aldermen representing a specific constituency to the detriment to

the rest of the community.

Chairman Pappas stated: Commissioner Dykstra.

Commissioner Dykstra stated: Thank you, Madam Chairman. I am glad you were Mayor Dupuis. I think you were a great Mayor, too. I just wanted to touch on the commissioner system, and basically a clarification. When I look at it, it seems that you were very pleased, or very pleased with the commissioner system the way it works, and that you only feel that it possibly should be - they should be nominated by the mayor, and you do support the term limits, is that correct, on this?

Mr. Dupuis stated: Yes.

Commissioner Dykstra stated: Okay. I just wanted to touch on that. We have had testimony of people coming here saying that there should be some kind of a Department of Safety, that there should be a person over and above the Police Commissioner and the Fire Commissioner. Do you feel that that is a good thing, or do you feel that that would be another layer of bureaucracy that would be added to this?

Mr. Dupuis stated: In a city the our size, I guess I would be a little troubled by adding another layer, because I think the closer the mayor can be to his management team, the better that works -

Commissioner Dykstra stated: Um hmm -

Mr. Dupuis stated: And, I do not - I think that a system where you are actually adding personnel in this day and age does not make a lot of sense, and I think possibly why I see the deputy mayor, if that was the appropriate term, as being the person - the person that would oversee a lot of those other agencies, but I have not spent a lot of time with that, and as I say, I have not spent a lot of time with thinking in terms of departmental consolidation, but I think that it makes a lot of sense, which, in today's technology and - the way we are able to move information and systems around.

Commissioner Dykstra stated: Thank you.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: Well I will follow-up on that for just a minute. Do you see the role of the Charter Commission as a place to set the policy of this consolidation we keep talking about, or should it be left to the Board of Directors - Aldermen?

Mr. Dupuis stated: That is a very incisive and a very good question. I guess the concern that I have if you do too much in the Charter, is that it is again so difficult to amend and to move, that there might be some fundamental precepts that you would outline and say these are - that - and then give back to the Board of Mayor and Aldermen a series of recommendations, and one of the recommendations might be about consolidation and about how that might go about, and I would restrict myself in terms of the Charter changes to things that you absolutely think have to be there, because they are, although not cast in concrete, they are going to be there for a considerable length of time. So I think that you might look at a report that has two sections that recommends very specific Charter changes to achieve the objectives that you want, and then recommends from the Commission stand-point, or empower them through something in the Charter that says that the Board of Mayor and Aldermen shall have the authority to make the kinds of reorganizations that you see as being beneficial to the City.

Chairman Pappas stated: Further question?

Commissioner Dolman stated: Couple other questions. If you see the mayor as the CEO, then I assume the aldermen would be the board of directors -

Mr. Dupuis stated: Precisely.

Commissioner Dolman stated: Then, should they be compensated as such? Because we have had aldermen come up and tell us, you know, their job descriptions have increased and the amount of problems they deal with. Should there be some kind of a - more compensation for aldermen? Because it is more than a part-time job.

Mr. Dupuis stated: I think that, again, that that needs to be looked at, and I know the time commitments that were asked for, and I know that we have a citizen

legislature and that we have citizen aldermen, and that there is a big debate about that. I am clear about the fact that the mayor is the president and CEO, and that it is a full-time job and then-some. I think you would have to define the time, and again, it is my understanding that the Board of Mayor and Aldermen do in fact have the authority to change levels of compensation. So, before I said the salary ought to change - I think you ought to take some time and analyze what is really going on and what is really happening, and if you feel that that is appropriate then you make a change in compensation. But, compensation comes after you know what you are expecting of the Board of Mayor and Aldermen and if you had clearer direction in terms of the functioning, and you had some real support through the deputies providing support to the Board of Mayor and Aldermen on an on-going way, that it might take some of the pressure off of the time pressure that you find yourself under now.

Commissioner Dolman stated: One other question -

Chairman Pappas stated: One last question.

Commissioner Dolman stated: When you mention aldermen at-large, there is a fear if you run alderman at-large then number one, the cost of running for alderman at-large versus running for just one district, and also the fear of the alderman at-large who might get a better vote total than the mayor and what that might create - what kind of situation that might create - would it be better then to have at-large aldermen regionally? You know, one for every three wards, west side, south side, north side.

Mr. Dupuis stated: That might work. And I would suggest that that mayor who did not get - you know - more votes than one of his aldermen at-large, that he begin to look for employment in the public - in the private sector, pretty quickly, because I do not think that he or she has a long future in politics. The reason, I would tell you that, that you know - this is a place where you kind of express yourself - is that I found no problem with the system of having aldermen representing individual wards and I do not have a strong feeling about two aldermen at-large or by region. I think that if there is an agenda for the City and people know what we are doing and do not feel left out that something got built into Ward Three, that it can work, and I think that is a capital budget item which we have not talked about, and I think that is - looking at all of the needs of the

City and establishing some priorities so that there are things happening in all parts of the City, and I think in a capital budget process that is achievable and that is what the aldermen need to be able to show - some progress when they are working in their wards, even if overall the mission is the City.

Commissioner Dolman stated: One last statement, Mr. Mayor. I agree with you, I think you cannot define strong mayor. That you are a strong mayor if you can get consensus and if you have the right issues and if you do all - if you are doing the right thing, you will get consensus, that is true leadership.

Mr. Dupuis stated: Thank you.

Chairman Pappas stated: Commissioner Sullivan, did you have your hand up?

Commissioner Sullivan stated: Just one quick question. There is something you said. Are you talking - when you talk about the mayor's deputy, then you also mentioned if the aldermen have access to the deputy that, they may not need to have the additional salary, perhaps, depending on their functions, so are you talking about having one deputy? Sort of - deputy mayor? Or perhaps a couple or three?

Mr. Dupuis stated: Well, I think that - that - and government may have changed a lot since I was there, but that mayor's working at the policy and directly with the aldermen, and you have got a deputy who has got some specific accountabilities - What I am really talking about is that, working with the commissions and working with appointments and not dropping an appointment on aldermen one night, or the aldermen dropping it on the mayor's office - and playing sort of "ah-ha" kind of things, but of trying to build a consensus around the kinds of commissions that you want, and the kind of people that you want serving in those - and being a liaison - and I guess I call it running a "no surprise administration," so that an alderman who is going to be expected to vote on a bond issue whether it is sewers, or transit, or whatever it is, does not come in and find himself laid bare without - so that enough written materials and enough informal meetings - and I believe that the informal meetings frequently get a lot more done than when everybody is in an environment where you have to make a motion and a second, and say yes or no, and the ability of that person in the office that he or she represents might have some support staff of making sure that the aldermen know

what is going on and knowing what the agenda is and working towards that.

Chairman Pappas stated: Alright. We have time for a few more questions, Commissioner Dykstra, and then Commissioner Stephen.

Commissioner Dykstra stated: Thank you, Madam Chairman. Just a quick question, just out of curiosity, Mayor. Do you believe that the Commissioner of Welfare should be an elected or an appointed position?

Mr. Dupuis stated: I think it has got enough importance, and that it is going to have enough importance to be an elected position.

Commissioner Dykstra stated: Thank you.

Chairman Pappas stated: Alright. Commissioner Stephen.

Commissioner Stephen stated: Commissioner Dupuis, I first want to thank you for your comments, and I also want to tell you that I am very honored to ask you questions. I want to ask you a couple of questions, and I will try to be as brief as possible. There are some including myself that think that the City would benefit by the adoption of an ethics code, including some type of board that could issue advisory opinions to the mayor and aldermen, that the ethics provisions would be in place, that the citizenry could feel - would reveal responsible, and again, honest and integrity minded individuals, and I am not suggesting for one minute that anyone sitting on the Board currently is not such, but do you think, as a mayor, as a former mayor, in your experience that we should adopt such a code or do you feel like some that have indicated to us that the Board of Mayor and Aldermen currently sitting can, just as well as we could, adopt the same? And secondly, if you do feel that an ethics code is important for this City, could you please tell me some of the provisions that you would like to see put into that type of code?

Commissioner Dolman stated: In ten words or less -

Mr. Dupuis stated: I cannot remember whether it - just yes, or no -

Commissioner Shaw stated: Just say no -

Mr. Dupuis stated: If you say to the aldermen, "you design this," you put them in a very challenging position about legislating themselves in that - in that kind of way. My advice would be that if you are going to do something like that, go slow, make it very simple and understandable and know that, you know, like my Dad used to say, "If there is more than one person in a room, there will be a political process going on, because I will either be trying to bring you to my point of view or vice versa," and that - that no matter what situation you are in as an aldermen or as a county commissioner, or as our Insurance Commissioner, there is going to be conflict and it is not the existence of the conflict that is bad so much, as when people do not know that there is a conflict and there is not disclosure. So I think that anything you do in terms of ethics should be very simple and it should revolve around the issue of disclosure, that if I think I have got a problem, I need to put it up front, I need to recuse myself, but I have seen - you know - this happen in states, a lot of other states where a commissioner cannot go out to lunch with a person from an insurance company because that is not - that is going to be seen as a conflict. I do not believe that that is appropriate and I think that there is a way, and a normal way to conduct business, and that it goes way beyond whether you had lunch with somebody or whether you got a pen at Christmas or something. That is not what you are really looking at. You are really looking at real conflicts. So, I would say - if it were to happen, I do not think it is the responsibility of the Board to do it, I think it should be done outside of that, and I think it should be kept as simple as it possibly can. It should revolve around - to me - the central issue is an issue of disclosure, because there is always conflict. Every time I appoint someone to a board or a commission, he or she is now beholden to me or I am beholden to him, that does not mean that there is a conflict, that means that there is a relationship. So if there is a conflict, and there is an economic interest, that interest needs to be shared and that person needs to recuse themselves from that, but I would keep it as simple as you possibly can.

Chairman Pappas stated: Any other questions?

Commissioner Stephen stated: Final question. Do you think that any elected official running for a city office should or - let's ask this - should be prohibited from seeking campaign contributions from a city employee?

Mr. Dupuis stated: Well, that is a tough one. Having been a mayor, even at a

time when in the 70's it was a Twenty-five or Thirty Thousand Dollar expense to run for mayor, I guess my answer is, if it is coercive, then it is not appropriate. If I get invited to a cocktail party and I go or do not go, but there are not people following up with the calls, and doing a checklist and saying, "this department head did not go, and he did not go, and he did not go," that it is probably tolerable, but if it becomes a mandatory fund - and you better be there or else, then I think there is an issue. But if you are going to say that you cannot do anything with any of the city employees of which there are - you know - thousands, and you cannot do anything with anybody that you do business with because you are possibly in conflict, then you cannot really get your friends to give because if they give and then you appoint them to some board or commission and punish them, then that is going to be a conflict. I do not know how you wind up. So I think that it is a common sense approach, again, and if you invite the department heads and they come - you should be very happy that they are not there, but if - the conflict comes in the coercion.

Commissioner Stephen stated: Thank you very much.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: Back to the Welfare Commissioner. Not to be picky, but who do you think is more important, the Chief of Police or the Welfare Commissioner?

Mr. Dupuis stated: I guess there is a difference in the population that you are dealing with, and I guess there is a difference in the issue that you are dealing with and if you are asking me would I favor election of police chiefs and fire chiefs, I would say no. But I think I will stick with my answer that I think in the welfare - I think that the election of that person is appropriate, dealing with state and local and federal funds, I think that - that scope of job, that I would like to know, and I would like to know who that candidate is going to be in - what their issues are - and I think that if they are appointed, that there may be more of a temptation to politicize it than if it is elected, then that is just a person -

Commissioner Cook stated: If you appoint it, it is more politicized than if you elect it, okay. Thank you.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Baines stated: I think you did a good job answering that, Mayor, despite what Mr. Cook just said.

Commissioner Sullivan stated: - And I agree.

Commissioner Dolman stated: Mr. Mayor, the role of the Finance Department. We have talked about the Department of Safety and the possible consolidation. Is there a risk with the possible consolidation of Finance with Tax Collector and Assessors with all the money - the collection - the giving of the money, the auditing of the money, all be in the hands of a couple of people? Is that a possible - to me - risk?

Mr. Dupuis stated: I guess that is called the firewall, and I am pretty good at believing that there should be a firewall between - and if you look at a hospital, the people that are paying the vendors and doing things should not also be doing the ordering - that that should be in a different place, and I think that you have to be very careful about maintaining that firewall and being certain that you do not create opportunities for conflict and that you need to separate - I - if you had a person at the top of that, then I would have separate divisions, I would not put them together.

Commissioner Dolman stated: Thank you very much.

Chairman Pappas stated: Commissioner Baines.

Commissioner Baines stated: Assessors. Do you support full-time or part-time assessors, and from your experience as mayor, how do you think part-time would work?

Mr. Dupuis stated: I think that I am being pulled into a current issue where there is some pretty strong feeling, and I think rather than give you a specific answer, I am going to be a little bit evasive and say that you have to decide what you expect of those assessors, and if you have got sixteen properties a year or thirty-two, maybe you can get along with part-time assessors. But I think that assessment of the property valuations of this City is the most fundamental tool

that you have in terms of establishing the tax base and establishing the basis under which you are going to raise revenues. And every time you are delinquent either on the high side or on the low side, someone is being penalized, and that you need to look at what you expect of the assessors and what you expect that they should be doing, and if you expect that they are going to be doing a full-time job, then you have to handle it that way. It is pretty hard for me to think that that would be a part-time job given the level of work. Now, if you are going to farm it out, you can out source it and find a private company that is going to set up an arrangement where they are going to send people into this community, they are going to maintain all of the records, they are going to take all of the accountability, that is a way to do it. But, if you do not know what your real estate base is, and that is the fundamental basis on which you raise funds in this community, then it may not be a good investment not to have enough person power to get that job done.

Commissioner Baines stated: Follow-up would be - is the full-time versus part-time a Charter issue or a Board of Directors issue?

Mr. Dupuis stated: I think it is a Mayor and Board of Aldermen issue.

Commissioner Baines stated: Okay.

Chairman Pappas stated: Further questions? There being none, thank you, very much, for spending so much time with us. It was really worth while.

Mr. Dupuis stated: Thank you very much.

Chairman Pappas stated: I think that I will interrupt the hearing for one moment, because all of the Commissioners are here now, and I will ask Commissioner Sullivan to please take the roll. Commissioner Sullivan.

Commissioner Sullivan stated: I was just commenting to Commissioner Baines -

Commissioner Baines stated: We were doing a follow-up on the follow-up.

Commissioner Sullivan stated: - that right now, I believe it is a Charter issue, on the assessors.

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

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

Chairman Pappas stated: Just to bring you all up-to-date, we have approximately, maybe eight speakers this evening, also several people have offered testimony in written form and would like us to look it over and we can ask questions of these people if we would like them to come back at another time. So, as soon as everyone is back we will begin again. We did not call a recess - but we are practically without a forum -

Chairman Pappas stated: I think I will start with our list and ask Superintendent Len Bernard to come up front to represent the School Board, not the School Board, but the schools. Alright. I think we are all set. Superintendent Bernard.

Discussion with Superintendent Leonard Bernard.

Mr. Bernard stated: Thank you. Thank you for allowing me a chance to tell you of my suggestions this evening, I have two. The first one is pretty much in support of Committeeman John Gatsas, some time ago, when he spoke to you about changing the date of a school district budget to on or about, I would say, March 1st. There are several reasons for this, based on the new - several years ago we went to a calendar year, or to a fiscal year, and June 30th became the date of the - the budget was set, and what that did to us was a number of things. First of all, one of the things that it did is that it made our staffing extremely questionable. As you know, over the past years, we have had - by March 15th, for teachers, and March 30th for administrators. We have had to notify them whether they were in or out, or at least we had to cover ourselves. And, with that kind of uncertainty, it certainly makes for difficult planning on the part of managers, and certainly anxiety on the part of a lot of other people. Purchasing is another area that is effected by this. When you, when you have to wait until June 30th to get a budget, that means that you cannot start really ordering anything until July. That means furniture, books, supplies of different kinds. All of the school districts that had their budgets set in March at their annual district meeting, the towns in New Hampshire and other places, they have put into place

the mechanism of ordering text books or furniture, those kinds of things, those things are being made, so we are on the bottom of the list, and it is extremely difficult to get that material or furniture into the schools in September. It does not give you much time to get those orders in place. So that is another area. As you know, building construction recently became an issue. And this, here again, it is a case of if - if you are in the process of going to build a new school, and you have a plan in motion to do it, but here again, you have this question in your own mind as an elected official about whether or not the money is going to come through. What is it - how is it going to effect the tax rate? How is it going to be in terms of up against competition with other areas that need to be done, whether it is trash removal or anything else, and so, there is a reluctance to spend the money, and it reaches a point where it becomes a postponement, and a postponement, and a postponement until finally the architect or the builders say, "well, I'm sorry, but we have waited to long," or "we can't build," we have to wait an extra year, and that is the kinds of things that are happening to us now, and I think that these things could be alleviated to some extent with a March 1st date for a budget. And finally, I think just - just the whole area, and I certainly would not make light of this one, I think it is one of the top ones as far as I am concerned, is just - just time management. It seems a shame to me, when over the course of the year we have developed a positive relationship with the community, the business community, the parents - we are putting the school system in, I think a really good light, and we are addressing things on a positive basis and I think people are feeling pretty good about their schools, then you get to the mid-March or the end of March, or the first part of April, and the bottom falls out. You get a budget that is - that is not enough, and you spend the next three months running around trying to do damage control in all kinds of different areas, the positive kinds of things just take a totally back seat towards just trying to keep people's moral up and get funded for what you need to run the school system. So those are really my reasons for a March 1st date, and I hope you would consider it, and you know, if you wanted to stop there - and wait before I give you my second -

Chairman Pappas stated: Would you like to take some questions, or -

Mr. Bernard stated: Whichever you prefer. As I said, I had two issues I just want to make sure I can get to the second one.

Chairman Pappas stated: Alright. I think we have hands waiving on the first issue. Commissioner Dolman.

Commissioner Dolman stated: Superintendent, would you favor the School Board doing their own tax bill, setting their own budget, not having to come back to the aldermen at all.

Mr. Bernard stated: Mr. Dolman, that is my second piece.

Commissioner Dolman stated: I will wait then.

Chairman Pappas stated: Commissioner Shaw.

Commissioner Shaw stated: Teachers are treated differently than the other fifteen hundred employees of the City, aren't they, in the sense that there is a State law that says when they should be notified that they are not going to be hired? There is no law that said the custodians could only have a weeks notice, or anything of - there is no law for that, is there?

Commissioner Baines stated: We do not have them -

Mr. Bernard stated: No we don't have any -

Commissioner Shaw stated: Why aren't - why don't you change - there are three ways that you could accomplish what you wanted. One change the law in Concord, which is only submit a bill, that March is not the date, that maybe July would be the proper date. Change the contract, negotiating out the March date. Or, the Charter says not less than one hundred and thirty-five days prior to the close of each fiscal year, you know, you should submit your budget to the mayor. Why don't they voluntarily change that since it is a great concern to the school department, make it that the aldermen pass the budget by March 31st? Why can't they do that? Ask the mayor and the aldermen and speed up the whole process and start the process of budgeting and change, where a - finishing by March 31st. Have you asked that?

Mr. Bernard stated: Well, have I asked it? I am not sure whether I could tell you specifically that that question was asked at all. I guess I have always been under

the assumption that the mayor and the aldermen have operated on a pattern where the mayor presented his budget in April, the department heads were given a certain period of time to put theirs together and it has been on a timetable, because it is one of those things where it was necessary, but -

Commissioner Shaw stated: But it used to be in October that the -

Chairman Pappas stated: Further question?

Commissioner Shaw stated: Well, wasn't it in October that you - that the budgets were presented?

Mr. Bernard stated: Earlier, when it was on a calendar year, we had -

Commissioner Shaw stated: So I mean, it has been done on October -

Mr. Bernard stated: But, it has always been done on the last day before it was due.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: I think the comment, the answer to Commissioner Shaw's question on the voluntary thing, is that the present Charter requires certain actions in connection with the budget, before the fiscal year, a certain number of dates, so I do not think he can do it voluntarily, but, don't you - isn't your suggestion, practically speaking, really a suggestion that the entire City budget process be changed because right now the school budget is a portion of the entire City budget. I know this goes to a different question. Maybe it is your second point. But, if your suggestion were adopted, wouldn't the City itself have to say that its whole budget was going to be adopted so that the whole tax rate was known on that same schedule?

Mr. Bernard stated: I think that would have to happen -

Chairman Pappas stated: Superintendent, I am going to have to interrupt you for just a -

Mr. Bernard stated: And what I am saying, simply because, as you said, a total budget for the whole city involves more than just schools, so it would be very difficult I suppose for the aldermen to pass just a school piece on March 1st.

Chairman Pappas stated: Any further - a further question -

Commissioner Cook stated: And then a follow-up question. If you have a certain segment of the year during which there is debate about the budget, and that interrupts the relationship with I - controvertible - that the people of Manchester don't just say, this is what our schools need and they pass the money, but assuming that that is not always the case, wouldn't you have the same disruption in whatever budget cycle you were in so that a portion of your school year and your public relations effort between all of the constituencies would be interrupted whenever you had the budget?

Mr. Bernard stated: That is true, you would. However, you - one of the things you would not have would be the number of teachers who would - would be - have received pink slips, saying that you are not going to have a job in June, because you would know by then whether they were - whether you were going to need those slips and that would be one issue, and then, the rest of it, of course, the purchasing of - and things - would not be a problem. But yes, if in December a budget was set that was Two Million Dollars less than what you needed, you would have then, certainly some pieces of the same thing you have. You just could not get away from. There are some things you just could not get away from.

Chairman Pappas stated: Further questions? Then we can proceed to the second point.

Mr. Bernard stated: Thank you. I did have one thing I wanted to, as the start-up of this second point, if I could hand these out - If you would like to take them for note taking that is fine, but there is a point to it. (Tablets of paper were thereupon passed around.) These are little note pads that were distributed at our February, annual February state of the schools address that we have every year, and the theme for this year was "moving Manchester to the head of the class." That was not the theme of just the school district, that was the theme of the whole City, a Manchester 2000 effort to put the business community and everyone together in

this venture. It is moving Manchester - not moving Manchester schools to the head of the class, although that is part of it, but moving Manchester to the head of the class. I would like to address this from the point of view of my perception of what is happening here, with an organization. First you have a Board of School Committee. Twelve people, hard-working people, who got to subcommittee meetings, go to full board meetings, set policy for a school district, and at the same time that they set those policies they also become very familiar with the operation of a school district and are knowledgeable about what the school system needs or does not need. That committee, that group of people presents a budget to the mayor, every year. Now, that budget is perused by the mayor and, frankly, why I am coming to you today is really precipitated by the events of the past couple of weeks. The Mayor told me, he said, he has some bad times over the past couple of weeks, agonizing over a budget. Now, his budget that he sets, and his perceptions of what was needed, he has to look at a variety of things. He not only looks at - he is looking - he agrees with moving Manchester to the head of the class. I think we all agree - of moving Manchester to the head of the class. The problem is that we all have different perceptions about what is needed in order to move Manchester to the head of the class in terms of priorities. The Mayor's perceptions are different than mine. He knows that, and I know that. His perceptions include CenterPlex, they include the revitalization of downtown, they include a lot of things. My perceptions include some things too, but they also include the school district as a very, very important piece in moving Manchester to the head of the class. Now, the Mayor's budget then goes to the Aldermen. The Aldermen, unlike the Board of School Committee, have not had a day-to-day experience with schools. They are going to hear from me on April 30th. Probably I will spend an hour discussing the school district budget and why we need 5.7 percent. Now, they are going to work very hard at looking at all of the issues, whether it has got to do with trash disposal or schools police or fire, all of the issues. Schools, they have had very, very limited contact with. Simply because they are the Aldermen, it is the Board of School Committee, another group of elected officials that have had all of the contact with the schools. So, it would stand to reason that the Board of School Committee know more about schools than the Aldermen do, yet the Aldermen are going to make a decision on moving Manchester to the head of the class, which - which goes, which stays? How much money do we dole out for this or that? I think that one of the concerns here that I have is that the school district, the school district made up of elected officials and a superintendent is put in the same category as any other

department in the City, and that is not to down any kind of department, however, the school district has a tremendous amount more in terms of a budget than any other department in this City, and it should be considered as a separate entity, and it should be consolidated. It should be a group of people, a district, that is in charge of its own destiny. Custodians, nurses, secretaries, all of the people that make that up, should be hired, fired, everything - through that district, and not fragmented through the whole City, where the custodians are one group, and here is this other group, and if you want a secretary then you have got to come down to City Hall, to Personnel, but you do not have to do that with a teacher. It is all over the place, and I think it has to be - it should be set-up as one group, and it should be autonomous, and the school district should raise and appropriate its own funds, and set its own taxes, and I think if there are concerns, and I know there are, there are all kinds of safeguards that you can put into this to make it work. You could have it set-up where, where there is only a certain percentage of the City budget that you could appropriate for the school district budget. You could have it set-up where the school district must be set with the increased negotiate - increased tax rate must not be more than any negotiated agreement costs or enrollment in the district of the previous year, so there is a lot of different kinds of things you can do to put safeguards in place, up to and including the people that you feel are the ones that could do the job as you wish it to be done, but those are - that is my suggestion. An autonomous school district, and I would be happy to answer any of your questions.

Chairman Pappas stated: Okay. Commissioner Cook.

Commissioner Cook stated: Well, you certainly are going to take the controversy off of Mayor Dupuis, tonight. A couple of questions. As presently constituted in the departments, the buildings are under one department, which is not the school department. As part of your consolidation suggestion, would you have the school district in charge of them - in essence in owing, although they are owned by the City, obviously, the buildings in which the schools operate?

Mr. Bernard stated: I would think that the - to have a - I have a handout for you, when I leave, of my outline of my remarks as well as the Charter of the Concord School District, because they are autonomous, I do not know if there is anything in there that will give you any further information, but it is a piece of information that you can - that I will share with you. I believe that the autonomous nature of

the school district would mean that they would be in fact the ahh - if they needed a new school building, they would be the ones that would have to raise it, that money. They would have to pass that through the City. They would be responsible for, for their charges, for their buildings, for the repairs to those buildings and everything that went along with it. There again, that is strictly the autonomous nature of a school district. I think that the - what I just want to make sure that everyone understands is my - my feeling is that I want, I want it to be in charge of our own destiny if there is something that can be done here to make this more palatable, I am certainly willing to listen to it, and I, but I think that it is something that you should consider as being something flexible, on a sliding area.

Commissioner Cook stated: Further question?

Chairman Pappas stated: Further question.

Commissioner Cook stated: I will take that as a yes. Presently, in the Charter the Mayor is the Chairman of the School Board. Do you think, and not to put you on the spot, but you came here to get on the spot -

Mr. Bernard stated: Yes.

Commissioner Cook stated: Would you continue the Mayor as the Chairman of the School Board, or as part of your autonomous school district would you not have the Mayor as the Chairman of the School Board?

Mr. Bernard stated: No. I think the Mayor as the Chairman of the School Board, as one member of that Board, I am not sure I see any real problem with having him on there. He would still have that one vote as a member of the Board, and his - his purpose - as being on the Board, he is an honorary member of that Board, and so he could still function within the purview of the City government, but have, you know, as the Mayor, looking out after the interests of the entire City. So, I -

Commissioner Cook stated: Right. But, as the Chairman of the School Board, the Mayor can, not necessarily always does, but can set the agenda of what that school board does and that is an *ex officio* position. Would you keep that? I

mean, an honorary member of the school board is one thing. Keeping the Mayor as the Chairman of the School Board, *ex officio*, is a fairly strong position. I mean that is one of the fundamental roles of the Mayor in our City government Charter, and my question is, would you preserve it?

Mr. Bernard stated: As long as it did not fundamentally change the nature of the autonomous school board, I believe that if the Charter said the school board was autonomous and they would raise their own money, the mayor's working relationship within that confine, as long as it did not change the nature of that, I do not see a problem with that.

Commissioner Cook stated: Okay. And the third question is, we have had some testimony before this Commission concerning the partisan or non-partisan elections of school board members. Some people have suggested that the present non-partisan election should be replaced by a partisan election. What would your opinion be on that?

Mr. Bernard stated: No. I think that the school board should be a non-partisan group.

Commissioner Cook stated: Thank you.

Chairman Pappas stated: Commissioner Lopez.

Commissioner Lopez stated: Yes, maybe you can educate me just a little bit better here, in reference to the autonomous - on - on doing everything. Let us just say I agree with everything except the revenue aspect of it. I do not know how you can put everything into a charter, five percent, ten percent of the tax rate, but - perception would be that you could give the school One Hundred Million Dollars, or Two Hundred Million Dollars, and they could use it - they could buy all new computers, such and such, or work on - But anyway, back to the question I want to get to. Let's say you had everything, and you submitted your budget and as managers and officials and administrators, it is Fifty-Two Million and the Board of Mayor and Aldermen say, "here is Fifty Million," are you saying that is not enough to move Manchester forward, without using the ability to work with the private sector and other sources in the government?

Mr. Bernard stated: That is right. I am saying that moving Manchester to the head of the class, part and parcel with the rest of the City, was the budget that the School Board presented, because they looked at it, they analyzed it, and they saw that as being necessary. Now, cutting that from 5.7 to 1.7 represents a staggering impact on the ability of Manchester - of - to be a part of the schools - to be a part of moving Manchester to the head of the class, and since I believe, and the School Board, I believe, feels that the schools are an intricate part of moving it to the head, just as intricate as revitalizing the downtown area, that moving Manchester to the head of the class will not work without the schools as a part of it, so therefore, what I am saying is, that I think the, the difficulty is in saying this other group is going to raise - raise money - and add to their budget, just willy nilly, that we are going to wind up with One Hundred Million Dollars - there is - there will just be no controls in place. And there will be controls. I believe there will as many controls as there will be if - with an aldermanic board getting that money, because you have a citizenry that has to adopt it, you have to sell it to them, first of all. And you have elected officials that are going to be elected based on either the conservative or liberal tendencies, and that is up to the people that are electing them.

Commissioner Lopez stated: Just two more questions. Would you - would you agree or not that, let us just say for sake of argument that the five percent was built-in the tax rate, as you indicated, and that still would not come up to the amount of money that you need. What would you do then? If you understand my question -

Mr. Bernard stated: Well, I am not sure that I do -

Commissioner Lopez stated: Okay. Let's say for an example that, let's say it's Fifty-Two Million Dollars and the tax rate is going to go up, whatever, and you indicate to put a percentage in there -

Mr. Bernard stated: Um, hmm -

Commissioner Lopez stated: - of that tax rate, would go to the school. Let us say that that does not bring you up to what you really need to operate the school, then what?

Mr. Bernard stated: Well then my position is that we, the schools are going to operate on whatever they were given to operate. What I am saying is that, that only with a certain amount of money, and then I suppose with your comparison there, you are also showing the City side as not having enough to move to the head of the class, either. See, I think we need money to be able to do what we want to do, and without the funding, we cannot do it. Either one of us. Not just the schools, but the rest of the community as well. So I would say under, what you are saying, we are all going to function except we are not going to have the goals in mind that we wanted to do, they are not going to work.

Commissioner Lopez stated: One last question -

Chairman Pappas stated: Last question.

Commissioner Lopez stated: In reference to the School Board, do you think that they should have a longer term, then turn over two years or four years?

Mr. Bernard stated: No. I think that they should stay at the two years where they are.

Commissioner Lopez stated: Thank you.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: Following up with what Commissioner Lopez just said, and I think you hinted on that point, my fear would be, Thomas - Tom, in the School Board would be, now where you are in charge of your own tax, say in their own tax rates for schools, wouldn't the fear be that now the School Board, which advocates a pro-education stance right, very strong pro-education stance, which is their role, and I agree with it. What would happen when they - if they set their own taxes? Would not, will you have people running for that position who would now - might be very conservative, and now try to take a different kind of role for the school board being more fiscal and worrying about the school rather than be a pro-education board?

Mr. Bernard stated: See, I - I guess I have to take issue with the very first statement that you made about this School Board being a very pro-education.

They are pro-education certainly, otherwise they would not have run for School Board, but in the sense that I think you put it in terms of, of "we want everything," it is - nothing could be further than the truth.

Commissioner Lopez stated: No, not that -

Mr. Bernard stated: - well, maybe that was not what you meant, but I - I guess, in terms of looking at the School Board as it presently exists, you have a group of people - first of all, I went in with a 5.9 percent increase and they cut it to 5.7. We decided as a group before we even started as a budget process that we were not going to play the game of going in with high and trying to get low. We went in realistic. They scrutinized all of those kinds of items, and they scrutinized them ever month - the finance committee, believe me. And they look at every dollar and I think - I think some of them still have their first nickel they ever earned. But they are extremely, extremely fiscally responsible. I cannot emphasize that part enough. And, I think that - that in this community, in Manchester, New Hampshire, I think you would really find that pretty much that would be indicative of most any board of education, whether it them or anyone else, that when they went to the people of this community with a budget, I do not think you would be seeing this group of liberal spenders, and let's get this and that, and hire this - I just do not think it would happen. And, it would not happen now, not with this group.

Commissioner Lopez stated: Thank you.

Chairman Pappas stated: Commissioner Shaw.

Commissioner Shaw stated: Well, if the Aldermen and the School Board are scrutinizing spending, and both are pro-education, giving the Aldermen the benefit of the doubt that they are, and I believe they are pro-education, and want to move Manchester forward, what competing thing makes them reduce your budget? What is it that they face that you do not face that makes them less education minded, if they are cutting the budget, that is necessary?

Mr. Bernard stated: Well, I think for one thing, the day-to-day kinds of things that they deal with are not school things. The day-to-day kinds of things that they deal with are the issue of trash in the City, what to do with it? And highways in this

City, and what to do with them. Some long-term issues and some very important things that they have to deal with, but schools is not there at the top of the list. Also, they are looking at schools and a school district as a department. And so, as managers, or as the policy makers of the City, they look at all of these departments they have under them in the City and the budgets, and they - when needs to be cut, they cut, and they cut based on what - on just on a general department issue, as opposed, I think, to the fact that moving Manchester to the head of the class. Obviously, I have special interests, and I think of schools as being a real need here and an intricate part of this.

Commissioner Shaw stated: Further question -

Chairman Pappas stated: Further question.

Commissioner Shaw stated: If there is a certain part of money, a Hundred Dollars, and schools presently spends fifty and the other side spends fifty, and that is all that would be in the pot, in the pot. Then, how would they get - I mean, more into your side versus the other side? How would they do that? The Aldermen, who are ultimately responsible for filling the pot. Is it your - I know that you think education is extremely important, it is. But, how do they, the people here who are pro-education too, how do they get more money into the pot from the citizens?

Mr. Bernard stated: I do not know how they get the money. I know that they - but the proportional amount of money that they cut, I think they have got to - that is why the system has to be changed, because I do not think they have a real good handle on that area and the importance of that area. But now, when you talk about the hundred and versus the fifty, and how you make more out of that. You either raise taxes, or you keep it the way it is. If you keep it the way that it is, then you dole it out more appropriately. And as, as the other Commissioner had said, you reach a point where it is not going to work. You do not have it - you do not have enough to go around to do it, and that is the bottom line. So, you either do it or you do not, or you do it over a period of time, but when you do it, you make the plan so that school district is an intricate part of it.

Chairman Pappas stated: Commissioner Baines.

Commissioner Baines stated: First of all, Commissioner Stephens you will be pleased to note that I will admit a conflict of interest, right up front here.

Commissioner Stephen stated: I was going to say - comment that I have been to the West High School in the Fatal Reality Program from the Attorney General's Office, and I have to compliment you on the school system, especially the principal sitting here. The students were especially receptive to the program and I have got to tell you that I was very impressed.

Commissioner Baines stated: I did not yield the floor, did I Madam Chairman? I would like to answer Mayor Shaw by saying I guess the way you deal with that is that instead of having the school district tax, we could have them as a fee and then it would not be argued with in the City, just like, you know, trash and things like that. But anyway, getting to my questions. I'm reading - going through the Charter and trying to make some sense out of it. I find a lot of conflicts. My last meeting here, I discovered despite - and this no disrespect to the Water Department that, I learned that, even though it says contrary to that in the Charter, that it is exclusively independent. It does not say that in the Charter, but it is. And, I look and it establishes the School District, and it does not talk about it being a department, but a School District, and yet you brought out the fact that you can hire teachers through the School District, but you hire secretaries through the City. Your buildings, you deal with Public Building Services, your nurses you deal with the Health Department, school grounds - no one deals with. And, all these other issues are out there, but I do not see anything in the Charter that says that it needs to be that way. The Charter says you are a School District and the school districts in this state control all of those things and deal with all of those things with the budget. So, I am trying to figure out, how we got to where we are with the School District having so many restrictions in terms of trying to take care of its own house. Can you offer me any insight into this, especially related to the fact that you are a School District and not a department, and why do these things exist? And under what authority do they exist?

Mr. Bernard stated: I know that the, the only thing I do know is that the money that the School District receives from the City is - is the, for example, if a federal project comes in to the School District because of teachers, or some administrators were successful in getting one, like the Three Million Challenge Grant that we received, that revenue, that is what it is, has to first go to the City

side and be approved by the Revenue Committee of the Aldermen and to finally the Aldermen, or we do not get the money. So in essence, when you talk about a School District, in just that one example alone, if the circumstances were correct, we could have a group of people, aldermen, who blocked some money coming into the School District for a grant. And, it would be dead. It would be done. Because it would be blocked right there at the Aldermanic Board.

Commissioner Baines stated: But if you were in the Town of Hudson, and the School District received a grant, wouldn't the District just go to the District, or would it go to the Town? Why in Manchester does it go to the City?

Mr. Bernard stated: Because I think for years, historically, we have been considered a department, and I think that mentally we are considered a department. We are a School District, but I think we have been looked upon as a department for years. Now, I do not know historically when that happened.

Commissioner Baines stated: But - right - I think it was the last Charter, but I - it says here that, "the City of Manchester shall continue to constitute a single school district and except as otherwise provided in this Charter," and I cannot provide - see anything in the Charter that restricts, "the Board of Mayor and Aldermen and the School Committee shall continue to exercise such power in relation thereto as these respective bodies have under the law in effect at the time of the adoption of this Charter." So, I think it is an interesting point. The second point that I would like to emphasize before Mayor Shaw tries to steal the floor again, is that when he was Chairman of the School Board, I used to hear him lament the fact, and he will correct me if I have stated this incorrectly, he could never understand why the School District, with its financial unit has to, they do all of the things that they have to do as a school district, and then all of those things are duplicated down here at City Hall. So you operate as a School District, you take care of all of your financial issues within that district office and then City Hall does it all over again. For some reason that a lot of people - he could not figure out in four years as Mayor, and I was just wondering, have you figured it out in your two years as Superintendent?

Mr. Bernard stated: Well one of the reasons is exactly why the City is looking at a new computer system, is because the differences in those computer systems require a re-entry of information because the City, because we are looked upon

as a department, the City finance needs all of the information in order to plug it in to the rest of the City departments revenues and expenditures and all of this, and it - so it has to be done twice. At some point, if we get a new computer system, maybe it will not, but right now it is.

Chairman Pappas stated: Commissioner Stephen -

Commissioner Shaw stated: Can I answer his question, cause I do not know if Mr. Bernard was able - if you didn't mind -

Chairman Pappas stated: Go ahead -

Commissioner Shaw stated: I would like to answer the thought - especially as it dealt with public building services. The schools used to take all of the money and they controlled the custodians at one time. They were theirs. And when the school works with its budget, this is historical, when it works with its budget it spends all of the money down and on line items, and when it gets to the end and it has got no money left, because books were more and other things were more, something happened, it took money out of different accounts, because it has that power to do it. More than the Aldermen had the power. And schools were not maintained. So the City took back the custodial duty, paying full tilt for it, not allowing the School Department to abscond with some of the money for needed things that we had cut them in the budget -

Commissioner Baines stated: Abscond?

Commissioner Shaw stated: And that is why Henry McLaughlin gave up custodians, and he said to me, "when you want the custodians, zero plus zero will always equal zero," and Henry handed me back the keys to the custodians. So that is why you do not control that any more, because it costs more for the City to handle the custodians than the school used to spend.

Commissioner Baines stated: That was not the answer to my question, Bob.

Chairman Pappas stated: Is the next -

Commissioner Baines stated: If he wants to think it, that is okay -

Commissioner Shaw stated: - you could have had them back -

Chairman Pappas stated: Do you have any further questions, Commissioner Baines that -

Commissioner Baines stated: No. It is just that I hope at some point in time we get to understand this, because it is - for us, in the time frame that we have, when you have a Charter that says one thing, and then in practice it is another, that is not good government. And, going back to the waterworks situation, and that situation - whatever it is - that should be clearly defined in the Charter. The same thing with the School District. If it says it is a School District, and yet all of these things are going on, that are not explainable to us who have been around the City for a long time, the public officials do not understand it, the people who are trying to make it work do not understand it, and I just think that this needs somehow to be dealt with, to make things more efficient. And I guess that will come at some point in time when we start deliberating. But, these are very important issues when you have a School District defined and it is not a school district.

Chairman Pappas stated: Good point. Commissioner Sullivan.

Commissioner Sullivan stated: I think I have three questions. Switching gears a little bit. Do you find that, either Aldermen or School Board members - contacting you outside of the regular venue of School Board meetings regarding school issues, with any frequency?

Mr. Bernard stated: Well, during the budget season, certainly Aldermen contact me more than they would during the rest of the season. A few. Not all of them. School Board members, year round. It is a constant thing where Board members have questions about certain things, or they get an agenda and they have a question and clarification, so that is just a normal course for Board members to be calling.

Commissioner Sullivan stated: Do you find that you have either Aldermen, Commissioners from other departments perhaps, or other City officials contacting you, or members of your Superintendent's staff regarding such issues as hiring and trying to influence you on hiring decisions?

Mr. Bernard stated: No. That has - I think it - I have seen, being here since 1981, I have seen a tremendous decrease in that. And, since I have been Superintendent, that is very, very rare. When it does happen, everybody understands that it only happens in the case of a possible interview, but never, ever am I even coerced into hiring someone. No I would say that that is really a non-issue any more, fortunately.

Commissioner Sullivan stated: And, going back to the School Board. Do you believe that the School Board term should perhaps be rotated, so that you only have turnover, or potential turnover of half of the Board of any given year?

Mr. Bernard stated: I think that that would be something that would be well looked into. Although I cannot recall it being a major problem in recent history, I think that it certainly has the potential of being one. When you have twelve board members all being - could be - potentially up for re-election so that you could have the potential of an entire new board, so I think that that would be something that would be worthwhile looking into.

Chairman Pappas stated: Thank you. Commissioner Cook.

Commissioner Cook stated: I note that next week at the public hearing one of the primary subjects is the school district and we could probably go on all night on this, but maybe we should put off some of it. It is my understanding under the budget process of the City at the present time, you are either responsible for - three different budgets - one is operations, one is food or whatever it is called, and one is athletics?

Mr. Bernard stated: That is correct.

Commissioner Cook stated: Do you favor that? Or as part of your consolidation, would you have a one-budget situation?

Mr. Bernard stated: I think it is part of the consolidation. I would want it one budget.

Commissioner Cook stated: Okay, thank you. The other one, and maybe I

missed it, if the School District were autonomous, and the School Board were analogous to school districts out there in the other SAU's in the State, who would approve the budget, because I know out in the interlands, which is not a pejorative term, necessarily, a school district meeting votes on the budget that is proposed. Who would you have as the legislative body for the School Board's budget? I mean, somebody has to approve this thing. No where else in the State does the Board get to say, "this is our budget and we approve it and therefore it exists." I mean, the voters have input someplace. Who would do that?

Mr. Bernard stated: Well, as I look at it from a first glance, the autonomous nature of a school board would be built-in very similar to the Concord system, where you would actually have a public hearing on the budget, and the actual - there would be - be actually a vote on that budget to determine whether or not the budget was passed.

Commissioner Cook stated: By whom though, by the voters?

Mr. Bernard stated: By the citizenry, by the voters.

Commissioner Cook stated: Directly.

Mr. Bernard stated: Um-hmm.

Chairman Pappas stated: Commissioner Stephen.

Commissioner Stephen stated: One quick question. Well, actually, it may not be quick. Superintendent, R.S.A. 49-C:21 requires a merit system under the State statutes. The merit system, and I am reading from the statute, "to insure that all appointments and promotions in the service of the City shall be on the basis merit only." And they define merit. Do you - the City, right at this point in your department, do you have - are promotions based upon merit or are they based upon seniority, or is there something different?

Mr. Bernard stated: See, the - the way the - the merit, the only place that I know of where the actual term, "merit increase" is used, is for the Educational Assistants have in, as part of their contract a merit increase, which is, as far as I am concerned, it is more of a misnomer, because it is not what you think it is, I

think, because it is more of a - after a period of time, every year, or whatever, a person comes up for a merit increase, and unless you have done something to be terminated from your position, you get the increase. I think that is a little different from the public's understanding of a merit increase.

Commissioner Stephen stated: If I can, if I could just add one thing here. The definition under the statute says that, "the person can be promoted only after," and I am quoting, "appropriate examination or review of the applicant's relative knowledge, skills, abilities and experience," and that is currently in State law.

Mr. Bernard stated: That is promotion, that is not a salary.

Commissioner Stephen stated: Right - no, I am talking this is also, according to this statute, appointments and promotions.

Mr. Bernard stated: And - I guess the word "merit," is, if a person is promoted to a position that it means or - or continued on in their position, it means that they have, number one, done the job well, they are qualified for the position, and they move on and they get that increase. A merit increase, or a merit pay system, which is something that is not done in this district, but is done in some, is a little bit different, because that is based on the fact that if there are three people and one of them does a better job than another, they quantify the raises and give one Four Thousand Dollars and one Two Thousand Dollars and one nothing. We do not do that here. There is a piece of, or a percentage, that each person gets. So the merit implies that if you have done your job, and if you have done it okay, then you get this amount of money. It does not mean that you get more than somebody else, but that you get this increase.

Commissioner Stephen stated: So, in essence, do you agree with the merit system for promotions and appointments?

Mr. Bernard stated: I agree that somebody certainly should - you have - you have to - we need to go through a serious assessment of someone's performance before we give them any promotions or - yes - absolutely.

Commissioner Stephen stated: Thank you.

Chairman Pappas stated: Do I have a question? Commissioner Dykstra.

Commissioner Dykstra stated: Okay. Thank you, Madam Chairman. Mr. Bernard, you had mentioned before that your department or district is basically treated like a department, your School District, and I just want some kind of a clarification. I do know it if was changed or not, but within the budget process, departments basically, when the Board of Mayor and Aldermen provide monies, they basically address and fund the line items in departments. Isn't it true that within the School Department that we just - or the Aldermen - just fund the bottom line and that you are able to fund every line item they way you see fit? Is that still the way it works, or -

Mr. Bernard stated: That is correct.

Commissioner Dykstra stated: It isn't? Do you feel that that is a good way to do it or would you like to be - would you basically, feel that the Aldermen should be able to do that also?

Mr. Bernard stated: Oh no. No, I think that the bottom line is just fine.

Commissioner Dykstra stated: Okay. Thank you.

Chairman Pappas stated: Alright. Thank you very much. Unless there are further questions. I would like to remind everyone that our next public hearing is on the sixteenth and we will be discussing school issues at that meeting as well -

Commissioner Baines stated: Sixteenth? Seventeenth.

Chairman Pappas stated: Sorry, seventeenth. So we can continue this discuss. Thank you so much.

Mr. Bernard stated: I just want to remind Mr. Cook that if he - he is mentioning how I perhaps stole some of Mayor Dupuis thunder, I just want to leave you with the memory of what he had said something about republican sewers and democratic trees - I just, does he - if it wasn't for the analogy that he used -

Commissioner Cook stated: I am not touching that line.

Chairman Pappas stated: Thank you. Now I would like to welcome the Fire Department. Commissioner Mark Bodi.

Discussion with Commissioner Mark Bodi.

Mr. Bodi stated: Thank you, Madam Chairman and members of the Commission. First and foremost, I want to thank you for giving us the opportunity to come before you and commend you on your willingness to serve this City on a matter that is of enormous significance as we enter the next millennium. Joining me this evening are Commissioner, Chairman of our Commission, Commissioner Varkas, as well as Commissioner Manning and Commissioner St. Jean, as well as the Chief of the Department, Chief Kane.

Chairman Pappas stated: It is great to see you all back there.

Commissioner Cook stated: I hope there are not any fires.

Mr. Bodi stated: In the interest of the time this evening, I will try to limit my comments and narrow them and keep them as brief as possible, but I would like to high-light on a couple of key areas. As you all know, the Fire Department is one of the City's larger departments, with a budget of Ten Million Dollars, two hundred and forty-five employees, responding to approximately seventy-eight hundred calls a year. It is distinctively different than other departments, and with that in mind, my experience is confined to that of the Fire Commission, exclusively, although I have had an enormous amount of experience in the area of public policy, but for the most part I would like to limit my comments to the Fire Commission and its role within the City. As Sylvio Dupuis pointed out, I think very effectively, the City's commissions are part of a system of checks and balances that prevent a disproportionate consolidation of influence in any one particular area of government. Commissions provide community involvement and citizen input into the day-to-day management of an agency. They provide an important external perspective to the public policy making process that goes on within the Department. Very importantly, I think that they harness community resources in a way to benefit the Department and the entire City. I can think of many, many instances where members of the Commission were instrumental in raising funds for fire prevention activities, or developing external resources in the community. I recall in a particular area where we wanted to increase the level of

involvement in the Fire - Firefighters in the Employee Assistance Program, so that firefighters who are experiencing an enormous amount of stress, and this was following a suicide that occurred in the Department. We wanted to work as actively and as aggressively as possible, to insure that firefighters were getting the help that they need in an occupation that is enormously stressful. Through the efforts of the Commission, we drew on the resources of the private sector, utilizing human resources expertise in the community. We also developed a communication campaign that was designed, printed and distributed on a pro bono basis. Those are just a few examples of how commissions are in a position to harness incremental resources from the community that benefit the City. There has been an enormous amount of criticism of commissions and I do not really take that too seriously. I think that it is important, when we go through this process, that in the market-place of ideas that everyone has an opportunity to contribute. But I do believe that the criticism vastly overstates the influence of commissions and dramatically understates the public benefits and roles of the commissions. Commissions serve a very different role than that of the aldermanic chambers. Elected officials, by and large, do not run this City, they lead it. They provide direction and wisdom for other department heads and employees who are responsible for providing the day-to-day services that our citizens depend. Aldermen and the Mayor, generally speaking, provide macro public policy input and direction, where commissions are more involved on a micro basis and on a day-to-day basis, assisting those departments, deal with the important but time consuming day-to-day detail involving very complex issues, and while I certainly do not want to represent myself as a professional firefighter, I think it is fair to assume that individuals serving on commissions, and certainly that is the case with the Fire Commission, have a broader understanding, as you would hope and expect, of public safety and firefighting than you would find represented at the aldermanic table, or certainly in the Mayor's office.

Commissioners are resources to be utilized, not only by citizens but by the Board and by the Mayor. I would really encourage this Commission to strive for means by which we can encourage more effective utilization of the commissions and encourage greater involvement of all citizens rather than looking to discourage it by trimming and streamlining government. You know, New Hampshire is very unique in that it has a - it is largely a decentralized form of government that is largely volunteer based. It is, and that is in stark contrast to the Commonwealth of Massachusetts, although I certainly would not want to say anything about our sister state to the north, but it is very distinctively different than other states. For

the most part that system has served the Granite State very well and the Charter of our City, like the Constitution of our Country, has to be handled with great - an enormous amount of caution. It is a deliberately complex system in order to change it and that is because our forefathers recognized that they wanted to guard against radical changes. And, only changes that were made after due and deliberate review and I am certainly very confident that this Commission will do just that. I certainly recognize, and would respond to some of the criticisms that exist regarding some Commissions. To be sure, there are Commissioners who have probably served longer than they should, and if we were to adopt Sylvio Dupuis' recommendation for term limitations, I would be retiring shortly. Notwithstanding that, I would really encourage this Commission to look for the rule not the exception; the trend not the specific. Generally speaking, the trend is, is that Commissions respond to aldermen's needs, concerns - they respond to citizens concerns, and they provide a very valuable sounding board and resource. There are certainly occasions where - whether it is in the Fire Department or in other areas - we cannot fully respond to the wishes of every public official and every citizen, and that is not unique to the Commission itself, and that that is a problem that Aldermen, that you face on the Aldermanic Board. But again, generally speaking, and if you look at this from a distance and review the large body and contribution that commissions have made over the last decade, I think you will find that you would be very, very pleased and proud of the work that the citizens like yourself, have donated and volunteered on a pro bono basis, on behalf of the common good. In closing, let me re-emphasize that I personally believe that it would be appropriate to review perhaps some minor modifications in the structure of some of the commissions. I do not think that the City's best interests will be served by radically overhauling how commissions participate in city government. I personally, again, would support some changes that were referenced by Sylvio Dupuis, that I think would bring perhaps a little greater accountability, but I would urge that commissions be viewed as a resource, to be used more effectively, and take advantage of those who are willing to contribute, more fully than has been done in the past. At a time when our City faces its greatest challenges, I think it is most important to be as inclusive as we possibly can with those who are willing to serve and allow as many ideas to participate in city government as possible. I would be happy to answer any questions that you might have.

Chairman Pappas stated: Commissioner Dykstra.

Commissioner Dykstra stated: Thank you. Commissioner Bodi, I guess you probably answered one of my questions. I was going to ask you about term limits, but ahh - what I was going to ask you, do you support term limits? I mean say if you were grand-fathered in, would you support term limits?

Mr. Bodi stated: Well, in talking with Chairman Varkas before I testified, he responded that, well perhaps if there were term limits for members of the Aldermanic Board and all other offices it would be appropriate that we do this in a unilateral way. And I thought that was a pretty interesting response. I certainly would be more than happy to tender my resignation if I felt that it would benefit the common good of the City. I really mean that. I have no interest in serving in perpetuity. I really do not. And, I do not need to be grand-fathered in. I guess the - the -

Commissioner Dykstra stated: I was only kidding when I mentioned the grand-fathering.

Mr. Bodi stated: No, I think that there should be - there has to be a healthy balance.

Commissioner Dykstra stated: Right -

Mr. Bodi stated: You should not be able to serve - you know when I - I anticipated that question and when I thought of it, I thought of Commissioner Dick Higgins, who has really served this City well for fifteen years -

Commissioner Dykstra stated: Yes.

Mr. Bodi stated: And, I have called on Dick many, many times. So, you know, there is part of me that says, "Boy, we should limit the involvement," and there is another part of me that says that, "We have had some distinguished people." So maybe somewhere in the middle.

Commissioner Dykstra stated: Alright, thank you. Just one other question.

Chairman Pappas stated: Further question.

Commissioner Dykstra stated: Commissioner Bodi, do you feel that the commissioners should be nominated by the mayor, whereas there are some that basically come forth through the Aldermanic Board. What is your feeling on that?

Mr. Bodi stated: I think that that is a very good question. The Fire Commission is nominated by the Mayor and confirmed by the Board. I think that that is a much more desirable - you can - it is unfortunate that you cannot have commissions that serve co-terminus with the mayor, I think that would be just far too awkward. But I do think that it would be best to have all of the nominations - I think it would force the mayor, whomever it is, to be much more careful and deliberate regarding some of these appointments and to reflect on the amount of service that has been provided in the past, some of the other political issues that have resulted in some of the criticism that has been faced.

Commissioner Dykstra stated: Okay, thank you Commissioner.

Chairman Pappas stated: Further questions? Commissioner Shaw.

Commissioner Shaw stated: Are there any holdovers on the Fire Commission or are all five current?

Mr. Bodi stated: The Fire Commission is comprised of five members and we have one vacancy, currently.

Commissioner Shaw stated: How long has that vacancy been -

Mr. Bodi stated: Almost a year.

Chairman Pappas stated: Well thank you very much, Commission Bodi, and thank you Commissioners and Chief for coming by tonight. It was great to see you.

Mr. Bodi stated: Thank you very much.

Chairman Pappas stated: I would like to now invite Tom Lolicata from the Traffic Department and Tom Noonan from the - Commissioner Noonan, from the Police Commission.

Discussion with Director Thomas Lolicata.

Mr. Lolicata stated: I would like to thank everybody, first of all, for inviting me, and from what I have seen over the past few weeks, I think this Committee has done a pretty good job. That is all I am going to say, because you have taken everybody, as far as commissioners, department heads - and they gave us some good input here. I think you are going to get some finances, hopefully, when this is all over - but, as far as the job is being concerned, everybody has taken it seriously and I want to commend all of you, because you have taken everybody and asked different questions. Now, as far as traffic is concerned, myself. And, I have listened to a lot of people. I think basically, I have been here thirty-three years and I have watched the aldermen and I have watched the mayors come and go, but basically, I feel there just has to be a checks and balances. I still believe that today. I have heard strong mayor, strong manager. I have read articles about them. For a city this size, I think you have come a long way, and the nine to one gain, eleven to one gain, I think it has changed the last fifteen - twenty years. People today are smarter and they are voting according to their conscience. I can see a big change in the last few years. Channel 40 has brought out a lot of things, as you watch people talk. I think the shows that we are seeing right here, between all of us, as far as the City officials are concerned, one thing that has come up in my mind, and that says the aldermen have changed, the mayors have changed. People are thinking for themselves, and I still basically believe, honestly, that it should be a checks and balances for a city this size. That is my biggest thing right now. - Sorry, Steve, go ahead.

Commissioner Dolman stated: Go ahead, I will let you finish talking.

Mr. Lolicata stated: Well, that is my biggest thing right now. I have heard about what Mr. Baines has been saying, concerning this 3.06 and 3.17 - I am baffled myself. After listening to you people - I thought I knew something about it - and I am learning -

Commissioner Baines stated: We have heard that from a lot people -

Mr. Lolicata stated: That is why I am saying that this is bringing out an awful lot of stuff. I have not got much more to say, because there are a few other people behind me - I don't know - I might get shot -

Chairman Pappas stated: Alright, would you like to take a few questions?

Mr. Lolicata stated: Just a few questions, yes.

Chairman Pappas stated: Alright. Commissioner Dolman is ready.

Commissioner Dolman stated: Tom, you have heard consolidation come up. You know it was tried last year in the budget process, consolidated highway - traffic - with highway. What is your feeling with the possible consolidation of traffic. I know by state law you are protected, but that there could be some suggestions (inaudible), and recommendations by our part to change the state law and allow possible consolidation in the future. Do you feel consolidation by your department into a public works department is a good thing?

Mr. Lolicata stated: Well, Steve, you know, well over a year and a half ago, they started off the right way, and they formed a committee to find out about this. Then it stopped, and then consolidation came in. I think basically from what I understand, and what I have gone through, if you can save money and the jobs are compatible, you have got something going. If you do not, forget it. Now, I was - I can actually say that I was put under the Highway Department, before it was stopped by injunction. I can tell you, it did not work. It did not work. When I needed help, I could not receive that help. Mr. Thomas had his problems, too, with vacations, etcetera. So, that took care of that right off of the bat. I knew this before I even started. But, consolidation of certain things, yes. But I think it should be looked to in depth, like they originally started, with a committee. If it does make sense, and you are going to save something somewhere, fine. But if it works, leave it alone. I have already gone through it.

Commissioner Dolman stated: Originally, your department, the Traffic Department, under the Highway Department, and it was - it was separated for the same reason that you just mentioned. Commissioner Lopez mentioned it when I asked him about Parks and Recreation being under the Public Works, whether there would be - you know - taking from Peter for Paul, you had a shortfall of funds, and you just said it would occur. If they were set up with certain divisions and that you could not take money from Peter to Paul, you know, you could not take from the Parks Department and you had a shortage in the Parks Division - which I - to feed the Highway Division, would that possibly make it easier? And

there would be someone in charge of each division, you know, but it would be one department.

Mr. Lolicata stated: I am trying to understand your question.

Commissioner Dolman stated: Well, I think - you just said for example -

Mr. Lolicata stated: You said feed - you said feed a department -

Commissioner Dolman stated: What you just said, was that you saw that Frank Thomas had problems with vacations, he would not be able to help you if you -

Mr. Lolicata stated: I could not get the help, right -

Commissioner Dolman stated: That is right. Commissioner Lopez said the same thing. He has seen it happen in other cities and towns that if - if there was not enough money, like for this year for example, with the winter we have had, the money would go - definitely go to the Highway Department, rather than to the cleaning of fields or the taking care of traffic problems, because we have this shortfall with the winter. But if we set-up a budget process, or recommend it, because I am not sure we should be doing this as a Charter in the first place, but it was recommended that you had a department, but with each - a separate division for traffic, a separate division for parks, separate division - and so forth - and they could not take money to offset your shortfall from within the division, so you would not be robbing - your division - would that help solve that problem?

Mr. Lolicata stated: No. Because, of the other problem I went through. Compatibility. Okay. The biggest thing was Steve, was that the job performance could not be performed by the other men. Some jobs just take time. They are different in stature, they are different in nature, and it just could not happen. Outside of getting into a truck and putting a plow down the road and putting a paint machine down there and looking at lights and trying to take them apart, you are talking a different ball game. You need expertise, you need time, and it - just did not gel. Now, that is a waste of time and money, as far as I am concerned. It just will not happen.

Commissioner Dolman stated: Thank you.

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: One thing that has been brought up off and on here is the possibility of a non-interference policy that would limit the ability of the Aldermen to contact department heads outside of the forum of an aldermanic meeting to raise questions or concerns regarding departments. How often do Aldermen contact you with respect to your department operations?

Mr. Lolicata stated: Outside of - very often. I think I get more complaints than anybody else. In all honesty, traffic. We get it from all - and the funny part is - if you want to get rid of my Commission, you are getting rid of five aldermen. And I think that has worked well, by the way. I have worked well, and in all of these years, and five aldermen, and the Traffic Committee, which is quote, unquote, "my Commission," has worked out. And in all honesty, they do not bother you as much except for complaints of constituents and that is almost on a daily basis, really.

Commissioner Sullivan stated: What about people, city officials, or perhaps other commissioners from other departments. Do you get calls from other City officials, outside of the Aldermen?

Mr. Lolicata stated: A lot of them. Because of some of the services we provide. The size of my graphics department, and a few other things, I think - they all ask, we all help out. We take care of police vehicles, we do an awful that people do not even realize.

Chairman Pappas stated: Thank you. Further questions? Commissioner Shaw.

Commissioner Shaw stated: Have you ever put up a stop sign that you knew in your heart was wrong? Put there because of your Commission, the five aldermen?

Mr. Lolicata stated: Why - ever - once. The only time that happened was before we became a department.

Commissioner Shaw stated: - before you became a department -

Mr. Lolicata stated: I could be wrong. I take that back. Yeah, it did happen -

Commissioner Shaw stated: Between 1984 and 1987, you never put up a stop sign -

Mr. Lolicata stated: Yes, yes.

Commissioner Shaw stated: You didn't put up a four-way stop sign that you knew was wrong?

Mr. Lolicata stated: No, I - I stopped those.

Commissioner Shaw stated: You stopped them -

Mr. Lolicata stated: I have stopped those.

Commissioner Dykstra stated: That is right, he did.

Mr. Lolicata stated: I was trying to go by the manual -

Commissioner Dykstra stated: He did, I was there.

Mr. Lolicata stated: There is a - there is warrants for those. That has happened, believe me, Mr. Shea - Shaw.

Chairman Pappas stated: Alright. Are there further questions? Commissioner Stephen.

Commissioner Stephen stated: Tom, how many employees do you have in your department?

Mr. Lolicata stated: Including administration, about sixteen.

Commissioner Stephen stated: Sixteen? Now, explain to me the Department of Traffic - or the Traffic Committee, the functions of the Traffic Committee. When do you meet with them, and what are some of their functions? Do they get involved in the day-to-day activities of your department?

Mr. Lolicata stated: The members themselves sometimes get involved. But, like I say, mostly from constituents complaints. We meet once a month. This year it is the fourth Monday of the month. We deal with all kinds of issues. Especially ordinances. They make the law. I'm sorry, the full Board will make the law, but these people will pass it first. We have to go through every ordinance that has to be brought forth by each alderman from each ward. Our Traffic Committee passes it and it goes to the full Board. Policy making, mostly, ordinances, etcetera. As far as myself, personally, yeah, I get involved. They get involved with me. But I have to say, ninety percent of it is complaints in their own wards, and their own people.

Commissioner Stephen stated: They come to you, at the meetings with the complaints? Do citizens contact you personally? I mean, how does it work?

Mr. Lolicata stated: Most people who contact me, it has to do with regulation, and I will ask them to go through their aldermen. Let them know about it first. When it comes to me, then I will put it on my agenda. There is also an agenda from the City Clerk's Office. Each aldermen in turn - if it has to do with an ordinance, I will go out and make the measurements, etc., and then the Traffic Committee takes it from there. But on all ordinances, I usually have to put it in an agenda and take each one apart, but I make sure that every complaint goes through the alderman of that ward first, and then he will call me.

Chairman Pappas stated: Further question?

Commissioner Stephen stated: Final question. And, as far as you being a department head, what type of autonomy do you have to take the money that you have been allocated and spend it however way you want? What type of autonomy?

Mr. Lolicata stated: Well, I think that - in all honesty, years ago -

Commissioner Dykstra stated: - a line item -

Mr. Lolicata stated: - line item came from the Traffic Department. We are the ones that started this thing, and since then we have had the garages and Two and a half Million Dollar budgets, and still a line item deal, and it is scrutinized

pretty well. But, I do not have the autonomy I think you have. I can also - you know - I can place things in different areas. I can work with the garages, myself, but ahh, it is a stickler. I mean, we are right down at the bare bottom. These garages you have got to be very careful with to. And, I have my own budget, but it is combined on the Traffic.

Commissioner Stephen stated: Thank you, Tom.

Chairman Pappas stated: - certainly. We have a clarification for you Commissioner Stephen.

Commissioner Stephen stated: Thank you, I would appreciate it.

Mr. Lolicata stated: Here it comes -

Chairman Pappas stated: Here it comes.

Clerk Johnson stated: The committee on traffic is a committee of the Board, and it is actually referenced through state law that the Committee on Traffic is established, and Tom - he always comes to our office, when it is time to try to fix his ordinances and can put things in order - we tend to help write up changes in the ordinance for him. The, but the Traffic Committee itself, the membership is established not only by ordinance, but it also refers back to enabling legislation through the State. What he is referring to as ordinances, is really not an ordinance, but a regulation. Your stop signs, and those types of things. But there is a physical ordinance as well that establishes and outlines how these regulations are adopted, who has authority to stop traffic, and those sorts of things. And they are all referenced back to the state law. The ordinance on the books now was written in 1948, or adopted in 1948. Our office has been working with the Solicitor's Office for the last five years, I am going to say, most recently, to re-write that and we are pretty close to being done on that. In addition, the Traffic Committee also oversees parking operations for the City, which includes your parking garages, leasing of parking lots and those sorts of things, which also got dumped into Tom's department, so to speak, from the City Coordinator's office. A few years back there was sort of like a reorganization and that got put in there, so it is a multi-service organization at this point, and I just wanted to clarify

that so that Commissioner Stephen would understand that.

Commissioner Stephen stated: Thank you.

Chairman Pappas stated: Thank you very much, Carol.

Commissioner Lopez stated: The Committee on Traffic -

Chairman Pappas stated: Commissioner Lopez -

Commissioner Lopez stated: - is that the, the twelve aldermen according to the Charter?

Clerk Johnson stated: Five.

Mr. Lolicata stated: That is five aldermen.

Chairman Pappas stated: Commissioner - Tom can answer that.

Commissioner Lopez stated: Five aldermen.

Mr. Lolicata stated: Right. Appointed by the mayor. I think the Committee on Traffic was originated from the Board in 1953, first time, roughly. There was five aldermen.

Commissioner Dykstra stated: The mayor appoints all of the committees. That is just another committee.

Chairman Pappas stated: Do we have further questions concerning traffic? There being none, thank you very much. That was interesting.

Mr. Lolicata stated: Thank you very much.

Chairman Pappas stated: Our next speaker this evening is Police Commissioner Tom Noonan, but I did want to remind everyone that he also serves as the representative for Labor on that Commission, if you have questions on that particular portion of it.

Commissioner Baines stated: He is my union representative, too. That is another conflict that I would like to divulge.

Commissioner Dykstra stated: Good. Could you leave the room, please?

Discussion with Commissioner Thomas Noonan.

Mr. Noonan stated: Stay Bob, I need some support. Madam Chairman, members of the Commission, thank you very much for inviting me to address the Commission. I consider the position that I do hold with the Manchester Police Department, even though it is an elected position that the Aldermen elect, and they did so back in 1982, I am in my fifth term, and I am not here looking for a raise. I make a Hundred Dollars a year, and, needless to say, the monies that are expended in my position and that are put back into the department exceed well over a Hundred Dollars. I consider the position that I am in a privilege, and not a right. Being born in Manchester in 1946, my family, my sons, we all grew up in this community and it has given me an opportunity to put back into the community as a Police Commissioner. I currently sit, and have for fourteen years, as the Chairman of the Safety Board within the Manchester Police Department. There have been many positive things that have been generated out of the Safety Board, not only with Mayor Beaulieu, but Mayor Shaw and Mayor Wieczorek, as far as different recommendations that have gone down to the Mayor's office. We have had renovations to the police department to secure the safety of that building, under Tom Kane's direction, Chief Craig and current Chief Favreau, who have continued that tradition. Now, currently, we are working on a project that we have taken under advisement to look at moving further to reducing the Workmens' Comp. aspect of the Manchester Police Department. We consider these men and women in this department as professionals. Over the years we have made recommendations to secure their safety, whether it be communications being improved, which we have - currently have - brand new radios, that have took many years to procure. The proper attire, as far as the boots are concerned, physical fitness, many, many recommendations have come out of these meetings, and a lot of the input has come from the personnel themselves. What we have done with the Workmens' Comp. aspect of it, we are currently working with administration to look at bringing specialists in to the earliest stage of police officer and individual's injuries, like other departments within this community. We figure if a professional ball player can get treated right

away, even before they leave the field, why should a police officer, who gets hurt on the job, having to either lift somebody, or receives an injury while performing their duties, have to sit around and wait two or three weeks before they see a specialist, when they ah - if they see a specialist right away, there is a good possibility that those injuries can be addressed right away, and people can return to their job and be more productive, and less monies and less liability to the City. I also sit, and have for fourteen years, as the Commissioner that sits on the disciplinary board within the police department, and from time-to-time, there is a need for various hearings and they have taken place over the years. Sometimes they are taken care of before a hearing has to take place, sometimes they are rather lengthy, but it gives the individual and their representative to address the concerns, whether they feel an infraction has taken place on their behalf, and whether discipline is warranted in their case. Our primary concern, as far as commission meetings that take place on a monthly basis, and sometimes on an as-needed basis, when the budget season comes to be, is that the commission is responsible for reviewing the budget, and we do that on a monthly basis, like I said, and from time-to-time, on a two-week basis. And, a couple of the commissioners are so-designated to do that, and they keep in constant contact with the Assistant Chief Driscoll, as well as the personnel within the department, they keep an eye on the line items. We also have, and I have personally, have a lot of interaction with the taxpayers in this community, citizens within this community, not only at my house, but at my office, and we have a whole lot of - an awful lot of interaction with the community. I have a lot - an awful lot of interaction with the police officers. I have taken it upon myself to be involved from - I want to say from the bottom floor all the way up to the top. Initially, when I became a police commissioner, it was rather odd when I was not used to being referred to as "sir" or "Commissioner," or the boss, and lately, it is "sir," "Commissioner," and the boss, and now it is Tom. There is a great deal of interaction all the way down the line and I enjoy it, I have enjoyed for fourteen years. And when I hear present and past distinguished gentlemen and women looking at limiting of terms, there is only one way I could concur with something like that. First of all, this individual would have to be knowledgeable in being a Police Commissioner, or being a commissioner, but as far as what I have seen, it took me a good three years just to get my feet wet, even before I knew what I was doing. To all fairness to everybody that does put in for a commission position, it takes a lot of time, it takes a lot of getting to know people on the Aldermanic Board and letting them know that you are willing to make a commitment, that you

are going to spend some time in various programs. I have had the opportunity of having interaction with Commissioner Baines when he was involved with the violence in the schools as far as the projects, and Officer Steinmetz who did work with him. I did have opportunity to work with Commissioner Lopez as far as the interaction with the establishment of the Police Athletic League and the police officers and the civilians that did get involved with the Police Athletic Association. Both of those projects were excellent projects. I have also had the opportunity of working with the Police Relief Association, Crime Line when it was established, the Crime Watch in various neighborhoods. I have been able to go out with various Aldermen and meet with their constituents as far as their neighborhoods. I have also had interaction over the years as far as promotions. Promotions, people who make the phone calls, "geez, what can you do for my friend as far as so and so getting promoted?" What has taken place in the last - oh - six to seven years, and I think it is very progressive as far as this police department is concerned, evaluation process and the department heads. The candidates to be promoted are all evaluated. Those that have the time on the job, not only are they evaluated, but then the recommendations come to the Commission. But, it is with the department heads, the division heads, who make those recommendations because they know these officers and as personnel on a first-hand basis. Granted letters of recommendation - commendations - do come into play, but it is the overall performances of these individuals that do come before the Commission and there are - the men and women of this Police Department, do make up this Police Department, it is just not one single individual or one single Commissioner that makes up the Commission. Chief Favreau believes in the team concept and he does have the nucleus of a very fine group of men and women that protect our City and who best knows, who deserves to be promoted than the department head and his deputies. I have had an opportunity as a Labor Commissioner, not only do I represent close to fourteen or fifteen other police departments throughout the State, as being a - my full-time job as a teamster agent in the State of New Hampshire. I represent many municipalities that do have police officers, supervisors within the Carroll County Correctional Facility. I currently have a campaign going on in Grafton County. I have the Salem Police Department, and many other small townships. I have had the opportunity to see first-hand of the state-of-the-art communication center in Portsmouth, when the Portsmouth Police Department took over the hospital, renovated that building and security there and the communications is top - tops, as far as I am concerned, in this State. But as far as the men and women in this Police Department, with the

material that they have had to use over these past fourteen years, and what they have put together, they are second to none. They are the tops, as so noted, and I will tell you right up front, whether you are aware of it or not, this Police Department has been nominated for a National Award, and hopefully we do hear something very soon in that - that area.

Chairman Pappas stated: That is wonderful. Do we have questions? Yes, Commissioner Stephen.

Commissioner Stephen stated: Tom, I have to second your current - or last statement, because, you know as, Assistant Attorney General, I train police in the State of New Hampshire -

Mr. Noonan stated: Yes sir -

Commissioner Stephen stated: And I also train nationally for the National Highway Traffic Safety Administration, and I can tell you that, in my opinion, Manchester Police Department is one of the most well-respected and well-trained police departments with some of the best police officers in the country, and I appreciate that you take your responsibility very seriously. I wanted to ask you questions on the promotion issue.

Mr. Noonan stated: Yes sir -

Commissioner Stephen stated: When promotions come to you from department heads, what types of qualifications or criteria does the Commission have in reviewing those promotions or those recommended promotions?

Mr. Noonan stated: The division heads, meaning the detectives and patrol and communications and training and those types of things, will make evaluations of the officers and they go up through the chain of command. They go through lieutenants, sergeants, lieutenants, up to the captains, and then finally to the deputies, and then the deputies will bring the name to the Chief of Police and we will see a list of the final candidates and if we have some input, if we would like to make some recommendations, before the Chief makes a decision, we leave those promotions up to the department head. We can have some input if we so say.

Commissioner Stephen stated: So, the Chief makes the final decision on which of the applicants gets promoted?

Mr. Noonan stated: Yes, sir.

Commissioner Stephen stated: And, you say you have some input. Do you, when you get those applications, do you act as a Commission together, and at a meeting, give an opinion there to the Chief?

Mr. Noonan stated: We are informed that we have a right, and we do as a Commission, to speak as individuals if we so choose, and some of us do. And, before the final names come out - I have given input over the years.

Chairman Pappas stated: Further question?

Commissioner Stephen stated: Final question.

Commissioner Dolman stated: Excuse me, could I just interrupt one second, John?

Commissioner Stephen stated: Sure.

Commissioner Dolman stated: Don't you have to take a vote, finally, as a Commission, approving those decisions of the Chief?

Mr. Noonan stated: Yes. Yes we do.

Commissioner Dolman stated: You do have the final - you actually have the final say, because you have that vote -

Mr. Noonan stated: Yes we do -

Commissioner Dolman stated: You could approve of the, ahh -

Mr. Noonan stated: Yes we do.

Chairman Pappas stated: Further question? Did you have a -

Commissioner Stephen stated: I just had a further question. If State, as I stated earlier, State law provides for promotions on examination of the applicants relative knowledge, skills, abilities and experience. Do you have a problem with that particular - I mean - enforcing that as a Commission?

Mr. Noonan stated: All of that - all of that plays into it as far as the physical well-being of the officer, as far as their agility, their street savvy, their ability to interact with the community, their knowledge as far as the laws on a day-to-day basis, and they are - and in some essences are required to take tests.

Commissioner Stephen stated: Thank you.

Chairman Pappas stated: Commissioner Dykstra.

Commissioner Dykstra stated: Thank you. Commissioner Noonan, has the Board of Mayor and Aldermen ever issued any mandatory directives to the Commission, Police Commission, other than that doing with expenditures?

Mr. Noonan stated: Not that I am aware of. I was asked at one time - ahh - was it necessary for the Commissioner to follow the directive of the Mayor and Aldermen, and I - various commissions were - Commissioners were surveyed, and when the - the question was asked of me, I said, "no we do not have to." It is not mandatory that we have to, and then the counsel was checked with, and he said the Commission was right. Nine times out of ten, usually when directives usually come down, we try to adhere to it as much as we can, and if there is any problem we address the Mayor or the Aldermen, if there is a concern.

Commissioner Dykstra stated: Okay, thank you Commissioner.

Mr. Noonan stated: Sure.

Chairman Pappas stated: Commissioner Lopez.

Commissioner Lopez stated: I think maybe, just at this time, I am going to have plenty of time to talk to the rest of the Commissioners - I like some of your comments very much, Tom. But I do want to clarify a couple of things, if I may, Madam Chairman, and - just as - if you go to Section 3.20 later on and read it -

Mr. Noonan stated: Ut-oh, I do not have that in front of me -

Commissioner Lopez stated: That is alright. Not for you, but - I would - primarily Section 3.20, which was - which was an amendment by the voters and, "the basic and special service departments and department head's authority for hiring and promotions within department shall be subject to the confirmation of the board, commission or authority." I just want to bring that to your attention. Also, under the Charter, Section 8.03, each department, which I will provide later on, is - has a procedure function and rights of duties of the Chairman and Commission, and this document goes on and tells you what the procedures are and the departments heads authority and all of that, and the City Clerk has most of these, I am sure that he could provide them, or get them from each Department, because the Board of Mayor and Aldermen has provided them through their budget process, so I just want to bring those two items to the Commission's attention.

Chairman Pappas stated: Thank you very much. Further questions?
Commissioner Dolman.

Commissioner Dolman stated: One last question. It has been mentioned about a possible consolidation between the Police and Fire and the creation of the Department of Safety. What is your feeling on that, Commissioner Noonan?

Mr. Noonan stated: Negative. Two separate entities.

Chairman Pappas stated: Alright. Thank you very much, Commissioner Noonan.

Mr. Noonan stated: You are welcome.

Chairman Pappas stated: It is good to see you.

Mr. Noonan stated: Thank you.

Chairman Pappas stated: It was a quick answer. We have three speakers, three more department heads. Would you like to take a brief recess, or?

Commissioner Dykstra stated: No. Let's just keep on going.

Chairman Pappas stated: Alright, we will keep on going. We will take separate recesses. I would like to welcome Paul Porter, and Joan Gardner. If you two would like to come up, Paul Porter with the Assessor's Department, Joan Gardner with the Tax Department, and last but not least, Leo Bernier, City Clerk. These are our last three speakers.

Commissioner Dykstra stated: Oh good. Who are they now? These are going to be - oh, these are going to take a while.

Chairman Pappas stated: Did you wish to also - Alright. Alright, I think we can proceed. Welcome.

Discussion with Assessor Paul Porter.

Mr. Porter stated: Thank you, Madam Chairman and Commissioners. This is the first time I have had an opportunity to publicly congratulate all of you. I ran for the Charter Commission, was very interested in it, got whipped, but my hats are off to you and the splendid job that you have done this far. I want to be very brief. My name is Paul Porter. I am a resident of Manchester. I was born and raised and educated in the Manchester school system. And I am very proud to say that I have been a member of the Manchester Board of Assessors for a little over fifteen years, and I am presently serving as Chairman. The Board of Assessors in the present Charter is a special services department. As a department we work on a daily basis as any other department in the City. The main function of the Board of Assessors as a department is to locate, identify, appraise and assess for tax purposes, New Hampshire being an *ad valorem* State for real estate taxation, we base our assessments on the value of the property. In Manchester we have approximately thirty thousand taxable parcels, it is an extremely sizeable job, and approximately thirty-five hundred non-taxables, such as government buildings, schools, churches and so forth, and other properties that qualify under the tax exemption or non-taxable. In addition to the assessment function, the assessing department is in charge of and administers various exemptions. We have the Blind Exemption, which is an assessed value exemption, we have other assessment exemptions, for example the elderly. There are three categories of elderly exemptions: from age sixty-five to seventy-

four there is a Twenty-Two Thousand Five Hundred Dollar exemption, from age seventy-four through seventy-nine, I'm sorry, seventy-five through seventy-nine, it is a Forty-Five Thousand Dollar exemption, and for those eighty and over, it is a Ninety Thousand Dollar exemption. Age is but one criteria. There are two other criteria. One of which is income; if single, Ten Thousand Dollars net income is allowed not counting Social Security, and if married, Twelve Thousand Dollars. We do not consider Social Security in the income and in the - and another category is assets. A person may not have other assets in the bank, for example, cash, certificates, IRA's, bonds, stocks, and this type of thing, and we do not count the real estate as an asset in figuring whether a person qualifies for that exemption. It is a sizeable task. We have six full-time people in the office, and one temporary full-time person. Right now we do have seven people. Years ago we did have seven, I believe when Mayor Shaw was mayor, we had seven. Shortly after that, through budget constraints we had to go down to six. We have been operating for the last four or five years with a seventh person as a temporary. We are trying to, and hoping to get that temporary position moved into a full-time position, but that is a matter for the Board of Mayor and Aldermen. I guess what I would like to stress, is that in addition to the assessment function itself, and the administering and granting and denying of exemptions, the Board of Assessors is also charged with hearing and acting on applications for abatements. Now, as a way of letting you know that we just - it is not just rules of the City or the Charter, the Board of Assessors in any community in the City and the - either Manchester or any other community in the State of New Hampshire, there are one hundred and sixty-three pages of R.S.A.'s that we must follow. So we are extremely well legislated in terms of what we may do, what we may not do, and how we do it, I guess is basically up to the discretion of the individuals as long as we do abide by the State statues. I guess for the sake of time I really do not have much more to say at this point, but I would like to make myself available for any questions.

Chairman Pappas stated: Thank you. Questions? Commissioner Cook.

Commissioner Cook stated: Without getting into any current controversies - There have been some suggestions in terms of structure. Maybe you can - and then - one on - two on procedure. There have been - there has been a suggestion in terms of efficient operation that a Board of Assessors that might be appointed but serve as some of the other commissions serve, supervising or

related to a department head, who then employ professional appraisers as a department, would be an alternate way to perform the assessing function and still be consistent with State law, and might get more bang for the buck. Do you have any comment on that?

Mr. Porter stated: Well, I think that that certainly is a viable option. There are many options. And I would like to bring out the fact that in Nashua, you have such a structure. You have three not - well they are paid Fifteen Hundred Dollars a year - they are not members of the department, per se. They have a staff in Nashua of eight people, and the parcel count in Nashua, just to let you know, is twenty-five thousand, and in Manchester we have thirty thousand. The staff in Nashua does go out and do the physical reviewing of property, the measuring of property, and coming up with the values. The appeals functions, is done also - to that staff, and the staff in Nashua does not have the authority to grant or deny an abatement, they simply have the prerogative of making a recommendation to that Board that meets on occasion. I believe it is twice a month, I am not positive. The City of Concord has a structure whereby they have a three-member Board of Assessors, one of the members of the Board of Assessors is a full-time employee of the City of Concord, and serves as the Chairman. They have five full-time people, including that assessor, on their staff. That is a slightly different structure. Manchester has a unique structure in that the three assessors serve as the department head, but in addition to that, to perform the daily duties, we do have the authority to grant or deny abatements and applications for abatements and reviews of assessments.

Commissioner Cook stated: Thank you. Follow-up question. In conducting your operations as a board of the City, when do you hold - or do you hold, not when do you hold - do you hold public sessions for the public, or is it all on an individualized case basis?

Mr. Porter stated: It has been pretty much on an individualized case basis. And we have been sort of wrestling with this for a number of years in discussion among ourselves, prior to the new members of the Board, ahh - Paul Martineau served for twenty years, Bill Lynch served for twenty-six years. I was the rookie at the time, and now since things turned around, I am the old-timer. But, when we - the situation being unique in Manchester is that when we meet, and under any Right-to-Know law, and I am not an expert in that area, Commissioner, but I do

believe that under the Right-to-Know law, when you have a public body that meets with a majority of members present, for the purposes of discussing business, that it must be posted - whether or not you have to have a specific agenda, I am not aware, it is always a good idea if there is one, and perhaps minutes of the meetings be taken. In Manchester, what that would mean under the present structure that we have is that whenever two members of the Board of Assessors meet, like at eight-thirty or quarter of nine in the morning, in the office and a taxpayer comes in, this would somehow, I think, inhibit our abilities to deal with that taxpayer, because, under the present Charter, we are the Board of Assessors and we are the Department. So I think it would be very difficult to differentiate between when are we operating as a Board of Assessors and when are we not operating as a Board of Assessors, because the way I look at it, we are constantly operating as Board of Assessors because the Board carries out the duties of the full-time appraisal staff as well as handling the duties of the Board function, which is to grant - or the hearings and decision making on abatements. So I think that to be able to separate that function, under the present system, would be really not possible. And, if I may give you an example, there are situations where an individual can come in, right off the street, and present some evidence to us that their property is over-assessed. Before that person leaves, we have the authority, and we have the ability to be able to say to that individual, "we will be granting an abatement," or "we will not be granting an abatement." In other types of structures such as is proposed or thought about for Manchester, we could do that as a professional appraisal staff and simply say, not to those individuals, that "we will grant you an abatement," we will simply say, "we will recommend that you are granted an abatement." And, I think typically, a part-time Board of Assessors, or temporary Board, if you will, where they meet occasionally, typically is not made up of individuals who necessarily have any expertise in the appraisal field. And, for that type of Board to make a decision of granting or denying abatements, I think, is not in the best interests or the fairest interests for the citizens of Manchester. And, the only reason I say that, is typically, a Board of Assessors who is part-time like that would either be rubber-stamping the recommendations of the full-time staff, or if they were to deny a recommended abatement, I guess my question would be, since they do not see the property, they do not necessarily have the appraisal expertise and skills, on what basis would they deny such an application? I believe that the structure that we do have in Manchester has worked extremely well, it was initiated in 1906, and I am not one to say that just because it has been there forever, it must stay

there forever. However, this structure was reaffirmed back in 1982 or 3 when the last Charter Commission was convened and was passed once again by the public, so I just wanted to - I hope that answers your question.

Chairman Pappas stated: Did you have a third question?

Commissioner Cook stated: Yes. I had a general procedural question, based more on your experience with the City and interest with the process. We have been given two models, or at least I think two models are evolving in terms of coming up with a departmental and organizational structure for the City. One is for this Commission to say these departments will exist, and one is to say a departmental and organizational system will exist which will be set by somebody, probably the Board of Mayor and Aldermen, one way or another, but within "X" period of time after the adoption of a new Charter. Have you any thoughts on which would be better?

Mr. Porter stated: I am not sure, Commissioner. Could you repeat - not repeat it - but -

Commissioner Cook stated: Should the structure be in the Charter or should the Mayor and Aldermen have flexibility to adjust it?

Mr. Porter stated: I think the structure is well served by being in the Charter, because then it leaves no room for conflicts of opinion as to whether a department exists or not. I am not a disbeliever in consolidation, however. I think that the Charter does cover that quite nicely, even now. When it says that the Board of Mayor and Aldermen may consolidate similar functions, and I think that certainly under any structure whether you had it in the Charter or did not have it, that it certainly would not be in the best interests of the taxpayers of the City not to consolidate like functions, but also it could be disastrous to try to consolidate unlike functions. So, I think it is covered presently in the Charter, as far as consolidation.

Commissioner Cook stated: Thank you.

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: I wanted to follow-up on something you mentioned regarding some of the exemption applications and the type of personal and financial information you receive in connection with those. If the City went to some type of an appointed or volunteer board that met in public session, then would those types of personal and financial matters be disclosed on the public record?

Mr. Porter stated: I think there is - I do not think they would have to be disclosed on the public record, Commissioner, but I do think that when you have a public body that meets and the taxpayer is to go in there, inadvertently that individual will come out many times with some personal information that is not necessarily requested. Information that we have, for example, on elderly on income, and so forth, I believe that is privileged information and would not be made public, and the way it is under the present structure, the individual comes into our office, a decision is made right there. We do give them back any information that they present us in writing that is of any sensitive nature, or in our opinion sensitive, because we feel if the issue were questioned, we could always call them in to have them represent that evidence.

Chairman Pappas stated: Thank you. Further questions? Commissioner Baines.

Commissioner Baines stated: A couple of questions. Just for my own understanding, are qualifications for assessor determined by State law?

Mr. Porter stated: No.

Commissioner Baines stated: What - so, who determines the qualifications to be an assessor? Is there a job description?

Mr. Porter stated: Well, there is a job description. But, being an appointed position, it is the appointment process - I do not think it - it does not go through the Personnel Department if that is what - are you referring to that?

Commissioner Baines stated: Yeah, I think so. Do you think it should?

Mr. Porter stated: I really do not know, I have not given that much thought.

Commissioner Baines stated: I find that somewhat unusual that if you want to be an assessor in Manchester, you really have to get seven votes, right?

Mr. Porter stated: Correct.

Commissioner Baines stated: As opposed to having a job description posted - that - whether it be your department or any other department -

Mr. Porter stated: Right -

Commissioner Baines stated: - that - here are the qualifications to be a department head in any department in the City, and then you have an opportunity to apply, you know, because my reference would be the School Department. You know, you just cannot become a principle - to get seven votes of the School Board, you have to apply, you have to have certain qualifications. I am just curious about that. The other question - I asked this of former Mayor Mongan, because I never - the first political campaign I ever got involved in as a young college student, was his campaign, and it was based upon some alleged interference from the Mayor's Office and the Assessor, and induction of assessment of property. How do you, as a political person, in the essence of how you keep you job, deal with a mayor or aldermen coming in for an abatement? How do you deal with that and keep it apolitical? Because you are a political person yourself.

Mr. Porter stated: I believe I do have the ability to differentiate between the professional function as an appraiser and the political function in that I operate within a political system. I will say this, Commissioner, that as far as general requests or information - or influencing abatements - no mayor, nor has any aldermen in the fifteen years that I have been a member of this Board of Assessors, has ever attempted to influence an assessment or the granting or denying of an abatement or an application for an exemption. I guess at some point, no matter what structure you have and no matter what is in place, you must at some point rely upon the integrity of the individual, and I believe I have the ability, and we as a Board have the ability, all three of us, and have - had that ability in prior Boards, to not grant or deny an abatement based on what job that person has, or where they stand in the community from a political point of view.

Commissioner Baines stated: Have you had to deal with a mayor or an alderman coming in on an abatement issue? I am not saying that there is anything wrong with that, I am just curious - have you ever had to deal with that?

Mr. Porter stated: There have been a few over the fifteen years, yes.

Commissioner Baines stated: - not uncomfortable, at all?

Mr. Porter stated: No.

Commissioner Baines stated: Thank you.

Chairman Pappas stated: Further questions? Commissioner Lopez, and then Commissioner Stephen.

Commissioner Lopez stated: Unlike some of the other departments where we have commissions and the department head gives us reports, and all of that, who do you report to in the structure of the government and provide the necessary documents that is needed to make policy decisions.

Mr. Porter stated: We are accountable to the full Board of Mayor and Aldermen. There are no regular reports that have ever been requested of the Board of Assessors to the Board of Mayor and Aldermen. The reporting function on an annual basis is and always has been that at a particular time of year we would provide the tax base and - an amount of money to be placed in the overlay, and under the statutes as they are presently written, the Board of Assessors has the sole authority in recommending what is needed for the overlay, which is the abatement account. As far as any reporting, basically, most of our reporting is done through the Finance Department. They, as well as being the Finance Department are the auditors - internal auditors for the City, and every report, every abatement that we process goes through the Finance Department. Nothing - we do not handle money in our department, at all, except for the maps that we sell, and that type of thing. As far as performance as a Board of Assessors, we do not handle money, we process paperwork. All of that paperwork goes to the Finance Department. There have been up until now, no requests specifically for periodical - either updates, or reports, to come from our office. We would be more than happy to provide that if we were asked by the Board to do this on a

periodic or on a regular basis.

Chairman Pappas stated: Commissioner Stephen.

Commissioner Sullivan stated: Paul, R.S.A. 49-C:20, which is the local option City Charter statute that we have been speaking of - you have been to a lot of the meetings, and I am sure you have heard of the statute - requires that, and I am going to quote, "assessors shall, prior to appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing assessment in the collection of property taxes." And that, somewhat answers, I think, Commissioner Baines first question, about does the Charter provide for that type of requirement. The State does. Do you think that that is a good provision to put into the City Charter?

Mr. Porter stated: I think on the surface of it I would have to say yes. However, a - I think - I do not think it would be necessary to make the requirement so restrictive that you mandate - would have it mandated that a person have specific experience in an area, and the reason I say that is the - being a member of the Board of Assessors in Manchester, although we all possess certain skills, we have chosen to divide up the work - there is a substantial amount of administrative work that is done by the Board of Assessors, and for the sake of expedition of work and taking care of things in a timely and consistent fashion, we kind of have divided it up. I think if the requirements are not so prohibitive that a person is almost - has to have an unusual background to get a job, I think it may be a good idea. But that is something that I really think would be - I really cannot offer a conclusive answer on that.

Commissioner Stephen stated: Okay. The next question I have, again, do we need three department heads as assessors?

Mr. Porter stated: Well, that is a question that I really cannot answer, because I do not see a particular advantage to us being department heads, and I do not see any particular advantage to not being department heads. And, the reason that I say this is that under the present Charter, the Board of Assessors, as three assessors, are the Department Head and I would have to assume without knowing what went on in the minds of all of the prior Boards or Charter Commissions that have existed, I only know of two, there may have been others,

but the original one in 1906, and the last on which was in 1982 or 3, and that - I believe that as a Board, as an Appeals Board, it is certainly prudent to have us as peers rather than have one subordinate to the other. I do not know that that is necessarily what was in their mind, but I would think that - I would come to that conclusion, that the three assessors are equals when it comes to the performance of the duties as a member of the Board of Assessors.

Commissioner Cook stated: It is kind of a theological concept.

Mr. Porter stated: That is correct, Commissioner.

Commissioner Stephen stated: Thank you.

Chairman Pappas stated: Further questions? There being none, thank you very much, Paul. It was great. Now we would like to hear from Joan Gardner, from our Tax Department.

Discussion with Tax Collector Joan Gardner.

Ms. Gardner stated: Thank you, Commissioner. I am your Tax Collector, and thank you very much for having us. As you know, we have been to most of these meetings, and I would like to congratulate you on the forums, they have been excellent and I have enjoyed them and learned a lot. One of the things that I did hear at several of the meetings that I decided that I would like to address is the issue of accountability, because I would sit there and hear people say that department heads need to be accountable, and I would shake my head and say, "I don't know of one department who feels that they are not accountable to someone." I think if you asked each and every one of them, the answer you would get is that they are accountable to the Board of Mayor and Aldermen, ultimately. They know that they are accountable to their commission, who is then accountable to the Board of Mayor and Aldermen. That was the only issue that I guess I heard repeatedly and wanted to address. Other than that, I just thought I would make myself available if you have questions.

Chairman Pappas stated: Fine. Thank you. Commissioner Sullivan.

Commissioner Sullivan stated: Joan, is it correct to say that maybe fifty percent

or more of your duties are actually prescribed by State statute?

Ms. Gardner stated: Yes.

Chairman Pappas stated: Commissioner Baines.

Commissioner Baines stated: That last comment intrigued me, because I have heard it recently said that if you have to report to the Board of Mayor and Aldermen you really are reporting to no one. I just heard that - no - it was just said, recently, during the recent debate about the Assessor's office. And, the idea being that you should be reporting to the chief executive directly, of the City. So, would you explain why you feel you are that accountable when there are really thirteen people as opposed to, you know, one person in the organization that you have to report to.

Ms. Gardner stated: I believe in the Charter it states, somewhere in 3.10 (b) that we are accountable to the Board of Mayor and Aldermen, that the Board of Mayor and Aldermen can remove us from office for cause, and we are nominated, at least I am, by the Aldermen. And, in that situation I feel that if any Alderman has a question I am accountable to the Aldermen as well as to the Mayor.

Commissioner Baines stated: But, do you feel accountable to the Mayor as the chief executive?

Ms. Gardner stated: Yes. If the Mayor were to call me and to ask me - if he had a problem with something, I would feel as accountable to him as to the Board.

Commissioner Baines stated: Okay, thank you.

Chairman Pappas stated: Further questions?

Commissioner Dolman stated: One last question.

Chairman Pappas stated: Sure -

Commissioner Dolman stated: Would it be feasible, taking away State statute, to consolidate the Tax Collector as it was tried, with either the Finance Department

or with the Board of Assessors? What is your feeling about that?

Ms. Gardner stated: Taking away State statute, it was the Charter that did not allow it.

Commissioner Dolman stated: - okay. Well, we are working on that Charter, so -

Ms. Gardner stated: - not necessarily State statute. Would it be allowed if you took it out of the Charter -

Commissioner Dolman stated: - would it be beneficial for this - the running of the City, you being consolidated?

Ms. Gardner stated: I think that is a personal opinion, and I will give you a personal opinion, that, in my opinion, separation of powers is much more important than any efficiency you may document if there is an efficiency. I believe that you have got three separate functions, where you have the assessors, you have the tax, and you have finance, and I believe that if you keep them separate you are preventing problems from happening.

Chairman Pappas stated: Commissioner Shaw.

Commissioner Shaw stated: Do you think the Mayor should have the right to hire and fire at will?

Ms. Gardner stated: Another personal opinion. I do not think anyone, anywhere, should have the right to fire at will. That is my opinion, and that is personal, because I think anyone who is fired should have a cause. There should be a reason.

Commissioner Shaw stated: What about hiring?

Ms. Gardner stated: Hiring at will -

Commissioner Shaw stated: Just not renewing you when the new mayor comes in and hires somebody else to do your job, without firing - because - all positions

can be filled by the -

Ms. Gardner stated: - reappointed. My own personal opinion is, I guess, if I am not reappointed, I would like to know why. It would be the same thing as firing me.

Chairman Pappas stated: Further questions? There being none, thank you very much. We have three speakers left and the first is Leo Bernier, our City Clerk.

Discussion with City Clerk Leo Bernier.

Clerk Bernier stated: Well thank you very much for giving the Department Heads an opportunity to address the Commission. I do have a few suggestions, and I would like to pass them out, and that is regards to Article Five of the City Charter, regards to election. The suggestion, and you can probably read this at your leisure. I believe that we should condense most of the sections into one or two sections, regards to elections. I will give you an example. We might be experiencing seven elections in fourteen months if we have the election for the CenterPlex. Our elections, the taxpayers, if we have seven elections, will spend up to Two Hundred and Ten Thousand Dollars, that includes the State -

Chairman Pappas stated: Excuse me Leo, another minute -

Clerk Bernier stated: Okay. I have read in the newspaper, and I have talked to some of you and you have talked about whether there should be a non-partisan or a partisan ballot or an election. Again, I would just like to notify the Board that it does cost upwards of Thirty Thousand Dollars to have a City-wide election, and I think you should - you need to consider that when you have a turnout of about eight to nine percent in the primary, and up to about twenty-five to twenty percent at a general election. I am here this evening just to address the elections, and if you have an opportunity, I will be happy to answer any of your questions in that area.

Chairman Pappas stated: Alright. Do we have questions? Commissioner Stephen.

Commissioner Stephen stated: Leo, when the City of Concord in 1992 had -

established their Charter Commission, they went to Concord and got special legislation in January, to move their election to February during the Presidential Primary to save the City Thirty Thousand Dollars.

Clerk Bernier stated: That is correct.

Commissioner Stephen stated: Why can't we do something like that for these seven elections that you are talking about? I know some of them involve national elections.

Clerk Bernier stated: Well, if you take the Charter Commission, it is required by law to set a certain date. We had to follow a formula, so that is why it was held on January 23rd. That would have been difficult to change. Regards to CenterPlex, there are individual people that are interested in participating in the private side which they need to have a decision made, I think, by June 15th. So the Board of Mayor and Aldermen would probably want to - will hold the election prior to that date, if possible. Each situation is different.

Commissioner Stephen stated: But there is nothing preventing the Manchester delegation from going up to Concord and getting special legislation passed to move the election to a - an established election, correct?

Clerk Bernier stated: Well, the Charter Commission, they could not do anything with that, I do not think, but with the CenterPlex, they can move that to September if they wish, or November of next year - of this year.

Chairman Pappas stated: Okay. Commissioner Lopez.

Commissioner Lopez stated: I just wanted to - just to ask if you have any knowledge or information in reference to a ballot - you heard at the last election where cities - towns primarily - can vote by ballot, some towns, to some portions of the - like to say a school issue or something like that. But, like the CenterPlex, where they talk about non-binding, would it be cheaper to send a ballot to everybody that is a voter in Manchester, rather than go through the whole process of spending Thirty Thousand Dollars? I know that stamps would be cheaper.

Clerk Bernier stated: I think, Commissioner Lopez - it - all - this was debated

with the City Solicitor's Office as well as my office as well as with the Mayor and Aldermen. The CenterPlex issue, it is generated by State law, so keep the purity of the election, and you should follow election laws. If the Board of Mayor and Aldermen chooses to do a poll, they can do it in any way they want to, so - I hope I answered your question.

Chairman Pappas stated: I think so. We have one further question - or two. Commissioner Dolan.

Commissioner Dolman stated: Well let's not - I do not want to politicize the CenterPlex, but it was recommended by many people in front of the Board of Mayor and Aldermen to put CenterPlex on the election when the Charter was elected. In fact, it was asked of the Board of Mayor and Aldermen to put the CenterPlex issue and the hospital issue on the ballot at that time, and if I remember correctly, I think there was a majority vote for it and the Mayor vetoed -

Commissioner Cook stated: No, that was the hospital, I don't -

Commissioner Dolman stated: - the hospital, okay. I'm sorry. That was CenterPlex - okay. And also the CenterPlex was discussed but it was never voted on, so - I give - that was a decision by the Board of Directors of the City of Manchester, not to put it on that ballot, the reason -

Chairman Pappas stated: Okay. Further question from Commissioner Sullivan.

Commissioner Sullivan stated: Leo, you like the Tax Collector have some state statutory authorities and jobs. Has the Board of Mayor and Aldermen ever taken any actions that would, that could have possibly interfered with or conflicted with your State statutory responsibilities?

Clerk Bernier stated: No.

Commissioner Sullivan stated: Thank you.

Chairman Pappas stated: Thank you. Commissioner Cook.

Commissioner Cook stated: Not a question so much as a comment, we have got

another session on elections and Commissioner Sullivan and my subcommittee is working on it, and this is very helpful. I think that the constraints, the concern that we have is that the constraints of how we conduct our elections are a function of State law -

Clerk Bernier stated: That is correct -

Commissioner Cook stated: - and the concern is that we not have a Charter that inadvertently had conflicted with them, even though it incorporates State law, I think that is what we are trying to -

Chairman Pappas stated: Excellent point.

Clerk Bernier stated: Excellent, excellent.

Commissioner Cook stated: Thank you.

Clerk Bernier stated: - Commissioner. And, that is what I have tried to address, and I think that if you look over the sections, you will see.

Commissioner Cook stated: Well, I have one more question.

Chairman Pappas stated: We have two over here. Commissioner Stephen.

Commissioner Stephen stated: I have another question that I have been wanting to ask you, Leo, with regard to ethics, I guess. One thing is financial disclosure forms and political contribution forms. First of all, with regard to the political contribution forms, by elected candidates, do they currently file with you prior to their elections, or a short time after the elections, as required by law?

Clerk Bernier stated: By a short time - can you answer that question?

Commissioner Shaw stated: The answer to that is that the Union Leader enforces the law.

Clerk Bernier stated: the ahh -

Commissioner Stephen stated: In all due respect, but I would like to -

Clerk Bernier stated: - because there is no provision in the Charter that gives any - there is no provision in the Charter that gives me any authority to go after them, the elected officials who are running. In all honesty, they really do very well in filing -

Commissioner Stephen stated: But some don't?

Clerk Bernier stated: - but some don't.

Commissioner Dolman stated: Very few.

Commissioner Stephen stated: And, when they file with you, and with your office, and the public comes in, or a member of the community can make - get ready access to those particular forms?

Clerk Bernier: Yes.

Chairman Pappas stated: Further questions?

Commissioner Stephen stated: Thank you.

Chairman Pappas stated: Further question from Commissioner Lopez.

Commissioner Lopez stated: Yes, Leo, you are here all of the time with the Board of Mayor and Aldermen.

Clerk Bernier stated: Um-hmm.

Commissioner Lopez stated: And, Carol has helped us tremendously when she brings up some points about the City Charter. Should there be something in the City Charter that leads to a - maybe the City Clerk - a committee - whatever the case may be, to inform the Board of Mayor and Aldermen when they are in violation of the City Charter?

Clerk Bernier stated: I think - but - while it could happen, is that maybe the

Board should appoint a special committee to review their actions.

Chairman Pappas stated: We have a final question from Commissioner Dolman.

Commissioner Dolman stated: I want to really - follow-up on that for just a moment. Should there be, of course you see in the conflict, the 8.03 conflict, should there be some kind of enforcement of the Charter, in the Charter, so that there would not be a problem with people not following the Charter, Leo?

Clerk Bernier stated: I think that if you look at your City Government book that there are a lot of holdovers. And that is what really, I think that, for an example, I heard that the Fire Commission, they have a vacancy, and it has been over ninety days, one a hundred twenty days, there should be something in the Charter that says that, you know, if you do not fill that position in sixty days, the person is a holdover, or maybe the Board of Aldermen will fill the slot, I mean, I am not sure. But there is - you need a closure. You need to address, like for an example, we have, the Board of Registrar, in the Charter it says that we, in the month of April, the Mayor makes an appointment. We have two holdovers in that area. And I, you know, if we have them at a special election and there is some complications and you know, you will have one side of - the legal will say, well you know, these people are not, they are just holdovers, and it would - there would be a lot of complications. So, I really think that in the Charter you need to address that issue, so holdovers will only be sixty days, or ninety days.

Chairman Pappas stated: Commissioner Cook - oh, a further question?

Commissioner Dolman stated: You mentioned that, you just mentioned that the Board of Registrars, isn't there a possible problem with all - that all three registrars could come from the same ward as occurred in the last - would you feel that that is a good thing to happen?

Clerk Bernier stated: Well that is something that this Commission will have to address -

Commissioner Dolman stated: - okay. My real question was, when you talk about elections, you talked about also - everybody filing reports, and most people do, except for certain people, and that the public have the access to it - isn't there

an escape for people who can have - if they are going to file for office, they can have their fund raisers prior to filing for office, and they do not have to file any statements about their fund raiser, prior to filing?

Clerk Bernier stated: I think, Commissioner Cook, if we start working closely with the State statutes, what happens is that when questions like that arise, the elected official will say, "well, let's follow the Charter," or, "let's follow the State law." I think that in the direction that you are going, I think we will be able to address those issues and then we can clarify. I think the State is far ahead of us in regards to addressing those kinds of issues, and I think we are heading in the right direction.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: Just a follow-up on Commissioner Lopez's question on the enforcement of the Charter. Obviously, the presumption and the hope is that you do not get violations, but if you get an inadvertent violation of a Charter - my assumption has always been, without ever really thinking about it until we came to this Commission, was that the City Solicitor's Office being the law interpreting office of the City, was supposed to at least point that out to the Board as opposed to the Clerk's Office, and I guess this raises an interesting question. Who do you think has that function?

Clerk Bernier stated: The Police Department -

Commissioner Cook stated: The Police Commissioner, right.

Commissioner Sullivan stated: But, what happens is that the Board or the Mayor may not follow the City Solicitor's interpretation of the Charter and that is the problem we have had.

Commissioner Cook stated: Well, that is a different question, and I suppose that can always be -

Commissioner Dykstra stated: Can I just ask one -

Commissioner Shaw stated: It is stated in the Charter.

Chairman Pappas stated: Let's go one at a time, so we do not lose track.
Commissioner Dykstra.

Commissioner Dykstra stated: Just very briefly, thank you. It just has to do with the people who do not file their disclosure. The thing is Leo, I think - is it true that basically there are fines that are basically imposed on these people, and have you ever collected these fines, and how much does someone, does anybody owe any money or - there are no fines?

Clerk Bernier stated: Well, as you see, Commissioner Shaw is looking at the Charter. If you had the State Election Law book, we could probably - be able to enforce it. There is a statute, but I think that when Commissioner Sullivan and Cook condense what we have here, and address a lot of State election laws, we will be able to identify - address that issue quickly.

Commissioner Dykstra stated: Okay, thank you.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: Well, Commissioner Cook made a statement about the enforcement and letting us know. What happens, as it happened with 8.03, if I remember correctly, following the Board of Mayor and Aldermen meetings, the City Solicitor said you did not have to follow -

Commissioner Shaw stated: There are rules that you -

Commissioner Dolman stated: Yes, but you made the decision - a rule - saying that you did not have to follow the Charter in 8.03 -

Commissioner Shaw stated: No -

Commissioner Dolman stated: - yes he did, because one of the Alderman brought up at the Board meeting, the appointment of this Committee, I think it is called, and it was voted down and the City Solicitor gave a decision, whether I agree with the decision or not, saying that you did not have to enforce it. There was no penalties for not following your Charter.

Commissioner Cook stated: Well, I do not think - I do not think it was an enforcement provision. I think that was an interpretation of a law saying, you have come to a fork in the road, which way you came - you go - or can you go both ways, or either way?

Chairman Pappas stated: Further question?

Commissioner Shaw stated: - Section 2.05, "General Powers and Duties of the Mayor," number "e," "Law enforcement authority," and it says here, "The Mayor personally shall enforce, or, subject to his direction and supervision, shall cause other officials to enforce, the ordinances of the City, this Charter, and all general laws and special acts applicable to the City." It is clearly stated who is in charge of enforcing the Charter. It is the Mayor.

Commissioner Sullivan stated: What if he doesn't?

Commissioner Shaw stated: What a strong clause - isn't it. The Mayor shall personally do that.

Chairman Pappas stated: We have Commissioner Sullivan and Cook, both with questions, and they are both also working on this issue. Commissioner Sullivan.

Commissioner Sullivan stated: My question for Commissioner Shaw is, what happens if it is the Mayor who is not following the Charter?

Commissioner Shaw stated: Now we better have a citizens group.

Commissioner Shaw stated: Somebody sues the Mayor, and somebody steps forward, that is how government works, somebody steps forward and sues the Mayor to - to - to make him do his duties.

Commissioner Dykstra stated: Yeah, go ahead, make the lawyers rich again, Bob.

Commissioner Shaw stated: Could I - I have a question for -

Chairman Pappas stated: Okay, further question. Commissioner Shaw.

Commissioner Shaw stated: Alright. Having held the position of Welfare Commission, since we are talking about elections, do you favor appointment or election of the Welfare Commissioner?

Clerk Bernier stated: Where is Sylvio Dupuis when I need him? He explained it well. No, no, no. As you know, I have been fortunate and have served the City as an elected official with the Commissioner. I believe it should be elected. You know, you respond to the people. If you get appointed, it is just like with my position, I respond to the Aldermen, I work for the Aldermen, I work for the Mayor. You know, these are the people that I really work for and when you are Welfare Commissioner and you have got to be elected every two years, you really need to respond to this Board, to this City, all of the time, not part of the time, and that is the only reason why I think they should be elected.

Chairman Pappas stated: Further questions?

Commissioner Dykstra stated: Can I ask just one?

Chairman Pappas stated: Sure -

Commissioner Dykstra stated: I wasn't going to, but when I was reading the paper the other day - This has to do with, just - if - if the Mayor stepped down to run for Governor, say, okay? Now, if he did, the way it stands now within the Charter, I believe that the Aldermen could basically go out there and appoint someone. I think that it happened where in Dick Stanton's term he was a Clerk, which was, I thought was a good choice - The thing is, do you feel that that is the way it should be. Say a Governor, no, not Governor - a Mayor, basically is in office for a month or two, and he decides to run for another office, or even passes on, do you feel that possibly it would probably be better to have a new election? Or should there be a time frame when you do that? Do you feel that the Charter is fine? That we could, the Aldermen should decide, who your Mayor is going to be for the next, say, one year and ten months?

Commissioner Shaw stated: I don't think that is possible.

Commissioner Dykstra stated: Well, I don't know -

Clerk Bernier stated: I think that timing, time is a factor. If it happens quickly, if he takes office in January and he happens to get a better opportunity in February, then I think an election is -

Commissioner Shaw stated: The Charter mandates that, doesn't it?

Commissioner Dykstra stated: Excuse me -

Commissioner Shaw stated: It says all vacancies shall be filled in the manner that they were first filled.

Commissioner Dykstra stated: Just a clarification -

Chairman Pappas stated: Clarification, Commissioner Dykstra.

Commissioner Dykstra stated: Yes. Just a clarification. Isn't it true that a Board of Mayor and Aldermen do choose -

Commissioner Shaw stated: That is the old Charter.

Commissioner Dykstra stated: They - what old Charter? We are working with the old Charter? I mean -

Commissioner Shaw stated: This is the new Charter.

Chairman Pappas stated: Could we ask Leo?

Clerk Bernier stated: No, I cannot answer you, because I do not have that -

Commissioner Dykstra stated: Yes, I just wanted - I think that is - I read it - now that I have read - the Union Leader is right, quite often, but ahh, I remember that that is the way it was, and I believe that, and I just wonder if anybody knows? Is that the way it still works, or?

Chairman Pappas stated: I do not know the answer. There is someone raising their hand in the back, Paul Porter.

Mr. Porter stated: My recollection of the last change was that the Aldermen would elect a Mayor to serve until such time as a new will occur, but it could not be one of their own.

Commissioner Shaw stated: That's right.

Clerk Bernier stated: That is correct.

Commissioner Dykstra stated: So they could go -

Commissioner Shaw stated: That is the **old** Charter.

Chairman Pappas stated: Thank you.

Commissioner Dykstra stated: Well that is what we are working with.

Commissioner Shaw stated: No. This is the new Charter, and it says here -

Clerk Bernier stated: Where are you reading that -

Commissioner Shaw stated: Well, it is - Under Section 5 - Well, it might not be there - but -

Commissioner Dykstra stated: We are working with the old Charter, aren't we?

Commissioner Shaw stated: It - on two places in the Charter on vacancies, and it states that the ahh, the position - it does not mention Mayor, but it says the position shall be filled in the manner that they were filled before, so if it - you have to presume that if a position was filled by an election, it needs to be filled by an election. If a position was filled by an Alderman appointing, and Board confirming, that is the manner -

Chairman Pappas stated: Well maybe this is something -

Commissioner Shaw stated: The old Charter used to have the method they just mentioned, the **old** -

Commissioner Dykstra stated: How many Charter's are we talking about, Bob?

Commissioner Shaw stated: Before '82 -

Commissioner Stephen stated: Bob, it is in 5.13 (e) -

Chairman Pappas stated: Maybe this is something we can explore a little bit later, because we still have two speakers before us, and it is something that we can even shoot over to Kathy - to Commissioner Sullivan and Cook's committee to research.

Commissioner Sullivan stated: Yeah, because 5.13 (e) is the registrars -

Commissioner Stephen stated: There is elections -

Commissioner Sullivan stated: There is a Section 5.12 about the -

Commissioner Stephen stated: 5.12 -

Commissioner Sullivan stated: - the Commissioner of Welfare and the School Committee.

Clerk Bernier stated: I would like to add one thing. It is very similar to what happened in Ward 5 -

Chairman Pappas stated: Leo -

Clerk Bernier stated: Pardon me?

Chairman Pappas stated: No, go ahead.

Clerk Bernier stated: Okay. It is a similar situation. To answer your question, and that question always comes up to me. Let's use an example of Ward 5. There is a vacancy at this time. For us to have an election costs us about a Thousand Dollars to perform. If we follow State law, which we do, the election would not be until May. So, the filing period is in June, and the person who got elected would never serve the House, so it is all timing and both parties are very

active in that. I have calls - no, and that is, you know, unfortunate - that Mr. Loughlin passed away, but if we would - by the time we got a letter, by the time the Governor's counsel voted on the time period, then the sixty days, and - the absentee ballot, that person would not, I think the general election would have been in May, and I think the - what the House would serve what - two or three more weeks - and then the filing period is in June, so it was determined that we would wait. But it all, I think it all depends on the vacancy. I think what happened to Aldermen Dolman, we had an election very soon because it was the beginning of his term.

Commissioner Dykstra stated: Okay.

Clerk Bernier stated: And that is - usually the Board will decide that, that is - Board of Mayor and Aldermen.

Commissioner Dykstra stated: Alright, thank you.

Commissioner Stephen stated: Here comes the law -

Clerk Bernier stated: - here we go.

Chairman Pappas stated: Here comes Carol to -

Clerk Bernier stated: Thank God, for Carol.

Chairman Pappas stated: - inform us.

Clerk Johnson stated: Actually, I think that it was Paul that found it, but I was looking for it because I knew that it was here somewhere. The issue of filling the Mayor's vacancy refers back to, again, to State law, and it is actually R.S.A. 45:6

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Commissioner Baines stated: It's an R.S.A.?

Commissioner Stephen stated: Good.

Clerk Johnson stated: It deals with Mayor vacancy and it is printed in our

Government book for reference and it says, "As soon as may be after such vacancy shall occur, the Board of Mayor and Aldermen shall meet and declare the existence of such vacancy and the cause thereof, whereupon such Board of Aldermen shall elect a Mayor, who shall serve until the next regular election and until his successor is duly elected and qualified. No person who is at the time of the occurring of the vacancy a member of the Board of the Aldermen shall be eligible for election."

Commissioner Dykstra stated: That's right - so it is - that is the way it started -

Commissioner Baines stated: So, in our subcommittee, we will be incorporating, hopefully, things like that in the Charter, so when people read the Charter it will be understandable?

Clerk Bernier stated: Try to make it - it could be regular elections, or it could be State elections.

Commissioner Baines stated: Well, regular election I think, it would be municipal -

Commissioner Dykstra stated: Yes, if it was a municipal issue, I -

Clerk Bernier stated: No - it would be - could be either - it could be State -

Commissioner Shaw stated: It could be either?

Commissioner Dykstra stated: Thank you.

Commissioner Cook stated: They could talk to -

Commissioner Dykstra stated: I think we better clarify that in the Charter, right?

Chairman Pappas stated: Yes. I think so, too. Do we have any further questions? There being none, we would like to now -

Clerk Bernier Stated: Thank you very much.

Chairman Pappas stated: - say thank you to Leo, and invite Michael Roche from the Retirement Board, and our Health Officer, Fred Rusczek. If you two would please come forward - And, how about if we begin with you, Mike?

Discussion with Retirement Board member, Michael Roche.

Mr. Roche stated: That is fine. Thank you very much. I would like to - I appreciate the opportunity to address you people. Like Assessor Porter, I was one of the ninety-nine people that was not fortunate enough to make it, and I congratulate each and every one of you and you have a tough job ahead of you. The reason why I am here, is that I am a member of the Contributory Retirement Board, and I am representing - I am speaking for myself, not on behalf of the Board. I have been on the Board, I am in my nineteenth year, and I would just like to make some comments about my feelings about City Boards and Commissions. Speaking of the Board that I am on, that has a diverse group with seven members. The Mayor is on the Board during his term of office. The Finance Director is on his or her term of office, serves as Treasurer. There is the - the Aldermen have one appointment. The Mayor has one appointee, there is three elected officials, one citizen rep, and two employee reps. I am one of the two employee representatives. I work for the Manchester Water Works and I have been there now, twenty-four years as well. I think that Commissions are very important in the City, and hopefully they will continue to exist. With them you have very good, you know, checks and balance. Without them there would be a - in a lot of cases it would be a true dictatorship. But I do believe that there should be term limits for commissioners that are appointed and I believe a fair time would be ten years, and for anyone who is elected, there should not be term limits. And also, some boards should have shorter terms. There are some commissions that have six-year appointments that outnumber the Board of Mayor and Aldermen's terms, who actually appoint these people, their terms are considerably longer than the Board of Mayor and Aldermen's terms who actually make the appointments.

I am in favor of a strong code of ethics and disclosure for all boards and commissions. The Retirement Board had adopted one in 1990 which worked out very well and was drafted by Sheehan, Phinney, Bass and Green, the Retirement Board's legal counsel. On page eleven of Mayor Wieczorek's testimony of March 6, 1996, relative to the Retirement system sick leave, it said those were

items which should be negotiated between the City and its employees and I think it should not be changed. It was not a negotiable item and the employees would be best served if it stayed the way it was. Recently, we had to go to the voters and amend the Charter to bring the Retirement System into compliance with current I.R.S. regulations. That is completely false, and I do not know where the Mayor got his information, but if he attended meetings like former Mayors Dick Stanton, Emile Beaulieu, and Bob Shaw had in the past, he would have know that it had not actually taken place. It is important that the political balance on boards and commissions not be only in the basic services departments, but also should be in the enterprise funds such as the Manchester Water Works and the Airport Authority. The Water Works Commission should look into the possibility of having members from surrounding towns serve on the Water Works Commission like what was done at the Airport Authority. Pay was an issue in the past with the commissions and there were two Water Works representatives who had come before the Charter Commission who had said the stipend was One Hundred Dollars for Commissioners, when in reality the amount is Twelve Hundred Dollars per Commissioner.

Commissioner Dykstra stated: Do you feel, would you go along with Boards or Commissions if they were non-partisan?

Mr. Roche stated: Yes, it would be a fair and positive change.

Commissioner Sullivan stated: Do you think it is appropriate for a Commissioner from a different department to get involved or coerce another department into daily operations?

Mr. Roche stated: Definitely not.

Commissioner Lopez stated: In reference to the Retirement System, what does the City pay in relation to what the employees have to pay?

Mr. Roche stated: Employees pay two and a half percent of their gross pay, with the City paying in the range of six to seven percent.

Commissioner Lopez stated: Do the Water Works employees contribute for their employees retirements?

Mr. Roche stated: Yes. Water Works pays approximately Two Hundred and One Thousand Dollars per year for its employees with none of the money coming from the taxpayers, because it is taken directly from Water Works revenues.

Commissioner Cook stated: There has been a case in the Supreme Court as to how the Retirement System could be changed by law, but the jury had not yet rendered its decision.

Mr. Roche stated: The case has been pending since November to find out if numerous changes that have been made since 1974 would be affected, it at all.

Commissioner Stephen stated: Would employees within the Retirement System be able to transfer their pension benefits if they transferred to another City department?

Mr. Roche stated: Yes, so long as they remain in the same retirement plan, and do not go into the State Retirement, which is a totally different plan.

Commissioner Baines stated: I heard that the Water Works did not affect the tax rate, so what is the difference between a fee and a tax?

Mr. Roche stated: It is based on water usage. Not all taxpayers pay water bills as there is some vacant land, as well as homeowners, who still have wells.

Chairman Pappas thanked Mr. Roche for coming and recognized Fred Rusczek, the Health Officer.

Discussion with City Health Officer, Fred Rusczek.

Mr. Rusczek stated: I am addressing the group in support of retaining a Board of Health. The Board of Health has existed for over one hundred years, and in 1885 its members were paid Two Hundred Dollars per year, which is the same as they are paid today. The board of Health completes three primary functions. The Board of Health acts as a hearing body for matters pertaining to the licensing of food establishments. In this capacity, it allows for a non-political oversight of license suspensions and revocations and, as a body, provides oversight for Department enforcement actions. The current Charter requires that the Board of

Health be comprised of a physician, a dentist, a nurse, a labor representative, and a lay person. In this capacity the Board provides professional input based on their disciplines into the different activities of the Department. Without a Board of Health of such composition, the Department may have to acquire professional consultation at a greater cost.

The last function of the Board of Health is one of community representation. This role provides community input into the services provided and the method by which services are provided to the public. On a monthly basis, the Board of Health reviews activity reports and provides ongoing feedback to the Department on its direction and activities.

Chairman Pappas stated: Are there any questions? None? Okay, John Brisbin from the Library.

Mr. Brisbin stated: Thank you.

Chairman Pappas stated: Jay Taylor -

Mr. Taylor stated: Manchester Economic Development Office.

Chairman Pappas stated: And Bob MacKenzie -

Mr. MacKenzie: Planning Department.

Chairman Pappas stated: And Dick Houle.

Mr. Houle stated: Department of Public Building Services.

Chairman Pappas stated: Right. So, if you have any questions of either of these gentlemen, feel free. Commissioner Lopez.

***Discussion with Trustees of City Library, Director John Brisbin;
Manchester Economic Development Office, Agent Jay Taylor;
Director of Planning, Robert MacKenzie; and Department of
Public Building Services, Director Richard Houle.***

Commissioner Lopez stated: Mr. Taylor, can you tell us what you do?

Mr. Taylor stated: How much time do you have?

Commissioner Lopez stated: Just a brief - I mean - what are you - what are you charged with by the Board of Mayor and Aldermen?

Mr. Taylor stated: The Economic Development Office, and I will make this real brief, is basically charged with the responsibility of helping existing business to expand in the City and trying to attract new business from outside the City. That is about as brief as I can make it.

Commissioner Lopez stated: This other person that was hired recently by some other group, are they doing the same thing that you do?

Mr. Taylor stated: You are referring to, excuse me, the Downtown Manager, which is being handled under the auspices of Manchester Management, Inc., which is an outgrowth of the Central Business Service District, and the Chamber of Commerce. This individual's job is going to be strictly focused on the downtown/Millyard areas. He is going to be strictly involved with downtown promotion, trying to create activity downtown, and develop the downtown Millyard. Whereas, my responsibility is, or our responsibilities include the entire City.

Commissioner Lopez stated: I guess my last question is, when John Hoben was the City Coordinator, are you working in that total capacity as he was, or limited?

Mr. Taylor stated: Technically, the City Coordinator is the head of the Economic Development Office, and as you probably know, the City Coordinator position currently is - it is vacant, so I guess, by default, I am the department head at the moment. But, we are basically doing the same job that the former Manchester Industrial Council did starting in the early 50's, combined with what the City Coordinator was doing as his piece of the Economic Development puzzle. If you recall, we then switched in to a private non-profit organization called Greater Manchester Development Corporation, which then has been basically merged back into the City, into a City department called Manchester Economic Development Office. So the functions have not changed. The names and faces

have.

Chairman Pappas stated: Thank you. Commissioner Shaw.

Commissioner Shaw stated: My question is to you, if I might -

Chairman Pappas stated: Okay -

Commissioner Shaw stated: All of these department heads showed up tonight. How were they invited and why did Finance not come? Is there a special meeting?

Chairman Pappas stated: Yes. I believe we have invited Finance another evening -

Commissioner Shaw stated: - a special one?

Chairman Pappas stated: Special? No, a meeting like this one.

Commissioner Shaw stated: Well, will other departments be invited the same night as Finance?

Chairman Pappas stated: Yes.

Commissioner Shaw stated: There are some left?

Chairman Pappas stated: Yes, there are some left. And, not all of the departments wish to speak -

Commissioner Shaw stated: No, I know that they came here - but I did not know if an invitation went out to all departments -

Chairman Pappas stated: Oh yes -

Commissioner Shaw stated: For the same exact night? Or was the letter -

Chairman Pappas stated: Except for Finance - Commissioner Shaw stated: -

to Finance a different night?

Chairman Pappas stated: I think Finance was a different night.

Commissioner Shaw stated: A different night -

Chairman Pappas stated: And there are some that also submitted written testimony which, if you would like them to come back, are willing to do that. Such as the Airport Authority and a few others.

Commissioner Shaw stated: Was there a -

Chairman Pappas stated: Which we handout to you at the -

Commissioner Shaw stated: - vote by this Board to treat Finance different?

Chairman Pappas stated: Yes. I think we just listed them in a different section -

Commissioner Cook stated: In the agenda -

Chairman Pappas stated: - on the agenda.

Commissioner Shaw stated: That's the vote. I'm curious why they - you know - weren't invited the same night.

Chairman Pappas stated: Commissioner Sullivan?

Commissioner Sullivan stated: Yes, I can try to answer that, because I helped work on drawing up the agenda of meetings, and there was a feeling on the part of the officers, I think, that it would make sense to have one night where we dealt with those departments or folks who deal strictly with financial matters such as the Finance Department. I believe Welfare is on the same night, and also, I believe the school finance person as well, is coming that same night.

Commissioner Shaw stated: But it seems that Finance was treated different than schools, different than -

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Chairman Pappas stated: Well -

Commissioner Shaw stated: Well - it's just that - I know this, but it seems like the body itself should sometimes, you know, address some of these issues -

Chairman Pappas stated: Could we - we could discuss this after these folks are gone -

Commissioner Shaw stated: Sure.

Commissioner Dolman stated: Can I just -

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: Can I ask Jay Taylor a question? Jay, you said a department, but you are really not a department, you are under the auspices of the Mayor's Office, am I correct? The MEDO - Manchester Economic Development Office?

Mr. Taylor stated: No. We are under the Board of Mayor and Aldermen. We are not - we are not under the Mayor's Office.

Commissioner Dolman stated: But you are not creating - you are not a department yet, as you know as, I believe - define departments, you know - Public Buildings Department, or Transportation -

Mr. Taylor stated: Yes, we are a department.

Commissioner Dolman stated: You are a department?

Mr. Taylor stated: Yes we are.

Commissioner Dolman stated: And, you are the defined department head? Or is it the City Coordinator?

Mr. Taylor stated: The City Coordinator is the department head.

Commissioner Dolman stated: Okay, now, question, where you gave us your job description to Commissioner Lopez, and the hiring of this person downtown for the Downtown Business District, and the Airport does its own, if I am correct, economic development, in their department up there, ahh, do you feel that we really need to - filling of the City Coordinator's spot, or should it be used as former Mayor Dupuis said, as a Deputy Mayor, or something like that? Wouldn't it - I mean, I feel - would it be a possible duplication of services, where you do this description, you have a person for the downtown doing the business, and we have someone at the airport doing this, would that position best be suited to be a deputy mayor position?

Mr. Taylor stated: Well, let me clarify something. When you say the airport is doing economic development. I guess, to the extent that they have any land available to do that, they are doing it. But keep in mind that most of the land that is left at the airport is in Londonderry.

Commissioner Dolman stated: Okay.

Mr. Taylor stated: So, it really is not doing a whole lot for the City, to develop land in Londonderry, unless you take into account the benefit - the employment benefits of the area, and I certainly am not discounting that. Going back to your other question about the coordinator, I do not think that it matters - it does not matter as far as I am concerned whether the position is the City Coordinator as it has existed up to this point, or whether that position gets transferred to being the chief deputy of the Mayor. I think the point is, is that I believe a position like that is needed. And the reason I say that is because I think there are some functions that the coordinator filled previously, which are going, to some degree, unattended, because there are not enough bodies to go around and one of the things that the coordinator did was act at the request of the Board of Mayor and Aldermen to undertake and look into new initiatives. Right now the Board of Aldermen has nobody to ask to do that sort of a function, and I see that that is where that position is really, I think is sorely missed at this point. So whether it exists as the coordinator as it has been, or as a deputy, as Syl Dupuis indicated, I think makes no difference as long as there is somebody in that function.

Commissioner Dolman stated: Fine. Thank you.

Chairman Pappas stated: Further questions? Questions of any of the other departments? Commissioner Dolman.

Commissioner Dolman stated: Mr. Houle. I have mentioned, and it has been mentioned, about consolidation. (Inaudible) - now where, and it has mostly been mentioned about public buildings being - being under the School Department. Do you feel that your department would best be suited by being consolidated under a Department of Public Works?

Mr. Houle stated: I don't think so.

Commissioner Dolman stated: Could you give me a reason why?

Mr. Houle stated: I think, when we talk about the school custodians, I do not know what the school custodians would do in the Department of Public Works. I am not entirely sure that that is the way it should go.

Commissioner Dolman stated: Well, I am not saying they should be. My question is, if they were part of your department, as they were in the past, Department of Public Buildings, you want - they were in charge of maintaining public buildings. Should the Department of Public Buildings, which is a, as far as I am concerned, part of Public Works, should it be part of the Department of Public Works?

Mr. Houle stated: The Department of Public Building Services has also been charged by ordinance for a limited roll in central purchasing and fleet management. With the way we are handling custodial services that the - these days, it appears to me that I am functioning more like a purchasing manager than I am a public buildings services director.

Commissioner Dolman stated: Oh so there - the - some possibility then that maybe the job description should be changed and you should be - it should be the Department of Public - of Purchasing, and you could - and I mean, and a purchasing agent, I think -

Mr. Houle stated: Seeing that you touched on it, I am planning to follow-up with

a letter to the Charter Commission. I would propose that the Department name be changed to the General Services Department.

Chairman Pappas stated: Okay.

Commissioner Dolman stated: Okay, thank you.

Chairman Pappas stated: Commissioner Dykstra.

Commissioner Dykstra stated: Yes. But, Dick, what kind of purchasing are we talking about? Just give us an example of what you -

Mr. Houle stated: Well, basically, for the last five or six years, we have been purchasing all of the heating oil, gasoline, diesel - basically, we provide the bid document for all departments to purchase all of their fuel right now. That is a big thing. Next item is probably going to be office supplies. Purchase of vehicles. A lot of these we rely on other contracts, but it is a coordination function, and basically any additional areas we get involved with would be, would need to be authorized by the Board of Mayor and Aldermen.

Commissioner Dykstra stated: Okay. Just further -

Chairman Pappas stated: Further question, okay.

Commissioner Dykstra stated: Dick, are you the sole department? Are you the sole person that does that? Or is someone else - is there someone else that can get into that purchasing area, or is that something you solely do, or - is within your - now, are you the only one that basically deals with that?

Mr. Houle stated: In my department?

Commissioner Dykstra stated: Right, no - it - yes, in your department, or in any. I mean, you just deal with your department, correct?

Mr. Houle stated: In terms of the fuel oil and gasoline, that is City-wide.

Commissioner Dykstra stated: Okay. Alright. That is what I wanted to ask. Is

there anything else that you do that encompasses something City-wide, other than your own department? And, you just mentioned the fuel -

Mr. Houle stated: Right, and currently it is proposed in the budget that we do fleet maintenance for about seven departments. All departments that do not have a garage, we will centralize that, basically. We are trying to work out an arrangement with the MTA to service all of the other cars and there are a number of things that we would like to get going, we would like everyone to do the same type of reporting, about how vehicles are serviced, so that we can prepare ourselves for a new computer system, that hopefully, will be installed in the next year.

Commissioner Dykstra stated: Alright. Thank you.

Chairman Pappas stated: Further questions? Commissioner Lopez.

Commissioner Lopez stated: I have one for Mr. MacKenzie. Back in February, on 2/15, when Commissioner Sullivan asked you, do you think the City is operating better today than it did when you first came to work for the Planning Department, and your reply was, "I think we are." Could you elaborate just maybe a little bit more to - as to what problems maybe that we see in the Planning Department, or how we can maybe address something in the Charter, primarily?

Mr. MacKenzie stated: I think some of the positive things is that - now we - we are working much more closely with the private development part, and we are coordinating that with the public facilities improvement part, so I think that has certainly been an improvement in the system. That we can now, if we have a development in one part of the City, we can respond reasonably, recommend community facility improvements to the Board of Mayor and Aldermen, to address those new demands. In terms of problem areas, I think the problem has basically been with limited budgeting available. We have coped with that, but certainly we, in the City in general, we have been facing a decline in the taxable property of the City for the last six years, and that has been difficult, I think, for the Board of Mayor and Aldermen to allow any changes in the department - departmental budgets, to address some of the problems - but, they have not had the funding opportunities to address those, so - that has been one of the major constraints, is

limited budgeting situation, for most departments. Our department, for example, is now operating at a fund that is less than it was five or six years, and that is not adjusting for inflation or anything. So it is tight, but we have been able to make some progress.

Chairman Pappas stated: Further questions?

Commissioner Dolman stated: I'll ask this to John Brisbin - and I will thank Commissioner Sullivan for not having to ask the same question, because she sits on that - the Trustees.

Commissioner Sullivan stated: I abstain.

Commissioner Dolman stated: Do you feel, that the library, because it has a Board of Trustees, and it has endowment funds and foundation money, gets the short end of the stick from funding from the City - our City departments? This has nothing to do with the Charter, but I think -

Chairman Pappas stated: Well, you know, Commissioner Dolman just wanted to ask a question -

Commissioner Dolman stated: It actually does, because - shouldn't the library -

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: I think it does have something to do with the Charter, because I think as I mentioned at one of the previous meetings, I don't want, you know, let John answer the question about the short end of the stick, is that the library does have specific statutory requirements about adequate funding being provided by the City, and having the authority to submit its budget to the Board of Mayor and Aldermen, as opposed to the Mayor telling the library what its budget will be, and then - and live within this. So, to the extent that the library is somewhat different from other departments, yeah, there is a Charter issue here in whether or not the City government is living up to its obligations under the State statute in terms of what it should be doing for the library. And I will let John answer the question about the short end of the stick.

Chairman Pappas stated: John, would you like to come to a mike?

Mr. Brisbin stated: Sure, why not. Yes, we also have a brand new needs assessment, freshly minted and I should provide copies for you, but we are under funded by any standard, whether you are looking around at similar sized libraries in New England, or similar size libraries elsewhere. Our - hearing Mr. MacKenzie speak, I mean, I can quote you similar figures. Our book budget is finally up to six figures again, it is up to a Hundred Thousand Dollars, but it was at a Hundred and Sixteen in 1986. It should be about Two Fifty, which - which is none too generous, but that is about where Hartford is, where Providence is, and - Portland, and Portland of course has seventy thousand people, but we have not been able to grow for the same reasons that he just pointed - pointed out. The other thing is that people have a lot of misconceptions about the trust funds. That is about sixty grand a year that we get to spend on programs, some small furniture and equipment, some books and some of those funds are narrowly defined. We have some that can only be spent on Jewish periodicals, some on Polish history, some only on art books. Some only on - but our ahh - our operating budget from the City is about 1.3 million. So people think that the trust funds are a pot of gold that we refuse to spend, it is not so. It is a very small amount of money and it has always been a piece of the pie. I also, our Board of Trustees are made up of seven individuals, plus two *ex officio*, the Mayor and a liaison from the Board and Alderman Dolman, former Alderman Dolman was our liaison and served well, and we have not yet had a liaison named since his departure and we keep seeking to have some liaison, that is a problem, we would like to see that rectified -

Commissioner Cook stated: Be careful what you ask for, you may get it.

Mr. Brisbin stated: I also work very well with the Board, they do not micro-manage. They are ardent library supporters. I was listening to Len Bernard, they know libraries just as the School Board members know and are devoted and dedicated to education, and they are excellent at lobbying time. They also come, they have a blend of professional talents to bring. We are calling on Attorney Sullivan often, and Attorney Devine, we also have a teacher on the Board, a banker, a psychologist, and a small business owner, so there is always something that involves, you know, part of those talents.

Commissioner Shaw stated: It is in the genes, I bet.

Mr. Brisbin stated: We are also older than any - older - well, it is in the genes, but you want to know something? Different talents than, I know you are drawing attention to Mary Sullivan, who is the mother of Kathleen, who was a great Trustee for us - but I will tell you - if mother and daughter were on this Board, they would be disagreeing on many things. And they bring different talents to whatever they do, and they are both dynamic.

Commissioner Cook stated: Well said -

Commissioner Dykstra stated: What are you running for?

Mr. Brisbin stated: Also, we are older than the City itself. The library has been around for a hundred and fifty-three years. That was the Manchester Athenaeum, it became Manchester City Library in the 1850's, but it existed as the Athenaeum ten years prior. We are also the largest public library in the State. We are very proud of that - three hundred thousand volumes. We do a half million transactions a year. We are extremely busy, and we are trying to get on to the information highway, but it hard with a short book budget and lack of personnel, etcetera, etcetera.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: Other than statutorily requiring that you get an adequate budget, which I am not sure we can do - and I do not think anybody would disagree with, is there anything about the Charter that you are aware of, or if not, would you tell us, either through Commissioner Sullivan or otherwise, how the relationship of the library to the City could be improved by a change from the present Charter situation, if any. I mean, I do not know of any, but if there were one, can you tell us - because, I mean, we are trying to make things better not - and I think we all appreciate the library, and I certainly do, but ahh - every day on the answering machine, but the question - the real question, in terms of the Charter, if there is anything that could improve the relationship, could you bring it to our attention, because I think that is what we really interested in.

Mr. Brisbin: I will do that, I will study it. I just would like to see, as many others

have come before you and said, you know, do not do away with Commissions, they are very important, and it does provide checks and balances. I mean, I do rely upon my Board, and you know, really would like to see that maintained. I deal with, I think extremely with the Board of Mayor and Aldermen, I do not have a problem there. I would like to see Rule 25 enacted every single time, so that when we have a Trustee that is ratified here we do not have come back two weeks later just to raise our hands again.

Chairman Pappas stated: - is that a request?

Mr. Brisbin: Yes, because there are certain red-tape type things that I would like to see closed off, but I will continue to think about it and I will bring it to your attention.

Chairman Pappas stated: Great. Thank you very much, John. Further questions? That brings us to the end then of our public meeting. I think this was probably the longest - [Public meeting ended at 9:35 P.M.]

Commissioner Cook stated: We are not going to do any business?

Chairman Pappas stated: Yes. Just one or two items. I think this is probably the longest hearing we will ever have. We have before us one agenda item, which is to approve minutes of March 13th and March 20th. I will entertain a motion.

Commissioner Cook stated: I move that we accept the Minutes.

Chairman Pappas stated: Seconded, Brad Cook. Any discussion or changes? There being none, all in favor - aye? Opposed? The minutes are approved. The other item I wish to discuss with you this evening, and I will turn it over to Commissioner Sullivan or Commissioner Cook. Commissioner Sullivan, the officers and Commission Cook met and have hired some people to fill the slots that we discussed last time, and if you want to fill us in, that would be great -

Commissioner Sullivan stated: Recommended -

Chairman Pappas stated: Um-hmm, recommended.

Commissioner Sullivan stated: Subject to Commission approval.

Commissioner Dykstra stated: Exactly.

Commissioner Sullivan stated: We have spoken with, or received letters from various individuals interested in various positions, and the recommendation of, I guess I would call it the Employment Subcommittee, is that we hire three individuals, for three different positions. One is a research assistant, which we all seem to feel is necessary, with the exception perhaps of Mayor Shaw, an attorney to provide on-going legal counsel to the Commission, and then a third - a second attorney to provide the independent certification to whatever recommended changes to the Charter we may make, assuming that there are some. And the winners are, I guess as they say at the Oscars - the three individuals that we recommend hiring, for the attorney position to provide on-going legal services would be Tony Simon, to do the certification at the end of the process, Paul Alfano, and as a research assistant, John Groulx - as the research assistant.

Commissioner Cook stated: Who gets the perseverance of work for the evening.

Commissioner Baines stated: I move we accept the recommendations of the Subcommittee.

Commissioner Lopez stated: I'll second it.

Chairman Pappas stated: Thank you. Any further discussion? Commissioner Shaw.

Commissioner Shaw stated: Well, I don't want to prolong you, but I think first of all we should get City officials to provide the services we need, and that we should not have political parody in the area of the attorneys. I do not think we need to know at this time, or spend money on attorneys at this time, and I don't think they should be paid to attend our meetings if they should come here - while I don't get paid at all, and I think we should control our spending until we decide one important issue that will be before us. And that will be, if we change the Charter,

shall we accept a strong mayor form of government or a city manager form of government, and if we don't choose one of those two, then hiring anybody - you know - at this stage, would be a waste of taxpayer money, and I think that we should be frugal.

Chairman Pappas stated: Further discussion? Commissioner Cook?

Commissioner Cook stated: Well, I think, if I could comment on that, and I think those are good points that Commissioner Shaw raises. In the process of interviewing, this does not go to the research person, but it does go to the attorneys, we did not, and I do not know how much information, frankly, anybody has or - or wants - but we have not promised anybody a flat fee. We have not asked anybody to be hired to come to meetings and just sit here and work up the clock. We have not asked anybody to do anything that is not on a request basis.

Commissioner Shaw stated: On a request?

Commissioner Cook stated: On a request.

Commissioner Shaw stated: - the money should be spent?

Commissioner Cook stated: We are not going to - we are not spending - we are not having - we are not dumping money them to be available. When we have a request, we had a series of things that we asked at the end of the last meeting that we accumulate. Certain information about other cities, and whatnot, that goes to the research person. When we have specific requests and/or items to be considered by the attorneys and the certifying attorney does not have anything to do until such time as we have something to be certified, although, we are, at his request, going to supply him with copies of information so that we can at least have the things there. But the ongoing advisory one, it will only if and when we do something and need some advice on it, we will then request the service to be rendered. Not, as I understand it, correct me if I am wrong -

Commissioner Shaw stated: I want to make a further point -

Commissioner Cook stated: But it is not a ceinture for anybody, because we made it very clear that, you know, that we were not hiring full-time staff people to

be on board.

Commissioner Shaw stated: Let me make just one further point, because I know it is late - it is too bad that we got to this time when important decisions need to be made. But it is the definition of the officers of this organization, itself. First of all we have a Chairman. The Chairman - I understand what a chairman's position should be, I understand what a vice-chairman's position should be, and that is to take the place of the chairman, when the chairman is unable to do the work. I thought the secretary's position would be to record and to certify, you know, our meetings. So therefore, I do not think that any of these three officers are entitled to spend any of our money. They don't need this Commission -

Commissioner Sullivan stated: We have not -

Commissioner Shaw stated: I know it, but I just wanted to - point that - because you brought up that you do not think the lawyer would be "X Y and Z" and I just would want to emphasize that in my opinion, that none of the three officers are entitled to spend City taxpayer money.

Chairman Pappas stated: Of course not.

Commissioner Cook stated: Well, not being one of the officers, and having been in the interview process as a volunteer, which the Chairman asked for, I can tell you, none of your officers spent any money. They made some recommendations, coming here to be ratified.

Chairman Pappas stated: Commissioner Sullivan.

Commissioner Sullivan stated: And, one other thing - following up on something that Commissioner Shaw said, is that, if the Commission decides to accept the recommendations, one thing that I think that would behoove the Board, is if we try to direct our various requests, whether it is for information to the research assistant or for advice to the legal counsel, through the Chair, so that we do not have, perhaps, each of the nine individuals on their own contacting the professionals we have hired, and in fact, spending money -

Commissioner Shaw stated: Well I think that is the point, I do not think that

unless we take a vote on spending specific money, you know, let's send something to Mr. Simons for research, then we take as a vote to do that, and we can spend some money. Otherwise, any bills that he submits should be - for personal services - given to individual commissioners. I think we should have asked these questions as a group, and I am very concerned, because he is an attorney, he is going to talk to the three attorneys that are on this Board, and he is going to think the clock is running. I mean, attorneys think that. I think they do.

Commissioner Cook stated: Their hope springs eternal -

Commissioner Shaw stated: I say -

Commissioner Stephen stated: I work for the Government, so -

Commissioner Shaw stated: No. I do not think questions to Mr. Simon should be placed, except from the Board itself.

Commissioner Sullivan stated: Through the Chair.

Chairman Pappas stated: Commissioner Baines.

Commissioner Baines stated: Well, I just - I just respectfully disagree with that part of that, because I think as the Chair, in dealing with various matters that may come - coming to the Board, may have to ask advice, or ask for information, and that should be within the prerogative of the Chair.

Chairman Pappas stated: Commissioner Shaw.

Commissioner Shaw stated: But the City should provide - the City can provide, and would be willing to provide the legal advice that we need, and there is no conflict from the City Solicitor's Office in giving advice to this Commission. They would even come and be able to attend these meetings, if we so wished.

Chairman Pappas stated: Commissioner Dykstra.

Commissioner Dykstra stated: Well, I certainly do not want - you know, am not

considered a person who wants to spend money, but I thought the feeling was that if we get a research person, if - like - what area I am working in with, you know, with Commissioner Stephen and Commissioner Dolman, and conflicts and code of ethics and things, I thought that we would be able to utilize this researcher if we had some concerns in something we needed to have looked up. And, are you telling me now that in order to do this, we have to go through you and have the whole Board vote whether we can have someone research an issue on a Code of Ethics or something?

Commissioner Shaw stated: I would like to raise a point about attorneys -

Commissioner Dykstra stated: Okay, no, well that is the question I am asking -

Chairman Pappas stated: Let's do this one at a time, because - Commissioner Shaw was talking about attorneys, Commissioner Baines -

Commissioner Baines stated: My point of order would be, we have a motion on the floor to vote for some nominations, and now we are discussing how we are going to use - utilize them -

Commissioner Dykstra stated: Was it seconded?

Chairman Pappas stated: Yes.

Commissioner Baines stated: The two things should be separate. I think if Commissioner Shaw wishes to pursue his point, he should raise that as a motion after we have dealt with the issue of the personnel. I think that is a point of order.

Chairman Pappas stated: Alright. That is a good point. Are there any other questions, or -

Commissioner Lopez stated: I just wondered, this is for my own clarification - I'm sorry -

Chairman Pappas stated: There are two. Let's start with Commissioner Lopez.

Commissioner Lopez stated: I just want to - to - since I seconded the motion and

understand what Commissioner Shaw is saying, I do not - I do not believe that all of us should be just going to these people and ask them questions. I believe that the important questions should be at this Board, that we do not have a legal answer on, that we are going to go to our attorney and get a legal answer. And then maybe the clock starts ticking and he gets paid. I do not - I do not look at this - that I am going to go to him and ask him a question or go to the research guy, or something like that. If I have a particular question that I want to ask, I want to ask this Board, and maybe somebody on this Board has the knowledge and can provide it, more so than wasting time.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: I just wanted to say for the record, because I think that it is important - in terms of the two attorneys that we are recommending, because I had some initial concerns in the interview process, that because of prior associations that either one or both of them had had, that they not be controversial and the interviewing team not once, but twice, discussed the matter, went through it in reasonable detail with each of them, to make sure that they were going to give us legal advice and that they were not going to bring any baggage or history of their other relationships to the process and we were satisfied that that was the case, because were any - if anyone is asked about the people that we have hired, because they have been involved in this process, which is part of their background and talents, I just think that we should be aware of the fact that that was not lost on anything.

Chairman Pappas stated: Thank you. Well I will just - Commissioner Dykstra.

Commissioner Dykstra stated: Yes. I just wanted to ask one quick question. If the attorney is hired, he is paid by the hour, evidently, right? With the researcher is there just a flat salary, or a certain amount, or is that by the hour also?

Chairman Pappas stated: He is charging us an hourly wage, also.

Commissioner Dykstra stated: Alright, thank you.

Chairman Pappas stated: Commissioner Shaw.

Commissioner Shaw stated: Well my, I just want to make a point, that I was only talking about the attorneys. I think that researchers are - is a different area - I think that -

Chairman Pappas stated: Okay -

Commissioner Shaw stated: - that access to him should be universal.

Commissioner Dykstra stated: Yeah, I think so too.

Chairman Pappas stated: I sense you are ready to vote, unless there are further questions? All in favor? (Aye). Opposed?

Commissioner Shaw stated: Right here. (Recorded as opposed.)

Chairman Pappas stated: The motion passes. And then the only other item we have to discuss is the possibility of maybe meeting one more night a week, and we though possibly we could meet next week on either Tuesday or Thursday, and get going with the process, how we are going to - you know - what are some of the issues that we wish to deal with in the weeks ahead, and have Committee reports start to come in. Do you think is a good idea? If so, please pick a night. And, if you wish to wait another week that is fine, we were just thinking that we should get going.

Commissioner Dykstra stated: What are we basically going to address, Madam Chairman?

Chairman Pappas stated: Well, I think that it is time for us to start thinking about the process that we will be using when we sit down and start debating and deliberating over the - on the Charter. Maybe we could set up an agenda of, and list the issues that we wish to discuss in the weeks ahead, so that at least we can plan ahead. And I also think that we should start hearing from our two committees, and start discussing the work that they have been doing, which would Commissioner Stephen and you (Dykstra), and Commissioner Sullivan and

Cook.

Commissioner Baines stated: I would also like to suggest that I think it is time for us to start having some very general discussions on issues that we have heard so far and come to some conclusion, because I think that there are some issues that I think we can come to some terms on -

Chairman Pappas stated: I think there are, too. Commissioner Dykstra.

Commissioner Dykstra stated: Madam Chairman, just further. Something that Commissioner Shaw touched on about, you know, which way are we going? Are we going city manager or are we going strong mayor? I am just wondering if that is something - you know - I basically am in - almost to the point where I think I know where I want to go on this. Not what I want to do with the Charter, but whether I want to go city manager or strong mayor. I am just wondering if it would help us, in the process if, maybe at the next meeting if we think about it, or should we have some kind of a consensus as to which way we are going at this time? Other than waiting until the end of the process? I mean, I know where I am going.

Chairman Pappas stated: I am not sure if we are all ready for that.

Commissioner Dykstra stated: Well, I don't know, but I am just saying that I am.

Commissioner Sullivan stated: It is a good question.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: We said at the last meeting, we did not meet last week, but two weeks ago when we met, one of the reasons why the - importance, I believe, of getting the researcher was addressed, was that we were going to go out and seek information from cities of a similar size to ours, in New England, on how it works. I mean, you know, how Worcester works, or wherever, whatever cities you want. I know there is a list. That is the reason that we have got the researcher, that is the kind of information that can be acquired, and I think that, you know, getting that kind of thing - you do not have to have a public hearing to do that, but to get the information, have a report from our researcher, look at the

information, figure out how we want to acquire it, is a very important part of what we do, before we do that, because I do not want somebody on T.V. to say, you know, now - you have voted on which way you want to go and then you got the information two weeks later.

Chairman Pappas stated: Yeah, we might not be quite ready for that -

Commissioner Dykstra stated: I do not think I am going to base my - you know - on what a researcher is going to say. I think it is going to be helpful, but maybe we can authorize him at this point, as a full Commission to do that, instead of waiting.

Commissioner Baines stated: Can we just decide whether to have a meeting or not and then discuss at that meeting what we want to discuss?

Chairman Pappas stated: Commissioner Lopez? Going point. Commissioner Lopez, did you have anything -

Commissioner Lopez stated: - well, I think that Bob Baines took the words out of my mouth.

Chairman Pappas stated: How is Tuesday, the 16th? We have a public hearing on the seventeenth? How is Thursday? Or, would you like to -

Commissioner Cook stated: Thursday is not good -

Commissioner Dykstra stated: Thursday is no good for me.

Commissioner Cook stated: Tuesday is alright.

Chairman Pappas stated: How is the following - Tuesday, okay with everyone else?

Commissioner Cook stated: The following week, school vacation.

Chairman Pappas stated: How is Tuesday for everyone else?

Commissioner Shaw stated: I do not have a problem with school vacation.

Commissioner Cook stated: We can meet all five days, I am going to be in Washington.

Commissioner Shaw stated: Do I have your vote?

Commissioner Cook stated: We will talk about it.

Commissioner Sullivan stated: Only if you define strong mayor.

Commissioner Cook stated: Getting money for his congressional run. Running for Congress, right Brad?

Commissioner Baines stated: I think it has to be understood. You know, I have discussed it with the Chairman, it has to be understood that people are not going to be at all of these meetings. I think the time demands are extensive. My life is nights with school, and it is just not going to be possible for everyone to be at every meeting, and I think that that just has to be accepted. Everything is being transcribed, and I think that we have to keep that in perspective in scheduling these meetings, because I will not be at all of those meetings.

Chairman Pappas stated: Alright, well I will -

Commissioner Lopez stated: Madam Chairman, just a note to that, I think that when votes are going to be made, that all of us should be here.

Commissioner Baines stated: We should note that that is going to be occurring, that there is a vote occurring.

Chairman Pappas stated: So how is five-thirty on Tuesday, April 16th, and we can meet either in our old office or our new office. I am not sure which one.

Commissioner Dykstra stated: Where is the new office?

Chairman Pappas stated: It may be next door -

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Commissioner Baines stated: What time?

Chairman Pappas stated: Five-thirty.

Commissioner Baines stated: Five-thirty?

Chairman Pappas stated: Tuesday, April 16th.

Commissioner Dykstra stated: Just a working meeting, kind of?

Chairman Pappas stated: Just a working meeting.

Commissioner Dykstra stated: Okay, alright.

Clerk Bernier stated: I would suggest that you go to the City Clerk's Office to tell you where it is going to be, whether it is going to be the Bell Building or District Court, so instead of trying to reach everybody, just go to the City Clerk's Office -

Commissioner Cook stated: Okay. Or, we can come here and harass the Mayor and Aldermen.

Commissioner Baines stated: Just so you know, I will be greeting Mrs. Shriver at that time -

Chairman Pappas stated: I would like to congratulate John Groulx, and welcome aboard. Let's give him a round of applause. And, if you like, you can meet either tomorrow or Friday with the City Clerk's Office and they will fill you in on where the office is, and all of that - the key, and all that good stuff. Commissioner Lopez.

Commissioner Lopez stated: I have an item that I would like to bring up. I have been giving it some serious thought and I mentioned it to the Chair, and I wanted to mention it here, that I think - I think that it might be a good idea that if we did have the meeting with some former aldermen and former department heads of the City, to have some, maybe, input into the City Charter since they have worked with it, they have had the problems with it, and some - some department heads just will not speak out for or against the City Charter, and understandably why,

and I was wondering if that is the feeling here - I would like to see a meeting with that type of -

Commissioner Shaw stated: Well, don't we have an open hearing?

Commissioner Lopez stated: Yes, but -

Commissioner Shaw stated: - why don't they come? If they're invited?

Commissioner Lopez stated: Well, we invite everybody else, why didn't they come, you know? I mean, we invite, at a public hearing, and you are not going to get the regular lay person, and I have talked to a lot of people out there, and a lot of people have asked me questions, that will never come to a public hearing. And we have had the courtesy of having special hearings with a lot of other people, so former aldermen or department heads, surely, I think is a plus for this Commission.

Commissioner Baines stated: I think we should put that in the agenda for next Tuesday's meeting. For discussion, I think we -

Chairman Pappas stated: Alright.

Commissioner Baines stated: - we need to bring closure to this meeting at some point.

Chairman Pappas stated: I agree, and there is a date that we can discuss for that also.

Chairman Pappas stated: I will entertain - yes -

Commissioner Dolman stated: Another thing for disclosure at the next meeting is the idea of whether - who can go to the researcher or not, I think we -

Chairman Pappas stated: Those all can happen -

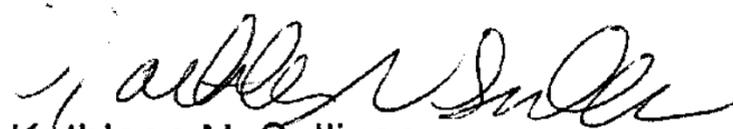
Commissioner Baines stated: I would like to move we adjourn.

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Chairman Pappas stated: I will accept that motion. All in favor.

Meeting adjourned at 9:45 P.M.

Respectfully submitted,



Kathleen N. Sullivan

CHARTER REVIEW COMMISSION

April 16, 1996

5:35 P.M.

Chairman Pappas called the meeting to order.

Chairman Pappas stated: One of the things Carol said to me is that we have speak one at a time, because she cannot take these minutes the way we act - carry on. Is that correct Leo? We thought today that we wanted to organize ourselves so that we knew what to do with all of this information that we are gathering. How do we attack it? What process should we use, and just to remind you, Kathy put together this wonderful list of issues that we have raised to date - I do not know if you had a chance to look at it.

Clerk Bernier stated: Have you done the roll call?

Chairman Pappas stated: We have to do that, too? Sorry.

Clerk Bernier stated: Well, it is on the agenda. It is scheduled.

Chairman Pappas stated: I am sorry. We need to do a roll call. Commissioner Sullivan.

Commissioner Sullivan called the roll. There were seven Commissioners present, and Clerk Leo Bernier.

PRESENT: Commissioners Pappas, Baines, Cook, Dykstra, Lopez, Shaw, Sullivan, and Clerk Bernier.

Chairman Pappas stated: What is next on the agenda, Leo?

Clerk Bernier stated: The minutes of March 27th.

Chairman Pappas stated: Alright, I will entertain a motion.

Commissioner Dykstra stated: I will second it.

Chairman Pappas stated: All in favor. Aye? (All.) Opposed? (None.)

Those minutes are approved.

Chairman Pappas stated: Alright, now we are to four, which is the work section relative to the information. I do not know what to do about this. One of the thoughts that someone had, is that we would take - choose the topics out of all of these topics, that we are interested in discussing and then have the officers go back and set an agenda with dates, as to what - when we would like to discuss them. That was one thought that was thrown out. Someone else thought that we should go through the Charter piece by piece, article by article and work it that way, and see if there was anything that we are interested in working on. That is a good idea, that was thrown out.

Commissioner Dykstra stated: Is there any way, Toni, that we can - words we do not have - says here or anything else - I mean, that we can basically get into the discussion, if Bob agrees on this, is that - either, or - whatever he does, the strong mayor, I mean we have got to get a direction. A strong mayor or a city manager. I mean is there any way we can get a consensus without a commitment, with saying well we are leaning towards this way - I mean, I am leaning towards strong mayor, I'll be honest with you, but I do not want all of the strength that I see given to him, and I am wondering if there is a way of the strong mayor, and I did talk to Mr. Groulx, that if we can just still do things our own way, that there is not a certain criteria that we have to follow, like fire at will - we can have a strong mayor and do it our way.

Commissioner Sullivan stated: Stronger mayor.

Commissioner Cook stated: Stronger mayor.

Commissioner Dykstra stated: Well, it is the same thing, though, isn't it? Strong mayor?

Commissioner Baines stated: Not if we are going to the classic definition of strong mayor.

Commissioner Dykstra stated: Well do we have to? That is what I am asking here tonight.

Commissioner Cook stated: I think that the answer to your question is, we do not have to. We can go, for example, and I am not saying that this is where we would end up, but if we said, we want a stronger mayor because the mayor ought to be able to appoint all of the - whatever - just categorically, not - some of them come from here, there and everywhere -

Commissioner Dykstra stated: Right - the right -

Commissioner Cook stated: They all come from the mayor, whether they ought to - whether there ought to be a confirmation device, because we do not think that he should have sole authority to come up with them, he has the right to discharge them; but he should not have sole authority to discharge them because a runaway, crazy new mayor could wreck havoc and we think there ought to be some kind of check and balance on that. I do not think that there is anything, any place, that I have seen, that would prohibit us from doing it.

Commissioner Dykstra stated: Well see, that is what I would like to look at - is a strong mayor. Not to make him, you know, to make him stronger than what he is, but only in the areas that we feel would be the best areas. I do not want a mayor to fire at will.

Chairman Pappas stated: Alright, so is that one of the issues that you want to tackle first?

Commissioner Dykstra stated: Well, I do not know. Isn't that going to give us a direction?

Commissioner Shaw stated: You know why I hate the other one, that's -

Commissioner Dykstra stated: Yeah, but - what do we do - can we take a consensus?

Chairman Pappas stated: Sure -

Commissioner Cook stated: The problem that I have with that - the problem I have with that is, we have hired - and I do not have any problem with the direction we are going, and I - my suspicion is, until I heard Syl Dupuis last week - with his idea, and it is not inconsistent with what you just said, but where he said, and I thought it was very interesting, I thought it was, no offense to Syl, but I thought it was kind of fluff when he said it and the more I have thought about it, the more wisdom I thought that was in it, about do not say that you have got to pick a strong mayor or that you have got to pick a city manager, because you can probably get the best parts of both if you look at what your system could be. And then he had his statement, and I thought it was very interesting in terms of beefing up the - what he was really saying was beef up the City Coordinator a little bit. I think that before we do it, even recognizing the fact that I think Manchester, with its tradition of mayors, probably is not right for a city manager, I think we ought to avail ourselves of maybe a couple of more weeks worth of information that John might be able to come up with us -

Commissioner Dykstra stated: I know what you are saying, Brad, and you said it before, and I appreciate it. It is just that nothing is cast in concrete here, I mean, I am just talking about a consensus, of basically which way - I mean, we know a little bit about City government, you know -

Commissioner Baines stated: Well, it looks like we have ruled out city manager.

Commissioner Dykstra stated: Well, okay, so what is left?

Commissioner Baines stated: Right -

Commissioner Shaw stated: Well - can I mention that -

Chairman Pappas stated: Bob -

Commissioner Shaw stated: Could I mention that if the person that Dupuis said should be hired, is not hired at exactly the same time as the mayor, for the sole purpose of helping the mayor, then the position becomes "the mayor." That is what happened when I came into office, John Hoben was "the mayor," and people bowed down -

Commissioner Cook stated: - and that is why I think that the way they integrate is important -

Commissioner Shaw stated: Then, so the point is, that I do not think that anybody should be saddled with John Hoben -

Commissioner Cook stated: Or anybody in - like that -

Commissioner Shaw stated: Even though he was the most capable person in government -

Chairman Pappas stated: Kathy -

Commissioner Baines stated: It is too small of a table to have order.

Chairman Pappas stated: That is the problem.

Commissioner Shaw stated: And I had the floor -

Chairman Pappas stated: Would you really, would you push the floor -

Commissioner Sullivan stated: I always - first, I have to press it, before I start. I

was amazed to hear Principal Baines not speak in favor of order. That is - West High School, you know, being known as a very orderly institution.

Commissioner Baines stated: Hey, don't pick on the West side now - huh?

Chairman Pappas stated: This is brainstorming.

Commissioner Sullivan stated: In any event, what I was going to suggest is this. I think that we are probably all, although I do not want to speak for everybody, I should not do that, but, my sense from talking to a few people is that I think many of us would like to see a stronger mayor. The question is to what extent do we go? Okay. I would like to see, and follow-up with something Brad had said, with, with now that we have Mr. Groulx to do some research is, in those communities that are of our size that do have a stronger mayor, how much authority does the mayor have in terms of hiring, firing? We, from what I understand, we will not see communities with the commission system that we have, although I would suspect there may be some with a Police Commission -

Mr. Groulx stated: I have a couple of leads on - so -

Commissioner Sullivan stated: Oh, okay - so maybe we will.

Mr. Groulx stated: You should be able to see something.

Commissioner Sullivan stated: But it would be, I would be interested to see how much authority, in those, in whatever those communities are, where - how much authority the mayor has versus the aldermen, the mayor and aldermen together, and also - where there is no city manager, is there a position set - whether it is the city coordinator, or deputy mayor, or whatever the position may be called, because one of the problems that I have had in Manchester, and I admit that I come from a developer bias, because I represent a lot of developers, and it is - that is my job - is, right now, to come into the City of Manchester without a City Coordinator to say to a business person, "well who do I go to, to talk to, to get things done in Manchester?" There right now, who is that person? I mean I can

take them to see, maybe see the Mayor, I can take them over to Planning to see Bob MacKenzie, and I can introduce them to Armand Gaudreault, but that is not the way it should be. It is not a developer-friendly place right now, which is unfortunate, when we want to increase our tax base. Who is it that a citizen goes to, to say, "geez, I have got a great idea about renovating City Hall," you know, as Brad's father says, Sesquicentennial, or "I want to do this," or "I want to do that," we do not have that person. It cannot just be the mayor. I mean, Brad is the managing partner of the largest law firm in the State, I do the same thing at a smaller firm, and trying to just - you know, which are smaller businesses in the City of Manchester, and I think that you and I both know, that is a hard job just trying to manage the businesses that we manage. And it takes more than one person to do it.

Commissioner Cook stated: You cannot do it without an administrator.

Commissioner Sullivan stated: You can't. You need to have two positions. So, that is my lecture.

Chairman Pappas stated: Excuse me, Bob -

Commissioner Shaw stated: Well the point is, that the Mayor does not want to do it that way, because if he did, he would. There is nothing prohibiting the Mayor or the Aldermen from running the City correctly if they wish to do it. And I do not see why you have to put something in the Charter that the City should be run correctly.

Commissioner Sullivan stated: Because, if they do not do it -

Commissioner Shaw stated: Well you give the Mayor the power to do certain duties, and I - to my way of thinking, if you are going to talk about the Mayor's position, then you need to open the Charter to the section that talks about the Mayor, and then you go down the list of four or five items that they have about the Mayor and you find if any of them can be strengthened in order to make his position more accountable. Now, he has not filled the City Coordinator's position.

And unless you put into the Charter that the Mayor must do what he is told to do -

Chairman Pappas stated: Would you like to do that, go down his -

Commissioner Dykstra stated: But I don't know why -

Chairman Pappas stated: Leona -

Commissioner Dykstra stated: Why, mean, you are just saying a City Coordinator. Why don't we leave it in the realm of the Board of Mayor and Aldermen, not to tie their hands and to - they are allowed to create positions anyway, so why don't we - I mean, what are we going to say, "you have got to hire this guy with this kind of title," or this - I mean, I think that is tying their hands and just secondly, on the Deputy Mayor thing, I mean I think possibly there is someone in there that we can get, but nothing that probably has to be put into the Charter, I mean, I don't know yet. But Deputy Mayor I do have a problem with, because I feel anything with that title needs to be elected. I don't - you know what I am saying?

Commissioner Sullivan stated: The title is not -

Commissioner Dykstra stated: You know, it is sort of like Deputy Dog -

Chairman Pappas stated: Bob Baines.

Commissioner Baines stated: Well, I do not know where this discussion is going, but that issue concerns me. That, you know, here you have this position, which really answers to me a lot of the issues that are facing the City, and it is called for in the Charter, it is an officers position in the Charter, and it is not filled. And, there is nothing that anybody can do about it. And, in my way of thinking, as we address the Charter issue, that has to be addressed. And, if the Mayor chooses not to fill it, then I think that the power should be given to the Aldermen to fill it -

Commissioner Sullivan stated: I agree with you.

Commissioner Baines stated: Because that is an officer's position -

Commissioner Shaw stated: Well, that is because - could I -

Chairman Pappas stated: Bob -

Commissioner Shaw stated: Excuse me -

Commissioner Baines stated: Go ahead -

Commissioner Shaw stated: I would like to answer that after -

Commissioner Baines stated: But, anyway, then - while I have got the floor, I - in my own mind, I have gone through some issues that I would like to get on the record that I think we need to - that are bothering me.

Chairman Pappas stated: Okay.

Commissioner Baines stated: The strong mayor, stronger mayor issue, I came into this process thinking strong mayor or city manager. After listening to all of the people, I am not in favor of either at this particular point. I like the idea of a stronger mayor, I like giving the - the compensation issue, I think we need to address, for the mayor of this City, I think Syl Dupuis is right on the mark there, if the Charter does not address it, it is never going to be addressed, and we are not going to get the caliber of people running for that office, unless the Charter addresses it. I am appalled that there is not a job description for all of these positions in City government. When I have people like an assessor telling me that the way that they get their jobs is to lobby the Aldermen to get a job, I think that is disgraceful, that a City government is running that way - that there are not job descriptions, specifically dealing with - detailing the qualifications you must have to be any kind of a department head of the City. I cannot - that is - I find that appalling that that exists. I think we need to address that. To be a high-school principal you have to meet certain qualifications and you have to meet them, there is a job description. If you do not meet them, you cannot apply for it, and

you cannot be selected for it. So that, that really - I am not through with the things that are troubling me -

Commissioner Dykstra stated: Okay, alright, I am just talking about your personnel part, I mean, this -

Commissioner Baines stated: To me that needs, we need to address that issue, and I think it needs to be a personnel process type issue, getting it out of the political realm of people lobbying for positions. I think that is absurd. The issue that there are certain things that the Charter say that - I talked about that before, that is not so. Like the waterworks, and the School District issue, I think we need to look. Why - a City - and that is why I think that your point of getting the Finance office - I want to explore that. Why finance is duplicating everything that is done at the School District office. I know that that is an issue that you talked about when you were Mayor, and it still exists. So it is done there and it is done there. For what reason? I do not understand that, why doesn't the School District operate as a School District as the Charter says?

Commissioner Shaw stated: Tradition.

Commissioner Baines stated: Well, tradition is nonsense to me if the Charter says it is a School District, and it operates by the Charter under the laws of the State of New Hampshire, it should be operating as a School District, and City Hall should stay out of it, in my view. The budget process - I think we need to look at the deadlines of the budget process. Don't dismiss what the people were saying about moving up that date for an earlier adoption of the budget, because - now understand, that in New Hampshire, most governments work on the town form of government. And they settle their budgets in March, every year, so that every department in that city, the school district included, can now plan for the beginning of the fiscal year for July 1. You do not adopt a budget on June 30th and say, "okay, now here is your budget," and have good planning, good purchasing, good decisions made. Because what happens is, they wait to get their budget and all - everybody scrambles around to get all of their orders in, and everything - everything - it is a chaotic situation - it is nonsense in my view, why a

city does not adopt a budget two or three, at least three months in advance of the fiscal year. All the towns are doing all across this great State. Why isn't the City doing it? But, I do remember when the City used to adopt budgets after the fiscal year began, and you would be three or four months into the fiscal year and they had not adopted a budget, that was ridiculous as well. The at-large election issue troubles me. I think that we need to focus on that and come to some issue, the overlapping terms is intriguing me, financial disclosure - I think those are the issues and Commissioners nominated - I think that we should be, you know, the issue of the Commissioners, I believe we should retain the commissioners, but the mayor should be given authority to appoint. So, those are some of the things that I have flushed out in my analysis of things that need to be addressed at this state.

Chairman Pappas stated: Thank you. Steve.

Commissioner Dolman stated: Can I just address a couple - I had some of the same concerns, okay Bob? But the concern about the City Coordinator's position that is in the Charter. I am not so sure that that position should be in the Charter, okay, as Syl Dupuis said. Do we put some - these - these duplication of services, do we put these consolidations in the Charter? Do we need, and the point that I was trying to make the other - at the public hearing - do we need a City Coordinator with the job description that it has now, doing economic development, when you have an in-town manager and these other positions. Maybe we need, as Syl Dupuis said, deputy mayor - whatever you want to call this title - and do we put that into the Charter, or should it be out of the mayor's budget and the mayor takes care of, you know, his position, and it comes and goes with the mayor. I mean, I am not so sure that this should be in the Charter. These are things that we need to discuss.

Chairman Baines stated: Right -

Commissioner Dykstra stated: That is what I -

Commissioner Dolman stated: - okay? Because I am not so sure that there is a

need for the City Coordinator any more, depending on what the job description is for the City Coordinator. I do have concerns about at-large aldermen, I am too, bringing it up. I agree with the budget problem you talked about. We talk about a pay increase to the mayor, and I - I think you are right, I think we definitely need that. I am also concerned about the aldermen, maybe because I was one, and I understand their concerns. You know - they are considered a part-time job, but as you saw a couple of the aldermen come in with their list of concerns. Okay, this - and someone who has done it - and Leona has too - it is more than a part-time job, I mean - And what has become, okay, maybe it should be just that the aldermen center in on their constituents concerns, okay? But, they also have legislative duties to do, you know, as a body making the policy. There should be some staff for the aldermen. There has to be someone designated for staff for the aldermen. I mean, the aldermen have no staff, and most aldermen, since it is a part-time job, have full-time jobs, okay? I am not so sure that there should be a budget increase for the aldermen, but there should be some kind of thing to make that an attractive position, so that you can get high quality people to serve as aldermen. You just don't want anybody serving as aldermen. I think that you need a person that is going to be concerned for their constituents, and not be just doing it for the title only, and I think - I mean - that concerns me, so I am not sure if we need to put - and that is a political issue also, about monetary for the aldermen. They are not going to do it themselves and that is a - so -

Chairman Pappas stated: Yeah, that is true. Leona?

Commissioner Dykstra stated: Yes, and it - I kind of agree with you on that. I do not know if you were here when we were talking about it Steve, but I feel also that a position can always be put in there by the Board of Mayor and Aldermen. I do not want to tie their hands up too much, and - but when I look at Section 3.25, which is the City Coordinator, I do not see where it mandates we shall have a City Coordinator. It says, "the City Coordinator shall be appointed." To me, that is -

Commissioner Baines stated: No, "shall" is the most definitive word there is -

Commissioner Dykstra stated: I know what "shall" means, yes. I have been in

Legislature for many years. What I am telling you is that, the City Coordinator shall be appointed, it does not say there shall be a City Coordinator. And I think that that is the difference right there. I do not know, we have lawyers here, maybe they can, I am saying, where it says, the City Coordinator, my feeling on this is interpretation is that if you have a City Coordinator, he "shall" be appointed. If this Section 3.25 read, "the City shall have a Coordinator and he shall be appointed by the Mayor," now - I just wanted your feelings - I do not think that this mandates a City Coordinator in my feeling, and working in the Legislature for many years - it is - not being a lawyer, but that is the interpretation and I feel that - that is possibly - could be -

Commissioner Sullivan stated: Um-hmm -

Commissioner Baines stated: Could be right -

Commissioner Dykstra stated: The other thing that I wanted to touch on, when you mentioned personnel, Commissioner Baines, or basically having some kind of a job description, I remember that when I sat as an Alderman, and so did Steve, I mean, there was a personnel committee, and we sat on the Personnel Committee, and I do not know, Steve - am I wrong, wasn't there many times when there were jobs coming before Hiring, and there were all of things, there were job descriptions of what these people were supposed to do and be able to do, so, I mean, department heads, that is one thing that you touched on, I think there are certain things that were said up there through the Personnel Committee - so maybe that is something to look at, I do not - really - I can understand your being upset, I would be if that is the way it was, but I remember sitting on Personnel, and all of these descriptions coming through and we would have to vote on - the hiring - even creating positions, we would have to basically draft what that position was going to be -

Commissioner Dolman stated: Some of those descriptions, Leona, were vague -

Commissioner Dykstra stated: Oh yes, I understand - and I agree with him -

Commissioner Dolman stated: And did not meet the new times, Leona -

Commissioner Dykstra stated: - but there were some, and you know, I feel that maybe, Commissioner Baines, but we did not have any -

Commissioner Baines stated: Can we get them?

Commissioner Dykstra stated: - but we did - well, whatever job is personnel - is that -

Commissioner Cook stated: - at least they have the job description -

Commissioner Dykstra stated: - they do have, I know - we have - Leo's been there, there too - just to touch on -

Chairman Pappas stated: Brad -

Commissioner Cook stated: I think that we are mixing a lot of apples and oranges here. But, I think that it is helpful to come up with the issues that a lot of people think ought to be addressed. I think that - that the fact of the matter is that we have to come to some conclusion on what issues are there. I think that it was very helpful when Kathy came up with the list of issues that had been raised to date at that point, I think this is a helpful exercise, I think that Bob's list of issues are very important. I think that what I would suggest in terms of procedure, because we cannot have group gropes and we cannot have rumbles - we have got to do it in some kind of orderly fashion, I think that when we, I mean, rumbles might be fun -

Commissioner Dykstra stated: We have to rumble first, then get organized -

Commissioner Baines stated: What's a group grope? A group grope is what we are doing now -

Commissioner Dolman stated: This is healthy, this is healthy -

Commissioner Sullivan stated: This is healthy.

Chairman Pappas stated: - is it okay?

Commissioner Cook stated: This is healthy, but this is not getting anyplace. This is good in terms of - of - in terms of getting things down - then the question - then the question is - the question is -

Commissioner Dykstra stated: - oh yeah, how do you cut to the quick, ahh -

Commissioner Cook stated: - well, if we let me talk a little, I will tell you how I think, and then you can do it -

Commissioner Dykstra stated: You are out-voted, Brad -

Commissioner Sullivan stated: - we need to cut that up -

Commissioner Shaw stated: - show us what you -

Commissioner Dykstra stated: Brad, whatever you do it is probably not -

Commissioner Sullivan stated: - sorry -

Chairman Pappas stated: - alright, I am - Brad, sorry -

Commissioner Shaw stated: Tell us what you would want, Brad -

Commissioner Baines stated: - we hurt his feelings -

Commissioner Cook stated: I will tell you what I want. - ever had any kind of a -

Commissioner Dykstra stated: - you can't have my sandwich that is for sure -

Commissioner Cook stated: I have had a headache all day, and it ain't gettin'

any better.

Commissioner Dykstra stated: I have had a headache all day, too.

Commissioner Cook stated: Well - and it was probably having two of these meetings in one week that did it then - ahh - but, it might have had something to do with lawyers. In any event - it probably had something to do with lawyers. I think that after we get whatever process that we get that lists all of these things, that we then get - as I think Toni said earlier - we say to the officers of the group, take all of these issues that you have heard about, and I am sure that you will hear about it if any of the issues that people want to talk about are deleted from that list, because whoever wanted that issue on - will remind us. And we are certainly not trying to eliminate any issues from discussion, but take all of those issues that we have talked about, put them in some kind of order for consideration, we already have a couple of places where the issues are related to the sections of the Charter, because I think that Bob is right, you cannot analyze what you want to talk about and what you are going to do without looking at exactly what the Charter presently says, because certainly there are going to be elements in the present Charter that remain. I mean, this is an evolutionary process, this is not a revolutionary process. And then, come up with an order in which we discuss them. We then get the feeling of the Commission, on what their direction is. Strong mayor, stronger mayor, no mayor, city manager, whatever the heck it is, and it then goes to some group that we authorize to do some drafting to come up with proposed drafted sections that make the thing fall together, otherwise we will be sitting here pulling our hair out and we do not want to do that.

Chairman Pappas stated: Right. Good advice.

Commissioner Dykstra stated: - especially for Steve.

Commissioner Shaw stated: Could I just make a procedural point, first?

Chairman Pappas stated: Sure.

Commissioner Shaw stated: On his point there, because, I feel that this group is working - trying to rewrite the Bible, alright, but doing it all of the different sections at the same time. If I was going to rewrite the Bible, I would start at the beginning. Alright - and I think Brad - I think that your suggestion, to go around in circles is wrong - I think that we should take this Charter and start at the beginning and -

Commissioner Cook stated: I did not say anything about circles -

Commissioner Dykstra stated: Well, I do not think the Bible - the - who would read the Bible if you re-wrote it anyway?

Chairman Pappas stated: I think that -

Commissioner Shaw stated: Read the book and then change it -

Chairman Pappas stated: I think that we do need to hear about -

Commissioner Dykstra stated: Why don't we use Kathy's thing [referring to her list] here and just go down the row, and -

Commissioner Baines stated: Yeah, but people are surfacing issues beyond that -

Commissioner Shaw stated: No -

Chairman Pappas stated: - because there are issues that are coming out tonight that are not even on that list.

Commissioner Dolman stated: - and I think that this is a healthy process -

Chairman Pappas stated: But if these are on our mind, we should bring them out -

Commissioner Dykstra stated: But we can (inaudible) -

Chairman Pappas stated: - really important (inaudible) - one things - Steve -

Commissioner Dolman stated: I had just to add to my list - just to my list - I never - heard (inaudible) on the end - you know, we talk about things that concern us. One thing that concerns me very strongly is the Finance Department. Here is a department that is not only our treasury department, it is the treasurer of the City of Manchester, but also in charge of doing audits. And, I think in the State it is a separation. I think there is double - isn't there a separation? Ahh, Georgia Wright, or whatever her name is -

Chairman Pappas stated: I think that it is Thomas -

Commissioner Dolman stated: - doesn't do, she is the Treasurer, she does not do audits.

Commissioner Dykstra stated: We had people audit the City -

Commissioner Shaw stated: Audits are done by the auditor for the Aldermen -

Commissioner Dykstra stated: The City -

Commissioner Shaw stated: They are done not done from (inaudible) -

Commissioner Dolman stated: But, who hires the audit and who is going to do it - it is all done in the Finance Department. If you hire someone as your audit, they are working for you. They are going to tell you what you want to hear -

Commissioner Shaw stated: But that - that is a management decision -

Commissioner Dolman stated: I know the Legislature - the Legislature -

Chairman Pappas stated: But this is something that we could explore.

Commissioner Dolman stated: The Legislature does their own audits. Isn't that

what happened with the Liquor Commission? They had their own auditor go into the Liquor Commission, or something like -

Commissioner Dykstra stated: Well, they can - they can demand that. They can ask for an audit.

Commissioner Dolman stated: Yes, that is right, I mean, okay, I am just concerned - that is a concern I have - a very strong concern, about the Finance Department of too much in one department. You know, it is just too much -

Commissioner Cook stated: Interestingly enough, they have the same concern.

Commissioner Dolman stated: Do they? I am glad, because it is a concern.

Chairman Pappas stated: Bob.

Commissioner Shaw stated: And that is because there are no rules in the book here - or it is the duties of the Aldermen. If you were going to strengthen the government and have the government work properly, you had better define the duties of the Aldermen.

Commissioner Baines stated: I think that is a fine suggestion -

Commissioner Cook stated: That is right, I agree with you.

Commissioner Baines stated: But will create a change you do not want. But, I think it is a good suggestion.

Commissioner Shaw stated: No.

Chairman Pappas stated: Kathy.

Commissioner Dykstra stated: I thought he did not want any changes.

Commissioner Sullivan stated: He has his first change -

Commissioner Dolman stated: That is the second one -

Commissioner Sullivan stated: The second one. Two changes - that is so exciting.

Commissioner Dykstra stated: A quorum. I know, we could probably vote on them.

Commissioner Sullivan stated: This is so funny -

Commissioner Dykstra stated: I do not know why we cannot go down this and try to pick out some of the things that - maybe we know what we are doing in some of them -

Commissioner Shaw stated: No, we should go down -

Commissioner Dykstra stated: Well, look it, I think the Mayor should basically -

Chairman Pappas stated: Mike has the floor, Leona -

Commissioner Dykstra stated: Okay, well, I did not know that you had recognized anybody.

Chairman Pappas stated: Sorry -

Commissioner Lopez stated: Thank you. You know, this is going to be - everybody has a very valid point and it is going to be a long, long process - to get anything done. There is - the major issues that face us, which is the stronger mayor, and a commission and the - but some of these other things, I think that we could probably, probably get a general opinion, and get rid of them -

Commissioner Dykstra stated: A consensus, right -

Commissioner Lopez stated: - and concentrate our efforts on -

Commissioner Dykstra stated: Exactly.

Commissioner Lopez stated: - the major thing. I am not prepared to really get into a stronger mayor, or strong mayor, or whatever you want to call him, because there is some stuff still out there that I need to know. We got all this reading that we received, we have had five mayors come before us - only one made sense to a degree -

Commissioner Dykstra stated: Well, we can eliminate a -

Commissioner Shaw stated: But, I still like this man, even though he is wrong -

Commissioner Dykstra stated: - because we have a consensus -

Commissioner Lopez stated: But I think - I think what is happening here, is that we all have an opinion, just like everybody has an opinion and coming before us. If we could search out those things and say, "what do you want done?" Okay, fine, we do not agree on that. Let's table it. Do you agree on this? We can get the general opinion and get those Mickey Mouse things out of the way, that I call Mickey Mouse, and then we can concentrate our energy and intelligence on something that we can really create.

Chairman Pappas stated: Kathy.

Commissioner Sullivan stated: This - I guess procedural - depending on how you want to proceed from here, I can take that list and I can have - I can take the various issues and put them in sections that follow the Charter, Bob. You know, in various - you know like things that effect departments in a department section - things that effect the Mayor - you know - I can follow, and I think Johnny Stephens had done that in terms of possible subcommittees, I can do that, take the Charter and take my list and conform it to the way the Charter is currently structured - if it would make it easier for everybody - however you want it, I can - you know - I am

getting pretty good with a P.C. I can move stuff around pretty easily, so -

Commissioner Cook stated: Cut and paste and all that -

Commissioner Sullivan stated: Paste is good.

Chairman Pappas stated: That would be great. Brad -

Commissioner Cook stated: I think that is a fine suggestion. My only - I do not know where Bob got "going around in circles," out of what I said, but either he was not listening, or I was not saying it right, but, be that as it may, I think all I would say is that we want to put it into some kind of an order, so that we take things up in an orderly procedure and have a discussion on them. I think that Mike is absolutely right, that the Charter does not necessarily go in the order of what the biggest issues and the smallest issues are. And that is why I suggested that the officers put it in order so that we may be able to knock off some of this stuff. I mean, the Committee that Kathy and I have - which has not had a - you know - major issue of our time before it yet, but we have some suggestions I think, that come out of discussing with the people in the City that are working on this stuff, we can probably knock off a lot of those things, refer them to whatever drafting committee we are going to have, have them start working on the thing, get it in front of the lawyers to make sure it is legal and whatnot - but I think that he is right. The bigger things are going to take us a little more time to digest.

Chairman Pappas stated: So, those things might include your Committee and yours, too, possibly -

Commissioner Dykstra stated: Right -

Chairman Pappas stated: The ethics question.

Commissioner Dykstra stated: How?

Commissioner Dolman stated: - not going to dissipate -

Commissioner Dykstra stated: I - you - (inaudible) so are you saying that we don't -

Chairman Pappas stated: Well, it might be the first two things that we address -

Commissioner Dykstra stated: Okay, but he is saying that we should not be able to - I mean, there are some things here that we possibly could eliminate.

Chairman Pappas stated: Yeah, there might be more.

Commissioner Dykstra stated: I mean, and we could even change our mind next week and say, "no we do not want to eliminate it again," is anything cast in concrete?

Chairman Pappas stated: No, nothing is cast in concrete.

Commissioner Cook stated: No, of course not.

Commissioner Dykstra stated: We should get - God, we must have something -

Chairman Pappas stated: Bob -

Commissioner Shaw stated: Confusion. Confusion is cast in concrete. I say (inaudible) - starting with the City Charter, starting with Article I, having us read it as a group, taking certain pages as homework for next Tuesday, and coming back - what is it that bothers you in Article I, Article II, Article III, let's say, and go down the book that way -

Commissioner Dykstra stated: That is a good idea -

Commissioner Shaw stated: - and then when we get done with that process we come to what Kathy has here -

Commissioner Sullivan stated: That is a good idea -

Commissioner Shaw stated: - have we addressed all of the concerns of the people out there? You know, some people have strong mayor versus weak mayor. Well, we are going to do that in Article II as it relates to the Mayor. But I think that you should edit a book from the beginning. And I think that you should read the book together from the beginning -

Commissioner Dykstra stated: We could work on that -

Commissioner Shaw stated: And I, one of the things that I find, that I just wanted to mention to you as a former Mayor, that I feel that the Mayor's salary, if it is to be in the Charter, that it not be as great as the Governor's salary in the State of New Hampshire. I think that the two positions are compatible.

Commissioner Dykstra stated: What does the Governor get?

Commissioner Shaw stated: - the Governor and the Mayor. And I do not think that the Mayor's position is equal to somebody who is an engineer in the Highway Department, or equal to a lawyer, who is in charge of the City Solicitor's Office, because I find those positions to be professional positions, and the Mayor's to be a political position. And, I do not see the Mayor being the highest paid person -

Chairman Pappas stated: That is something on this list then that you want to address.

Commissioner Dykstra stated: - should get paid more, probably -

Chairman Pappas stated: Leona.

Commissioner Dykstra stated: What does everybody think about this - there are some people who have talked to me about basically giving more money to the Aldermen, also, and have them consider it a full-time type job. And cutting it back -

Commissioner Shaw stated: Zero -

Commissioner Dykstra stated: Well, no if you give them a bigger salary - you are talking about the Mayor, I mean the Aldermen work hard too. Ahh, some people have mentioned to me about - and you will probably laugh at this, but - instead of having twelve Aldermen, have six Aldermen, have them each represent two wards -

Chairman Pappas stated: Yes, that is - those are some of the things -

Commissioner Dykstra stated: - and give them a good - give them a little more of a salary, and have them work full-time, work on the budget, work on things that they are supposed to be working on. And, that is going to eliminate other people who are just going to come in and do their own thing, but - I mean - it is just a suggestion. To give the Aldermen more too -

Chairman Pappas stated: So you want to talk about this -

Commissioner Baines stated: - surfaced it as an issue -

Chairman Pappas stated: Talk about number, and at-large, and salary?

Commissioner Dykstra stated: Right. The relation to - (inaudible) - I think that should be looked at.

Commissioner Baines stated: How about duties?

Commissioner Cook stated: I think it goes to what they do, and how much they are going to -

Commissioner Dykstra stated: - well if they are going to do more, yes -

Commissioner Shaw stated: - and the hours that they meet. This is critical -

Commissioner Dykstra stated: - hours that they meet -

Commissioner Shaw stated: - critical to the good operations of the City -

Chairman Pappas stated: Mike -

Commissioner Lopez stated: Enforcement of the Charter.

Chairman Pappas stated: Enforcement. That was what I was thinking - up to -

Commissioner Dolman stated: That is a very good issue -

Commissioner Baines stated: That is an issue -

Commissioner Cook stated: Yeah, well -

Chairman Pappas stated: Something of a Committee - or enforcement -

Commissioner Sullivan stated: The Mayor does not always do it -

Commissioner Dolman stated: No, you said - Bob, I disagree with you on -

Commissioner Dykstra stated: We are gonna have - we are looking at a code of ethics and a - you know -

Commissioner Dolman stated: Well, Bob just said - you know - it is a Mayor's - and I think that the point made, with the issue that you brought up about not following the Charter, but the tool - with the coining of the Committee that should have reviewed the Charter first. That was the Mayor's choice not to call that Committee. Now, he turned to the City Solicitor, if I remember correctly, from watching this on tape, he turned to the City Solicitor and said, "Ken, do I have to follow the Charter on this?," and he was told, "No, you do not. There is no penalty for not following the Charter." So that Committee that should have been called after ten years to enforce the Charter and look at the review, instead of this Commission -

Commissioner Shaw stated: But Kathy should have sued the Mayor, as a citizen -

Commissioner Dolman stated: But again, but why should a citizen have to sue its own City government to get an action done. Why can't we put something into the Charter that says that, the Charter - then that means, Bob, that Mr. Bernier here, who is the City Clerk, could say, "Well, I do not want to have an election this year, because they cut my budget. I do not want to have an election this year."

Commissioner Shaw stated: Sue to get it done -

Chairman Pappas stated: No penalty -

Commissioner Dolman stated: There is no penalty.

Commissioner Dykstra stated: Well we will put a penalty - a year in jail and a Thousand Dollar fine -

Chairman Pappas stated: Kathy and then Mike, and then Brad -

Commissioner Dykstra stated: I told you - I like that -

Chairman Pappas stated: - and then Brad -

Commissioner Sullivan stated: I am - I yield to Mike.

Commissioner Lopez stated: Thank you. When I - just to - ahh - on the enforcement aspect, I am looking at - and we got some lawyers here - but I am looking at getting it away from really the Aldermen - a (inaudible) - call it a commission, call it a committee, Charter Commission, call it this Charter Commission - to enforce what is put into that Charter, so that you do not have three republicans or three democrats siding with the Mayor, or whatever the case may be, three or nine, or whatever the case may be, disinterest people and say, "you can't do that, you violate the Charter," you know, and there has got to be a

penalty just like the State - the State has in their code.

Chairman Pappas stated: Um-hmm, Brad -

Commissioner Cook stated: Ultimately - ultimately - everybody who is elected or appointed to office in the City of Manchester is responsible for enforcing the Charter because they are supposed to follow the law when they are sworn in, and if somebody really does not want to do it, it may in fact result in all hell breaking loose. The question that I have is how do other cities handle it, because there are - you know, we have available to us, through the Municipal Association in New Hampshire, through this organization of municipal governments in the Country, and John has got the ability to find that out - and I just do not know the answer. And, we had a long talk about this the last time. Should the - should the City Solicitor be entrusted with the power to enforce the Charter if he thinks it is being broken? Or is that inconsistent with his job as the counsel to the City? A very good question, because we get into those role problems all of the time. The Mayor obviously has the responsibility, and should have the responsibility overall to enforce the Charter. What happens when the Mayor is not following the Charter? I think that it would be very helpful to me, knowing what the options are that have been used otherwise - understanding that it is the conduct that people have in relation to what is written down some place that is really going to control, because we write it anyway we want - it is not going to keep people, you know, being smart, being stupid, doing right, doing wrong. That is not legislatable.

Chairman Pappas stated: Bob -

Commissioner Baines stated: A couple of questions that I think - another thing that I think needs to be clarified is the incompatibility of officers positions. And, I guess this is the Dolman issue -

Commissioner Dolman stated: Is the other troop doing it?

Commissioner Baines stated: Well, but I do not - but, what I do not understand, and this is not to bring up a sore point, but I need it for clarification, the Charter

does not allow a School District employee to be an Aldermen, yet I know that went some - through some -

Commissioner Dolman stated: - to the Court's - (inaudible) - the Charter does not - I do not think that the Charter actually answers it -

Commissioner Baines stated: It says, "no compensated City employee including a certified or non-certified employee of the School Department," -

Commissioner Dolman stated: See, it is not a school department, though.

Commissioner Baines stated: It should be District -

Commissioner Dolman stated: It is not a school department, right -

Commissioner Baines stated: " - shall be a Member of the Board of Mayor and Aldermen nor the School Committee."

Commissioner Shaw stated: They went to Court over that -

Commissioner Baines stated: Yeah, but I need to - see this a - the issue of - does the Charter mean what it says or says what it means?

Commissioner Shaw stated: It was not clear enough -

Commissioner Baines stated: If the Charter prevents that, then how does it occur?

Commissioner Cook stated: Well, apparently there was a Court decision that said that it did not mean what it said. And I would like to see that decision to see whether we want to give it some teeth so that we could comply with the Court decision -

Commissioner Shaw stated: But the Aldermen - the Aldermen at that time did

not appeal the ruling.

Commissioner Baines stated: But the ruling was what, Steve? You must remember that -

Commissioner Dolman stated: Well I only know - it was not me - it was John McDonough -

Commissioner Baines stated: It was John, I'm sorry -

Commissioner Dolman stated: McDonough - I followed the State - it is the McDonough ruling, okay? It went to Superior Court and the Superior Court - Bob was the Mayor -

Commissioner Shaw stated: Yes -

Commissioner Dolman stated: It was a Superior Court decision that said that, you know, and I think that it had a lot to do with the definition of school district versus school department. Because they used the word department in there -

Commissioner Baines stated: Oh -

Commissioner Dolman stated: That was it. Because as you - it was brought up by Mr. Bernard - I think brought it up again - to - separate school district - and in fact, I have talked to the Secretary of State last night and asked him about it, and I think that it is Section - oh - he gave me the section of the State law, and I was supposed to ask you to get it for me - we are working on that, and I will get it to you okay?

Chairman Pappas stated: Okay, good -

Commissioner Dolman stated: Because that is part of the ethics thing that we are talking about.

Chairman Pappas stated: And Tony Simon knows a lot about that too -

Commissioner Baines stated: I do not think that it is ethics issue -

Commissioner Shaw stated: We could have won it -

Commissioner Dolman stated: - (inaudible) compatibility of offices (inaudible) -

Commissioner Cook stated: Yeah, that was a screwy decision, to begin with -

Chairman Pappas stated: Yes. It was a strange decision.

Commissioner Baines stated: - one further thing.

Chairman Pappas stated: One further thing -

Commissioner Baines stated: So that I do not - so that I understand it - the local initiative provision, we just went through this - maybe Leo can answer this - we went through this issue with the privatization of the School District. The Charter indicates very clearly that the results of the - any initiative shall be non-binding, and yet that was presented as a binding resolution -

Clerk Bernier stated: Well, they went through the - they went through the budget process -

Commissioner Dykstra stated: What are we talking with non-binding -

Commissioner Sullivan stated: The privatization -

Commissioner Baines stated: If you look at Section - Section 8.07, Initiative, it talks about a - the citizens presenting an initiative -

Chairman Pappas stated: Yeah -

Commissioner Baines stated: But it is very clear that all of these initiatives, and it goes through the time frames and everything, but it says on the last sentence or two, "On certification by a City Clerk of the adequacy of the petitions, the Board of Mayor and Aldermen shall order such questions placed on the ballot," after it went through that whole process. But, "the result of any such initiative shall be non-binding, unless otherwise required by law." So, why was that a binding resolution because we had - the voters were told that if that passed, that had to be done.

Commissioner Sullivan stated: Um-hmm.

Commissioner Dolman stated: What - with which one -

Commissioner Sullivan stated: Privatization of the schools -

Commissioner Baines stated: The privatization - issue.

Commissioner Dolman stated: That was not on the ballot, was it?

Commissioner Sullivan stated: It was on the ballot, and it was - it was publicized as a binding resolution.

Commissioner Cook stated: I think the confusion, if I may, and I was - I had the same question when I read the Charter after the election - and I looked at the thing, and I said, "wait a minute," you know - I think the problem on the bindingness was the essence of the question, which said, "if you do this, you shall get bids and you shall privatize the schools." I think what Aldermen had done when they certified the question was said, "we will certify this question because these people have asked for it, and we will follow what they say," and the - but the mandatoriness of the issue came in because it was - the wording of the - wording of the question, which was not, "if you like the proposals you get," but, "you shall pick one of these privatized things."

Commissioner Baines stated: But as a follow-up, that needs to be clarified,

because if the Charter - because again, the Charter says that you cannot do it, but it was done. I mean - it obviously did not happen because the voters -

Commissioner Dykstra stated: Well, maybe State law -

Commissioner Shaw stated: Maybe state law allowed it.

Commissioner Baines stated: Well, that is what I want to know. If the - what is the State law that allows this, the citizen petition, when our Charter does not allow it?

Commissioner Dykstra stated: Can our researcher look into it?

Chairman Pappas stated: Kathy -

Commissioner Sullivan stated: Yeah, I was just thinking of - and that is a legal issue. I think maybe what we need to do is come up with two lists, one for our research and one for our legal counsel on those issues and - because some are legal and some are research.

Commissioner Cook stated: Well, at eight bucks an hour, I would rather have him come up with the easy answer, and then not go to the lawyer -

Commissioner Sullivan stated: I know you would - I know, I know.

Commissioner Sullivan stated: But, on another - I am wondering - I want to circle back to something that was discussed earlier, and that was -

Commissioner Cook stated: - I do not want to be quoted on that.

Commissioner Sullivan stated: - the ethics, the enforcement of the Charter, the other things. One of the things that I thought about when I first ran for this Commission, and I kind of put in the back of my mind, was whether we needed to have some type of, I do not know if you call it ombudsman, or an ethics

committee or a panel or something, that people can go to - not just with a question, for example -

Commissioner Dykstra stated: Yeah -

Commissioner Sullivan stated: - of whether an Aldermen should sit on a particular issue, for example, or if somebody feels that they have been badly treated by a City employee for some reason - you know - just those types of issues that come up where people feel that they do not have a place to go to for some type of a maybe - and I do not know - I am interested in finding out what other towns do for, I do not know if you call it your complaint department or what, but you know, that there is something that the people feel that they have an independent voice, or an independent person to go to, outside of the political realm -

Commissioner Shaw stated: Oh, don't do that -

Commissioner Dykstra stated: Well, that is an ethics commission that she is talking about -

Commissioner Shaw stated: That is what the Aldermens' position is - the -

Commissioner Sullivan stated: No, see, Aldermen could be the very source of the problem though, Bob, and I keep - and I am not going to get into specific situations, but I have been involved in a couple of things with various Boards in the City where you really feel that something stinks. Okay?

Commissioner Dykstra stated: And you have to have some place to go -

Commissioner Sullivan stated: - and you do not have a place to go to, you do not. You just -

Commissioner Shaw stated: Why, you don't go to the Mayor?

Commissioner Dykstra stated: What if it is the Mayor that does this -

Commissioner Sullivan stated: It is the Board of Mayor and Aldermen -

Commissioner Dolman stated: The Mayor has his own (inaudible) - you know - can I (inaudible) - we are looking upon that, we are looking at it -

Commissioner Dykstra stated: Yeah, we have the Ethics Commission -

Commissioner Dolman stated: Our Committee, we have not - we are thinking about establishing some kind of Ethics Commission. I mean, it would be great to have some research, you know, on that - that part, you know - on behalf of Steve Goldman and Charlie Dunn, I guess, my feelings - I agree with you a hundred percent - when you look back at the record, and maybe I should not have served, okay, but the Court allowed me to serve. But maybe in the future there should not be a City employee on - okay - the Aldermen, something who (inaudible) them - okay? And I will them, I will walk - probably have to take a step off of that one, because I definitely have a conflict on that part, because I did serve as an Aldermen, but my feeling is - that when I was there - and I think when John McDonough was there, but I do not know, I cannot talk for fact with John, we walked away from any possible, any possible, as the records will show, possible conflict. It was up front and we were straight out, where I know other Aldermen who have similar conflicts, might be a direct one like with them personally, but other members of a family, who did not walk away and plus the Mayor, who as a conflict with certain issues - insurance issues and certain other issues, has not walked away from situations, and I think those to me, bother me just as much as a City employee sitting on a Board, because those are - those are conflicts that are not direct and people might not see them, but they are there, as you stated.

Commissioner Sullivan stated: Yeah.

Chairman Pappas stated: Brad -

Commissioner Cook stated: I think that one of the things that I would caution us

about, and we will get into this when we actually talk about the report of the Ethics Committee, but folks at the Legislature, where they try to do this, every place that they try to do this, by coming up with a separate commission that is going to keep people somehow honest, or this or that or the next thing, it is the responsibility of the elected officials and the Board of those elected officials to police themselves and figure it out. There is enough diversity in twelve Aldermen and a Mayor to, in the first instance, have responsibility for doing that, and creating another group of people someplace, that are somehow going to be holier than thou, I have got to tell you, it does not work at the Legislature, it does not work a lot of place.

Chairman Pappas stated: Leona.

Commissioner Dykstra stated: Well that - that would possibly be advisory, the way we are looking at it.

Commissioner Cook stated: Well that is fine.

Commissioner Dykstra stated: Okay? The commission would be advisory, but it is a place for people to go - and there is a regular process set up, so we will get into that, and they do it in other areas. Because when you talk about a conflict, and when Steve was talking about how there could be times, say the Mayor was in conflict, or someone else is in conflict, and nothing is done about it. Well, when I was in Concord, I hate to tell you, when it had interstate banking, how many people that owned stock in banks went and voted. Now, everybody thinks that that is a great system up there - I think it stinks. I mean, when you talk about Rule 16, and Toni could probably attest to this, you are only in conflict in the State if you think that you are. If you say that you are not, it does not make any difference. You still can vote, and everybody votes and does their own thing. Within the Board of Mayor and Aldermen, with the conflict I have, and something else that we can probably even put in better than that, the question has to be asked. I mean, the thing - and no one has got the guts to go up there and ask it. If you feel that an Aldermen is basically in conflict and should not be doing something, you can ask for a question right now with the way the ordinances that I

had set up. A vote can be taken, non-binding, but it brings that out in the open. You could do it with the Mayor, you can do it with all of your Boards and Commissions - Planning, Zoning, the whole City, but no one does it. Remember Mr. Roberts came up and said, "oh, I have got problems with this one, and this one does not do this, and whatever," well you know, Tom, we do have a conflict of interest ordinance and you can ask for question if you feel. But, I feel that in some cases these people do not want to do it, so it might be a good idea to have someone outside, even a Code of Ethics, to bring something forward, even though they cannot, basically, do something mandatory, but then can act as an advisor to the Board. I think openness is very important. The Aldermen are not going to do it. I have not seen it in the years that I have put this in. Okay, and that is all if have to say.

Commissioner Shaw stated: Well, Massachusetts has one of the strictest code of ethics, and if I am not mistaken, the Speaker of the House just resigned. And there is no stronger ethics code than Massachusetts in the United States, so really, ethics is what Brad said - it is in the mind - you know, it is the duty of the Aldermen themselves to police themselves, and the press to be observant.

Commissioner Cook stated: I have to got to say on the record, Steve, that you do not have a conflict of interest, advising us, as a member of the Charter Commission, on whether you think that school employees should or should not be there. That is not a conflict of interest -

Commissioner Dolman stated: Well, I just thought -

Commissioner Cook stated: - it may be - it is certainly appropriate to disclose that you are a school teacher if anybody has any doubt about it -

Commissioner Dykstra stated: Unless you are getting paid, I mean -

Commissioner Cook stated: You do not have a conflict of interest, and we throw that word around like it means something. You do not have one, it is not proof.

Commissioner Dolman stated: Okay, I just - as long as we know -

Commissioner Shaw stated: Let's get on -

Commissioner Baines stated: I would just like to make a comment. I think that we need to tread lightly and I think that is what Brad was saying, he said, I do not know what you people are going to come up with, but if you create some kind of a big brother type things - ethics commission - you are going to reek havoc in this City, because every little issue - look - just the fact that something has been referred to the Ethics Commission indicts a person. We are in a society -

Commissioner Cook stated: Yes, exactly -

Commissioner Baines stated: - where you just use that word, somebody - I was reading that - I think it was down in Hudson, some vendor came and gave one of the employees one of these [a binder/notebook], he violated the code of ethics and he got suspended for two weeks pay. I mean, that is stupid. And - you know, people get carried away with these issues when you work - and I think that that has been said by most of the people that have come before us - we were not going to say everybody knows everybody, there is some kind of a conflict somewhere with everything. Just because you know, that somebody is an employee of City government - has a relative working in a department - that is not necessarily a conflict. That is the nature of working in a community, and people marrying, and having children, and all - it gets ridiculous. And, if we are going that route, then I am going to yell and scream, because I think that that is going to create nonsense for the City.

Commissioner Shaw stated: It is in the genes.

Chairman Pappas stated: Alright, Kathy, and then Leona.

Commissioner Sullivan stated: Umm - I wanted - I will come back to what I had in mind, and it was, and it may be close to what the Ethics Committee - Subcommittee is coming up with, Bob, is some type of an ombudsman position

where somebody do not - you know - have some interest in an ombudsman, as someone you can go to say, "I am not happy with the way the system works here, and I do not feel like I have someone who I can go to or talk to or some independent person to look it over," but - we - you know - I think we will get there - we will get to it.

Commissioner Baines stated: We will get into it when we get to it -

Commissioner Shaw stated: But, one thing I am also interested in finding out is, I think, isn't there some provision, and I do not know if it is 49:B or C, about limiting school department employees - or School District employees from running for School Board?

Commissioner Dolman stated: Yes. That is where the incompatibility of the State law is -

Commissioner Sullivan stated: And it is just School District employees being on the School Board -

Commissioner Dolman stated: - School Districts cannot serve on the School Boards -

Commissioner Baines stated: Makes sense -

Commissioner Sullivan stated: So, I think that that is one of those things, that when - you know - when you talk about the Charter reflecting State law that we should probably take a look at -

Commissioner Baines stated: Refer to State law -

Commissioner Sullivan stated: Yeah, exactly that. But, I do not recall anything in State law taking it one step beyond, and frankly, when you were talking about - you know - the positions were are taking, I do not have any problem with any City employee running for any office that they want, as long as it is permitted by State

law. But that is just my own - and maybe it is because I happen to be married to a City employee, I have a sister and niece who are City employees - that are being - I agree with Bob Baines, in a City this size - where I am coming from on that one - but I do not think that there is - that is my position, other than what we have at State law, I would not want to touch it.

Commissioner Dolman stated: Bob, just add to that, as an Aldermen, you only vote on the bottom line for the School District. You do not vote on - vote on any other line items. You just give them the bottom line figure - as - okay? You know that, and you have no control of the policy - the School District, the elected School Board can set policy, so that I think allowed that to happen - the School District decision - and I will get the - I have the case -

Commissioner Baines stated: I just want the Charter to say what it should say, and if that is fine - if the Charter says that it is fine -

Commissioner Shaw stated: Then why couldn't School Board - the Highway workers serve on School Department?

Commissioner Baines stated: Could - could.

Commissioner Sullivan stated: Why not?

Commissioner Shaw stated: Can't - (inaudible) this thing though.

Commissioner Dykstra stated: We could

Chairman Pappas stated: Leona.

Commissioner Dykstra stated: Yes, well, you know - with Commissioner Baines, what he had mentioned, I mean - ahh - the thing is, is that we basically are working together, the three of us, putting something together - I am not saying that you are going to have to love it - I mean, right now, you have not even seen it, and we are getting all kinds of problems with it. I mean, you know - I mean, we

are not going to be picky about this, I mean, the thing is that you are talking about - picky - well, whatever. But you, you are criticizing it before you ever saw it -

Commissioner Dolman stated: No, no - he made a point, only because I - I did not take it criticism.

Commissioner Dykstra stated: Okay. Okay, well fine. No fine, but what I am trying to say is that we are going to bring forth something, that if you do not like it, fine, that certainly is your right to do so. The thing is, I am not looking at these little penny-ante type things, where your job - your brother - your whatever, that is cronyism. It lives. You know, I mean, that happens.

Commissioner Sullivan stated: Well, it is not cronyism.

Commissioner Dykstra stated: Not that I think it is great. But what I am saying, is, you know, there is another word - I cannot think -

Commissioner Baines stated: Can I take you out to lunch?

Commissioner Dykstra stated: Okay, no thank-you, I am on a diet.

Commissioner Baines stated: That is another issue -

Commissioner Dykstra stated: But ahh, no, no - this right here, you can talk about right to know, under the Right-to-Know law, there are - there are a certain amount of Aldermen cannot go out to lunch together, if it constitutes a forum. I mean, this is a State law, so I mean - there is - what we are looking at basically, is to make government -

Chairman Pappas stated: Well, it is a social encounter.

Commissioner Dykstra stated: Okay, but what we are looking at - basically - are people that are personally, or pecuniary or let's call it a monetary, other than another citizen. So we are looking at things that basically are more major than

what you are saying. I mean, a lot of people are going out there and getting contracts and making deals and getting things that they should not be, I mean, I think that is what we have to look at. I think that it happens all over the Country, I think there are code of ethics or there are commissions all over the place. There was an Ethics Commission one - in Massachusetts somewhere, where a Mayor, a woman, gave her brother this job, and he made an awful lot of money on it. She was fined a Thousand Dollars and he lost the contract. I mean, so I mean, I am not saying that this is as far as we go, but what is wrong with trying to - Bob - will you control yourself, I have got the floor -

Commissioner Shaw stated: Why don't you yield a second? Yield a second -

Commissioner Dykstra stated: Okay.

Commissioner Shaw stated: Would you yield?

Commissioner Dykstra stated: I guess. There was time when I would never yield -

Commissioner Cook stated: It sounds like a lot yielding to me, but go ahead -

Commissioner Shaw stated: Just a point of order. To discuss ethics without Mr. Stephens here is - well - it means that we will have to do it a second time.

Commissioner Dykstra stated: We are not discussing the whole thing - I am just saying that (inaudible) - Well, I think that we should be able to discuss it a little bit, Bob.

Commissioner Dolman stated: Is there a point that you are making Bob?

Commissioner Shaw stated: I do not want to discuss it a second time.

Commissioner Dykstra stated: We have both served on the Board, so we understand a lot of this, too.

Chairman Pappas stated: We will expect a Committee report on this -

Commissioner Dykstra stated: I do not know. Tell me the day that Bob is not going to be here, when -

Commissioner Shaw stated: You pick a day -

Commissioner Sullivan stated: He is always going to be here.

Commissioner Dykstra stated: Whatever.

Chairman Pappas stated: Mike -

Commissioner Lopez stated: I want to - we can go on and on, but there are some other issues that we have talked about previously that, ahh, such as visiting somebody - is that out the window? Has anybody done anything on that?

Chairman Pappas stated: Visiting in the - yes - we talked about that again, visiting another city.

Commissioner Shaw stated: Paris.

Commissioner Dolman stated: Mike made a point -

Commissioner Shaw stated: Paris - a beautiful city, well run -

Commissioner Sullivan stated: Paris, Texas.

Commissioner Shaw stated: Clean, neat -

Commissioner Dolman stated: Mike made a point at the last meeting, I think that

we got, because of the time of the meeting, we said that we would talk about it today - he mentions the concept of bringing in former aldermen, and former department heads who might speak more freely because they are not in office anymore, and they might be able - and they lived with that Charter - and they might speak about it. So I want to follow-up Mike's suggestion, you know, just an invitation to them - you know - to them, somehow -

Chairman Pappas stated: Right, and we do have a date in between here, where we have nothing scheduled. We have May 1st, do you know -

Commissioner Dykstra stated: We have something May 1st, don't we -

Chairman Pappas stated: May 1st, May 8th -

Commissioner Cook stated: Yes, May 1st we have a meeting scheduled.

Chairman Pappas stated: I think May 8th there is nothing scheduled. So we could schedule them then. Would you like that?

Commissioner Shaw stated: No.

Commissioner Dykstra stated: Bob does not want the former aldermen, only the former mayors.

Chairman Pappas stated: Or do you want them to come to a public hearing?

Commissioner Shaw stated: Let them come to a public hearing.

Commissioner Dykstra stated: Well, what difference is it - a mayor and aldermen? You know, you know you had your choice -

***Commissioner Baines moved to invite former Aldermen,
department heads and commissioners to a meeting on May 8th.***

Commissioner Cook seconded the motion.

Chairman Pappas stated: Any discussion on this?

Commissioner Shaw stated: Yes.

Chairman Pappas stated: Bob Shaw.

Commissioner Shaw stated: I would like us to identify, from the people that we have heard from so far, those things that they find should be changed. And, I think that bringing in former people is not going to change the testimony one iota. You have not had a person come before you yet that has said that, whatever the mayor or the aldermen want done, is not done. It is.

Chairman Pappas stated: But former people may be a little more candid I think than present people -

Commissioner Shaw stated: Of what? Of a problem that is not there.

Chairman Pappas stated: Kathy -

Commissioner Sullivan stated: With all due respect, Commissioner, this City, this City has got a lot of problems. I'm sorry.

Commissioner Dykstra stated: Oh no, no, Kathy - there is nothing wrong. I don't want to hear it.

Commissioner Sullivan stated: This City really has a lot of problems -

Commissioner Shaw stated: But you can't -

Commissioner Sullivan stated: That is why I ran for this position. I have lived here all of my life, and I will tell you, this City has - and - you said something -

Commissioner Shaw stated: You couldn't tell me what's wrong -

Commissioner Sullivan stated: - and, you know Mr. Tulie did not hear it - if he was here - I would say to Mr. Tulie, if he was here, I think some of it may be the responsibility of the current administration. Okay? That, I agree with you on that - but let's say - political, I guess. However, I think organizationally, the City has got some problems and we have got to make some changes. But having said that, that was not why I raised my hand. Because I can't stand this idea that there is nothing wrong with this City, because that is not true. There is - we also - what I would like to do, if we are going to have this meeting, I think Mike's idea is a good one. Because I do think more information is valuable. I would like however, to limit it somehow, because, personally, I do not think I could stand sitting through another four and a half hour meeting, again, and I am wondering if we could perhaps make a list of people that we would like to invite. For example, I would like to hear from John Snow, who was the City Coordinator. I would like to hear from him.

Commissioner Baines stated: John Hoben, then -

Commissioner Sullivan stated: Maybe John Hoben - and I think maybe, if there are some people that we would like to invite to speak - instead of a blanket invitation -

Commissioner Baines stated: Well, I like the idea -

Commissioner Dolman stated: Personally, I do not think too many would show up, to be very honest with you.

Commissioner Baines stated: But, I think that that is a good point, and while we are discussing my motion that is on the floor -

Chairman Pappas stated: We are still discussing it -

Commissioner Baines stated: - and seconded by Mike Lopez, that I think

somebody like Earl Rinker, who has been a former aldermen, he is now a Town Administrator. He might offer a nice perspective.

Chairman Pappas stated: I invited Earl Rinker the other night, because he said he wanted to come. He can come on a different night. So he is coming.

Commissioner Cook stated: - we have - public hearings -

Chairman Pappas stated: He is coming during a public hearing.

Commissioner Cook stated: Good. But we have - I mean, I agree completely that John Snow would be a good -

Chairman Pappas stated: No, he is coming during the meeting - he is coming during the Finance Committee meeting.

Commissioner Cook stated: Yeah, we have a session set on Finance, which are the issues that you were talking about before, which is a very important area of how the City operates, even though it is not one of the sexy, big headline issues, it is very important to the (inaudible) of the City. I mean, I would love to hear from people, who somebody says, "so and so has a perspective because of such and such," but I have got to tell you - a meeting that says, anybody who is a department head, or anybody who was a commissioner, or anybody who was a this or that or the next thing, come and talk to us - that is why we have public hearings - and I do not know what the purpose of these former guys is, unless somebody can specifically point at something and say, "this guy has something he wants to say to us because there's" - because just to invite them and say, "how do you like your City?," who cares?

Chairman Pappas stated: Mike -

Commissioner Lopez stated: I'd like to point - when I first thought about this idea, I - looking at it, naturally for them to speak more freely, but these people to me are the really experts. We have already had the pros come in and tell us how

everything should be, and to me these people are the experts that are saying they have worked with this Charter, this Charter has been in existence for a long time -

Commissioner Shaw stated: How long?

Commissioner Lopez stated: A hundred and fifty years - okay, and the last Commission did not do that much because they had to make recommendations to the Board of Mayor and Aldermen, whereby this Commission it goes to the people. So, I - well -

Commissioner Shaw stated: That's not true -

Commissioner Lopez stated: Well, it's not true?

Commissioner Shaw stated: It is fourteen years old, at the most.

Commissioner Lopez stated: Alright, fourteen years old. But any ways, the point that I want to make is that I think that these, these people have a lot of input to give us. You mention John Hoben, you mention John Prentiss - out there - there's Clem Lemire, there's Catudal - you know -

Chairman Pappas stated: Could you list them? Can you name a few people that you think would be -

Commissioner Dykstra stated: - Invite them all to a public hearing, I don't -

Commissioner Lopez stated: If we are going to -

Chairman Pappas stated: I think that if you singled out a group, like five people or six. Who are the ones you just mentioned? Just so I can -

Commissioner Lopez stated: Felix Catudal -

Commissioner Cook stated: Yeah, the guy that sued the City. He will come and

tell you about the lawsuit -

Chairman Pappas stated: Felix, and who else?

Commissioner Lopez stated: There is Clem Lemire, there's John Prentiss -

Commissioner Shaw stated: You don't have to go into executive session to learn what's wrong -

Chairman Pappas stated: Kathy -

Commissioner Dykstra stated: Remember that, Bob -

Commissioner Sullivan stated: John Snow is one - (inaudible). But I didn't, you know, I just think that - we really - it does make sense to this at a regular meeting not a public hearing, because I think that otherwise we are not going to get these people to come -

Commissioner Cook stated: Okay -

Commissioner Sullivan stated: - and I want to hear, and I have said this before, I think, from as wide of a net of people as we can, and these are folks - there - for whatever reason - having them come to the public hearings, I think they have got some experience that we can learn from. So, whether it is five or six, but I will - I really would like to do it and not at a public hearing forum -

Commissioner Cook stated: Well, I think there are certainly some specific people that we want to hear from, but I think that a blanket invitation to everybody in the world -

Commissioner Sullivan stated: No, no - I think we are all in agreement, Brad -

Commissioner Dykstra stated: We are all on agreement on that -

Commissioner Sullivan stated: - it is not a blanket invitation.

Chairman Pappas stated: Right now we have a list of four people.

Commissioner Shaw stated: Name them.

Chairman Pappas stated: John Snow, Clem Lemire, Felix Catudal and John Prentiss.

Commissioner Shaw stated: No - you didn't put Hoben on there, did you?

Chairman Pappas stated: John Hoben?

Commissioner Shaw stated: That's the only person, honestly -

Chairman Pappas stated: That is five. Anyone else?

Commissioner Shaw stated: Hoben is the only person you need to talk to.

Commissioner Dolman stated: Can we find a selection of former aldermen who might want to come?

Commissioner Dykstra stated: Just invite it to everyone, if you think - what do you have - Hank Thibeault, Ray Provencher?

Commissioner Lopez stated: Ron Machos who just lost Hoben -

Chairman Pappas stated: I do not want to hear from any of the aldermen -

Commissioner Lopez stated: We don't want to hear from the aldermen?

Commissioner Sullivan stated: No, not from aldermen. I do not want a blanket invitation -

Commissioner Dolman stated: No, I'm just saying do you want to take a few from on the "D" side and the "R" side -

Commissioner Shaw stated: Let's pick a republican and a democrat -

Commissioner Dykstra stated: One is good -

Commissioner Dolman stated: A couple of each, maybe -

Chairman Pappas stated: Formers -

Commissioner Dolman stated: Formers.

Chairman Pappas stated: Which two?

Commissioner Dykstra stated: What you already had -

Commissioner Cook stated: Why? To what end?

Commissioner Shaw stated: How 'bout that fellow up in Ward One, Hunt? Let's have him come in.

Commissioner Dykstra stated: We are gonna go around and around -

Commissioner Dolman stated: He's before the Charter -

Commissioner Dykstra stated: Just open it up to anybody - I don't care -

Chairman Pappas stated: Here is our list, John Snow, Clem Lemire, Felix (Catudal), John Prentiss and John Hoben.

Commissioner Dolman stated: Glen Gervais - he served, he first came in with you, Bob, right?

Commissioner Shaw stated: Not - not -

Commissioner Baines stated: I think maybe we should even knock that list down a little bit, when we get through with it -

Commissioner Shaw stated: You should have Snow and Hoben, that's it if you were trying to find why the City may work or not work. They both were City Coordinators. It would sound logical to have - and John Hoben has strong views on how the government doesn't work and why the Charter we have is in the form that it is now. He was there - creation -

Commissioner Dykstra stated: He gave all of those interpretations - we didn't like -

Commissioner Shaw stated: Well, Elmer will give us opinions.

Commissioner Lopez stated: I think you have to leave it open to a degree. I mean if you are going to say former aldermen or former department heads - and you get somebody's name here -

Commissioner Shaw stated: Why don't we just - former City Coordinators? And then we -

Commissioner Lopez stated: Well, why just the City Coordinators?

Commissioner Dolman stated: And then there is what's his name, too, then - the gentleman who is from the (inaudible) - what's his name, ahh -

Chairman Pappas stated: Okay, we really -

Commissioner Dolman stated: Leo? Do you recall it? He was here for about a year?

Commissioner Shaw stated: Where is Shaughnessy?

Commissioner Dolman stated: The banker -

Commissioner Cook stated: What's his name -

Commissioner Dolman stated: I do not remember his name -

Commissioner Cook stated: The City Coordinator?

Commissioner Baines stated: Babelzick.

Chairman Pappas stated: Oh Babelzick. Isn't he in Maine now?

Commissioner Lopez stated: Madam Chairman, if we are going to open it up to where we want input, of course the public hearing is always there - but that the problem with the public hearing, as we all know, is that a lot of people do not come to it, period. We have only had professionals at - most of the public hearings - professionals -

Commissioner Dykstra stated: Can't you ask them in a press release or something - instead of inviting - (inaudible) -

Commissioner Lopez stated: Well, we have had - I call them professionals because - and I will leave it at that -

Commissioner Dolman stated: - (inaudible) tell me, and that is -

Chairman Pappas stated: Steve, wait one second. Mike -

Commissioner Lopez stated: But I think that these people did work with the process and if we leave it open, if we invite a certain few and somebody else wants to come in, and say, "hey, I did not get an invitation," I think we ought to be able to let that person come.

Chairman Pappas stated: To - right. Kathy, did you want add something to this

list?

Commissioner Sullivan stated: Umm, no actually - I think - I think if maybe there is maybe a compromise or a consensus, that, what might make sense is to invite a limited group and then, if, as Mike says, some people come forward who say they would like to speak to us -

Chairman Pappas stated: Just include them, or they can come to a public hearing -

Commissioner Sullivan stated: - or come to a public hearing, either one. You know, yeah, although I really do not like the idea of sitting through another four and a half hours of -

Commissioner Dykstra stated: - not going to -

Commissioner Dolman stated: I do not think that they are going to have that many people show up, I mean, I cannot see some of the former aldermen, who served, you know, I mean, be - you mentioned Charlie Hunt - you think Charlie Hunt is going to come to this -

Commissioner Shaw stated: I mentioned Charlie Hunt -

Commissioner Dolman stated: Do you think Charlie Hunt is going to come to a public meeting, seriously? Do you think that Charlie Hunt is going to show up, I do not think so. I do not know if you think that Ray Provencher is really going to come, I am not sure - I do not think so.

Chairman Pappas stated: Just to give you an idea, we had ten speakers at the public hearing. How long was that? Two and a half hours?

Commissioner Dykstra stated: We let them talk too long.

Chairman Pappas stated: And the other night, I think we had fifteen, so that

turned into four and half hours. So a list of five or six people would be adequate.

Commissioner Lopez stated: Yes, I think so too, but I think also Madam Chairman, that if it can be controlled to a point - and it saves time - I mean - what can - if I was a former individual coming in, I mean maybe I would give a two minute - and ahh, questions, you know, for about ten minutes, but that would be about it.

Chairman Pappas stated: But that is what people have been doing. No one has spoken very long, it is -

Commissioner Dolman stated: It is the questions that have been much too -

Chairman Pappas stated: - and that is the interesting part.

Commissioner Dykstra stated: Oh it is that first Aldermen - one that was really long.

Commissioner Shaw stated: But if Michael was too, he served a long time with Clem Lemire, and I defy Michael to tell us that Clem Lemire could come before us and tell us something that would improve the Charter - it would be some procedures that he did not like, like he could not get his budget, or things like that. His commissioners were good - we have already heard enough of that - commissioners are good. What is it that he would put into a Constitution of a City that would make the Constitution stronger and run the government?

Commissioner Dykstra stated: Don't cut any trees.

Chairman Pappas stated: Mike -

Commissioner Shaw stated: Nothing.

Commissioner Lopez stated: I am not really talking, so much of what you have just indicated, for somebody to come and speak to us like that. I want to know

their opinion of certain parts of the Charter, that handicapped them, along that degree. Let them voice their opinion to us, just like everybody else who has had their opinion.

Chairman Pappas stated: Okay, I think we can bring it to a vote. Do you want these six people? Or? One more time, John Hoben, Snow, Lemire, Felix, John Prentiss, John Hoben and Babelzick? Is that how he -

Commissioner Dolman stated: I think that Babelzick was long enough and he is not -

Commissioner Baines stated: He is not, you know, important -

Commissioner Cook stated: The chances of his coming are -

Commissioner Dykstra stated: Is Earl Rinker in there?

Chairman Pappas stated: Rinker is coming another night.

Commissioner Dolman stated: Do you want to invite any other -

Chairman Pappas stated: Just call if you want one or two more.

Commissioner Cook stated: Somebody explain to me just why - specifically - why is Felix on that list?

Commissioner Pappas stated: We can take him off.

Commissioner Lopez stated: Why not? He worked for the City -

Commissioner Cook stated: He is a - he was the Tax Collector of the City of Manchester for a long period of time -

Commissioner Shaw stated: The vote was six to six and he kept his job.

Commissioner Cook stated: He got - he sued the City, he is very angry. We are going to hear some stuff that I - that I refer to what Bob said, his only - he will not be saying that, but - ahh - you know, in terms of how we are going to improve the Charter of the City of Manchester, I do not think Felix is going to add one zip -

Commissioner Dykstra stated: Yeah, I kind of agree - I agree.

Commissioner Shaw stated: And now we go to the next person -

Commissioner Dolman stated: What about Elmer Bourque? We have known Elmer Burke since he served on the -

Commissioner Baines stated: I do not think it would be useful -

Commissioner Shaw stated: I think that Tom Clark is now the City Solicitor and the former City Solicitor's opinion has -

Commissioner Dykstra stated: Isn't he the one that said we had to go one way or another?

Commissioner Shaw stated: - been bought and paid for -

Commissioner Dykstra stated: I do not want any more lawyers, we have got enough lawyers on the Board here -

Commissioner Shaw stated: - time is up -

Commissioner Dykstra stated: Two good lawyers -

Commissioner Baines stated: What about Joe Acorace?

Commissioner Lopez stated: I do not believe that he would get into the aspects of the law suit with the City, I - you know - because I think there is some information there that is not going to come out anyway. But, I think they asked a

question about the City Charter pertaining to the Tax Assessor, how he feels, or whatever the case, or what other parts of the City Charter that he thinks we can improve upon since we are looking at it.

Commissioner Cook stated: Well, you might invite him on finance night.

Chairman Pappas stated: I was just going to ask that question. Finance night. How many people come - will be there that night? We have the Welfare -

Commissioner Baines stated: What night is that?

Chairman Pappas stated: May 15th. We have Earl Rinker, the Welfare Commissioner, City finance and School finance. So how many do you think that will bring out? That is - a lot.

Commissioner Cook stated: That is a lot of issues to consider that night -

Chairman Pappas stated: And it is an important night.

Commissioner Cook stated: That is going to be a long night. The City finance, the School finance, bring some of the concerns that Bob raised earlier, the duplication and so forth and so on, that is going to be a long night -

Commissioner Lopez stated: I would say leave them on there, and maybe some of these people will not even show up. At least we invite -

Commissioner Shaw stated: These people would make you want to have a strong mayor -

Commissioner Dolman stated: I think we should get - why don't we invite Joe Acorace for that night -

Commissioner Baines stated: Finance -

Chairman Pappas stated: Leona -

Commissioner Dykstra stated: I just want to - you know - just - can we have a meeting, I know that we are talking about all of these people coming - something Bob brought up and I like the idea, and I think - I have the whole copy of the Charter, we probably all do, and a bigger piece - go through it section by section, look at it - see -

Chairman Pappas stated: Wait, no. We still have a motion on the floor.

Commissioner Dykstra stated: Oh, I thought that was done with, oh -

Chairman Pappas stated: Are we ready to vote?

Commissioner Dolman stated: Yeah, I would like to amend that - yeah, I would like to amend that we invite Joe Acorace the night of the finance - he was a former finance director.

Commissioner Dykstra stated: Invite who you want, I do not care -

Chairman Pappas stated: Well, why don't we have him this night, because we have enough on the other night -

Commissioner Shaw stated: And Madeleine Roy -

Chairman Pappas stated: Do you want him the night of these -

Commissioner Dolman stated: Joe Acorace and Madeleine Roy -

Commissioner Dykstra stated: Make sure that they have no animosity towards the City.

Chairman Pappas stated: *Alright, I sense you are ready to vote. All in favor -*

Commissioners Baines, Cook, Dolan, Dykstra, Lopez, Pappas and Sullivan in favor.

Opposed? Commissioner Shaw opposed.

Chairman Pappas stated: Now, moving on -

Commissioner Dykstra stated: Okay, can I just ask something -

Chairman Pappas stated: And reminding you that it is almost seven -

Commissioner Dykstra stated: I know, and I am leaving early, because I have a headache here - I don't know Bob, you gave me a headache - What I had to mention, and it had to do with what Bob Baines - you know - I think, like today we tossed things around and it is great, but to get some kind of direction that I am going here - number one, whether any changes are needed for the Charter. We could probably eliminate that right now, okay? What I would like to do, is basically, have a meeting, where we have all - basically - looked at the Charter, gone through the sections, and came up with, like with what Bob had said, and I plan to do it anyway, I have already started doing it, to kind of look at every section and see what we want as individuals on this Charter. Then set up a meeting and go over every section and get everybody's idea on what we want changed.

Commissioner Baines stated: Good -

Commissioner Dykstra stated: I mean, why wouldn't that be an important meeting, to show some direction?

Chairman Pappas stated: Exactly. And I think what Kathy -

Commissioner Baines stated: We started to do that tonight, I think -

Commissioner Dykstra stated: Well, but I -

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Commissioner Shaw stated: We already decided - (inaudible) to be done -

Commissioner Dykstra stated: Go in order, you know?

Chairman Pappas stated: Kathy has graciously agreed to take these issues and attach them -

Commissioner Dykstra stated: Can we have a meeting for that? We will need a special meeting just for that -

Chairman Pappas stated: Yes, sure.

Commissioner Dykstra stated: Without the part - just, I mean, you know, just a regular working meeting - a working meeting?

Commissioner Dolman stated: We need more working meetings -

Commissioner Dykstra stated: You know, we will go through the Charter and kind of -

Commissioner Dolman stated: Take it - get this out -

Chairman Pappas stated: Moving along, I think that Brad and Kathy have a brief report from their Committee.

Commissioner Cook stated: We do.

Commissioner Shaw stated: - have such confidence, now running this other firm - aren't you (inaudible) your firm might be diminished?

Commissioner Cook stated: I can handle it.

Commissioner Shaw stated: And why would you go outside to get somebody that is - to help run your firm?

Commissioner Cook stated: This is new enough news that I cannot comment. We have met, Kathy and I have met with, as I think we reported earlier, the City Solicitor. I met with Finance and came up with - if - in some relevance to the finance night that we have, and I think that we should probably, in anticipation of that, in about a week, the week before that, circulate my preliminary list that came from the finance people themselves, and it was very similar to what Steve was saying, because they have grave concerns about how many things are dumped on them, and all of the functions that they have, and where it came from. There are a lot of issues that are going to come out of that. I think we should distribute that to the group so that we will have a little background. But, we have met with them, we have looked at what we think are the technical aspects of the Charter, and we have the following report tonight on some of them, and some of our reporters were not ready yet. On the Procurement Code, which is Article VII of the Charter. We think that the Procurement Code section, which is Section 7.02, etcetera, should be eliminated from the Charter only on the circumstances that the Charter called for a Procurement Code, called for the adoption of a Procurement Code within a specified period of time after the adoption of the Charter, and that the existing Procurement Code stay in effect until such time as a new one is adopted. The reason for that is, the Procurement Code as presently enacted in the Charter, because Charters do not change all of the time, either should be amended - should stay in the - which is similar, there is a middle ground here, which I am not going to get into, but there is a middle ground which would say certain parts that refer to specific amounts and specific things could be changed by the Aldermen by ordinance, but we think - that - given State law procurement obligations, the general principles you put in the Charter on procurement - that it ought to be a statutory thing so that the document allows for a little flexibility, because there are a lot of practical problems. Nobody wants any deals, nobody wants a fix to in, nobody wants any unethical conduct, but inflation being what it is - the numbers change over a long period of time, and what was true fourteen years ago is not true today. One -

Commissioner Baines stated: I cannot agree on that -

Commissioner Dykstra stated: I do not know about that.

Commissioner Shaw stated: I cannot agree on that, at all.

Commissioner Dykstra stated: No, I cannot agree on that either.

Commissioner Shaw stated: If the Finance Department even conceives -

Commissioner Dykstra stated: I have been there, believe me -

Commissioner Shaw stated: - that they want to change it, there is something wrong.

Commissioner Dykstra stated: No, baloney.

Commissioner Shaw stated: Okay. The Finance Department - this City -

Commissioner Sullivan stated: It is just Finance, Bob.

Commissioner Shaw stated: - is what is wrong.

Commissioner Sullivan stated: Bob, it has to rest with Finance. We have - we got those same comments from the City Solicitor, as well as the woman who is in charge of the Information Systems sent the whole Commission a letter, in fact, saying that. As the comments come up with consistency from many departments -

Commissioner Cook stated: And it is a philosophical - I mean - to a large degree it is a philosophical thing. Should the Board of Mayor and Aldermen be able to run the City, or are there some straight jackets that we have got to put them in? That is our report on that issue.

Commissioner Shaw stated: You could reduce the Procurement Code to -

Commissioner Cook stated: Well, well I said -

Commissioner Shaw stated: - to essence, I agree with that, but -

Commissioner Cook stated: Well, well I said - I said, given some principles that would still be in the Charter. No, no. We did not say that it would be a free for all.

Commissioner Dykstra stated: Can I ask a couple of questions?

Commissioner Cook stated: Certainly.

Commissioner Dykstra stated: Does that have to do with competitive bidding at all?

Commissioner Cook stated: Yes. We would put in the Charter that competitive bidding, in accordance with State statute, would be retained. We are not saying give them any free rein to do anything that they want. All we are saying is - the entire code - right now the entire code is in Charter. We would say, a - "an ordinance that contains competitive bidding," that contains, boom, ba-boom, ba-boom - will be adopted within a certain period of time and until such time as it is the present Procurement Code applies.

Commissioner Shaw stated: And it must contain, "X Y and Z."

Commissioner Dykstra stated: Yeah, okay, but what if someone wants to by-pass competitive bid processing?

Commissioner Shaw stated: No, we do not want that. We cannot -

Commissioner Dykstra stated: No, I do not want it, but it has happened in the City before, and who was authorized to do that?

Commissioner Shaw stated: Well, Blue Cross does it all of the time.

Commissioner Dykstra stated: Department heads? I mean, who is authorized to by-pass competitive - and I mean - these are important things that we -

Commissioner Cook stated: But we would not - but you have got a Procurement Code now, Leona, and you say, I mean, I do not know whether you are right or wrong, but I will take it that you are right - we have a Procurement Code presently in the Charter and if it gets by-passed all of the time - so what?

Commissioner Baines stated: There is only one department that by-passes it.

Chairman Pappas stated: I think that this is a good idea -

Commissioner Cook stated: I mean, it has gotta be - One - Two. In Section 8.12 at the present time, there is a sick day policy which is the only personnel policy of the City that is in the Charter. It sets forth the sick day policy of the City. We recommend that it be deleted. We are working on a proposed alternative so that - I mean - it is interesting when you read the Charter and you say, "why is it in there?" It is contract language -

Commissioner Baines stated: It is contract language.

Commissioner Cook stated: And then you talk to people who were there at the time that it was put there, and you find out that it was put there for a reason, and that it was not just put there for a reason that somebody had to fix to be put in, it was put there because there are certain classes of employees of the City who are not covered by collective bargaining, which are the unaffiliated people, from whom certain benefits could be taken to balance the budget, and it was thought appropriate to put this in so they were protected, because the other people were protected by negotiations. So, what we are trying to - we do not think that it is appropriate for the Charter to have one personnel policy in it. We also do not think that it is appropriate for certain classes of employees to be able to be rated, and we are trying to work that one out.

Commissioner Shaw stated: Yeah, well, there is the dilemma that you have.

Commissioner Cook stated: Yes, and we are trying to come up with a solution -

Commissioner Shaw stated: If you pass a law by ordinance that it can be - then you can pass another ordinance that it cannot be -

Commissioner Cook stated: No, no. We want to come up with an alternative for the Charter -

Commissioner Sullivan stated: To the Charter -

Commissioner Cook stated: We want to come up with an alternative to the Charter that both is less specific and also affords the same protection.

Commissioner Shaw stated: It does not hurt to be in there, I mean, do you think that it makes the City unmanageable to have the policy?

Commissioner Cook stated: Of course not, of course not. I think that it is dumb.

Commissioner Shaw stated: Why (inaudible) -

Commissioner Cook stated: I think it is dumb - because I think that it is stupid.

Commissioner Sullivan stated: You know, no - but Bob, there are - there are - it is a question of - just a question of certain things - for an example, and I use this example with the sick day policy. It is not unusual now, you have a combination of days that are considered sick, personal, or whatever, and under this -

Commissioner Cook stated: Let me - let me just summarize the other two for Bob before he leaves, because that - they are very simple - the third one on the election laws we got a long memo from the City Clerk, there are obviously some - there are a lot of election laws in the Charter, and we are not ready yet on that. And on the Retirement System, we are hoping that there will be some resolution to that Court case, and we are still trying to get more information on the retirement thing. We are not ready on that. But those two, Procurement Code and sick day - we think that - our recommendation is that there should be changes, and we are willing to come back with language or to refer it to a Drafting

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Subcommittee on suggestions on the thing.

Chairman Pappas stated: Speaking of which, we need to set up a Drafting Committee.

Commissioner Cook stated: Anyway, that is all we have on the report.

Chairman Baines stated: Oh, I can go now? I am going to a wrestling banquet do you want to go?

Commissioner Dykstra stated: Why me?

Commissioner Baines stated: I don't know - I just figured you -

Commissioner Dykstra stated: Of all people, me? Take Bob with you. Take Bob.

Commissioner Sullivan stated: Please -

Commissioner Dykstra stated: No, I do not mean take Bob with - I did not say take Bob, please.

Chairman Pappas stated: Alright, before we move on, can I ask if anyone is interested in serving on Drafting Committee?

Commissioner Cook stated: Yes, I would be interested - (inaudible) as a - (inaudible) of the Drafting Committee.

Chairman Pappas stated: Brad Cook -

Commissioner Shaw stated: Oh, I am definitely -

Chairman Pappas stated: Cook, Shaw -

Chairman Pappas stated: Commissioner Sullivan?

Commissioner Sullivan stated: Yeah, I have got to comment on Bob being on the Drafting Subcommittee. I do, I am serious. Bob, if you are going to be on the Drafting Subcommittee, which is wonderful, I do not want this to be an effort on your part - if we have a vote on something, and the Commission says that this is the way that we want to go, that you try to - and yet - and it took a way that you did not want to go, okay, are you going to abide by the vote of the Commission in terms of, "now we are going to draft what the Commission voted on?"

Commissioner Shaw stated: Oh, of course.

Commissioner Sullivan stated: Okay. Alright.

Commissioner Shaw stated: Of course, of course - yes. There is no doubt about that.

Commissioner Baines stated: Can I -

Commissioner Sullivan stated: I just want to be sure, because I do not want to fight with you twice. I do not mind fighting with you once, but twice -

Commissioner Cook stated: I would like to recommend also - because I think that he is -

Commissioner Dykstra stated: Johnny -

Commissioner Cook stated: - attuned physiologically and temperamentally, to lead that effort that Bob Baines be the -

Chairman Pappas stated: Yeah, I have not asked him yet. I meant to.

Commissioner Dykstra stated: Now, do you bring forth - you just draft and then we look at it -

Commissioner Cook stated: Oh yeah, this is not the Dictation Committee, this is just -

Commissioner Dykstra stated: Okay, no, I would not think so.

Commissioner Cook stated: - just taking the thoughts and trying to put them into language.

Commissioner Dykstra stated: Did you address the (inaudible) - manager at all?

Chairman Pappas stated: I will ask him if he wants to serve as Chairman -

Commissioner Cook stated: No -

Commissioner Dykstra stated: Because I do have it - in our - Procurement Manager is in here, that you may have one, I did not know if you looked at that.

Commissioner Cook stated: No, ours was more philosophical - being on the Code that there is an approach that we should have to doing it without loosening the bottom - I mean, we were very aware of the fact that the Procurement Code was put in there to avoid people being about to get around it.

Commissioner Dykstra stated: Okay, who supports a city manager? Raise your hand. You do, you are the only - okay, two. Alright, just curious, that is a consensus, okay -

Commissioner Dolman stated: What, I did not see what was -

Commissioner Dykstra stated: City Manager -

Commissioner Sullivan stated: Baines says that he does not. He said that earlier. He does not favor a City Manager -

Commissioner Dykstra stated: No he does not - There are two. Yeah, it was

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just a consensus, that is all -

Chairman Pappas stated: But I do not think that it would ever fly in Manchester, so -

Commissioner Dykstra stated: I do not think we are ready for it.

Chairman Pappas stated: Alright, we should meet again - with information from the officers -

Commissioner Cook stated: Well, we are going to meet tomorrow night, any how -

Chairman Pappas stated: - want to organize some of this information we had tonight -

Commissioner Cook stated: Public hearing -

Chairman Pappas stated: When you like to - and have - your committee will report on that thing -

Commissioner Dykstra stated: Well, I have to wait for Bob - I mean, for John.

Commissioner Dolman stated: John is on vacation -

Commissioner Dykstra stated: Yeah, I wish we would have gotten -

Chairman Pappas stated: When would you like to meet again? Next Tuesday?

Commissioner Dykstra stated: Oh, I do not know.

Chairman Pappas stated: Do you want to wait a week?

Commissioner Sullivan stated: I really have got to start pushing along -

Commissioner Dykstra stated: We already have a meeting now -

Commissioner Cook stated: You can meet as many times next week as you want, I am going to be in Washington -

Commissioner Dykstra stated: I thought we had one on the 24th. Don't we have one on the 24th, that Wednesday?

Commissioner Sullivan stated: Yes, we do.

Chairman Pappas stated: We have one every -

Commissioner Dolman stated: Yeah, we have one on the 24th -

Commissioner Dykstra stated: Well, so leave it for the one on the 24th, that is good enough -

Commissioner Sullivan stated: Bob, are you going to be around next Tuesday - (inaudible) school vacation -

Commissioner Dykstra stated: Johnny is coming home on Tuesday - I just hope we can get together -

Commissioner Dolman stated: I am not going to make it - I will be around -

Commissioner Dykstra stated: Now, Wednesday, ahh -

Commissioner Shaw stated: Are we meeting next Tuesday?

Commissioner Sullivan stated: I think that we should. I think that we -

Chairman Pappas stated: I think that we should meet every Tuesday from now on.

Commissioner Dolman stated: Tuesday and Wednesday?

Chairman Pappas stated: If we do get ahead -

Commissioner Dykstra stated: Tuesday and Wednesday?

Chairman Pappas stated: Yes.

Commissioner Cook stated: Well, what is your agenda - I mean, I have no objection to it, obviously, I am not going to be here -

Commissioner Dykstra stated: I want to have an agenda, yeah -

Commissioner Cook stated: But, what is it that -

Chairman Pappas stated: Well, I am hoping that Bobby, Steve and John - John is going to be -

Commissioner Dykstra stated: But if he coming home Tuesday, is he coming home Tuesday, does anybody know?

Chairman Pappas stated: He said he would have a report for us next week.

Commissioner Dolman stated: But we have not met with him -

Commissioner Dykstra stated: We have not met with him -

Commissioner Dolman stated: - he has been on vacation. We met with him last week -

Commissioner Dykstra stated: And we went over things we wanted -

Commissioner Dolman stated: We went over things - and we went over things that we were concerned with, and he was supposed to be writing it -

Commissioner Cook stated: Well, what - well, who have we had scheduled to meet with on Wednesday -

Commissioner Lopez stated: Why don't we wait another week before we -

Commissioner Dykstra stated: I certainly do not want him to bring it in, do you Steve? Before we look at it?

Chairman Pappas stated: Scheduled on Wednesday is a five-thirty meeting -

Commissioner Cook stated: Yeah, but you were scheduled to meet with the representative of the Unions, I believe - isn't that right?

Chairman Pappas stated: Yes, exactly, Brad.

Commissioner Lopez stated: What do we want to take up next Tuesday, though -

Commissioner Dykstra stated: Five-thirty is Unions? I thought it was a regular -

Chairman Pappas stated: The information that we are bringing back, Kathy -

Commissioner Sullivan stated: Yeah, maybe - I do not know John, you must have a list now of things that you are going to be researching, right?

Mr. Groulx stated: There is some stuff on the way, and I will try to -

Commissioner Sullivan stated: I was thinking maybe - maybe Tuesday he could give us a report on some of the things that we have - if there is enough time for it?

Commissioner Dolman stated: Let me -

Commissioner Cook stated: - could have a working meeting -

Mr. Groulx stated: This is potential language on conduct, I have - for the Town it

was called Conduct of Officials, but obviously, the names changed - that was basically taken from Bedford and Dover.

Commissioner Sullivan stated: I just - you know - if there are things that he is researching, then maybe he can come back with those on Tuesday. I can try to have this thing revised and people can start looking at it - I just - I do not, personally, I would just as soon not have to meet twice a week, but I - I am really starting to get the sense that we really have to start pushing forward.

Commissioner Dolman stated: Can I - can I add something - yes - and I agree - even though we seem like we are going around in circles tonight, I honestly feel - I honestly feel that it was very helpful, and serving on committees and workshops and so forth, you need to have this time where you can just let loose what your feelings are and talk about issues and throw them out, and if you do not do that - you are going to be frustrated, so I think that this is very helpful.

Commissioner Cook stated: This dynamic is better than sitting around a table and acting like a bunch of Aldermen. I mean, this is a very good format.

Commissioner Dykstra stated: Yeah, we don't have the press here -

Commissioner Dolman stated: Maybe next Tuesday, we ought to meet, okay? When should start taking the Articles - as Bob said, maybe we should sit here and start with a few, not do them all, because we are not going to have Brad here to - but -

Commissioner Cook stated: I don't care, do whatever you want.

Commissioner Dolman stated: But, let's just start talking about these, taking the Articles - and start working on the Articles.

Commissioner Dykstra stated: I am going to start doing that. That is our homework, we can do that at -

Commissioner Dolman stated: And then - let's as a group, let's start doing it. Let's start working on the Articles and go one by one, and that way we can get these discussions going on and working in some kind of context.

Chairman Pappas stated: Thank you for your good advice. We will do it.

Commissioner Dykstra stated: So, we are meeting next Wednesday -

Commissioner Dykstra stated: Tuesday at five-thirty, and Wednesday at five-thirty.

Commissioner Shaw stated: You must all agree with me, because if we all agree here then we cannot change anything until later (inaudible) -

Commissioner Lopez stated: Can I just - ahh -

Commissioner Dykstra stated: - remember, Charter Commission elected by the people, Bob.

Chairman Pappas stated: Mike -

Commissioner Lopez stated: I don't know, John mentioned something that he had some things he wanted to talk about earlier, or was I mistaken - did you say that you did have some -

Commissioner Cook stated: He will have it for next week.

Commissioner Lopez stated: Is there something -

Mr. Groulx stated: I am hoping that - in the mail - will bring something by the end of the week on some of the places that I have called for information, and then next week -

Commissioner Lopez stated: I see that you were writing over there, could you

tell us what some of the questions that you will be researching for us -

Mr. Goulx stated: Well, I was just writing on your questions what my general knowledge tells me about other Charters and what I have read through - the State of New Hampshire's other city Charters.

Commissioner Lopez stated: Is that something that you would provide next week to us, as to those questions, along with Kathy?

Mr. Groulx stated: I can give you whatever input you would like -

Commissioner Lopez stated: I mean through her, through Kathy.

Commissioner Sullivan stated: I have got a few things - do you want me to tell you what I have just jotted down as things that came up, I think, that people were interested in? I did not take down every word, but maybe Beth has it -

Commissioner Cook stated: I do not know if we have to do this in front of, you know, with everybody. I think you can -

Chairman Pappas stated: Officers can -

Commissioner Cook stated: Can I make another suggestion on - to follow-up on what Bob said, because I think one way or another, either through the issues that have come up so far, or the issues that we identify, or going through an agreed, group Bible reading here, we are going to do what he said. Which is, people are going to have to identify through the Charter as it presently exists as a checklist - the things that they do not like in it. I think they all should identify the things that they do like in it. There are things in our present Charter that I like. And, I think that it would be good homework for everybody, and I am going to do it and send it to you because I am not going to be here next week - the things that I say, reading the Charter, are issues that I think we should address on changes. And, I think that if we have all done that we will save a lot of time -

Commissioner Dykstra stated: Yes, do our homework -

Commissioner Cook stated: - and just sitting around and saying, "oh, gee wiz, I don't know what that means," and all that kind of group grope stuff.

Commissioner Dykstra stated: Oh yeah, I think that is good. That is what I think we should do. I am going to do it.

Chairman Pappas stated: I agree. Bob -

Commissioner Shaw stated: Well I think that there are two agendas that we face here. First is the agenda of the people who have talked to people outside of the public hearings and have a perception of what is right and wrong in this government. And then there should be - what happened at the public hearings - you see - did not jive with what people are hearing somewhere else. It does not jive with the Muirhead report, it does not jive, really, with private conversations with the Finance Department and other people who are expressing concerns. People who came before us did not express the concerns that will be coming forward next week at the Finance -

Chairman Pappas stated: - I think many of them do.

Commissioner Dykstra stated: That is true.

Commissioner Shaw stated: You think that is true - well - I have gone through her list and I do not see - you know - we do not have the trees on Elm Street, somebody said - and somebody said, you know -

Chairman Pappas stated: There were many of these issues, I think -

Commissioner Dykstra stated: And, which ones are advisory and which are - probably work, okay -

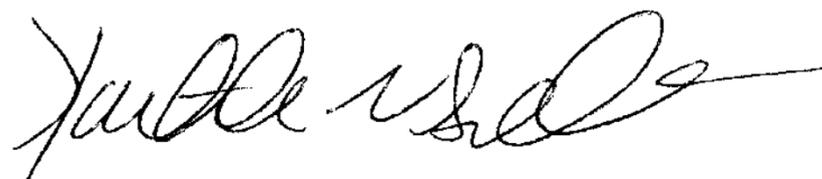
Discussion ensued where Mr. Groulx was requested to forward information to

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members.

***On motion of Commissioner Sullivan, duly seconded by
Commissioner Cook, it was voted to adjourn at 7:05 P.M.***

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen N. Sullivan', with a long horizontal flourish extending to the right.

Kathleen N. Sullivan

CHARTER REVIEW COMMISSION

April 17, 1996

7:10 P.M.

Chairman Pappas called the meeting to order.

Chairman Pappas stated: I will ask Commissioner Lopez to please call the roll. Commissioner Lopez called the roll. There were seven Commissioners present.

PRESENT: Commissioners Pappas, Cook, Dolman, Dykstra, Lopez, Shaw, and Sullivan.

Chairman Pappas stated: Thank you. The purpose of tonight's meeting is to allow the Commissioners of the Charter Review Commission to listen to testimony from you concerning certain items in the Charter, and we hope that you will be able to focus on these items. What we would like to discuss tonight are items concerning department structure and the school system. And some of them would include Departments, Boards, Commissions and City Officers, powers and duties appointed officers, terms, term-limits possibly, the administrative code, which might include personnel advisory boards and personnel appeals boards, and also we would love to hear from you on issues concerning the School Department, including a possible independent budget and taxing authority. So, please, as I call your name, come to the nearest mike and state your name and address, and we look forward to hearing your testimony. Our first speaker tonight is Harold Levine.

Discussion with Harold Levine.

Mr. Levine stated: Good evening ladies and gentlemen of the Commission. My

name is Harold Levine. I reside at 49 Hill Crop Road in Ward Two. I have got to ask Mr. Shaw, after reading Monday's paper, I think that he owes the taxpayers of Manchester an apology. You seem to have listened to a lot of your cronies last week, and you thought this - these meetings for the public were a waste of your time. I think if you feel that way presently, you should never have run for this slot. That is all. - and I think that you should apologize to the taxpayers of Manchester. As I have previously spoken to this Commission, I still would favor term-limits for the Mayor and Board of Aldermen, elimination of all commissions, and - except as I had previously stated - the Airport Authority and the Water Works, which could be two separate authorities. We need a much stronger mayoralty, or Mayor, in the City of Manchester. As we have all read, at the beginning of the year, Mr. Donchas was elected Mayor in Nashua, and before anybody turned around he got rid of - I think - six of the highest paying executives in Nashua, department heads, and then went to his Aldermanic Board and they approved it. This is the type of government Manchester needs to keep the taxpayers of Manchester out of the poor house at the present time. I believe that the Commission should put in some kind of a ruling that any person running for an elective office, city, county or state, should not hold a commission poll - seat. We do have commissioners. That being, that the party is wearing two hats, and whatever department he is a Commissioner of, I feel that the taxpayers, indirectly, are helping to buy votes for this elected position. I do not know if it is within the powers of the Charter Commission to regulate working hours, such as all City workers will work a forty hour week. I understand that most of them work a thirty-five hour week, and then everything is either over-time or compensatory time. I mean, in this day and age, if you people read many years ago, Aetna Insurance, etcetera, just told their people that you have got to work forty hours and that is it. And, also I understand that some of the contracts written in the City of Manchester, and I do not know if the Charter Commission would do wording, that some of the City workers are guaranteed a minimum of three hours of over-time a week. All of these things are costing the taxpayers money. There is another thing that I also believe should be incorporated in the new Charter, that all new positions should be advertised and the best person chosen. Not just some unqualified person who is already employed by the City of Manchester, and might be losing their job, and then automatically - they go into a new slot - whether they are qualified or not, and I think that - reading today's paper - I think that something like that is starting to take place in Derry, but it was caught. And, I

think that if we can incorporate some of these into our new Commission, and bring it up-to-date to the 1996 standards, we might have a better chance of keeping the City financially balanced. Thank you.

Chairman Pappas stated: Thank you very much. Commissioner Dolman - Harold, would you like to take questions?

Mr. Levine stated: Sure.

Commissioner Dolman stated: One of the issues deals with the schools today, and we had heard at one of our previous meetings that the School Board should be autonomous. Do you have any feelings about that?

Mr. Levine stated: Yes. I feel that - they need - no. I think it is something that should be controlled by the Mayor and Aldermen, and I think that it is like giving them a blank check. Indirectly, we have given them a blank check, but this, if they are anonymous - or autonomous - no way, Jose. I mean, I think that they would really keep us in dire sights.

Commissioner Dolman stated: Thank you.

Chairman Pappas stated: Further - Commissioner Cook.

Commissioner Cook stated: A clarification, Harold. Did you say that people should not be able to run for another office if they were Commissioners, or should not be able to hold -

Mr. Levine stated: No. I said if they are a state, city or county employee, they should not then be allowed to be a Commissioner in the City of Manchester. That is what I said.

Commissioner Cook stated: Why?

Mr. Levine stated: Because, they are - if it is an elected position, then I feel that the department that they are representing, that they are buying votes and that we are not getting our money's worth from some of the employees of that

department.

Commissioner Cook stated: If someone is an employee of the State of New Hampshire, and they run for Alderman of the City of Manchester, would you include that in your prohibition?

Mr. Levine stated: Yes, I would. I said no elected official, whether city, state or county. Other states do it, other cities do it, and it seems to work out a lot better where people do not wear two hats.

Commissioner Cook stated: Okay, thank you.

Chairman Pappas stated: Thank you. Further questions? Commissioner Dolman.

Commissioner Dolman stated: Just to clarify that, if someone is a State employee, you do not feel that they should be a Commissioner on any - in the City -

Mr. Levine stated: I say if he is running - he or she are running for and elected office -

Commissioner Dolman stated: Not an elected office, a Commissioner. We keep the Commissioner departments.

Mr. Levine stated: You have got Aldermen who are State employees. I cannot see -

Commissioner Dolman stated: No, I know that. I know that you said that already, that you do not feel that they should be an elected official. My question is, if it is a State employee and we do keep the Commission form of government, are you saying they should not also be a Commissioner?

Mr. Levine stated: I am saying that they should not hold two hats, right.

Commissioner Dolman stated: Okay.

Chairman Pappas stated: Thank you. Further questions? Thank you very much, Harold. Our next speaker is Elias "Skip" Aschooh.

Discussion with Elias "Skip" Aschooh.

Mr. Aschooh stated: Good evening. My name is Elias Aschooh, most of you know me as Skip. I reside at 83 Gilhaven Road. I am going to focus my comments very clearly as an extension of my comments at the last public forum, and if you recall at that last forum, most of the speakers focused on an elimination of redundancy in the powers-that-be, whether it is the Board of Aldermen, or the Commissioners, or whatever. And, there was also focus on accountability. Tonight I want to focus my comments strictly on the School Department, because I have already spoken about term-limits. In the system that we have today, it is a unique system in that we have a school budget, which is developed within the School Department, passed by the School Board, and submitted to the Mayor and Aldermen. The Mayor and Aldermen then can adjust the line item of that budget and then send it back to the School Board. I would like to say, first of all, that I am against a separate taxing authority for the School Board. I think that someone still has to demonstrate to me that there is a benefit of having two taxing authorities in the same domain. And I do not think that we gain anything by that. But I do think that having an elected School Board, once they are given their bulk budget, their base budget by the City, should have absolute authority on how that money is spent. I thought it was inappropriate that, for instance, that the Mayor could line-item out Thirty-Five Thousand Dollars out of the School Department budget. I think that if you carry this down to every City department, once a budget is set, what you basically want to do is translate that authority to the department heads, let them execute that authority, spend the money as they see fit, and then hold them accountable as to how they spend that money. So that is the base of my comments, I do not want to take it any further than that. I will take questions.

Chairman Pappas stated: Questions? Commissioner Dolman.

Commissioner Dolman stated: Well, Skip, I think that there is a mistake somewhere - okay - in your belief. The way that I understand it, the Mayor and the Aldermen give the School Board a bottom-line figure only. They have no

authority to do any line-item taking off. Now, I think that you might be talking about the Thirty-Five Thousand Dollars that went from the Athletics - is that what you are talking about? The Athletics now have their own separate budget. In the past, it was part of the school budget as a whole.

Mr. Aschooh stated: My understanding is that it was submitted by the School Department, though, and that it resulted in the Superintendent of the Schools pink-slipping his Athletic Director. So, in effect, what you have is that same end result.

Commissioner Dolman stated: Right. And I am not arguing that point with you, but what I am trying to say, just for the record is, that Athletics used to be part of the school budget, just like Food and Nutrition is a separate budget of the School Department. And all three budgets come to the Aldermen. Again, they only approve the bottom-line figure. How the School Board reacts to that bottom-line figure is their - is up to them. The Mayor and the Aldermen cannot tell the School Board what to do with the money that they are allocated. They can only tell them, "this is the money that you are being allocated." They cannot tell them how to spend it, where to cut - they cannot say, "we prefer if you put textbooks over this," they have - the School Board has the authority.

Mr. Aschooh stated: Then I guess my comment would then be distilled down to, if something - an expenditure comes under the realm of the School Board - and you line-item a certain base line amount out of that, then the School Board's response should be what they are held accountable for. If the Superintendent's response is that the A.D., the Athletic Director should go, then he should be the one held accountable for it. But, the way that it is reported in the papers - the way it is generally handled - is that, in the Chambers of the Board and Aldermen, these particular positions end up getting cut out, and I think that I would like to see that - at least that, that - context eliminated.

Commissioner Dolman stated: Okay.

Chairman Pappas stated: Okay, thank you. Further questions? Thank you very much.

Mr. Aschooh stated: Thank you.

Chairman Pappas stated: Our next speaker is Representative Leo Pepino.

Discussion with Representative Leo Pepino.

Mr. Pepino stated: Good evening ladies and gentlemen. I will just stick right to the facts. Let's see, what I would do first, if I was in your place, I would eliminate most of our Commissions. Because a department head does not need five Commissioners, twelve Aldermen, and a Mayor, ending up with eighteen bosses. If I was going to keep Commissions, I would keep the Airport, Board of Health, Library, Water Works, and I would create one new Commission, which is an enterprise one - Environmental Protection Division. That Commission belongs by itself. It should be something new created there, because it is just a department, it sits there, it runs by itself, nobody pays any attention to it. They just look at it - they okay everything. They should have their own Commission with special qualifications. The reason that I would keep the Library and the Board of Health as Commissions, because they are very well commissioned, they run well, they run the - you never heard of a politician trying to get on the Board of Health or the Library, because they are non-political. They are two very, very good Commissions. All Commissioners should have special qualifications, spelled out like qualifications for the Board of Health and the Airport Authority. The Mayor should nominate all Commissioners and department heads, with the consent of the Aldermen, just like the Governor and Council do. And a very, very small number of commissions run departments in the State, as some of you there know. A department head should have the right to hire and fire and promote without confirmation by their Commission, because twice I have seen department heads bring people in that they wanted to promote and the Commission said no. They wanted to hire, and the Commission said no. In fact, one department head retired after all of this happened to him. I would limit the Mayor and Aldermen to either three or four two-year terms, not four-year terms. Because every session in the House, and as some of you know, we do not even allow the Governor to have four-year terms, and we figure if we get a bad person in there - we do not need him for two more. This one you will love: All City elections should be non-partisan, increase the number of Aldermen - maybe four Aldermen at-large, one for every three wards. Personnel positions should not be included in the Charter,

like the last one. Only those created by R.S.A.'s. An example - where they put the Assessor's position in the Charter, and said there "shall be three Assessors." Only enterprise departments should be spelled out, other than those that have to be spelled out for R.S.A.'s. The rest of your departments can be created by ordinance. And, a political balance should remain on the Commissions. In other words, if it is three democrats and two republicans, one republican does not change to a democrat, and say, "well, let's see, the democrats are full so we cannot take this guy," or that one republican does not change to an independent, say "we will leave this open." Your Commissioners are picking who they have, and a lot of times your department heads are selecting their Commissioners and saying, "we do not want this person - we want that person." That should stop. A strong code of ethics, conflict of interest, should be spelled out in the City Charter, just like we abided by in Concord. In fact we amended it again today to make it even stronger. This one is a lollapalooza: Section 5.34 of the Charter, the language should be changed to, "their term in office," where it says, "nobody has to declare anything, until they declare themselves a candidate for office." We have Aldermen who have fund-raisers in May, June, July. When it comes time to file their returns, they file Three or Four Hundred Dollars, and they picked up Ten, Fifteen Thousand. That should be changed. And I think that Commissioner Dolman will agree with me on that one. And, whatever changes the Commission decides to make, make them in clear-cut language. Plain, not lawyers language, where every time the Board goes to act, they turn around and say to the City Solicitor, "can we do this?" He will read it and say, "well I will give you an opinion on it." I mean, we do not have a law book here for lawyers. We have a Charter, it should be interpreted by the people that have to work with it - not get rulings and wait a week or two. All departments must follow directives by the Board of Mayor and Aldermen, and I can give you plenty of examples where the Aldermen have given a department a directive and it was not carried out, the City Solicitor had to be called in to say to the Commission, "you people have to appear there because the Aldermen have called you," and very, very important - I got this in the Charter back in '82 - 83, where seven Aldermen can call for a special meeting of the Board if the Mayor will not allow it. In fact, we used that last December. And we used it two or three years ago, because sometimes the Aldermen - they will want a meeting for something, and the Mayor will say now. But this way here, seven Aldermen, if they sign a petition, they can call for a special meeting. A few years back, when the Board came in, at their first organizational meeting, we

used to vote on certain department heads for a two-year term, just like in Concord, the Treasurer, the Sergeant-In-Arms, we used to vote on two-years terms. So, at the end of the Board - like the Board this year - the end of next year, their term was up. When the new Board came in, they voted on them again for another two years, but the last Charter - actually - it was controlled by City employees, because they changed them all to six years. And, I keep hearing a strong mayor or a city manager form of government. Now, if you read the Manchester agenda, the Task Force report, it calls for either or. Now, if I read the paper correctly, one ex-mayor was for this, and the present Mayor was for a stronger form of mayoral government. But, if you read the Task Force report further, it says many times that we did not have time to read into this, we did not study these matters, and they even say, well we did not know what R.S.A.'s would effect these things. So, that is about all that I have to say, and I - Oh, and one more thing, I watched the meeting a couple of times on T.V., and something that the Commission should know, because they have said many times that Section 8.03 of the Charter was not followed by the Board of Mayor and Aldermen. It was. The Mayor came in one night and he says, "at the next meeting I will bring in my slate for Charter review," I believe it was five people. Well, the next morning, the boys are on the phone, and they had their own Committee formed. So the Mayor never brought it back, because it would have been - if I told you who the five people were you would - it was a disaster for the City, so the Mayor did do that, but it just did not fly.

Chairman Pappas stated: Thank you, Leo. Commissioner Dykstra.

Commissioner Dykstra stated: Representative Pepino, I just want to ask a few questions. Basically, you had mentioned some of the Commissions - you felt that we should not have all Commissions but that you support some. When it comes to the Fire and Police Commission, do you believe that they should remain intact? Or, do you believe that they should no longer exist, or do you believe that they should be put under a Department of Safety, with someone over both of them?

Mr. Pepino stated: Well, you are going to get me in trouble now, because I am going to tell you the truth.

Commissioner Dykstra stated: Why am I going to get you in trouble?

Mr. Pepino stated: Because, if you remember a few years back, the Governor always appointed our Police Commission, and when the Governor appointed our Police Commission, we got a lot better caliber Commissioner than we have now, that the Board of Mayor and Aldermen gives you.

Commissioner Dykstra stated: You could be in trouble.

Mr. Pepino stated: I know that I am in trouble -

Commissioner Dykstra stated: No, okay - no, that is alright. Say it the way it is. No problem.

Mr. Pepino stated: I do not have any problem with that.

Commissioner Dykstra stated: Just a further - I just have a couple of questions, Madam Chairman. Another thing - oh - you had mentioned that you support the non-partisan elections -

Mr. Pepino stated: Yes.

Commissioner Dykstra stated: Do you believe, in fact, if the word was out there, non-partisan, that in a person's heart or mind that they would truly vote non-partisan?

Mr. Pepino stated: I vote non-partisan every election. I have never voted a straight-ticket in my life.

Commissioner Dykstra stated: But you believe that - there - that people still would not follow party lines, if they were not?

Mr. Pepino stated: I believe that.

Commissioner Dykstra stated: You do, okay, that is fine. Just a couple of others here, I just want to get it -

Chairman Pappas stated: Further question.

Commissioner Dykstra stated: Thank you very much, Madam Chairman. You had mentioned - or - do you believe that the Charter at sometimes is spelled out pretty clearly, but in cases the Board of Mayor and Aldermen just ignore it, or do not follow it. And if you do believe that, do you feel that there probably should be some kind of a committee set up to enforce this Charter?

Mr. Pepino stated: When I left there three years ago, I wanted to set up an Aldermanic Investigative Committee, when we had that problem in the Police Department. Because we had to hire a private investigator for Five Thousand Dollars to find out, because we did not have that authority at that time. If we would have set this Committee up, this Committee could have done that. But, as far as I know, that is still sitting in Committee because the Board was not concerned about it.

Commissioner Dykstra stated: Okay. And, just one last question, okay, and then I will - You talked about having less Aldermen, would you say -

Mr. Pepino stated: More -

Commissioner Dykstra stated: Oh, did you say or you wanted more?

Mr. Pepino stated: More.

Commissioner Dykstra stated: Now, why would you want more other than less Aldermen, I mean, it is - would you be opposed to say, having six Aldermen?

Mr. Pepino stated: Oh yes, oh yes.

Commissioner Dykstra stated: (Inaudible) - you would? Why would you feel more Aldermen be better? Why would more be better?

Mr. Pepino stated: Well, you were a State Representative -

Commissioner Dykstra stated: Yes -

Mr. Pepino stated: Four hundred is better than two hundred -

Commissioner Dykstra stated: For some people.

Mr. Pepino stated: Because I am a firm believer in the bigger the Committee, the better it is, the more questions that will be asked, the bigger the debate will be. But to cut it down, no, I would say four more. Make it sixteen.

Commissioner Dykstra stated: Alright.

Mr. Pepino stated: You have got to remember, if you want to be a Superior Court Judge at a Supreme Court, it only takes three councilors. If you want to be a Commissioner, it is harder than that. It takes seven Aldermen.

Commissioner Dykstra stated: Okay. This is the very last question. Do you believe in pay increases for the Mayor and Aldermen?

Mr. Pepino stated: I am on record. When we were getting Sixteen Hundred Dollars a year, and they went to Four Thousand, the Mayor was getting Fifteen or Twenty, Twenty-Five -

Commissioner Dykstra stated: Twenty-Eight Hundred, I think so -

Mr. Pepino stated: Whatever it was, they went to Forty, because we would get more people running, we would get a better caliber of person, and I - I made it very clear, it will never change. Political people run for office, that is all you are going to get. Now, if you want to set the salaries, I made it very clear. I am on the record for a Dollar a year. On record.

Commissioner Dykstra stated: Okay.

Mr. Pepino stated: Because if you think - think the Mayor, I mean the Aldermen, get Four Thousand Dollars a year, plus they get another what, Five Hundred to a Thousand expenses, plus they get the health insurance, so that is about Ten Thousand Dollars a year - you are getting to be an Alderman, for what? We get what, a couple of hundred dollars a year in Concord and Nine Dollars a day.

Commissioner Dykstra stated: No, a hundred a year, yeah -

Mr. Pepino stated: And it costs me Seven Dollars for lunch today. I made Nine, in Concord.

Commissioner Dykstra stated: Okay. Thank you very much, Representative Pepino.

Chairman Pappas stated: Commissioner Lopez.

Commissioner Lopez stated: You indicate that you want to increase the Aldermen, non-partisan election, get rid of the Commission - by adding the four Aldermen. I am having a hard time understanding all of that, and then at the same time, you are saying that you would take the Commission and make sure that you have a balance between democrat and republicans on it. Which is it?

Mr. Pepino stated: I said you would keep five Commissions. So you would balance them.

Commissioner Lopez stated: Political, or non-partisan?

Mr. Pepino stated: If you want to make it non-partisan, non-partisan. I do not have a problem with that.

Commissioner Lopez stated: Okay. The other question that I have is, you made a statement in reference to City employees controlling the six-year terms for department heads at the last Charter -

Mr. Pepino stated: That is right.

Commissioner Lopez stated: Could you explain that just a little bit better?

Mr. Pepino stated: At the last Charter, we changed that in Concord, and I believe Commissioner Dykstra and Commissioner Pappas was there at that time, where the -

Commissioner Lopez stated: Did the people vote for it?

Mr. Pepino stated: The people elected six at-large and the Board of Mayor and Aldermen appointed three. So we ended up with what the Board appointed, we ended up with five that were City employees in some shape or manner, or Commissioners. So we had five people that were City employees, controlling the Charter Committee. So whatever them people wanted was passed. Because I appeared before them many times then, and I would look at them, and then we would sit there, at a meeting and we would say, "Well, what do they mean in this?" "Well, we have to interpret that," and I said, "Well, you were there, you were part of this. Can't you tell me what it means?" Does that answer your question?

Commissioner Lopez stated: Thank you.

Chairman Pappas stated: Commissioner Cook.

Commissioner Cook stated: Leo, the - your proposal for at-large, you said one for each three wards, do you mean an at-large Alderman for Ward 1, 2 and 3? Or just a number? Would you elect them city-wide or -

Mr. Pepino stated: No. Like I said, one for every three wards - like - you would have the Aldermen now in 1, 2 or 3, and you would have one at-large for 1, 2 and 3.

Commissioner Cook stated: Okay, so the way did the Representatives a few years ago?

Mr. Pepino stated: Yes, yes.

Commissioner Cook stated: Okay. Thank you.

Chairman Pappas stated: Commissioner Dolman.

Commissioner Dolman stated: Leo, I want to talk about schools for a minute. What do you feel about schools? Should the School Board have autonomy, or should they still be bottom-line figured by the Mayor and Aldermen?

Mr. Pepino stated: The School Board should be left just the way it is. Because, you have got to remember, we have - we do not have a School Board or a School Department, we have a School District, and it is the biggest district in - it is the biggest single district in the State. That is why I am surprised that they have not brought Senate Bill II in here, to let the people vote on their budget, but nobody has mentioned it yet.

Commissioner Dolman stated: Second thing. You said something today about a code of ethics and something - some changes to make it stronger. Any chance that we can get a copy of what was passed up there and done, because we are looking into something like that, and I would love to have a copy of -

Mr. Pepino stated: Well, I put a code of ethics in before the Board of Mayor and Aldermen at least six times. Maybe more. In fact, the last time, I put it in three or four times, but we made it non-partisan with Mike Roche from the Water Works. We put it in together. But, if you want one from Concord, I would be glad to bring you one.

Commissioner Dolman stated: Sure. Please, I would appreciate it, thank you.

Mr. Pepino stated: Because, ahh, there is just too many conflicts.

Commissioner Dolman stated: Thank you.

Commissioner Dykstra stated: Would you -

Chairman Pappas stated: Yes -

Commissioner Dykstra stated: Okay, just - I was not going to ask this, but when you are talking about conflict in the State, and we have been up there for many years - my major problem with the State - a lot of people say that the State conflict is so great, but I remember when I served up there when we had Interstate Banking, and fifty-percent of the people in the House had stocks in the bank and all voted. The thing is, is the way I understand the conflict of interest, Rule 16 in the State is that, you are only in conflict if you believe that you are in conflict. Isn't that true, Representative?

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Mr. Pepino stated: It is true. That is true.

Commissioner Dykstra stated: So that is - yeah -

Mr. Pepino stated: All day today -

Commissioner Dykstra stated: Which to me, is not good enough. To me it is not good enough -

Mr. Pepino stated: All day today we had people taking Rule 16. I have only taken it once in eight years.

Commissioner Dykstra stated: But you do not have to. You can vote, if you do not think that -

Mr. Pepino stated: You can vote. But if you know that somebody has got a conflict -

Commissioner Dykstra stated: Yeah - What do you do about it?

Mr. Pepino stated: Because the conflict that I had that day, I said, you know, you people should get up and come down with me. They were going to charge us Twenty-Five Dollars for our four-number plates, and I said that we cannot vote for this or against this, because it effects us. So, we all got up and went down -

Commissioner Dykstra stated: Okay. Thank you.

Chairman Pappas stated: Further questions? Thank you very much, Leo.

Mr. Pepino stated: Thank you.

Chairman Pappas stated: Are there any other people that would like to speak this evening, or offer written testimony? Alright, if there is no one else, we are very glad that you came to see us tonight, and we will take your comments under advisement, and accept any other written testimony that you may wish to present. Thank you. Is there any further business to come before the Commission?

Commissioner Cook stated: I move we adjourn.

Commissioner Baines stated: I just have one thing. With regards to yesterday's meetings -

Chairman Pappas stated: Before we adjourn, Leo Bernier just has one item for us.

Clerk Bernier stated: I just want to clarify something that Commissioner Baines mentioned yesterday, in regards to local initiative, a question in regards to the privatization - why was it binding? Their group went through the State statute, and I just want give you -

Commissioner Dykstra stated: Oh, okay, good.

Commissioner Cook stated: Okay, good -

Clerk Bernier stated: - if you want it to be binding, it is the Amendment.

Commissioner Dykstra stated: Because all of ours are non-binding -

Commissioner Shaw stated: - will allow you to do it, even though it is illegal.

Commissioner Cook stated: Just this one time -

Commissioner Shaw stated: Will allow you to do it, even though it is illegal to -

Commissioner Dykstra stated: What is illegal?

Commissioner Shaw stated: No business can be transacted -

Commissioner Cook stated: At a public hearing. That is alright.

Chairman Pappas stated: It is, that is wonderful.

Commissioner Cook stated: Yeah, that is helpful.

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Commissioner Dykstra stated: - got enough meetings in there.

Chairman Pappas stated: Oh, yes.

Commissioner Dykstra stated: Well, that was good.

Commissioner Shaw stated: Oh, Mr. Levine, I apologize.

Chairman Pappas stated: Thank you. I will accept the motion to adjourn. We are adjourned.

Meeting adjourned at 7:40 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Kathleen N. Sullivan', written in black ink.

Kathleen N. Sullivan

CHARTER REVIEW COMMISSION

April 23, 1996

5:30 P.M.

Chairman Pappas called the meeting to order.

Chairman Pappas stated: I will ask Commissioner Sullivan to please call the roll.

Commissioner Sullivan called the roll. There were eight Commissioners present. Commissioner Shaw arrived late.

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

Commissioner Dykstra stated: Okay, is this our -

Chairman Pappas stated: Yes, we have this - and first - John has put together something also, which I think really just goes along, it fits perfectly. So, let me pass this around. There are three sheets in each one of these, alright?

Commissioner Dolman stated: Who passed this out?

Chairman Pappas stated: Kathy Sullivan.

Commissioner Dolman stated: Okay.

Commissioner Sullivan stated: Bob Shaw had asked that I take the questions to date, and suggestions -

Commissioner Dolman stated: Including the other -

Commissioner Sullivan stated: And sort of put them in under Articles -

Chairman Pappas stated: John also put together a table of contents of the Charter, outlining each Article, and then Kathy - I think - with what you have done, Kathy, the two could sort of be used together, maybe?

Commissioner Sullivan stated: Well, I don't know -

Chairman Pappas stated: Well, anyway -

Mr. Groulx stated: That outline that I gave you is just a general outline of the Charter. I added a few things -

Chairman Pappas stated: John, why don't you come sit over here with us - you are too far away.

Clerk Johnson stated: Can we just identify for the tape that it is John Groulx that is speaking, because this is a very weak taping -

Commissioner Dolman stated: And there are two John's, I was not sure which John you were talking about.

Chairman Pappas stated: Okay great - So, umm, I am sorry, John, I interrupted you.

Mr. Groulx stated: No, that is okay. I was just going to say that the outline is just a typical outline. I tried to pull into a model city charter - on their Charter - provisions that exist in this present Charter. That is why you will see miscellaneous at times.

Chairman Pappas stated: Okay.

Mr. Groulx stated: But it is sort of the way most of them flow.

Chairman Pappas stated: And I guess we decided last time that we would go

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through the Charter, starting at the beginning and look at - is that the way you want to attack it tonight?

Commissioner Lopez stated: We are just going to go through and discuss it, but not make any -

Chairman Pappas stated: No, just maybe see if anyone feels strongly about something as we go through it - To get a little bit of a feel of which direction we are going in.

Commissioner Dolman stated: Well let's begin with the Preamble, I guess, that is the first thing, right?

Chairman Pappas stated: Um-hmm. The Preamble I think is very nice.

Commissioner Dolman stated: - got no problem with the Preamble -

A handout was provided to the members.

Commissioner Sullivan stated: And if you look, what I have done, as far as the comments and suggestions that are made so far, I have gone section by section and when there have been no changes suggested at the hearings or at the meetings, I put, "no changes suggested." That does not mean somebody may not have a suggestion on this Board, but - you know - I hopefully have nailed them all - if I haven't - so -

Chairman Pappas stated: Alright, then the first one, of the Powers of the City - that - no changes suggested there, either. Then we move into the Mayor and the Board of Aldermen, and I am sure this is where we are going to get into a lot of discussion - whether we want more power for the Mayor or the Aldermen, and whether we want to change the numbers, etcetera.

Commissioner Dykstra stated: Well, I want to be clear, and that is it - I am not going to make any -

Commissioner Sullivan stated: I was thinking about that too, we might want to just go straight to the monarchy -

Commissioner Dolman stated: Well the first one I see any problem with - I do not think there is any - for myself, I see nothing wrong with Section 2.01, the Governing Body - whether we should change it to Council or Board of Aldermen, I mean -

Commissioner Lopez stated: Where are we at?

Commissioner Dolman stated: Page three of the Constitution -

Commissioner Lopez stated: How about page two, what did we do with that?

Commissioner Dolman stated: Nothing.

Commissioner Dykstra stated: Preamble (inaudible) -

Commissioner Dolman stated: - (Inaudible), we kept it - you have it (inaudible) -

Commissioner Lopez stated: I have page two, [Section] 1.01 is Incorporation.

Commissioner Dykstra stated: Yeah, is that the little Committee that we -

Commissioner Dolman stated: Yeah, we -

Commissioner Lopez stated: We looked at the Preamble -

Commissioner Dolman stated: Yeah, and then we looked at the Incorporation, also.

Commissioner Sullivan stated: That is Powers.

Commissioner Dolman stated: That is Powers, yes.

Commissioner Dykstra stated: So we are on Article II? Objection on it?

Chairman Pappas stated: No.

Commissioner Dolman stated: Mike. Mike must have one -

Commissioner Lopez stated: Okay. I just wanted to know how we got from three to fourteen, that is all.

Commissioner Dolman stated: No.

Chairman Pappas stated: Now we are in Article II, Board of Mayor and Aldermen.

Commissioner Dolman stated: Article II, Board of Mayor and Aldermen. Right. Section 2.01 -

Commissioner Dykstra stated: See the way they have got several so that we can actually - they can choose - or what do they mean? It does not mention that it should be twelve wards or anything, does it?

Commissioner Sullivan stated: No. And, in fact -

Commissioner Dolman stated: And then you say some - twelve wards, because don't forget you have a census, and in the census, then you have to do districting based on the censuses, we did it - we had to do it last census.

Commissioner Dykstra stated: - one in each ward -

Commissioner Sullivan stated: Yeah, and it -

Commissioner Dykstra stated: Yeah, but it says one in each Ward.

Commissioner Sullivan stated: And the current Charter, and I - jump in on some of these sections where - as I went through to do this, I found that there were things that you might have thought would be in the first part that come up later in the Charter, so there are things that you guys bring up, that I will tell you are in later on. Later on, there is a section in the Charter, it is Section 5.38, which talks about the Ward lines, and what that says, is that the Ward lines shall be as established by State statute. And it is there where I - that I said - somebody had suggested - should ward lines be adjusted to provide more or less Aldermen/ School Board members, okay?

Commissioner Dolman stated: Would it make more sense then, of putting this closer to where you - it is really not powers - but next to the composition of the Board of Aldermen? Would it be something that would make more sense?

Commissioner Sullivan stated: As I said, I just went through and where it looked like things, you know, for example, that one, about more Aldermen, originally I had in Section 2.01, and then when I came - later on - as I was going through the Charter - and I saw the ward lines, I plucked it back over to 5.38, and that is - as I think I said - there are things that you may think about that are not listed in certain sections that came up in later sections, and I am not saying that - that is if there is any magic to it, it is just the way the Charter is now, and -

Commissioner Dolman stated: While we are doing it, should it - would it flow better - would it flow better to put it, you know, if we are talking about the composition of the Aldermen - that - prior to where the composition of the Aldermen would be?

Chairman Pappas stated: John, and then Mike -

Mr. Groulx stated: They are usually with elections - composition eligibility, that outline I gave you. Also, when you said wards, some communities in this State any ways, they have drawn them in the Charter. Concord has I think, and about half a dozen other ones, too, that - just do not (inaudible) - you know, but it is physically there by street?

Commissioner Dolman stated: What happens when they have to do redistricting of the consensus needs?

Mr. Groulx stated: Ahh, I do not know how they get around that, but it is there.

Commissioner Sullivan stated: Can I ask Tom Clark, do you know? Since you are here, I will ask you. Do you, if we were to - say we wanted to go to - have more than fourteen wards, do we do that in the Charter, or is that something that has to be done by some other method?

Solicitor Clark stated: You can do it either way. You can go through the Charter, or you can go through special legislation in Concord. It has been done both ways

in Manchester. The last time the ward lines were changed, it was done through a special act pertaining to Manchester, in Concord, because we missed the deadlines here in Manchester to get it on the ballot. It can be done either way.

Commissioner Stephen stated: Well, if we could do - (inaudible) - something in the Charter, couldn't subsequent legislation change that?

Solicitor Clark stated: Oh yes. If you spelled out wards by streets in the Charter now, they would have to be able to change it, because they cannot stay that way. With the man - one vote, you have to keep redistricting as the census come out every ten years - minimal, so that you have to have the ability to change - we just did it not too long ago.

Commissioner Dykstra stated: A couple of years ago, wasn't it? And it was put on the ballot, right Tom?

Solicitor Clark stated: - it has to have a referendum. Either - whether it is done in Concord or by Charter amendment, it has to go through referendum.

Commissioner Dykstra stated: So we can still keep doing that right? Even under the way it is now, we can still go back and do it, correct?

Commissioner Dolman stated: I think that the question asked was, something John mentioned, that the - certain towns have it in their Charter now, by streets and so forth, and did you - do you know how they get about - they must change it?

Solicitor Clark stated: They would have to amend their Charter to change it. I think, whether they do it through the legislature or through the Charter member process, they have to change it that way.

Commissioner Lopez stated: Just administrative procedure, though, really, I think.

Commissioner Dolman stated: Why create that kind of - I mean - you know you have to redistrict every ten years, then keep the one man and one vote. So why - just set the - establish the number of wards you want to have -

Commissioner Dykstra stated: Yeah, I do not want to tie down peoples hands on that - streets -

Commissioner Dolman stated: Establish the number of wards you want to have - whether you want to have at-large, you do not have to put the deal in with the streets in any more.

Commissioner Sullivan stated: Yeah, I want to make it as vague as possible. Yeah, I asked that - and the question then becomes, are we satisfied with twelve or do we think that - there have been people who have said, from the public, who have said that there should be fewer, and we have got people who have said that there should be more. And I know at one time - at one time there were fourteen, maybe the two Aldermen here, the former Aldermen, can tell us what your experience was. Do you think that there is a need for more, putting aside the issue of at-large or not at-large, for now.

Commissioner Dykstra stated: I do not think that I would want more. I think that the way it is now is really pretty good. I know when I was an Alderman, it is an awful lot of work, and I think though the way that they are districting now - I think - it is just fine. I just do not - I know that I thought at one time that it was probably going down to having less, but what would happen if we changed the Charter, and we said, "Okay. There is only going to be six," say. When does this - does this take effect what happens to the people with the remaining year? What happens there?

Chairman Pappas stated: No.

Commissioner Sullivan stated: Well, we have to have transition provisions that provide - you know - this does not take effect until -

Chairman Pappas stated: '97 -

Commissioner Sullivan stated: And I think we would have a transition provision that would say, "At the next election," or something like that.

Solicitor Clark stated: Remember that if you are changing a number that you have to consider what you are doing with the State Representatives, too.

Commissioner Dolman stated: The other question - also you want to - you want to be careful of -

Commissioner Baines stated: What was the point you made, because I missed it?

Solicitor Clark stated: If you are going to change the number of wards, remember that you have to consider what you are doing to the State Representatives and to the State Senators.

Clerk Johnson stated: We would just note that Bob Shaw is here -

Commissioner Dolman stated: I might - to support Leona on that, I think that the Districts, you do not want to make them too large, because then it is going to be prohibitive for someone to go out and run for this. If you want people to knock on doors, and to actually touch their ward - you know - you can make the District too large for people to walk in, and also to cost prohibitive to run the campaign, honestly.

Commissioner Dykstra stated: And it is better representation for the people, I think, really, if you cut it down - I think that it is going to be harder to represent twice as many people.

Commissioner Stephen stated: Do we know why they went from fourteen to twelve?

Chairman Pappas stated: No.

Commissioner Dolman stated: Wasn't that part of the districting at that time?

Commissioner Baines stated: It was part of a redistricting of the City, to try to get some equalization. You had wards that were very, very small, and large - wards that were very large, and during that whole process of reconfiguring, they came up with twelve, and it was part of that process. Now, why they went from fourteen instead of - is providing - moving things and keeping it (inaudible) - it was part of a mass - that was the first time they really addressed, I think, the one person - one vote rule.

Commissioner Sullivan stated: I am going to make a pitch here. When I first started this process, I was not particularly enamored with the idea of having any at-large representation because I thought that given the turn-out that we get in some wards as opposed to others, that you would basically - say for example, we had three at-large, you would end up with a skewing of representation of certain areas in the City. However, having now gone through this process, and having in particular more tenants around the City, I like the idea of having, perhaps up to three at-large Aldermen. I think that - and there is nothing wrong with this - if you are an Alderman from a certain district, your major concerns are going to be that district - yes, you are going to be concerned about the City as a whole, but your constituency, basic constituency, is your ward, and I like the idea of having some people on the Board whose constituency really is more the City as a whole, at-large, and perhaps having three more at-large - Now, we have talked, and I know Steve you have asked the question at some meetings about - well how about having some wards closer together so that it is still not City-wide, but somewhat tied to geographic - You know, and maybe that makes sense, but I just - I like the idea of having up to three more people with a wider constituency, whether - I am not sure if - that so much - whether they come down City-wide, or with what Steve has been talking about in the past.

Commissioner Dolman stated: Well, a couple of things. First of all, I was on the Board when they did the last redistricting, and when we were doing the redistricting we thought about (a) going back to fourteen wards - wanted to do plans with (inaudible) - okay, and that way you are going up to fourteen wards or you can go down, just wanted to make it even so that you would have one ward - you know - one vote, one person each, and trying even up the slices, because you had all the growth going to the East - you know - Ward Six and Ward Four, not equal, really growing, and some areas of the City are not growing as quickly, so you had to try to even up whichever Ward (inaudible) - I mean, I picked up a big chunk of Ward Six's people, in - I think the last redistricting - because Candia (inaudible) - a lot of the center City people - as many people that are there - so I think I would like to see it stay at that twelve for that reason. I think we have tried different plans, and that seemed to work out with what the State agreed to - the Secretary of State, plus the Aldermen, and then the people accepted it. The other thing is, I personally think at-large regionally, to me, it makes a little more sense because again, I am just a little fearful of the cost of an election for an at-large alderman, and what that might - you know - the cost is going to be very

prohibitive - because you know, the cost is going to - and, Bob could tell us more what it costs to run for Mayor - you know - (inaudible) - cost to run for Aldermen, I think, that is a fact that you have to keep in mind. Also, a fact to keep in mind is, when you are at-large City-wide, whether you - the public is going to get involved - this is - at-large Aldermen does real well, and for the Mayor - we are going to have some real problems with egos and so forth and so on, and possible pant legs - future candidates for Mayor. I think, regionally, you know - one for every three wards of the City makes sense in that you have someone whose scope is a little bigger than just one ward.

Commissioner Lopez stated: I was just going to say that if you get more people on the Board - so - we might as well just take [Section] 2.02 and put it on hold, until we make a decision as to the number of Aldermen, or at-large, and everything, and then we can go back to 2.02, otherwise we are going to spend all night on 2.02, correct?

Commissioner Sullivan stated: Well, the ones that if no one else agrees with me, then we can just move on -

Chairman Pappas stated: We just move on, or - and, I think that we should also think that what we agree to tonight may not be set in stone, I mean - four weeks from now we may change our mind again, too -

Commissioner Lopez stated: All in favor or keeping -

Chairman Pappas stated: - so please do not ever leave here thinking we are -

Commissioner Dykstra stated: Yeah, I like - I think that I would keep the twelve.

Chairman Pappas stated: We all kind of agree that we want to keep twelve, at this point anyway -

Commissioner Lopez stated: I agree - at this point -

Commissioner Baines stated: I would like to keep it an open question though, the at-large -

Commissioner Dykstra stated: Oh yeah, yeah. Just a consensus, more or less -

Commissioner Baines stated: I would be concerned about going to sixteen Aldermen. I think that would be ridiculous. So, I think - unless we are prepared at some point in time to reduce the number of wards, I do not think that I could support the Aldermen at-large -

Commissioner Dykstra stated: Okay -

Commissioner Lopez stated: - put that on hold -

Chairman Pappas stated: Put the at-large on hold. But so far, we do sort of agree that we would like to keep the wards the same, at twelve -

Commissioner Shaw stated: And how many Aldermen do you want?

Chairman Pappas stated: Twelve.

Commissioner Shaw stated: - between Wards Twelve and the Aldermen -

Chairman Pappas stated: Aren't you glad Bob, we have not changed anything yet.

Commissioner Shaw stated: No, no - I am just curious - where - you know - they want to come back to it a month from now. Not in this room, I hope.

Chairman Pappas stated: Okay. Kathy, you were doing pretty well leading us, here.

Commissioner Sullivan stated: I put this together - I guess the next big thing is that, should the Boards and Commissions be eliminated? And, this comes up again later on -

Commissioner Baines stated: Where are we on that one, Kathy?

Commissioner Sullivan stated: That is Section 2.04. And the reason it comes up here is because of the delegation to the several authorities, boards, commissions,

departments, and officers. As you probably know from reading the Charter, it then later on - there is an Article devoted to departments, boards, commissions and City officers, and in terms of basic service departments, special service departments, etcetera. But, I just - I plugged it in here because that is where the Delation is, and it is probably something that makes sense to talk about sooner rather than later, since that seems to be one of the bigger issues, from what our speakers have said.

Commissioner Dykstra stated: You know - it is just that we talk about the Commissions - or - when I look at even the way it is written, "the Aldermen may delegate such of its powers as may be lawfully delegated" - I mean, can't we make the powers the Commissioners - the Commissions only as powerful as we want them to be over the Aldermen - so I mean, if there are areas where they are, that is probably a possibility. I do not know - I have no problems with Commissions if there is something enacted within what we are working on, with conflict - that kind of a thing - but so far, I do not think that I have heard anything that has been really detrimental. If there are some areas where they are too strong or something, maybe that could be rectified, or basically - try to set criteria for their powers of the things they should do.

Chairman Pappas stated: How about the term limits?

Commissioner Dykstra stated: I am for term limits.

Commissioner Dolman stated: I think that comes up later on in the section where they talk about - years for terms -

Commissioner Sullivan stated: That is what I said, it comes again and I have listed under Section 3.11 the stuff about term and renewal and Section 3.08 about the appointments, so -

Chairman Pappas stated: Alright, so then -

Commissioner Dykstra stated: - maybe we should discuss the terms?

Commissioner Dolman stated: Well let's just say, the last line, Leona, says, "and may provide for the performance of all duties and obligations imposed on

the City by law." So, that is like - that is limiting them by law what they can do anyway.

Commissioner Dykstra stated: Yeah, but what about the -

Commissioner Dolman stated: - that line says it.

Commissioner Dykstra stated: - Board of Alderman set-up ordinances, pass ordinances, to basically tell them what they can do, so, I mean -

Commissioner Dolman stated: - that is right - that limits what they can do.

Commissioner Dykstra stated: So, I do not have a major problem with it, but if you want to, ahh, jump at the gun -

Commissioner Stephen stated: This does not limit any power, this just basically is a general provision of that, so later on, meaning when the -

Commissioner Shaw stated: - right, okay, later on -

Commissioner Dolman stated: - right, right. It is just a general -

Commissioner Baines stated: So are we just generally discussing commissions right now? I feel that the commission form of government should be maintained. I think that the power of appointment, however, should be transferred to the Mayor on all Commissions, and I think that we need to look at term limits and staggering of length of service to make it a more manageable situation. To look - just watch on Channel 40 to see how these appointments come about - I mean - it is ridiculous where you know, and they go through these - votes after votes after votes, I just - it is the most ridiculous way to operate City government that I have seen. However, I think that through the testimony we have demonstrated the viability of the commission form of government. However, I think in looking at the whole process, I think that we should be looking at clear delineation of responsibilities of the Commissions. I think we should be doing the same, by the way, for Aldermen, when we get to that point, too. So, that is where I come down.

Commissioner Dykstra stated: Okay, where are the appointments in here?

Commissioner Dolman stated: That is Section 3.08 - 3.11 -

Chairman Pappas stated: Anything else to add in general about all Commissions?

Commissioner Dolman stated: Well, the only think I can add about Aldermen, and I think Bob said it and we talked about it informally at the last meeting, that there has got to be some kind of a description, and I do not think that there is anywhere in this Charter, in what the duties and responsibilities of Aldermen are.

Commissioner Dykstra stated: Yes, a good job description.

Commissioner Dolman stated: - and I think that is something that we talked about informally at the last -

Commissioner Baines stated: We may need a subcommittee just to deal with that issue.

Chairman Pappas stated: Yes, you are right.

Commissioner Sullivan stated: And that - I have got that under miscellaneous suggestions pertaining to Article II. Should there be a definition of aldermanic duties?

Commissioner Shaw stated: Well, aren't aldermanic duties - legislature? And, isn't what a Legislature do, pretty much understood by people? I mean, how - Aldermen do not have duties -

Commissioner Baines stated: I do not understand what an Alderman does.

Commissioner Shaw stated: - you know, ahh, they do not clean the restroom this week and sweep the streets next week. They have - they are the legislature of the City, and that is what you want - that is what you would define.

Commissioner Dykstra stated: But, it does not even say that, really.

Commissioner Shaw stated: Well, I am just saying - that is the only duty that

they should have. And they are the Legislature.

Commissioner Baines stated: And - they do not act as Legislators. They act as quasi-administrators.

Commissioner Shaw stated: No they don't.

Commissioner Baines stated: Well sure they do - of course they do. But we have heard - We have heard testimony that disputes exactly what you are saying, when Aldermen, ahh - I am just -

Commissioner Shaw stated: But, I say from experience, Bob, that that is false. Aldermen, on an individual basis, as an individual do not run the City of Manchester, as an individual. Now there are Committees made up of Aldermen that are - that are treated as quasi-Commissioners for - like Traffic, or something like that, but I think that by state law that that is done. In general - they do not run Highway or Health or Schools or anything.

Commissioner Baines stated: When an Alderman contacts a department head, is it on a legislative matter or on an administrative matter?

Commissioner Shaw stated: A constituent matter. A constituent matter -

Commissioner Dykstra stated: Is that mentioned in here, even? Constituent services is number one - is what we do - is what I did.

Commissioner Shaw stated: - but they would not list that as their duty. It is understood that Legislators have a constituent duty, and if - if I had trouble with the Health Department, I might call Wihby about it, and Wihby would call the Health Department about it and ask questions, and then probably contact me back and say "thus, thus and thus," okay - I mean - but that is, I think, a benefit that they do that. And I do not -

Commissioner Baines stated: I just do not understand it, that is all.

Commissioner Shaw stated: - not a single individual Aldermen in this community does not run, to my knowledge, and maybe you know better than I do on that, run

anything. That does not mean that people do not acquiesce to their - because they - they are the Legislature. But -

Commissioner Baines stated: No - it is just that I think that there has been enough testimony that points out the need for some delineation of responsibilities. I think people need to know, department heads need to know, citizens need to know, exactly what the responsibilities are of an Aldermen. Same thing, by the way, came up in terms of department heads. That is another issue to deal with, you know, the fact that are or are not job descriptions for department heads. And, so I think that this whole process can at least clarify that for those of us - I have been here (inaudible) - and I do not clearly understand what an Alderman does, well -

Commissioner Shaw stated: But department heads, I think the vast majority, there are a few that do not have job descriptions, but the vast majority are of a technical nature - engineers at the Highway Department, the Health Officer, surely - I do not know about the Legal Department what - what the job description is for that, but most of the jobs in the City are held by people who are professionals, except for one or two positions.

Commissioner Stephen stated: Bob, there has been a lot of testimony and we hear that - a - let's say an Alderman gets contacted by a constituent, "Can you help me do this?" "Well I can't do it, you have got to talk to the Commissioner." The Commissioner gets contacted and says, "You have to talk to the Mayor." The Mayor says - and I am trying to understand, why does that happen?

Commissioner Shaw stated: Because that is what - he might not want to take a thing upon that particular issue, but if it is a direct concern and the Aldermen, and not to pick on any one of them, but if you contact the Alderman from [Ward] Ten, he probably will contact the department head, you know, about the issue - or the five Commissioners, or somebody -

Commissioner Stephen stated: But is it possible that it is not that the powers are not as specifically delineated as they should be?

Commissioner Shaw stated: I believe they should contact them. I think that any attempt at all to say that Aldermen, as an individual, as individuals - does not

have a right to -

Commissioner Dolman stated: I just want to say, as one former Alderman, you got those kind of phone calls -

Commissioner Dykstra stated: Yeah, me too -

Commissioner Dolman stated: - and I am sure that Leona can back me up, and we made the contacts.

Commissioner Dykstra stated: That is right.

Commissioner Dolman stated: Okay, we made the contacts. And I think that most of the Aldermen do.

Commissioner Stephen stated: Do you feel that you had that power anyway?

Commissioner Dolman stated: It is not a power - it is an obligation. It is my duty. It is my job. As far as I was concerned it was my duty to take care of [the] needs of my constituents. It was my duty to take of the constituents needs -

Commissioner Dykstra stated: Yes. That was number one.

Chairman Pappas stated: Carol is probably worrying about all of us talking at once.

Clerk Johnson stated: That was a concern. But, there are three issues that are underlying here, so I just thought I would throw another issue out -

Commissioner Dykstra stated: Are we jumping off of the track here?

Clerk Johnson stated: The Aldermen, as a group or a legislative body, and if you want to put in the definition of what the legislative body is going to be, then certainly that is your prerogative to do so. In response to John's questions on aldermen versus commission versus whatever, our office frequently will do letters for Aldermen to the Commissioner to the Zoning Board or to whatever it happens to be, that the particular control of a certain subject on behalf of the constituents.

That is normal everyday practice, it occurs all of the time. Some of the Aldermen will do it on their own, and sometimes they will call up and they will say, "Gee, can you just sort of type-up something that says 'this,' and send it over to the Parks Commission to ZBA," or whatever. So we do that for them. I would have to say that on - and I have worked with a few Boards over the years - that probably ninety percent of the time the Aldermen do respond to their constituents. Some Aldermen have a constituency out there that will call them on a daily basis - 5:30 A.M. to 2 A.M. - all day long, and they may not respond to that particular individual as quickly as they would to Jane Smith who calls from down the street and it is their first time calling and they have a problem, so that has to be taken into consideration as well. And, it is a reality of life that they deal with. I know of Aldermen that have constituents show up at their door at six o'clock in the morning wanting to talk about hazardous waste or many other things, and it becomes - it is a job that they do - it is part of being an Alderman, and they can decide whether to send the person away, and that person may turn around and say to somebody else at a public hearing that, "My Alderman does not respond." So, and that is not to say - in some instances some Aldermen have not been as responsive maybe to their constituency, but then usually those Aldermen are not around the next term around. So, the voters take care of that on their own. I mean, that is a voter issue, I think, and not something that the Commission really should get into, as to whether or not an Alderman responds to its constituency in terms of that.

Commissioner Baines stated: What I think would be helpful at this point in time -

Clerk Johnson stated: - Job description, I understand what you are saying and I think to some degree we get that from a lot of people that will call in and say, "I want a job description before I run, so that I know," but what we try to explain to them is that it is a legislative position and yes there are references - I mean - it is what State law tells them they are responsible for, it is what City ordinances may put them responsible for, and it is what their constituency may want them to do.

Commissioner Baines stated: There should be some document that says, "Powers and Duties of Aldermen." There should be another document that says, "Powers and Duties of Commissioners." And, I would guess that our research people could help us with that because - there - that has to exist someplace, that it is not a nebulous type of thing, or an implied type of thing.

Clerk Johnson stated: There are some communities that have full-time Aldermen, that are paid as a full-time job, and I suspect that those communities may actually have a definition - a physical job description, and that may be, but -

Commissioner Baines stated: I would assume that there are governments like Manchester that have that as well, and maybe we could look into that.

Chairman Pappas stated: Okay. John, do you want to look into that? Leona.

Commissioner Dykstra stated: What if you put something like a job description for an Alderman in? I just kind of knew, I mean, people come up to you, they talk to you, and they tell you - you try to enhance the quality of life that you think is best for them. If you put something - a job description for an Alderman, saying, okay, "you have got to make sure that you call back all of your constituency," are you going to do that -

Commissioner Shaw stated: No, that is not in the Charter -

Commissioner Dykstra stated: Okay - alright, so say for instance, you have, okay - what are you going to put in, is what I am saying?

Commissioner Baines stated: Legislative duties -

Commissioner Dykstra stated: Well, that is what I am saying -

Commissioner Baines stated: You have the power to set duties.

Commissioner Dykstra stated: What are you going to put - I mean, that is fine, if you are going to put "Legislative Duties," but are you going to put under there what these duties are?

Commissioner Dolman stated: That is defined by -

Commissioner Dykstra stated: That is what I am concerned about -

Commissioner Dolman stated: You just listed - it is simple, defined by City Charter and State law -

Commissioner Dykstra stated: - but that is what I am concerned - okay, that is fine with me, but I do not want it to be listed everything that you have to do.

Commissioner Baines stated: I think it would be best to look at what is out there, before debating whether this is a bizarre notion -

Commissioner Dykstra stated: I do not think that it is bizarre -

Commissioner Baines stated: - I think that you will find - but I think that there is this feeling that this is ridiculous, that you have powers and duties. I think it is ridiculous that we have even one or two department heads that do not have clearly defined job descriptions -

Commissioner Dolman stated: Well department head descriptions -

Commissioner Baines stated: But, it is the same thing.

Commissioner Dykstra stated: They do.

Commissioner Baines stated: They all do?

Commissioner Dykstra stated: I mentioned it last time.

Chairman Pappas stated: Just to interject, I know when I was with the Republican Party, people would ask to run for a position and we never knew how to tell the people what the position entailed, and that included Selectmen, and Ward Clerks, and every one else. You could not really describe - give them a job description, and I think you mentioned that Leona, that is true.

Commissioner Dykstra stated: Yes, that is right.

Commissioner Shaw stated: One of the words that has upset me a lot in the Charter itself - one of them - and that is the general powers and duties of the Board of Mayor and Aldermen. See, I would like to redefine - if I had a choice - I would like to redefine what is a mayor and what is a board and the mayor's duty on that board is to be chairman of the board, but when you put mayor - in Section 2.03 that - it is how we define the Mayor and the Board of Aldermen, it says, "the

Mayor and the Board of Aldermen shall appoint somebody," it never means the mayor shall appoint somebody. It always - when they say, Board of Mayor and Aldermen, they always refer to the fact that the Aldermen - if you look that - that is the way I was taught when I was there. And I always wondered, because if I - and if it the Board of Mayor and Aldermen that should make appointments then I should have as much right as they have to make appointments. So I think that that is a nebulous thing, in my opinion. And, then you - when you have this Section 2.03, now you see that the Aldermen's powers are there, but it has never been defined as Aldermen, it has always been defined as the Board of Mayor and Aldermen. I think, as you read that, you can see - I do not see the mayor as being a selectman. I think the Aldermen, that is the legislative body of a town, that is - you know -

Commissioner Sullivan stated: The Nashua Charter does have a section - two different sections. One that talks about general powers and duties of the Aldermen, which is very similar to what we have in Manchester. It also have something that - it comes up later in our thing, which is the - "[I]t is the intention that the Board of Aldermen shall act in all matters as a body," and then talks about the fact that the Board and its members shall deal with administrative service, in other words, dealing with the departments, etcetera, as a body through the mayor and "shall not orders to any subordinate of the Mayor in public or in private, but they may make suggestions and recommendations and appoint committees of its own to look into . . . to conduct investigations, or any matter relating to the welfare of the municipality, to delegate such committees as (inaudible) . . . powers (inaudible) Board of Aldermen may be necessary." So there are some things like, you know, things like this, and you know, frankly, gentlemen and ladies, you talk about the duties of the Legislature, I mean our Constitution has sections regarding the duties of the legislative bodies of the United States. I mean, this is not a strange concept, I mean, to say the Legislature has certain authorities. I think that in Manchester, for example, if we go the way I think that we are going, it may be something like approving or not approving nominations of the mayor, or departments and commissions. It may be, for example, if the mayor fails to nominate someone to fill a position then the Aldermen may bring someone forward. I think that as we go through this, we are going to end of up with a list of things that the Aldermen will do as a legislative body that we can put into a description similar to, perhaps, what they have in Nashua. I think that as we go through the Charter we are going to come up with

some things.

Chairman Pappas stated: And we can pick things out and maybe send them to the drafting committee to come back with something like this -

Commissioner Sullivan stated: That is a start -

Commissioner Lopez stated: The only problem with that whole concept, or part of that concept, is that Nashua has got a strictly strong-mayor concept, period. Whereby he has full authority over everything, so that is the reason that that was written. So we have to be careful of what we talk about.

Mr. Groulx stated: But the outline remains the same. The outline that I drew up as - this outline fits into it, and actually, this, if you move certain things around like Steve was saying earlier, like the composition of a board, if that moved to the area of elections, composition, eligibility, terms of counselors, and if other things basically moved within the general - I mean, I can fit a counsel managed government in there, except where it says mayor I input just city manager - or I input mayor - or - and with the Board of Mayor and Aldermen, Mr. Shaw is very correct that in every other community that I have seen thus far, it is completely separate - the powers of one are separate from the other and, I mean, there are references to each body, but not as being one.

Chairman Pappas stated: Together as one, yes. That is a good sound point.

Commissioner Shaw stated: It does not read "the mayor or the aldermen."

Commissioner Sullivan stated: I am not saying, adopting this as whole cloth, I am saying that the concept is -

Commissioner Stephen stated: I like that idea, too. And, I mean, I would like to just add one other thing. If you have got - if you have something that is a more directed power delineation, you are going to have a citizen who may look at the Charter and may be able to say, "Hey, wait a second," to the aldermen, if there is an aldermen, that says, "I cannot do that." I mean look this is the Charter, the Charter says this and this, and also the public can benefit that - the general public knowledge of elected representation.

Chairman Pappas stated: That is true. Leona.

Commissioner Dykstra stated: Now, if we had in here that the mayor would basically make all appointments - confirmation by the board, then we could eliminate all of these little things the deputy - you know, the personnel offices, you know, like the Fire Commission does it one way and the Police the other. I would like to - and then we could remove these other sections and just make it one, and just say, "You will do it for all appointments." And that - I mean - that is something that is probably is - what we are talking about - to put it in that area, and we would eliminate a lot of this, which is not very consistent.

Commissioner Sullivan stated: Well, we could streamline this -

Commissioner Dykstra stated: Really.

Chairman Pappas stated: The Drafting Committee could do that and bring it back to us -

Commissioner Baines stated: Is there a consensus around the appointment issue?

Chairman Pappas stated: Yes. Let's see - do you want to stop for a minute here?

Commissioner Baines stated: I just wondered, is there a consensus around the appointment issue? Whether any people that feel that the aldermen should have the appointment power for Commissions? Or could it - should it go to the mayor?

Commissioner Dolman stated: I still am not totally convinced on this, okay? I am leaning towards - When I first came to this Commission, as a former Alderman, I liked having the power spread out between the mayor and the aldermen, where no one person had too much power. After listening to testimony, I am leaning towards what you said, but I am not totally convinced yet, and I still need to give it - hear more testimony and so forth.

Chairman Pappas stated: So the mayor would appoint with approval from aldermen, you are saying? It is something for us to think about.

Commissioner Lopez stated: Does anybody know? Does anybody know what happened the last time around, as to why they gave so much to the aldermen and so much to the mayor?

Commissioner Shaw stated: Tradition - Well, in the - to go along with what Kathleen had said, I think that any position that is vacant after ninety days is a holdover. I think that we should put a time specific -

Commissioner Dykstra stated: I do too.

Commissioner Shaw stated: - in other words, the job is gone. If the mayor does not appoint - you know - I like her idea that if the job is now vacant because the mayor has failed in ninety days to make an appointment, then the aldermen may bring forward nominees. I do not mind that, but the vacant - in other words, nobody can stay -

Chairman Pappas stated: I think that we agree on that.

Commissioner Baines stated: Let's not -

Commissioner Shaw stated: - for two years -

Commissioner Baines stated: Let's not lose the sight of that, because I think is a great checks and balance. From - even when you look at, from my perspective, the city coordinator issue, at some point in time and that is an officer of City government, and it seems to be a consensus that that is a pretty darn important position of this City, that if the mayor has not exercised his Charter-given responsibilities, then after ninety days of that position being vacant the aldermen shall have the authority to nominate and confirm or place in position - for those positions - I like - I really like that.

Commissioner Shaw stated: You understand that the mayor, by law, has the right of veto over -

Commissioner Baines stated: Oh, I understand that that still is there. I have - that is a great check, too.

Commissioner Sullivan stated: But they can override the veto -

Commissioner Dykstra stated: Yes. There are twelve Aldermen, sure.

Commissioner Baines stated: If they feel strongly enough about it they can override it.

Chairman Pappas stated: - Just keep going through the list of people - So we have some consensus on that, that is good.

Commissioner Baines stated: So we got our response on that, in terms of - I don't know, is his role to try to craft some thoughts on that, or how is he going to -

Commissioner Sullivan stated: Oh no, you are the head of the Drafting Committee.

Chairman Pappas stated: We did not ask you Bob. We wanted you to be -

Commissioner Sullivan stated: I hate to tell you, Bob - tell you that you are. We decided that last Tuesday.

Chairman Pappas stated: You left too early.

Commissioner Baines stated: I left just a minute too early.

Chairman Pappas stated: We have a Drafting Committee of Baines as the Chairman -

Commissioner Baines stated: Well, I better keep that concept.

Chairman Pappas stated: Right, keep that concept.

Commissioner Baines stated: Who is on the Committee with me?

Chairman Pappas stated: Kathy, Bob Shaw -

Commissioner Dykstra stated: Well, I think that it is good that we are touching

on these kinds of things.

Commissioner Baines stated: It is.

Chairman Pappas stated: Someone else will do actually the writing -

Commissioner Baines stated: That is fine - But, I think that is good that we have - that we are moving towards a resolution of that. That is a big issue.

Commissioner Dolman stated: Very big issue.

Commissioner Sullivan stated: Yes, it is a big issue.

Chairman Pappas stated: Alright, do we want to talk any more about the authority and functions of commissioners and -

Commissioner Dykstra stated: - do term limits or do we talk about it now, or do we -

Commissioner Dolman stated: We are down to the - well -

Chairman Pappas stated: Do you want to wait?

Commissioner Dykstra stated: Well, we are still on it, why don't we -

Commissioner Dolman stated: We are still on - are we going in order, are we following the Charter like we said we were going to do? We are now up to Section 2.05, right, General Powers and Duties of the Mayor, and before we go to the Commissions, I think that we have to go to the Mayor first.

Commissioner Sullivan stated: Authorities and Commissioner later -

Commissioner Dolman stated: I have a problem with Section "D." Communications, and there might - my problem is that if we allow for the mayor to decide what communications are given to the legislative body of the Aldermen, if he decides that something is not important, okay, and he does not put it there - for an example, I can remember one instance - a couple instances - when the

Mayor did not inform us of certain things that were going on. And I, for example, one thing was, there was a negative report on one department head, but there was also a positive report on the same department head. The negative report made the agenda of the Aldermen, the positive report never made that agenda. That bothered me that he picked and chose what pertained, you know - The second thing is the example of what happened now with the District Court fees. Did that ever, ever - was that ever communicated to the Aldermen? And, you know, who decides? Did the Mayor decide that? I do not want to get political here, but that is - I mean, you know - this is something that should have been communicated to the Aldermen, and was it? Did the Mayor decide not to communicate that? I mean, you know, and again, if we are going to give him total right to communicate on what is set in his agendas, I have a problem with one person having -

Commissioner Dykstra stated: He cannot withhold anything -

Commissioner Dolman stated: - he should not have the right to withhold -

Commissioner Shaw stated: I like that.

Commissioner Sullivan stated: Yes, I guess - and this is something that has been bothering me on - partly - I get in trouble with someone who I have fairly good relationship with to come out and say this, but - it seems that right now, for example, that there is a lot of stuff that does get held or that has to go through the Mayor's office that may not make it to the Aldermen. And I will give you an example from the Trustees of the Library perspective where we had some salary - some people leave, sent us a request to the Mayor's office to - you know - we are doing hiring, we are interviewing, we want to fill these positions, and got a request back from Rich Girard saying, well, you know, "Can you justify why you need these people?" And, John Brisbin sent a letter back, and you know, he was all concerned that we might not get these - and I stopped and I said, "Where is it written," or you know, that is it up to the Mayor to tell us that we have justify the - this - or is it that is something that should be coming from the Aldermen? Because I think that it is an aldermanic responsibility to decide whether or not to approve all changes in the line items in your budget or to replace a person, or whatever, and I did not know that this was something that if we did not justify to Rich, because really it is Rich we were justifying it to, not the Mayor, that - would

it not - would it never have gone to the Aldermen? I do not - I wondered about that. Luckily, Rich agreed we needed these people to operate the library, so it never got any further, but - that was kind of an odd thing, you know, that - Rich really does have a lot of mayoral authority, but that is another story.

Commissioner Dykstra stated: Are you saying that something did not - was not brought forward?

Commissioner Sullivan stated: Well, no it was brought forward, but I did not know if - what would happen - we were - in fact, I say to Brisbin at the time, I said, "We better be ready to make some calls to the Aldermen, because this might get held up in the Mayor's office." I did not know if - is that the type of thing that - you know - might not have - well, do they have the right to sit on it and not - even though it is a request from a department head, to say, or a Board to say, "Can we do this?" or line item changes in a budget?

Commissioner Dolman stated: The other thing stuff I was thinking of was, for example, way back when - when they first started the suit against the State - with Claremont and Franklin and so forth, when it first became - originated about six - about eight ago, nine years ago, there was some correspondence from the City of Franklin to the Mayor and the Board of Aldermen and the Mayor never, at first, sent it to the Aldermen, and somehow one of the Aldermen found out about and then asked the Mayor, "Why wasn't this correspondence given to the Aldermen to make a decision?" He held it back.

Chairman Pappas stated: Does not automatically go on the agenda?

Commissioner Shaw stated: No

Commissioner Dolman stated: He decides.

Commissioner Shaw stated: Well I don't think that it has to go on the agenda. I think that communication from departments that wish to be addressed by the Aldermen should be addressed to the Aldermen - when you send it to the City Clerk's it then goes on the agenda, doesn't it -

Clerk Johnson stated: Yes, during that, it did.

Commissioner Shaw stated: I did not put the - the post office was up for sale, and I did not put it on the agenda -

Commissioner Dykstra stated: That is when I would run up to the new player -

Commissioner Shaw stated: I did not put it on the agenda. The letter was addressed to me, and it says that - I would keep them informed of communication. My point is, that if you want something to go to the Aldermen or department head, you should have every right to do this - even address it to other people - the Aldermen. That is why I would like a clearer definition of the two images.

Commissioner Dykstra stated: Carol can touch this - I remember that when I was an Alderman, if people really wanted to get something on the agenda, they would write to the City Clerk and ask for it to be put on. I do not know how it would be kept off. The smartest thing for a constituent to do, they would tell me, "Leona, bring us something on the agenda." If you do not watch it - they just passed - they could have said well you just receive and file it - but I mean, if you have your Aldermen there, nothing could ever get past them, the only thing they could do is receive and file it or table it probably, but - ahh -

Commissioner Shaw stated: The Mayor can move it -

Commissioner Dykstra stated: - there is always a way, always a way to bring it forward. Always, I would think Carol - I do not know what happens now -

Chairman Pappas stated: Could I - could we ask Carol to -

Commissioner Shaw stated: No.

Commissioner Dykstra stated: I would like to know -

Chairman Pappas stated: I would like to know, too.

Commissioner Dykstra stated: - or maybe I don't, I don't know.

Chairman Pappas stated: Could we stop just a minute and -

Commissioner Baines stated: Just ask how different mayors have gone about -

Chairman Pappas stated: - have it described to us. Carol -

Clerk Johnson stated: Bob Baines actually just touched upon it. It depends upon who is sitting in that administrative office as to how the communications have been handled.

Commissioner Baines stated: Then I would like you to define for the Commission how different mayors have operated that -

Clerk Johnson stated: I can tell you the difference between, for instance, Bob Shaw's administration versus Mayor Beaulieu's administration versus the current administration. But there are two issues there. One is in the Charter, and one is rules of the Board as to what goes on the agenda. Anything that comes to our office that is addressed to the Board of Mayor and Aldermen we place on what we first initially will call the draft agenda. The agenda's traditionally are prepared in concert with the Mayor and that is the way the rule of the Board reads. The current administration takes the agenda upstairs and they may take things off and they move things around and they will tell us to take something off, and on occasion, if it makes sense to take it off because something is not ready for the Committee and the Chairman of the Committee calls us and says, "I want - I am not ready to submit this, please hold this report until the next meeting," we will do that. We have done that for a Chairman, or for the Mayor's office if they have said, "Well, we want to talk to so and so." But what we will do in those instances is attempt to at least notify the department, for instance if it were the library, to say, "Please be advised the Mayor has removed your communication from the agenda." On the other hand, if the letter is addressed to the Board of Mayor and Aldermen and it goes to the Mayor's office, it does not come to the City Clerk's office - I can not guarantee you that that will ever see the agenda or when we will see that communication for the agenda. It is sometimes handed to us to be added on to the agenda Friday morning, just before we hit the printers or a few weeks later, or not at all in some instances. What they have started doing because we were having so much difficulty with that is that they started sending - saying, "Well if it was 'pc'd' to the Board or to the Aldermen," they would send out copies to the Aldermen so that the Alderman at least were receiving the communication but it would not appear on the Board agenda as a matter of public

record, and we would never receive a copy as a matter of public record. So, I guess it depends on where it gets addressed to and where it gets delivered to as to what happens. In the instance, I think, of when Bob Shaw was there, anything that came in addressed to the Board, it was automatic that the secretarial staff there sent it right downstairs. It did not go anywhere. They kept a copy I'm sure for him, but it went right down to the Clerk. So it is a matter of how it is addressed and what they do with it.

Commissioner Dolman stated: My feeling is very strong in this matter. I will not back down on this on, because I feel very strongly. We are asking this Aldermen, as a body - be a legislative body. How do you legislate if you do not have all of the facts and in many cases the Board has been embarrassed because they have made decisions and they have made decisions based on facts they had, and later on some of the facts came on - later on - that they did not have all of the facts, okay? And that bothers me. As a former Alderman, that really bothered me as an Alderman and it bothers me now. I think all communication if it is addressed to the Board of Mayor and Aldermen, the Mayor does not have a right to decide that it should be on it - if it is addressed to the Mayor and Board of Aldermen, it should be put on the agenda for the Aldermen to see, or sent to the Aldermen.

Commissioner Shaw stated: Or, if we do not have the word "Board of Mayor and Aldermen," it would be so much simpler.

Chairman Pappas stated: Leona.

Commissioner Dykstra stated: Just to touch on that - when we could not get any - I remember when I worked under Bob's administration, he was really good. He did keep everything on. The only thing I think that we - a Mayor could do at the time is probably change the order? Wait a minute - I am not saying that is the problem - saying you were good about putting things on - but the order of things at times to make things move, I think the - whoever is presiding - has the right to do that anyway under Bob's rules, or whatever. Not your rules, I mean Robert's rules, you know what I am saying?

Commissioner Shaw stated: But I think the definition of the body -

Commissioner Dykstra stated: Let me just - okay - but the other thing that I

wanted to say is that, to make sure things go on it is too bad that it has to be done that way. Many times when they would not bring things forward, even through Committees or whatever, I always used under "new business." I mean, you can bring anything up under "new business," you know? And the main thing is that you always could get it out there, but I agree that you should not have to watch it like that and that maybe there should be a mechanism that everything that is sent in should be brought forward, that they should be as informed as much as possible, and that is - you know -

Commissioner Dolman stated: You are asking us to be a legislative body and to make decisions and we do not have the -

Commissioner Dykstra stated: - I agree with you.

Commissioner Dolman stated: - the information -

Chairman Pappas stated: So, do you want the drafting committee to address this some way?

Commissioner Lopez stated: "As he may deem advisable," is that the correct wording?

Commissioner Dolman stated: No, I do not like - I do not think it should be - forget the "deem advisable."

Chairman Pappas stated: Well, let me work on - why don't we let them work on it. But you would like to see is that somehow it all gets on the agenda, any communication. Is that my understanding?

Commissioner Dykstra stated: - yes, sure. They can always receive and file it and table it. They do not have to discuss it even -

Chairman Pappas stated: Okay. As long as it is there for the public to see -

Commissioner Dykstra stated: As long as it is there.

Commissioner Sullivan stated: So any communications received - let me ask

you this. Is it that - is it any communications received by the Mayor addressed to the Mayor and Board of Aldermen, or are you talking about any communication received by the Mayor relative to the business of the City?

Commissioner Shaw stated: When you ask for more help, I do not think that the mayor should have to send it on. He says, "No. They can't have more help. That's it."

Commissioner Sullivan stated: Well, that is what I am asking. Where do we draw the line?

Commissioner Dykstra stated: I mean, if someone writes a letter and says, "The Mayor is a screwball." You do not want to put that on the agenda, do you? I mean, you have got to kind of -

Commissioner Shaw stated: John sent it to the wrong place - and he asked - anything about personnel at all, always goes to the Personnel Committee of the Board of Aldermen.

Clerk Johnson stated: Well, I think it is a line item change that she was talking of - budget adjustments come in -

Commissioner Sullivan stated: I am not sure why we have to -

Clerk Johnson stated: They - they go through finance, then they go to the Mayor and then they go to the Board. I do not know how it was when you were there, but the Board does not see them until Finance and the Mayor have reviewed them.

Chairman Pappas stated: Alright, Mike.

Commissioner Lopez stated: I just want to ask on [Section] 2.5 -

Chairman Pappas stated: [Section] 2.05? Which one?

Commissioner Lopez stated: No, no - [Section] 2.5 -

Commissioner Dolman stated: Well we have not finished 2.05 -

Commissioner Lopez stated: [Section] 2.05 (a).

Chairman Pappas stated: Okay.

Commissioner Sullivan stated: Chief Executive Officer?

Commissioner Lopez stated: I was wondering - I have my notes here - the Chief Executive Officer, and we all know that he is not the Chief Executive Officer, is that a terminology that - maybe he is the principal officer?

Commissioner Shaw stated: He is.

Commissioner Sullivan stated: Yes, he is.

Commissioner Lopez stated: Not in sense that a CEO -

Commissioner Shaw stated: If he knows it, that is the important thing.

Commissioner Dolman stated: He is the CEO.

Commissioner Stephen stated: But he is - because the City is a corporation.

Commissioner Dykstra stated: He is the Chief Executive Officer of the City.

Commissioner Shaw stated: We have an incumbent that does not know it -

Chairman Pappas stated: Oh, please. Turn the tape off again.

Commissioner Dolman stated: No, he is the CEO - no question in my mind. He is, no question.

Chairman Pappas stated: I agree. Does anyone feel that he is not?

Commissioner Dykstra stated: Of course he is the CEO -

Commissioner Lopez stated: Well, I don't know -

Commissioner Shaw stated: He is the boss.

Commissioner Sullivan stated: Change it to say that.

Commissioner Dykstra stated: The mayor shall be the boss.

Commissioner Lopez stated: A mayor should be the boss.

Chairman Pappas stated: Okay, anything else in -

Commissioner Lopez stated: It is in my notes. I wanted to get it off my shoulders - I got it off of my shoulders.

Commissioner Shaw stated: Well in (b), you should take out the word "Mayor," and, "The Mayor shall preside at all meetings of the Board of Aldermen," the Board of Aldermen, which is all - then you define the Board. He shall preside. He cannot preside at the Board of Mayor and Aldermen.

Chairman Pappas stated: You are the Mayor -

Clerk Bernier stated: But it is the Board of Mayor and Aldermen because that is the way Manchester grew up. There is one Board.

Commissioner Dykstra stated: Why change history, come on now.

Clerk Bernier stated: Right. It is historical.

Commissioner Sullivan stated: That is what it called.

Clerk Bernier stated: Manchester is the only form of government like that in New Hampshire.

Commissioner Shaw stated: That has a Board -

Clerk Bernier stated: It is a - it is one - the Board of the Mayor and Aldermen

make up one Board.

Commissioner Shaw stated: I think that he can preside at the Board of Aldermen - In my opinion it is redundant.

Commissioner Dykstra stated: Yes, but you know, it is nostalgic. It is nostalgic.

Commissioner Dolman stated: But again, it depends - it depends - and if he saying, and we are talking about defining the duties of Aldermen and defining the duties of Mayor, and defining the duties of department head - is he correct in saying that, is this redundant that it is a Board and he is the Chief Executive Officer of the Board, and not the Board of Mayor and Aldermen -

Commissioner Shaw stated: No. He is the Chief Executive Officer of the City -

Commissioner Dolman stated: - in the City. But, I mean he is presiding at the Board of Aldermen -

Commissioner Baines stated: He presides over the Aldermen -

Commissioner Shaw stated: Yes.

Chairman Pappas stated: Maybe the drafting committee can discuss this. Bob is on it.

Commissioner Dolman stated: But that way - we said that we should separate that. It has come up in part of our discussions. So he could - you know -

Commissioner Baines stated: I like that idea, personally.

Chairman Pappas stated: Mike -

Commissioner Lopez stated: I was just - I just have to go back to my notes, where I was thinking of the principal officer, if you go to [Section] 2.01, it indicates "principal officer called the Mayor and a Board of Mayor and Aldermen," and then you go to Chief Executive Officer -

Commissioner Shaw stated: Well the principal officer and the Chief Executive Officer are the same thing.

Commissioner Dykstra stated: Yes.

Commissioner Dolman stated: Yes, but it is not here - but it is not there. It is not consistent.

Commissioner Lopez stated: It is not here - It is not consistent.

Commissioner Dykstra stated: Mike has made a good point.

Commissioner Sullivan stated: That is a good point.

Chairman Pappas stated: Where, Mike?

Commissioner Lopez stated: [Section] 2.01. "The governing body . . . of the City is the [sic] principal officer called the Mayor and a Board of Aldermen." And, that is why - in my notes - if he is the principal officer, how is he the CEO? Anyway - I will say it again, under Section 2.01 I was reading it, and it says, "The . . . principal officer called the Mayor and a Board of Aldermen," and then over on [Section] 2.05 (a), which is the Chief Executive Officer, that is where I was getting confused as to whether he is the principal officer or the Chief Executive Officer.

Chairman Pappas stated: I think that the drafting committee should take a look at this.

Commissioner Sullivan stated: Yes, let's take a look at it.

Commissioner Lopez stated: Fine. I have no problem with that.

Commissioner Sullivan stated: But that is a good point - and research it further and come up with a -

Commissioner Dolman stated: I mean, I agree. But I am just kind of curious - Tom is here - and we do not usually have his legal expertise - "The governing body of the City shall be a principal officer called the Mayor and a Board of

Aldermen," then over here - "The Mayor shall be the Chief Executive Officer."
Do you think that is consistent?

Solicitor Clark stated: Yes. That is not inconsistent. You may have two different thoughts, but it is not inconsistent. You are talking about the governing body is a principal officer. The governing body is the Mayor and the Board of Mayor and Aldermen, or the Board of Aldermen, however you want to call it. That has nothing to do with the Chief Executive Officer. The principal officer is not - it is the governing body -

Commissioner Dolman stated: Oh, I see. Okay. I have it -

Solicitor Clark stated: You have go back to the noun in the sentence here -

Commissioner Dolman stated: Okay, "The governing body of the City shall be a principal officer called the Mayor . . ." Okay.

Commissioner Sullivan stated: It is not consistent - it is confusing.

Chairman Pappas stated: Anything else in this -

Solicitor Clark stated: It all evolves out of the hundreds and thousands of special acts that we developed that made up Manchester's Charter over the past hundred years.

Commissioner Dolman stated: Okay.

Chairman Pappas stated: Anything else in "General Powers and Duties of the . . . Mayor," that you want to discuss? John.

Commissioner Stephen stated: Yes. Now that we have Tom here, law enforcement authority. I have always been intrigued - why does the City Solicitor's office prosecute misdemeanors? Can you explain that, Tom?

Solicitor Clark stated: Why?

Commissioner Stephen stated: Yes. I mean, is that something that - in other

cities and towns the city solicitor's office are not involved in any of that.

Solicitor Clark stated: Depends on which towns that you are talking about.

Commissioner Stephen stated: Mostly like Epping and Concord?

Solicitor Clark stated: That is part of the city solicitor's office.

Commissioner Stephen stated: Are you sure? I thought they had the general authority under the police department -

Solicitor Clark stated: No. They have the City Solicitor and then they have two prosecutors. No, they are attorneys that are part of the City Solicitor's office, even though they are located someplace else.

Commissioner Stephen stated: But, do you think that the police department should be doing the prosecuting? Rather than the City Solicitor's office, here?

Solicitor Clark stated: No.

Commissioner Stephen stated: Well, I thought you thought that.

Solicitor Clark stated: No. I do not believe that they should. I think you should have them - (inaudible). I do not think that you want the same problem during the rest of - (inaudible) -

Commissioner Stephen stated: No, I am no - I guess what I am saying is that they would delegate through their agency an attorney to work with them.

Solicitor Clark stated: - hired by region. That is like having the State having the head of the State Trooper's hiring a prosecutor to prosecute the case rather than -

Commissioner Stephen stated: Okay, I was just wondering why the -

Commissioner Shaw stated: But, there is a certain level isn't there, Tom? That they would do? Not all levels?

Commissioner Stephen stated: I think that - here, it says "Law enforcement authority," then we are going to have to change this language just to - I think - if this is the only section that gives it authority, because it says, "ordinances . . . and all general laws and acts applicable to the City."

Solicitor Clark stated: I am not sure which section you are referring to -

Commissioner Dolman stated: Section (e) -

Commissioner Shaw stated: - my favorite.

Solicitor Clark stated: Under Mayor?

Chairman Pappas stated: [Section] 2.05 (e).

Commissioner Stephen stated: I guess I am wondering, is that one of the authorities for -

Solicitor Clark stated: That has nothing to do with prosecution - [Section] 2.05 (e).

Commissioner Dolman stated: That is talking about the Mayor's office -

Solicitor Clark stated: The Mayor is the Chief Executive Officer who is supposed to enforce the -

Commissioner Dolman stated: That is talking about the Mayor's office - has to enforce the Charter

Solicitor Clark stated: - supposed to enforce the laws that pertain to Manchester. He goes to the City Solicitor, he goes to the Health Department, he goes to the other department heads and says, "You are not doing your job. Do the law [sic]." That is what that means.

Commissioner Dolman stated: Yes, but now -

Commissioner Stephen stated: I guess what I am asking then, does that - is that

section the authority then for the Mayor to say to the City Solicitor's office, "you are going to prosecute criminal cases."

Solicitor Clark stated: No. I think that is already called for in the other section on the City Solicitor in the Charter, and it is also spelled out by ordinance.

Commissioner Stephen stated: It is in the City Solicitor section?

Solicitor Clark stated: It may be. I know that it is spelled out by ordinance.

Commissioner Dolman stated: My concern with this part of Section (e) is, and I think we have talked about this - it has come up in meetings in the past, is what happens when the Mayor does not enforce the Charter?

Chairman Pappas stated: Good question.

Commissioner Dolman stated: That has come up in discussions prior to this -

Commissioner Shaw stated: Simple answer.

Chairman Pappas stated: Bob Shaw.

Commissioner Shaw stated: It is the right of the citizens -

Commissioner Dolman stated: To sue!

Commissioner Shaw stated: Yes, to sue -

Solicitor Clark stated: They do not have the money -

Commissioner Dolman stated: Why does a citizen have to sue their own government?

Commissioner Shaw stated: That is not the point. The point is there are remedies for non-compliance and those are the court systems, and people who find that the Mayor or the Aldermen are not doing their duty have rights in this State to pursue them - and sometimes to collect for legal fees. I do not see

anything wrong with it. I think that it is -

Commissioner Dolman stated: It says in the Charter that it is the responsibility of the Mayor to enforce the ordinances of the City, the Charter and all general laws. That is what the Charter says. It is his duty - if it is his responsibility to do it, then he should be doing it and he should be held accountable for doing it.

Commissioner Shaw stated: Well, maybe he does do it.

Chairman Pappas stated: But who holds him accountable?

Commissioner Dolman stated: Well, that is what we have to discuss.

Commissioner Dykstra stated: The voters are going to say.

Commissioner Dolman stated: I do not think - if they are not made aware of it, Leona, they will not.

Chairman Pappas stated: Do you want to add to this, Leona?

Commissioner Dykstra stated: Not on - I want to go on to something else, but I will wait until you are done. I want to go into another section.

Chairman Pappas stated: Alright. Does anybody else want to respond to this?

Commissioner Stephen stated: Well, I would like to add to it.

Chairman Pappas stated: Alright, John.

Commissioner Stephen stated: I was intrigued that Leo Bernier said during his testimony that some of our City officials have not filed campaign finance disclosure statements. That bothers me. I will tell you right now, that bothers me. When you have a city like Concord - it does bother me. When you have a city like Concord that has its provisions pretty clear, that says, "If you do not file, you do not take your office." Period.

Commissioner Shaw stated: Winners should file, and losers do not have to.

That is what I think. Winners -

Solicitor Clark stated: And I think that is in our Charter, isn't it - you cannot take an oath of the office?

Commissioner Stephen stated: No - But, it is not being enforced, Tom. That is the point.

Solicitor Clark stated: No, it is - And all of the winners have filed.

Commissioner Shaw stated: All the winners file. You are not going to find the winners not filing. Losers should not have to file.

Chairman Pappas stated: Losers are so broke it does not matter.

Commissioner Stephen stated: Alright, then what I need is clarification here is - with this - what Leo testified to then apply just to the losers?

Commissioner Shaw stated: Yes.

Chairman Pappas stated: Yes. Probably.

Commissioner Shaw stated: Yes. The Union Leader insisted that I do it. I did it.

Commissioner Dykstra stated: Well you are supposed to do it by law.

Commissioner Shaw stated: But I am paying losers - I now pay the losers to not file -

Commissioner Dykstra stated: Well, of course they are supposed to - by law.

Commissioner Stephen stated: Right. But what happens if he doesn't.

Chairman Pappas stated: He cannot take office.

Commissioner Stephen stated: No, no. Okay. So the point is it is the losers then that are not filing - and that is what you are saying?

Commissioner Shaw stated: In most cases.

Commissioner Dykstra stated: Well, that is why they should be fined. I said that before, they should be fined.

Commissioner Shaw stated: But not per day -

Commissioner Dykstra stated: Yes? Well that is the whole thing. You fine them.

Commissioner Dykstra stated: Twenty-five dollar fine - for the failure to -

Commissioner Stephen stated: No, again I am trying to -

Solicitor Clark stated: Just the losers - Just as a footnote, and you can do what you will with it. This same discussion came up in the last Charter Commission. And, it came down to the fact that if the Charter Commission themselves felt they did not have the authority of the Charter - a manner or revision to create a crime - it had to be done through the State Legislature.

Commissioner Stephen stated: I agree with that, generally.

Solicitor Clark stated: And that is why there are no fines of Twenty-five Dollars and Fifty Dollars being assessed for not filing a report - There are no other enforcement mechanisms to make a loser file, unless they win - then you can stop them -

Commissioner Sullivan referred to recent attempts of consolidation, stating: If you have a situation where the Mayor does something that the City Solicitor has said is not permitted by the Charter, and perhaps - I do not know how the Aldermen felt about that - but, so that you either - either the Aldermen can take a step or do something to prevent the Mayor from doing something that violates the City Charter.

Chairman Pappas stated: Should there be a group? A watchdog group? Or - can you answer that question, Tom?

Commissioner Dolman stated: There should be something in the Charter -

Solicitor Clark stated: To an - to a certain extent, in that particular case, and I will try to limit my comments to that case, the majority of the Board of Aldermen did agree with the Mayor. And that is why it went that direction.

Chairman Pappas stated: Okay.

Solicitor Clark stated: We disagreed. We had disagreed from day one with the concept, and felt that it violated the law and told the Mayor that and in good conscious could not defend what the Board wanted to do. We told the Mayor that if you are going to do it, you ought to get an outside counsel, because we cannot defend it because we do not believe you are right, and we think - we are on public record as being - as thinking you are wrong.

Chairman Pappas stated: I see. Bob Shaw.

Commissioner Shaw stated: And I think that the City Solicitor's office gives a lot of advice to the Mayor and that he does not take it all of the time, and I don't think you should stop the Mayor from not taking the City Solicitor's advice. What it is - it is an advice.

Solicitor Clark stated: We are only right ninety-nine percent of the time.

Commissioner Shaw stated: But I mean, the Mayor does not want it that way. He wants something different and he says -

Chairman Pappas stated: Mike, and then Leona.

Commissioner Lopez stated: I just think - you know - enforcement of the City Charter. The Mayor calls Tom Clark and he says, "This Commissioner, this department head, didn't do this by the City Charter. I want it squared away." And bingo. The Police Department is involved, everybody else is involved in the whole process, and then they straighten the whole mess out. But when the Board of Mayor and Aldermen and the Mayor fail to do the Charter, there is no provision for it. They can just violate it and the citizens have to take them to Court, and it - hopefully - that he wins, they are going to pay the Court costs. But not too many

citizens who are going to do that. I really think, in my opinion, that there has to be something, either by ordinance or in the Charter that where there is a five-person commission, or maybe even - it was suggested at just a general conversation, that (inaudible) can be made of five people on this Charter Commission to refer any Aldermen requesting a thing on the City Charter - should be referred to a Commission for binding arbitration. You know, if they are not going to listen to the City Solicitor, or give the City Solicitor the full power and authority - but some people have suggested that that probably would not be the route to go, but there has to be something that is going force the Mayor, I mean, who gives him the authority to violate the Charter?

Commissioner Dykstra stated: The thing is that if the Mayor - what had happened here - okay - that the Board of Aldermen kind of went along with the Mayor, so it was the whole - the whole of group of them that kind of agreed. There was a majority. So I could see probably why we would have to pay, even though I probably did not agree with what happened. Could we do something that if it wasn't - the majority of the Board did not agree with the Mayor - that if you lost it, you have to pay out of his [sic] own pocket?

Solicitor Clark stated: Well, the way the law reads now -

Commissioner Dykstra stated: You know, I mean, really -

Solicitor Clark stated: No. - the City - no one can hire a lawyer, an outside lawyer without getting Board approval first.

Commissioner Dykstra stated: Okay. So then that would cover that then - Okay.

Solicitor Clark stated: The Aldermen have to approve - to hire an outside lawyer.

Commissioner Dykstra stated: Alright. So, it could not happen if it was not a majority, that that could happen.

Solicitor Clark stated: I cannot go out and hire another lawyer to defend the City. The Mayor cannot go out an hire a lawyer without getting Board approval.

Commissioner Dykstra stated: Alright. Okay.

Chairman Pappas stated: It has to be Board approved. John.

Commissioner Sullivan stated: I, and Tom, let me run this past you. Rather than having perhaps a Board or something, but what if - I know in Felix's case, I think he had his attorneys, he has paid for them. And the Court ordered that? Am I correct? I mean, maybe we say something in the Charter such as that if someone, a citizen has - you know - bring suit to - or whatever - to enforce the Charter, for whatever reason, that attorneys' fees will be awarded to the plaintiff if he or she prevails. I mean - that - at least the City has to think a bit harder about the additional cost that they may incur if they do not follow the Charter.

Solicitor Clark stated: Aren't you then in conflict with State law, and the case would come down defining when and how much could be required to pay attorneys' fees?

Commissioner Sullivan stated: That is what I am asking you, because I do not know.

Commissioner Stephen stated: Are we talking before I - I asked my question, are we talking about the loop when they - a person on the Board or the Mayor violates a provision of the Charter? Or, are we talking not enforcing the Charter?

Commissioner Dolman stated: Enforcing it - we are talking - I think - this part is not enforcing it.

Commissioner Stephen stated: Oh, okay. Because I have a question on violation -

Chairman Pappas stated: There is a distinction.

Commissioner Stephen stated: - I want to talk about violation for a minute.

Commissioner Lopez stated: Okay. Let's take the City Charter, you cannot eliminate departments, and he does.

Commissioner Stephen stated: Right.

Commissioner Lopez stated: It is a violation of the Charter, period.

Chairman Pappas stated: He is supposed to put - nominate a City Solicitor - I mean a City Coordinator.

Commissioner Shaw stated: I thought we had learned that that was not true.

Commissioner Dykstra stated: He is.

Chairman Pappas stated: And he has not.

Commissioner Dykstra stated: Yes, but that was mentioned when I was brought it up last time. It does not say "we shall" have a City Coordinator, it just states that if you have one, "he shall be appointed," or whatever, by the Board. So, that is not clear enough. I would think that they would mandate - and I think that we have kind of agreed on that.

Commissioner Stephen stated: Well, this may be - may go hand-in-hand with what, Leona, Steve and I are working on, with the ethics issue. What I did was, and I thought tonight we were going to talk about the ethics thing. So when I was bored, I want you to know - on my vacation, I finished typing up some of the stuff and I was going to give it to the Board [sic] to look at. Leona, Steve and I have to meet on the Ethics Board issue. The Ethics Board that we are proposing, or that we would like to have you look at is authorized - it is like an independent commission - authorized to look into issues like that. And, that might be something we discuss at that point.

Chairman Pappas stated: Okay.

Commissioner Stephen stated: If a person violates a provision, the Board of Aldermen - Mayor and Aldermen, together, on the basis of a public complaint or on the basis of an Alderman's complaint, can take the issue, give an advisory opinion to the Board of Aldermen, Mayor and Aldermen, and then they vote on the matter. And if it - they could do reprimand, removal or some type of suspension until the issue was taken care of. That is an authority that is very

common and unique throughout the country. So, what I did is that I took basically ten or twelve cities around the country, put all of the provisions together into basically an act that - you know - Steve and Leona and I thought was something that you might like to look at.

Chairman Pappas stated: Absolutely.

Commissioner Stephen stated: So, I think that if we talk about the Ethics Board, we may want to put in the provision somewhere that says that Board is authorized to make sure that these officials comply with the - because it is really ethics. I think that is what it comes down to. You are not complying with the Charter - that is a matter of ethics.

Chairman Pappas stated: Well why don't we finish working on this, and then have a report from your committee before the night - before we finish up tonight.

Commissioner Shaw stated: Can I explain -

Commissioner Dolman stated: Well, I do not think that we should - I was not - I think John should sit down with Leona and I before giving any report -

Chairman Pappas stated: When you are ready. You would rather wait?

Commissioner Dykstra stated: Yes.

Chairman Pappas stated: Okay.

Commissioner Stephen stated: If we have one more meeting, that would be good.

Commissioner Shaw stated: Well of the eight people, other than myself that are here, does anyone know of an instance where they have not complied with the Charter?

Commissioner Dolman stated: Yes.

Commissioner Shaw stated: You know of one?

Chairman Pappas stated: Steve.

Commissioner Dolman stated: Sure, Section 8.03 - the Charter Committee.

Chairman Pappas stated: That is true.

Commissioner Sullivan stated: That is very true.

Commissioner Shaw stated: Maybe they discussed it and did not want to do it. Who says that they didn't?

Commissioner Dolman stated: Okay, I mean - this is going to throw up a little monkey wrench - and I like Tom very much - but, I have a little problem sometimes, and I think sometimes - I do not know where you define - I think that our present Mayor defines - when he agrees with the City Solicitor as a decision - and does not agree with, I mean - it is only an opinion. And, so - I have some types of the problem with whether the City Solicitor is giving a decision or an opinion, because he also - if I remember correctly in that Section 8.03 argument, the City Solicitor said that you do not have to obey the Charter in that. You can by-pass it.

Solicitor Clark stated: I said that there is no provision to enforce it.

Commissioner Dolman stated: Okay. Decision to enforce if. Okay, so - that leads to the argument that there should be some provision to enforce. I also - going back just for a second - it skipped my mind, but I just - maybe - where - Section 2.02, Composition of the Board of Aldermen, and the last line there says, "The Board of Aldermen shall be the final judge of the election and qualifications of its member." Now, I do not know if this fits into it, but I remember when there was a time when the Aldermen elected their Chairman, and the Mayor vetoed that Chairman. There was some discussion whether the Mayor had the right - and I sure have a problem, and I know the City Solicitor used the opinion - to this guy it simply is an opinion, that -

Commissioner Sullivan stated: Lawyers only give opinions. That is all we do.

Commissioner Dykstra stated: Then they give you a bill.

Commissioner Dolman stated: - that it was - that the Mayor had the right to veto who the Aldermen wanted as a Chairman. And I do not think that the Mayor should have that - the right - I believe -

Commissioner Shaw stated: State law -

Solicitor Clark stated: That is a State law.

Commissioner Shaw stated: The State law says "any action that comes before the Board can be vetoed by the Mayor."

Solicitor Clark stated: He has the right to veto any appointment by the Aldermen.

Commissioner Shaw stated: That is right. So, the point is -

Commissioner Dolman stated: Okay. Alright then, I will -

Commissioner Shaw stated: - after you get past [Section] 8.03, then you are pretty hard pressed to find something else that they might not have done. I think in dealing with the City Solicitor's office, when he gives an opinion that the Mayor does not like, I really believe that the Mayor is going to try to figure out a way around it. That is human nature. That is his job to try to get the (inaudible) -

Commissioner Dykstra stated: Okay, you had mentioned, Bob, about - you know - where was the Charter, or whatever, not followed? And I think it was in your term and this is a thing that I had a problem with - and I don't know if Steve was there - whatever - Budget Officer - (g), "The Mayor shall exercise general supervision and control over the expenditure of all appropriations and shall be responsible for establishing a budget format and procedures for adoption of the annual budget." Okay, he shall - okay - mandatory - he shall do this. I remember that time when there - when Alderman Dwyer came out and he started another committee. So, he - my feeling is that he did not have the authority to do that, but he did. He held his own hearings, he set up his own committee, and he listened to all the different departments. Do you remember that fiasco?

Commissioner Shaw stated: But he was authorized by the Board to do it.

Commissioner Dykstra stated: Well wait a minute though -

Commissioner Shaw stated: And that is their right to do that.

Commissioner Dykstra stated: - but I do not care if he was authorized by the Board. This Charter does give him the authority to do that. Is that so?

Commissioner Shaw stated: As the legislative body, they had a right to do it -

Commissioner Dykstra stated: - just going to be an argument. Okay, alright, but - I just wanted the feeling of the rest of this Committee. I mean, doesn't it say "we shall," doesn't this kind of - I mean - it tells you that the Aldermen, basically, cannot go out and do their own thing. That is what they did. And now Bob is mentioning the Aldermen voted on it, but they are going against the Charter. Is that correct?

Commissioner Shaw stated: I do not think they violated the Charter.

Commissioner Dykstra stated: I mean, wouldn't you see it that way? They weren't going against the Charter?

Solicitor Clark stated: No they were not.

Commissioner Shaw stated: I think they were - in their legislative duties, the Mayor is to produce the budget and to give it to the Aldermen by a certain time -

Commissioner Dykstra stated: Then why does it say, "he shall -"

Commissioner Shaw stated: - and then it is no longer his budget.

Commissioner Dolman stated: That is right. It is no longer his budget once he gives it to the Board of Aldermen -

Commissioner Shaw stated: It is there budget.

Commissioner Dolman stated: You see, the problem here, again, it goes back to when Bob Shaw (inaudible) -

Commissioner Dykstra stated: He shall set up other procedures, though. I do not understand that -

Commissioner Dolman stated: But, Leona, the problem goes back to what Bob Shaw said before. The Mayor makes a presentation of the budget and gives it to the Aldermen - that we call the Board - the Board of Mayor and Aldermen. If the Board was just the Aldermen - he is presenting this all - this budget to the Aldermen. And it is the Aldermen's budget now.

Commissioner Dykstra stated: Because our whole Board is the finance committee -

Commissioner Dolman stated: That is right. The whole Board is a -

Commissioner Dykstra stated: The whole Board is the Finance Committee. And he went off - That was the worst thing that ever happened.

Mr. Groulx stated: I just - and he - you can correct me if I am wrong - as City Solicitor, but [Section] 8.03 is now moot because the law now requires a different method of - no it does not - for charters - don't you have to - aren't there new provisions for electing members, etcetera?

Solicitor Clark stated: If you are going to amend the Charter. [Section] 8.03 is not moot, it is - All it is, is strictly an advisory body. It never had authority to amend the Charter.

Mr. Groulx stated: No, I mean the actual, it says, "Not less than once every ten (10) years, the Board of Mayor . . . shall appoint five (5) citizens," - well, they do not appoint citizens anymore.

Chairman Pappas stated: No.

Commissioner Sullivan stated: We could leave that in there -

Commissioner Shaw stated: Well they could have. They could have done it. It shows the alternative.

Solicitor Clark stated: They still could not do that - that is strictly an advisory body - the Aldermen can appoint - I mean -

Commissioner Dykstra stated: Yes, they made a mistake.

Solicitor Clark stated: - they could every five years appoint five citizens to review the Charter.

Commissioner Sullivan stated: The Aldermen did not know what they were doing.

Mr. Groulx stated: What was the - the changes in the State law that required a vote of non-partisan, etcetera?

Solicitor Clark stated: That (inaudible) - if this body - if [Section] 8.03 was followed, and the Mayor appointed five Aldermen - five citizens - to review the Charter -

Commissioner Shaw stated: - the Board of Mayor and Aldermen -

Solicitor Clark stated: - all they do is come back and report the Aldermen who would suggest the following. Then you follow the State process.

Mr. Groulx stated: So, then it goes -

Solicitor Clark stated: Then you either do amendments or revisions.

Commissioner Dolman stated: And the members have to go with the public - requests or advice -

Chairman Pappas stated: Okay.

Solicitor Clark stated: But [Section] 8.03 is not moot or outdated. It is strictly an advisory mechanism that the Aldermen can have, to have citizens look at their Charter any they want and make suggestions.

Commissioner Dolman stated: But Aldermen have the - (inaudible). Where it

says, "the Aldermen."

Mr. Groulx stated: I just got that - the law with the change that they made - it was a group.

Commissioner Stephen stated: Let's say you are not following the code. The difference - let's put aside violating the code now, for a minute. Not following it - and like - Leona is on the Board of Aldermen, and she wants to make sure that the Mayor follows a certain procedure but in her opinion he is not. And he says, "No, I am." What happens in that procedure?

Commissioner Shaw stated: A vote of the Board could insist that it be done, and it would be done. The Mayor is not the sole authority in the City of Manchester. It is the Aldermen as a group, in my opinion that are the sole authority. When they have eight votes, they are all powerful.

Commissioner Stephen stated: And the Mayor then says, "No." I interpret it differently.

Commissioner Shaw stated: It does not matter. I do not believe it matters. I think that the Aldermen are all powerful when they have eight votes. They are weak when they have six or seven votes. They are very weak with seven votes, and they are totally weak at six.

Commissioner Dolman stated: But, to follow-up on what John is saying though, she might be absolutely correct that he is in violation, and just because eight other Aldermen, or eight republicans get together and they vote, or eight democrats, that go along with it does not mean it is right. So, what about like when a minority report - would he have the option of putting a minority report before somebody and stop the action and let it get avoided?

Commissioner Shaw stated: No, no. Received and filed.

Commissioner Dykstra stated: She did not get the votes, that is right -

Commissioner Dolman stated: But she has the right also for reconsideration in the next - but whether she will get it or not, or any Alderman would -

Commissioner Shaw stated: She has the Court.

Chairman Pappas stated: She could sue.

Commissioner Sullivan stated: Yes. She could sue.

Commissioner Shaw stated: - and her own attorney -

Commissioner Lopez stated: And her own attorney, yes.

Commissioner Dykstra stated: Well I know a lot of lawyers, that will help.

Commissioner Shaw stated: Out of her pocket -

Commissioner Baines stated: Some advantages, right?

Commissioner Shaw stated: - and proven right, she might get reimbursed.
Barring that -

Chairman Pappas stated: Alright -

Commissioner Shaw stated: I think the system works very well the way that it is.

Commissioner Sullivan stated: I guess the - the last thing I am going to say about this, I would be curious to find out what the - matter - if we ask Tom or if we ask one of the lawyers we are hiring to - what the limitation is, and I mean it is for - a lot of - we can add something in the Charter, say, about attorneys' fees being paid. But I do not know -

Solicitor Clark stated: Well, you may be able to. I doubt if -

Commissioner Sullivan stated: I do not know, either.

Solicitor Clark stated: I just - was throwing it out for your own (inaudible) to consider. There are, there is quite a bit of case law coming down as to when - when a municipality can be required to pay attorneys' fees.

Commissioner Dolman stated: Can we ask John to maybe research whether any other charter might have an enforcement code in their Charter?

Chairman Pappas stated: Okay.

Commissioner Dykstra stated: Oh, I have got to touch on something. Something just hit me - Just let me talk. Can I just address it? And maybe Bob can help me with this. He will say I am wrong again, but that is okay. Appointed authority - "The Mayor shall appoint the members of the standing committees of the Board of Mayor and Aldermen [sic] . . ." Is this the one you went to Court on? ". . . and the Board of School Committee shall chose . . ." Okay, the Board of Mayor and Aldermen. What happened, I remember, is that we had certain committees that the Mayor would pick, and whatever. What had happened, when there were problems between the democrats and republicans, they would all make committees of a whole - and they would all come in - into a committee - like we had a committee of five. They would move a committee of wholes - so everybody would get to vote, so the reports of committees would come out the way that they wanted. Now, wasn't that something you had a problem with in -

Commissioner Shaw stated: Well, standing committees is a problem.

Commissioner Dykstra stated: - because I would like to see if we could do something.

Commissioner Shaw stated: The very word "standing committees," because they choose - most of the standings - the opposition rights.

Commissioner Dykstra stated: But, what I am trying to address Bob, is that -

Solicitor Clark stated: The Board decides - what is a standing committee.

Commissioner Shaw stated: - what is a standing committee? And, if they decide there are none?

Commissioner Dykstra stated: - (inaudible). So, where is the power of the Mayor there? The Mayor - that is what I am trying to get at. See, the Mayor - see, these are things that I have lived through. The Mayor - it is very clear -

okay? "The Mayor . . . appoint the members of the standing committees of the Board . . . choose the chairman." And all of the sudden, if you have got a group of Aldermen that are on the opposite side of the isle or whatever, they say, "Well, we will show you Bob. We are going to make it a committee of a whole," so that when it came out of the committee it came the other way. So they basically decided what the make-up of the committee was, and to me that is like flying in the face of the Charter that it is not right.

Commissioner Shaw stated: Could I - I had said that -

Commissioner Dykstra stated: That, I do not know how that can be - you know -

Commissioner Shaw stated: - the committee as a whole -

Commissioner Dykstra stated: Those were fun days though.

Commissioner Shaw stated: - requires the Mayor to be Chairman of it. So, if you had a committee of twelve Aldermen then the Mayor voted - discussion of that - but - I think it is - if the Mayor has appointing authority of committees, then the committee should somehow be better defined, rather than nebulous.

Commissioner Dykstra stated: Right.

Commissioner Shaw stated: But I - I don't - it is not a problem. Syl Dupuis would solve it in a second. I had a little more fun with it.

Commissioner Dykstra stated: Yes, we had fun.

Commissioner Dolman stated: Two questions. One, didn't the Mayor - the present Mayor change the committees now? Did he have the authorization? And did he change the -

Commissioner Shaw stated: The Board changed.

Commissioner Dolman stated: - the Board changed? Or was it that the Mayor wanted it -

Solicitor Clark stated: They changed the Board. They amended their rules.

Commissioner Dolman stated: They amended their rules, okay. That does not have any problem with what is in here?

Solicitor Clark stated: No, the committees are set by rules.

Commissioner Dolman stated: My other problem is - I was not on the Board when all this fun was going on - okay - but, again, I do not know why they went through all of that aggravation. All they had to do was file a minority report, and pass it through the minority report to the Board of Aldermen - I mean, why they would want to -

Commissioner Dykstra stated: They wanted it come out of committee.

Commissioner Dolman stated: But they could have - as a committee, they could have come out with a minority report that would pass - they did not pass the minority report.

Commissioner Sullivan stated: We did it. And, we have to allow for some parliamentary fun and games or else it is not going to be - worth it any more.

Commissioner Dykstra stated: They should have put those meetings on Channel 40.

Solicitor Clark stated: You are not going to cure all of the problems with parliamentary -

Commissioner Dykstra stated: No, you are not.

Commissioner Dolman stated: No - that's -

Commissioner Lopez stated: Look at the problem we have got -

Commissioner Baines stated: I did not notice any support for Commissioner Shaw's suggestion that the Committees be more clearly defined. I think that that is a rule issue of the Board. I do not think that that is a Charter issue. Do people feel contrary to that?

Commissioner Shaw stated: But he cannot appoint anybody. If the citizens wanted the Mayor to appoint committees, the Aldermen say that all Committees shall be twelve people, then the Mayor has lost his right to appoint, you see.

Commissioner Dykstra stated: That is right.

Commissioner Shaw stated: That was the discussion that would have gone forward.

Commissioner Baines stated: So what would you suggest -

Commissioner Shaw stated: It was resolved.

Commissioner Dykstra stated: Something should be - It was resolved, how?

Commissioner Lopez stated: It has only happened once.

Commissioner Shaw stated: Probably I agreed not to disappoint people.

Chairman Pappas stated: We will let that one go. Alright. Moving on -

Commissioner Dykstra stated: I think that maybe we should look at that.

Commissioner Baines stated: We are still on page four -

Commissioner Dykstra stated: Is there any way we could look at that to probably make it clearer so that they cannot come in and expand a committee.

Chairman Pappas stated: Maybe the drafting committee could check it out.

Commissioner Dykstra stated: Why bother having the Mayor appoint if they are going to enlarge the Committee any time that they want.

Chairman Pappas stated: Okay, we are on page six. It is now seven o'clock. How much more do you want to do?

Commissioner Dykstra stated: Well, let's finish this - what is this - regular

meetings of the Board.

Chairman Pappas stated: I'm sorry - no we have another page here - page five.

Commissioner Dolman stated: We are just arguing the point over here, what is - you know - Chairman of the Board of Aldermen, Chairman of the Aldermen. Any special committees being formed, the Chairman of the Aldermen forms those committees.

Solicitor Clark stated: The Board forms them and the Chairman names them.

Commissioner Dolman stated: - names the members, right.

Solicitor Clark stated: Names the Chairman.

Commissioner Dolman stated: That is right, names the Chairman.

Solicitor Clark stated: The Chairman names the members.

Commissioner Dolman stated: Okay.

Commissioner Dykstra stated: That is a rule of the Board.

Commissioner Baines stated: But that is under the rules of the Board.

Commissioner Dolman stated: That is right. That is what I said. I do not think that it should be changed.

Clerk Johnson stated: The Mayor gets a consensus, he can get any special committee - it is Chairman to appoint -

Commissioner Dykstra stated: That is fine.

Chairman Pappas stated: Alright, we have page five, "Meetings." Do we like the way they meet, once a month?

Commissioner Dykstra stated: They do it the first and third - and in the summer

it is once a month. You have to let them go to the beach, too.

Commissioner Dolman stated: They live at the beach.

Commissioner Dykstra stated: That is right. They own houses at the beach.

Chairman Pappas stated: Alright, moving on.

Commissioner Stephen stated: What about this issue that we keep hearing from the public meetings? Do we want to even touch that issue?

Chairman Pappas stated: Is this the place -

Commissioner Stephen stated: I know that a lot of people have said that at the hearings -

Commissioner Dykstra stated: Oh, the public input.

Commissioner Stephen stated: Having mandatory public hearings.

Solicitor Clark stated: For what?

Commissioner Stephen stated: On the public speaking at the meeting -

Commissioner Sullivan stated: It is - what is it, one or two required? Where is it required? It is in the rules that - is it one or two?

Solicitor Clark stated: Back to monthly again.

Commissioner Sullivan stated: It is back to monthly again?

Commissioner Dykstra stated: But the Aldermen decide.

Commissioner Sullivan stated: It is up to the Aldermen?

Commissioner Dolman stated: How does the School Board do it?

Commissioner Baines stated: Every - yes -

Commissioner Dolman stated: Is it by - (inaudible) - something - rules?

Commissioner Shaw stated: They make their own.

Chairman Pappas stated: So, is this a Charter issue?

Commissioner Baines stated: It is unlimited.

Commissioner Dykstra stated: I do not know, I think -

Commissioner Shaw stated: The Preamble covers public hearings very well.

Commissioner Dykstra stated: What does it say?

Commissioner Shaw stated: It says the body politic of this City has chosen to a "representative government." A representative government is when you choose twelve people to represent you, and not have - you do not have to have public hearings in order to have a representative government. That is the body that would decide that.

Chairman Pappas stated: I think that it might be worth looking at a provision in the Charter which requires all boards and commissions to have provisions for public input at their meetings on a - some kind of a time frame, a minimum of whatever. But, I think there should be a provision that requires the Boards and Commissions to do that. That is just my feeling. I do not know if we need to get into saying you need to do it at every meeting, but there should be a provision, you know, periodically, or some broad statement that the citizens could challenge if it were not happening. And I would be - feel very comfortable with that. I think that can be - you know - through the - at the meetings. So I would like to support that.

Commissioner Dolman stated: Bob, I support it a hundred percent, except the only problem is in the argument against that. By law they have to have a budget hearing - meeting - the budget, so that if they are doing that by law, then that would be already answering that -

Commissioner Baines stated: I am saying regular meetings. I was talking the idea of -

Commissioner Dolman stated: Okay. See, that is what I am saying.

Commissioner Stephen stated: Yes, that is what we are talking about.

Commissioner Dolman stated: I know. But, I am just saying - If you look at that Board, they can get around it by saying the budget meeting is a public hearing.

Commissioner Sullivan stated: Is the public hearing something other than the budget?

Commissioner Dykstra stated: No, maybe we should put it in the Charter.

Commissioner Shaw stated: I think you are trying to make the job of Aldermen and Mayor too hard by insisting in [the] Charter that they hold public hearings. If they fail to hold public hearings and the public want it, they will vote them out. I do not see - The real problem with this government, when you just have the way we operate right here, we decided at the very beginning that we would hold three public hearings at three different places, three different high-schools, as if this City was now operated by horse and buggy and trolley car. Really, Chairman. It is not - it does not have to be that way anymore. And it showed by the concern of the citizens that turned out at the last one -

Chairman Pappas stated: Well, Commissioner, I think that you have low citizen turnout always. It is not unusual -

Commissioner Shaw stated: Aldermen should not hold a meeting just -

Chairman Pappas stated: But even if one or two show up, it is worth it to hear from the public.

Commissioner Shaw stated: I disagree. In a city of a hundred thousand people, that one or two nosey people turning out - I hope that is one the tape - constantly on Channel 40, bringing forth Aldermen have no trees, Aldermen have no health care, you know?

Commissioner Dykstra stated: But that is what it is all about.

Commissioner Shaw stated: No - it is wrong - it is why a City of a hundred thousand people, with a hundred and fifty million dollars in budget is in trouble.

Chairman Pappas stated: Let's zero in on this public meeting. I tend to agree with Bob Baines that we could work on this a little.

Commissioner Dykstra stated: Yes, I would like to have -

Chairman Pappas stated: Steve - And, do you want to take a straw poll here to see?

Commissioner Dykstra stated: Can we include the monthly forum too, just to look at it?

Commissioner Dolman stated: Yes. We ought to take a look.

Commissioner Baines stated: My way of - just to share this - my way of thinking on this would be not to -

Commissioner Dolman stated: - limit is -

Commissioner Baines stated: - not to limit it, but also not to stranglehold the different Boards and Commissions. They may choose to do it once a year, or twice a year.

Commissioner Sullivan stated: And that is fine.

Commissioner Baines stated: But they must do it periodically, or -

Commissioner Dolman stated: But not include it in the budget -

Commissioner Dykstra stated: The new Board might not want to do it though, so maybe should, you know -

Commissioner Sullivan stated: Right, exactly.

Chairman Pappas stated: John.

Commissioner Stephen stated: We could probably put it in here - chosen intent of the framers, that we want the public's input -

Commissioner Dykstra stated: Public input, yes. Whether they give it or not.

Commissioner Stephen stated: And I think that is important. So, even if we do it in general language -

Commissioner Baines stated: General language.

Chairman Pappas stated: As general as possible.

Commissioner Shaw stated: Then I think we should take out the word "representative," out of the -

Commissioner Lopez stated: - subject to an ordinance? Would they have an ordinance for that? For a public hearing?

Chairman Pappas stated: Alright, just to keep track here. Mike -

Commissioner Lopez stated: Well, if we put it in there, in the Charter, saying that the Aldermen shall have a monthly meeting and shall spell out the rules subject to ordinance or whatever. Instead of putting everything in the Charter, we just want to put something general -

Commissioner Dolman stated: No - yes, but you do not need to put it in the Charter. You do not need to have an ordinance. If you just state the fact, like Commissioner Baines said, that there is going to be "X" amount of meetings - of possible meetings that are public, that just stresses that the Board of Aldermen have to - and the Commissions, have to have -

Commissioner Sullivan stated: At least once a year.

Commissioner Dolman stated: - at least one meeting, besides the budget meeting.

Commissioner Dykstra stated: Pick their own day, or -

Chairman Pappas stated: Carol Johnson.

Clerk Johnson stated: I just wanted - and I do not take a stand or a position or pretend to take a stand or a position on this issue, but in the process public input, I just want to remind the Commission that anybody can write a letter to the Board of Mayor and Aldermen, and that letter is presented to the Board of Mayor and Aldermen -

Commissioner Dolman stated: That is received and filed.

Clerk Johnson stated: Not always.

Commissioner Dolman stated: Not always - that -

Commissioner Dykstra stated: What if the Mayor does not want it on there?

Commissioner Sullivan stated: We are going to take care of that.

Clerk Johnson stated: I just want to point that out. It is a mechanism that should not be discounted as well, and that is all I am saying.

Chairman Pappas stated: Okay. Let's go - let's send this to the drafting committee and - I can move on already. Steve.

Commissioner Dolman stated: I will go - Starting with the departments, the first one, Section 3.01, the last line, "In exercising this power, the Board of Mayor and Aldermen may not abolish any department established by this Charter nor transfer from a department the primary responsibilities vested by Charter in that department." Now, when I asked that question of former Mayor Dupuis, he answered the question by saying, "Do you want to limit - you know, how do you want to do this?" This is something - we have hashed this out - do we want to put it in the Charter, like they did here, the departments? Or do we want to leave it up to the Board of Aldermen and the Mayor to establish whether they should be able to consolidate or not? And, if we do want to consolidate, then we need to leave that line out. If we decide that we do not want to consolidate, then we need

to leave that line in.

Chairman Pappas stated: That is right.

Commissioner Dolman stated: And that is what - I think that is what, you know, we have to decide.

Commissioner Sullivan stated: I have thought about that question, I think - I agree with Steve. Based on what was decided previously when this was litigated and, as long as that line is in there, the Board of Mayor and Aldermen cannot consolidate departments that are laid out here, whatever they may be. Frankly, when I originally went into this process, I thought we should give the Board of Mayor and Aldermen the discretion, you know, majority vote, to do what they said. And, thinking about this and seeing - and this is - I am going to admit it, I have got real bias here about some things that have happened in recent years in the City, and my - a concern that I have about - and I have always said, we should not design a Charter around the present government. But here is a case where I am going to say I am violating my rule. If we are going to do something like permitting consolidation, at this point I would like to see it by something more than a majority of the Board of Mayor and Aldermen, because there is a discreet period of time here where - you know - with the - that we could be creating something without having some type of super majority where - you know - things can happen. And I admit, I think that that violates my rule, but I do not think that we should design for a specific government, but bear in mind I mean a rule.

Commissioner Dolman stated: Being a former Alderman, and - you know - and also - I am not so - I have not made up my mind, listening to testimonies - I liked former Mayor Dupuis' answer. I mean, it was vague, but it - you know he said, you have got to - you know - you really can't - what do you want to do? That puts the burden on us. We have - I think we have got three choices, not just - not two choices. You know, the first two choices that I mentioned, allowing them to take the line out and allow them to consolidate. Choice one, just leave it alone the way it is. Or maybe choice three, which has not been talked about. Let's create the departments. Let's do our own consolidation, here.

Commissioner Shaw stated: No -

Commissioner Dolman stated: Well there is a choice. I am not saying whether you have to agree with it or not. Okay? Do we need to have - and I am just saying, it says "Department of Fire Protection, Department -" One thing that came up - let me finish - one thing that came up was mentioned many - at many of the public hearings. A Department of Safety. And, I am not saying that I am in favor of this. I am just telling you some of the testimony we heard - It says, "Department of Fire Protection," it says, "Department of Police Protection." We could if we wanted - but listen to the testimony - was create a Department of Safety. Now, I am not saying that I am in favor of that. I am just saying these are - another choice we have.

Commissioner Stephen stated: One - that provision kind of bothered me. I think that it does now, through the hearings and some of the testimony - and - we elect the Board of Mayor and Aldermen to, hopefully, do the best that they can. I do not know. I just want to ask this question. If we were to - we have these departments - if we were to give them the authority to do such and such, I mean, what - to consolidate - what is the problem behind that? Isn't that the same type of thing that we asked them to do each and every day in terms of, you know, what is best for the City?

Commissioner Dolman stated: John, to answer your question -

Commissioner Stephen stated: Why are we doing this in the Charter? And I would like to know - my next question, I would like to know from John or someone, do other city charters have such a provision?

Chairman Pappas stated: Can I have John answer that, first?

Mr. Groulx stated: They are much more - they do not have - the few charters, at least the ones in the State of New Hampshire - I think Nashua has the most delegated departments, but when you say departments, they are including City Clerk, City Solicitor, Board of Assessors, so - what they have got - I guess they have seventeen in charter and sixteen outside the charter. But, you will get communities that have six in the charter and they will be very broad, and the rest will be established by ordinance of the council or of the aldermen, and those - and that will give them that latitude to either initiate a new department - if you are growing and you want MIS, and it is going to become full (inaudible) -

department, and suddenly you have a new one, or are you going to strip away?

Commissioner Dykstra stated: I do not want to tie their hands up -

Commissioner Dolman stated: John, I think part of the problem was, and I think is why I do a - (inaudible), and this why I feel that the third suggestion, okay - like Nashua does have a department - parts - some things in there - some departments in and some out, is that some of the Aldermen had a problem with the creation of too much [tape ends] - John, if the tax collector and the assessors and the finance are all under one department, and you have the one department collecting the money, budgeting the money, assessing the money and everything all in that one department, which I think the present Mayor tried to do at one point in time, that would bother me, okay? Give them that much kind of authority - that they kind of - the whole collection of the money and everything with the money in one department - but I have no problem, like Kathy said, of maybe saying more than just a simple majority. Because a simple majority is - creates the politics.

Chairman Pappas stated: Right -

Commissioner Dolman stated: That is the politics.

Chairman Pappas stated: Right.

Commissioner Dolman stated: If you make it a two-thirds majority, then it - then it is the right thing. Then you have more than the politics of the situation. You do not have the seven republicans going against the five democrats with the pressure being put on everybody -

Commissioner Baines stated: Leona, what do you think of that plan?

Commissioner Sullivan stated: You have got to make a case, first.

Commissioner Dolman stated: You have got to make a case. Like Syl Dupuis had said, a good leader - a good leader gets consensus.

Commissioner Sullivan stated: Right.

Commissioner Baines stated: Two-thirds. A two-thirds concept.

Commissioner Dykstra stated: Oh, I think two-thirds is excellent.

Commissioner Stephen stated: I like that. I like that, Bob.

Commissioner Dykstra stated: A majority - no, two-thirds always. - the legislature, a lot of the votes are two-thirds.

Commissioner Shaw stated: I think that two-thirds should be -

Commissioner Dykstra stated: Well of course, that is a given - that is -

Chairman Pappas stated: Alright, two-thirds. Do we have a consensus on two-thirds?

Commissioner Lopez stated: Two-thirds to do what?

Commissioner Sullivan stated: Now we are making progress.

Commissioner Shaw stated: If the - two-thirds of the Aldermen wish to combine departments -

Commissioner Baines stated: Or create new departments?

Commissioner Dykstra stated: Not just a majority -

Solicitor Clark stated: They always have the authority to create departments -

Commissioner Dolman stated: That is right.

Commissioner Baines stated: But now - require two-thirds.

Commissioner Shaw stated: But they - by two-thirds vote they can make a Department of Safety.

Solicitor Clark stated: You could require it - you could -

Commissioner Baines stated: Right, but that is what I want to clarify. Because if we are going to write this two-thirds to consolidate, are you going to - should it also be two-thirds to create?

Commissioner Shaw stated: No.

Commissioner Baines stated: Well, that is a legitimate -

Commissioner Dolman stated: Well, it is something to talk about -

Chairman Pappas stated: Well, let's talk about it. Split them. Two-thirds to consolidate is sort of okay with everyone?

Commissioner Lopez stated: Well, I do not agree when you - consolidation - if you are just speaking of two-thirds, if you are saying you are going to consolidate, I do not totally agree with the foundation because I do not know what you mean by that. I do not know if you are going to -

Commissioner Shaw stated: No more Parks Department.

Commissioner Lopez stated: I do not know, according to the Muirhead report, a study would have had to have been made. For an example, if you consolidate into Safety here, you are going to create another position that - where you are going to be paying this individual eighty thousand dollars? I mean, that is the Board of Mayor and Aldermen's choice to make, you know?

Commissioner Sullivan stated: That is right. It is their choice.

Commissioner Baines stated: That is their decision, and if by two-thirds vote that is what they decide to do, that represents a very strong position. But if it is just a majority, I think that that becomes more political.

Chairman Pappas stated: Yes, it does.

Commissioner Baines stated: Everything is political, but I think that that is more political.

Commissioner Dykstra stated: Let them make it a little tougher. You know, make sure that there is more support for it.

Commissioner Sullivan stated: Yes, you have got to make your case -

Commissioner Lopez stated: I do not see anything wrong with the structure that we have now, with the departments -

Commissioner Dykstra stated: Well okay, that is - that is okay. We cannot all agree. We can agree to disagree.

Chairman Pappas stated: Alright, that is to consolidate. Now, how about to create new departments, was any distinction there?

Commissioner Baines stated: Should that be just left the way it is by rule? It's by rule now, Tom?

Solicitor Clark stated: That is part of your legislative authority, is to create departments.

Commissioner Baines stated: That is part of your legislative authority, by ordinance.

Commissioner Dykstra stated: But that is a majority vote, right Tom?

Solicitor Clark stated: Right.

Commissioner Dykstra stated: That is what we have to look at. That is no - there is nothing cast in stone here.

Commissioner Dolman stated: Should it be consistent? I think that what Bob is saying, should we be consistent and have two-thirds and two-thirds?

Commissioner Shaw stated: No.

Commissioner Dolman stated: Or, should it be inconsistent and have two-thirds and simple majority?

Commissioner Dykstra stated: Sometimes at the Legislature it is a majority or it is two-thirds.

Commissioner Sullivan stated: Yes, that way you have -

Commissioner Dykstra stated: - you have to look at these, at the issue.

Commissioner Baines stated: Well, that is what - why I - would - try to write something.

Commissioner Stephen stated: My question would be, is consolidation and reorganization one and the same? Or could it be different? And if it could be different, we have to make sure that -

Commissioner Dykstra stated: Reorganizing departments -

Solicitor Clark stated: Are we talking about framing the Charter in such a way as the City may be made up of the following departments?

Commissioner Baines stated: No, no -

Solicitor Clark stated: You cannot say shall, because then if you want consolidation then you are talking a Charter amendment. And you cannot do that by the Aldermen.

Commissioner Sullivan stated: That is a good point. Well, you know, maybe what we have to do is - I think though - which reminds me, but - I think there are certain departments or certain offices that we have to have such as, for example, the Tax Collector, assessors of some kind, you have to have a City Clerk, we should have a City Solicitor - we need to have a City Solicitor, or I suppose you say you could contract that out, if you want to privatize, but I do not think that that makes sense -

Commissioner Baines stated: It used to be.

Commissioner Sullivan stated: Oh, I know. My father was a City Solicitor for World War II - was a - like about - just a part-time position. So, but, I mean, you

know, there may be certain positions that - and as I say, Tom could probably make more money if he was not - if he was hired as a private attorney and did the work for the City. Probably could get - make more money that way. But, you know, maybe there are certain departments that we have to stay [sic] or certain positions that we have to have just under State statute.

Commissioner Baines stated: But you take - State statute, Traffic Department is one, because that is one of the ones that we have a lot -

Commissioner Sullivan stated: That is right -

Commissioner Dolman stated: Can't we, as a Charter Commission go look at the neighborhood legislation, if we believe that should be changed?

Commissioner Baines stated: I have question on it, Tom. If in fact we change the wording to be something like this - in essence they are talking about departments, "In exercising this power the Board of Mayor and Aldermen may abolish or consolidate any departments established by this Charter and transfer from a department the primary responsibility vested by the Charter in that department, and they can accomplish this by any two-thirds vote of the Board of Mayor and Aldermen."

Solicitor Clark stated: I am not saying that you cannot do it. I am saying, be careful, because depending on how you word your set-up, with "the City shall consist of the following departments," and how it is worded that - this all has to go to referendum to be passed.

Commissioner Sullivan stated: Right.

Solicitor Clark stated: You cannot give the authority to the Aldermen later to change something that has been done by referendum -

Commissioner Baines stated: But this is a very important -

Solicitor Clark stated: Unless it is worded properly, and I am not telling you how to word it. I am not part of this Committee.

Commissioner Sullivan stated: Right.

Commissioner Baines stated: But it is an important point though, because really -

Solicitor Clark stated: I agree. And, that is why I am just cautioning you to think about how you are going to word it.

Commissioner Baines stated: Yes - but that is what causes you to reflect on - then can you go and list these departments? Maybe you can't. To have that stand up in court or through scrutiny of the public that we cannot have departments and have that kind of working.

Commissioner Dolman stated: Well, if Commissioner Cook would rather - I would like to see it - I think if I am going to court, then I do not want to speak for Brad. Didn't he say that he would rather us not even have any departments in here -

Commissioner Baines stated: Well, that might be what we have to do to get that concept in there.

Commissioner Sullivan stated: Well, you know what you could do? There are two things you could. I think that there are two things you could do, maybe. One is that you just not mention the departments but say, "any reorganization or consolidation of City departments shall require a two-thirds vote," and we don't list the departments. The alternative - I have got - Mike was kind enough to give me a copy of the case involving Felix Catudal of the Tax Department, and it said - you know, it talks about how the Charter explicitly prohibits the abolition of any department established by the Charter as well as the transfer of primary departmental responsibilities vested by the Charter. What I think that we have got to do is very - as common citizens - just be careful in how we draft the language -

Solicitor Clark stated: I am not saying that you cannot do it. You should be careful of the language you come up with.

Commissioner Sullivan stated: - if we do decide to list the departments.

Chairman Pappas stated: Will do. Bob -

Commissioner Shaw stated: If you have a Charter -

Commissioner Sullivan stated: As Chairman of the drafting committee -

Commissioner Shaw stated: - without departments listed in it, you will have two thousand potential voters against it, right off the bat. I mean you -

Commissioner Sullivan stated: That is a very good point.

Chairman Pappas stated: Yes. We will go back to it.

Commissioner Shaw stated: The Parks Department people will not vote for it, the Highway, the Fire - Because they will be afraid of what you are doing. It is much better to extend the powers somehow into re-writing Section 3.01.

Commissioner Baines stated: It is a challenge. I think it can be done.

Chairman Pappas stated: Alright, well -

Commissioner Dolman stated: I want to voice what Mike brought up, because Mike is coming against it, and the fear Mike has it the taking of one department to another department and stripping - Like for example, if you consolidate the Parks and Recreation with the Highway Department and create a Department of Public Works, for example, his theory is, because it was done in the past, was that you strip the department - if they are running short like this winter in the Highway Department - we will just take all the money from the Parks and just take it away from the - hey - we need money for the Highway. Look - can't we, and I do not know - have a clue as to how you do that -

Commissioner Shaw stated: You cannot not -

Commissioner Baines stated: - I am not trying to - okay - my question is, to ease that - and I think that is very important, here

Chairman Pappas stated: Yes, it is -

Commissioner Dolman stated: - can't we say, maybe, if we did create this Department of Public Works, let's say, just - we did say - and we created the divisions inside that Public Works, you know, Parks - Highways - whatever, that they would not have the authorization, without going back to the Board of Mayor and Aldermen, again, who would vote to do the taking of the money from one division to another division. I don't want to limit - but I think that that is Mike's fear. And, again, it is a legitimate fear, like with this year, when you are having such a shortfall in the budget, would that happen?

Commissioner Baines stated: That is a tough issue.

Chairman Pappas stated: It is. Bob Shaw.

Commissioner Shaw stated: I do not think that you should create a Charter that manages the City of Manchester. I think that you should make broad outlines of the direction that the citizens want to go. And the fact that somebody says, "well if the Parks Department gets sent down to the Highway Department, they won't be able to cut trees in the winter time," which might be their normal time to cut trees - is - is micro managing by nine commissioners. That is the Aldermen's responsibility, and if two-thirds majority that say, "this is how a department should be organized," is correct.

Chairman Pappas stated: Mike.

Commissioner Lopez stated: Just one other point. I am not going to rehash what he said, but also the fear I have is along the line of creating these departments without any cost saving factors, that just the sake of just putting departments together and there is no true valuation there. I read something along that line - either the Muirhead report, or some other documents along the line -

Chairman Pappas stated: Good point. Excellent point.

Commissioner Lopez stated: There should be -

Commissioner Dolman stated: Mike, I am not suggesting that Sununu's way of reorganization - it is just creating another level of bureaucracy - creating - if I was to do reorganization, I would not do it the Sununu way of creating another level of

bureaucracy. I would do it in a way that you would eliminate some of the bureaucracy, and some of the pay - okay? To make it more cost effective and efficient. How about something we can both agree, okay? No question in my mind.

Chairman Pappas stated: That is a good point. Bob Baines.

Commissioner Baines stated: Is there some way to get at it through the wording, and I know that we will need some legal advice on this, that when you make - if we made that change on the two-thirds, that it - when you - and took the departments out of the Charter, but you made reference to the departments that are in existence in 1997, or something like that, to make reference to it as a point to change, without putting them in the Charter. Is there some wording like that, that could withstand a concern of the people in those departments and a legal challenge in Court? That is what I am grappling with now. And that is a good question, because if you reference the Charter, think about taking those departments out of the Charter, but referencing the departments that existed at the time of the adoption of this new Charter, if it is to be adopted, that may accomplish both things that we are trying to accomplish here.

Chairman Pappas stated: What do you think, Mike?

Commissioner Lopez stated: Let the drafting committee come back (inaudible) -

Commissioner Baines stated: But it might be a way to at least approach it -

Chairman Pappas stated: Right, and then we -

Commissioner Lopez stated: Let's get a legal opinion on it.

Chairman Pappas stated: - with the advice of Tony Simon.

Commissioner Lopez stated: Yes, let's get a legal -

Chairman Pappas stated: Let's, alright -

Commissioner Baines stated: Could we get an opinion, ask Tony to examine

that part of it?

Chairman Pappas stated: Absolutely. That is his -

Commissioner Lopez stated: It is only an opinion.

Chairman Pappas stated: Yes. In fact, your Committee, when you start doing some of this should have him there, probably.

Commissioner Baines stated: But some of you will do that - we will do that -

Commissioner Shaw stated: - ahh, Toni?

Chairman Pappas stated: John first, and then you, Bob.

Commissioner Stephen stated: Is John then going to answer my original question? I would like to know - or somebody check to find out - what other city charters - what other language they use? Is there anything like this anywhere else? And I do not think that you can find it -

Mr. Groulx stated: They do not spell out departments. They spell out the crucial, critical -

Commissioner Stephen stated: But is there something similar?

Mr. Groulx stated: - you will get many that will have too - State laws that they have Police Commissions, and therefore it is automatically established that there is a Police Department underneath that Commission, and there - there are always references to departments - a Board of Assessors in Nashua is referenced, as is the Board of Public Works, as is Fire, Police - but not every - I mean - it is not like sixteen or seventeen generally - well, when you have like fifty, I suppose it can be - but depending upon the number of departments you have - I am guessing, and this is really a guess, but - like - I would say about a third of them are actually named in the Charter and the other two-thirds are created or merged or amended by administrative code and that code is established by - basically, the organizational structure is established by the Council. And, in this case, if you want two-thirds vote, then to actually frame an organizational structure that said,

say "financial services," and under financial services you had assessor, tax collector, and whatever. Those departments would not disappear, they would just go underneath the Director of Financial Services, whomever that person - would be designated to - and you would still have a director of - you would still have your assessing director, you just would not have - they would all be working in one -

Commissioner Stephen stated: And that would be considered a reorganization?

Mr. Groulx stated: Yes. And it is done, basically by the Charter allowing the councilors to make a move that way. I think that Concord only has like - I could check right now, but I - sitting here in this seat, I am going to say, like seven to nine departments.

Chairman Pappas stated: Bob Shaw.

Commissioner Shaw stated: I would like to have a Department of Public Works for the City of Manchester. I believe strongly that that is the method to go. But I would be afraid that a Mayor would come into office, and because he wanted to get rid of the Parks Department person, who - you know - the way to do that would be to create something, or take away duties. That is why Kathleen's position, two-thirds of the Aldermen having voted to combine something, is enough. I really believe that the Aldermen should be put in charge of organizing the City to be run correctly for the taxpayers benefit - the voters benefit. And, we should not decide, see -

Commissioner Dolman stated: No, but again, it is only a few pages where they are talking about it. There is a Section 3.14, Department of Public Building Services. We do not need a Department of Public Building Services. It is privatized, and you know, one of the concepts that we have heard over and over again that the janitorial and everything else should be back at the schools - and you know - the School District has said that, the Superintendent, the School Board members have said that, I think even Mr. Houle came out and when he spoke to us and said something about, you know, he thinks that his job title should be changed.

Commissioner Shaw stated: Were you in the school system when the school

system passed that?

Commissioner Dolman stated: That is right. Department of General Services, I think he said something - what?

Commissioner Shaw stated: Were you in the school system?

Commissioner Dolman stated: Yes, I have been in the system, yes -

Commissioner Shaw stated: Well it was very poorly done - and the schools had -

Chairman Pappas stated: John Groulx.

Mr. Groulx stated: If I might add as well, though, when you get down - see, the Airport counts as a department, but it is going to be more or less an enterprise fund. That is why it is established that Water and Sewer are basically enterprise funds and they are established by Charter to say that because they have their own revenues, they pay for their own expenses, their own capital infrastructure. It all gets placed in the Charter, so that also counts as a department.

Commissioner Dolman stated: Right.

Mr. Groulx stated: So, when you - when Nashua gets to - at seventeen - you have got a lot of this to get to seventeen, but Building Services and actual Department of Building, itself, they are not there.

Commissioner Baines stated: That is - my feeling might be, again, very - I think that John has asked for it, and I think that what we need to do is - maybe we need to see that not only what some other charters have, but also we as a Commission need to see the structure of other city governments, so that we can compare their structures and how they word their charter of the structures. Because you are saying to us that certain departments are not in -

Mr. Groulx stated: Right.

Commissioner Dolman stated: - in the charter, but they are in the part of the structure of the city government. So, I think that we need to -

Mr. Groulx stated: The Muirhead Report does have about a half dozen -

Commissioner Lopez stated: Structures -

Mr. Groulx stated: - from other communities - and its organization structures, and I think that you might be able to put that -

Chairman Pappas stated: Yes, in the back of that -

Mr. Groulx stated: - and it is from Concord's organizational structure and their Charter. I tried to get a Charter from them and they were uncooperative.

Commissioner Sullivan stated: When you look at this - the chart that Bob McKenzie put together - it is amazing how we have just got all of those little balloons all over the place, you know?

Commissioner Dolman stated: - got thirty-five -

Commissioner Sullivan stated: That is a great chart, because that really puts it in front of you how we have just got so many things.

Commissioner Lopez stated: But somebody has said the system works -

Commissioner Sullivan stated: I do not agree.

Commissioner Lopez stated: The system does work -

Commissioner Sullivan stated: I do not agree with you. I do not think the City does work as -

Commissioner Lopez stated: The biggest bottleneck is the Board of Mayor and Aldermen. Nobody else.

Chairman Pappas stated: John.

Commissioner Sullivan stated: I do not think that the system works.

Commissioner Stephen stated: I think - I am glad you brought that up, Steve, so that we will get some - a least some language to look at, and that would be helpful. I have got - maybe Tom, you could help me out on this, too - and I guess it, this is real good for me, it is a lot of information I want to see, so - Let's say I am a Mayor, and I just got appointed -

Commissioner Sullivan stated: No you are running for Congress. I read that in the paper.

Commissioner Stephen stated: Yeah, right. Let's say I got elected and I say, look, you know, and I have a particular department in mind, that I think there are too many chiefs that get too many high salaries, and the lower people down on the ladder, who are doing a lot of -

Commissioner Shaw stated: Sounds like the Fire Department to me -

Commissioner Stephen stated: - a lot of the - and I would say grunt work, and I mean real work on behalf of the citizens, and they are not getting the salary that they should get. Now, I want to reorganize that. I mean I - do I have any - can I do anything without - with the Board of Aldermen, as well?

Commissioner Shaw stated: You can reorganize that department, yes.

Commissioner Stephen stated: Can I say, "Okay. You are not going to have this many chiefs."

Commissioner Shaw stated: You can do that.

Commissioner Stephen stated: You are going to have more Indians.

Commissioner Lopez stated: You could do that.

Solicitor Clark stated: You could do that during the budget process.

Commissioner Dolman stated: You have to do it through the budget process. That is allowed.

Commissioner Stephen stated: How - can you explain to me how it is done?

Commissioner Baines stated: You direct it from the Board of Mayor and Aldermen -

Commissioner Shaw stated: Through the budget -

Chairman Pappas stated: Get rid of them.

Solicitor Clark stated: Well, when you are appropriating your general budget each year, you go through each department - departments say that is what they want - you can go through it, and the Mayor sets the format for the budget, if it is not done by ordinance, at least under the current system, the Mayor can say I want it by line item, by individual employee, or however you want it. You know, there is a system you can work-up and then you can look at it, and you delete this, delete this, delete this.

Commissioner Stephen stated: And you delete the position?

Solicitor Clark stated: That is the way it used to be done. It is not done this way right now.

Commissioner Dolman stated: It is not done that way, now.

Solicitor Clark stated: It used to be done that way.

Chairman Pappas stated: Why can't it be done that way?

Commissioner Dolman stated: It can.

Solicitor Clark stated: Because the Mayor decided not to do it that way.

Chairman Pappas stated: Oh.

Commissioner Shaw stated: That is the Mayor's responsibility.

Solicitor Clark stated: It is the Mayor's decision on how to do it, but you would

want it -

Commissioner Dolman stated: What is happening now, okay, John, in answer to - John, what is happening now is that you get the department, you get the figure, and let's say you want to eliminate some of these chiefs, and you know that the figure that you need for those chiefs are, let's say, forty thousand per chief, and you say, I have got to eliminate eighty thousand, so eliminate two of them, okay? When you do it now, all you are doing is eliminating eighty thousand dollars from that department. The department head will then make that decision on how he wants to eliminate that eighty thousand if the Board does not direct him -

Commissioner Stephen stated: The City okayed that -

Commissioner Baines stated: But the Board could direct them, though -

Commissioner Dolman stated: That is right -

Commissioner Stephen stated: Alright, then that is what I want to know.

Solicitor Clark stated: Where is the authority, here?

Commissioner Dolman stated: The other way to that, John - the other way to do that, is this -

Commissioner Stephen stated: Is this what we are talking about, is it [Section] 3.01?

Solicitor Clark stated: I do not know.

Commissioner Baines stated: So, they could say - we - I move that, you could move as an Aldermen to eliminate and afford whatever positions in a certain - a department - second it - direct that department to do so?

Commissioner Dolman stated: It was done when I was an Aldermen, Bob. The District - the - when King, Chief King retired and Craig became Chief, I fought to hold back one of those deputies, the deputy slot. I felt, okay - there were two fears.

Commissioner Baines stated: Two years ago -

Commissioner Dolman stated: No, I kept it - I only held it for a year that it was not - I was able to keep it not from being filled for one year, and then they said, "Hey, we need to fill it," and they made a big - they had to come before the Board of Aldermen and make it a big -

Commissioner Baines stated: Okay, so you have the authority -

Commissioner Dolman stated: - a case - before the Aldermen, and I was out-voted.

Commissioner Baines stated: So if you can convince the - now you need to convince seven Aldermen, you can reorganize.

Commissioner Baines stated: That is right. That is right.

Commissioner Shaw stated: But you have in the budget process itself, you could eliminate positions.

Commissioner Baines stated: But the - you got that right.

Chairman Pappas stated: Yes.

Commissioner Shaw stated: I mean, Civil Defense did not appear, and there were others, one by one. The Weights person did not appear in the next budget. Those people went. Ten police officers disappeared in one budget - something like fifteen -

Commissioner Baines stated: But, Bob, honestly the Fleet manager was gone - but didn't he just win something in Court?

Solicitor Clark stated: Yes, he did - he won something. We are not sure exactly what.

Commissioner Dolman stated: The housing code was eliminated -

Solicitor Clark stated: When -

Chairman Pappas stated: In the interest of time, we have been here for two hours, now. Do you think we could stop at this point?

Commissioner Baines stated: Yes.

Chairman Pappas stated: Okay. And then we will pick up again next week with the Basic Services -

Clerk Johnson stated: Just a comment on reorganizations and eliminations of positions. I would concur with what Tom had said, but I think that in some instances there are also some contract positions that come into play on eliminating certain positions, which would have to be negotiated out-of-contract -

Chairman Pappas stated: Exactly.

Commissioner Stephen stated: I would like to just bring up one more thing, and then that is it. It is on this ethics thing. It is ready, I am going to meet with Steve and Leona, and then we will have something for the entire Committee. So, I do not know how you want to schedule it, but I finished - pretty much - typing up - but we need to go through some revisions - I do not - I mean, I am really excited about it, but I want to take the time - so I need - we need to have a meeting, I think, to go through it all.

Chairman Pappas stated: Whenever you are ready.

Commissioner Shaw stated: How many pages?

Commissioner Stephen stated: It will be ready - It is short - and I want you to understand one thing, and I know Steve told me there was some discussion before, it is not a real - it is not something that is so (inaudible) - strict - in terms of requiring the things that are excessive in nature, I think that it is very much something that everyone will agree to and with, and this thing the Union Leader said a little while ago, about cronyism, I remember that statement, because I took that statement to heart and this will take care of any issue, I think, that you would want to deal with in terms of cronyism. And, it may help us in terms of the public

image. But you guys could make that decision.

The Commission concurred to meet on the Ethics report in two weeks.

On motion of Commissioner Sullivan, duly seconded by Commissioner Baines, it was voted to adjourn.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kathleen N. Sullivan".

Kathleen N. Sullivan