

CHARTER COMMISSION

December 4, 2002

7:00 PM

Chairman Dykstra called the meeting to order.

The Clerk called the roll.

Present: Leona Dykstra, Robert Shaw, Donna Soucy, Bradford Cook,
Patrick Duffy, Keith Hirschmann, Leo Pepino, Nancy Tessier,
Michael Wihby

Chairman Dykstra stated before we start I want to thank you all for coming out on a very cold night. As you know we are going to be dealing with the Charter, the Constitution of the City. It is very important to all of us here, as Commissioners, to really get your input. It is really important to us and we do appreciate your being here. We are going to be having other hearings so for those who couldn't make it or those of you who are here tonight please feel free to come back to the other hearings that we are going to be setting up. We certainly do want to hear from you and thank you.

Chairman Dykstra advised that the purpose of the meeting is to hear comments and receive information regarding the Charter Commission's purpose; that each person will be given only one opportunity to speak; that comments may be limited to three minutes to allow all participants the opportunity to speak and any comments must be directed to the Chair.

Chairman Dykstra requested that anyone wishing to speak come forward to the nearest microphone, clearly state their name and address when recognized, and give their comments.

Mayor Bob Baines, 70 Rosemont Avenue, Manchester stated:
Just a couple of brief comments. First of all I would like to thank all of you for putting your name on the ballot and your willingness to serve and take on this responsibility. It is a very important responsibility and experience that I enjoyed greatly. I would add...I heard Madame Chairman say that at the end of this you are all going to love Leona. You will. I have to admit that. We became very good friends as we all did who worked on this very important responsibility. I guess a couple of things I would like to urge of the Commission without getting into specifics - I will at another time give specifics that I think need to be adjusted with the Charter - is that the concept of the Charter as we learned the last time is

you need to think of that as our Constitution as a City. It is not a place to tinker with the day-to-day operations of government. It is a very broad document that is a guiding force for how we conduct the business of the City and a lot of people have agendas. I think the last Charter Commission should be commended for the fact that I don't believe anybody came in with any specific agenda and things evolved. I know that former Mayor Shaw came to the first meeting and said he didn't want to change anything. That was his agenda but I think it is important to keep an open mind and not come in with your own personal agendas because this is not a personal document. This is a document that serves all of the citizens of the City. I would also urge you not to tinker with it in any large measure at all. I think it is a very effective document and I think we did a pretty good job with it to be honest with you. There are some things that can be tweaked and changed here and there but by and large it is a very, very good document that serves the City well since it was implemented about six or seven years ago. I think at the end of the day if you take heart of some of the challenges facing our City and the responsibility that is placed in the Chief Executive of the City and see how that has evolved over time even over the past decade, the responsibilities that go along with that, not only the responsibilities but the authority, you will see that we did strengthen the office of Mayor the last time. I think we balanced it in large against the changing demands of the time and also taking into account the checks and balances that I think have worked quite well. I would urge you not to tinker with it a great deal. A lot of the hard work was done the last time in terms of bringing it up-to-date. Secondly, I want to remind people that a lot of good ideas that you might have have to pass muster at the State level as well. Please understand that and I am sure you will be advised as you go along that everything that you pass has to be reviewed at the State level. There were things that we reviewed, for example, the issue of the Mayor's budget that I have heard talked about. We did not have that in our Charter when it went to the State and it came back and it was required to be part of it. You have to have a fall back budget. Some people are talking about wanting to get rid of that. It is my understanding having gone through this the last time that when it went to the State it was sent back and unless it had that provision the Charter could not have gone forward. I am sure you are going to learn a lot. Enjoy the experience and especially the camaraderie that will develop as you work together as a team in the best interest of the City. Thank you very much for the opportunity to speak and good luck to you, Madame Chairman. I know you will do a great job.

Harold Levine, 49 Hillcroft Road, Manchester stated:

I spent part of the afternoon reading or reviewing the last Charter, even Brad's report I think it was in 1997 of what the Charter Commission wanted. After reading this I am really surprised. The Wieczorek administration and the present administration seem as far as Commissioners to have violated the rules and regulations of the last Charter Commission. It was set-up that each Commissioner

would serve a two or three year term and that was it, etc. We have people who are Commissioners today that when I moved back as a married man in 1959 were serving on Commissions. This is wrong. Right now I feel that this Charter Commission should take under advisement eliminating all Commissioners whether they were just put on a Commission or not and let's start fresh and get rid of this political deadwood that seems to be costing the taxpayers an arm and a leg the way these different departments are run with Commissioners. Another thing that I would like this Commission to look at...we seem to have some good fringe benefits for some of the members of the Aldermanic Board and School Committee. They seem to be getting their health insurance at the same rate as City employees. I checked at City Hall a couple of months ago. It is costing the taxpayers \$100,000 a year at a minimum. These are perks that...we just got taxes raised 8% and I think these could be eliminated. I think it was discussed at the Aldermanic meeting about eliminating high salaries and starting people off at a lower grade and I agree with that. This is something that I think this Committee should really strive for. Instead of hiring somebody at the top grade, let's start at a median grade or a lower grade. Another thing that I think, and it is has been very negligent, and I have been questioning the last administration and this administration on is City vehicles do not have City decals on them. They belong to the taxpayers of Manchester, these cars, whether they are new cars or not. Starting with the Mayor, it started with the Wieczorek administration, he did away with a City decal on his car. I feel that a Mayor should be proud to have a City decal on a car, the present Mayor and any future Mayors there may be. Another thing, I don't know if you people can do it but I think there should be an ordinance reintroduced again. I can't find it in the books but it used to be about having all types of commercial vehicles parking on City streets overnight. Some of them are blocking up intersections. How many accidents is it causing? I don't know. These are some of the suggestions I would like to make to this new Board and I wish you the best of luck.

Chris King, Greater Manchester Chamber of Commerce, Manchester stated:
I am the Director of Business Development for the Chamber and as a person who has been born and raised in Manchester I am pleased to be before you and to have the chance to speak to you on behalf of the Manchester business community. I am here on behalf of 1,000 members of the Greater Manchester Chamber of Commerce and as you are probably aware the Chamber of Commerce was highly involved in the last Charter review and its subsequent reform. The Chamber of Commerce is committed to Manchester's future. This commitment led to the Chamber to advocate for several reforms contained in the present Charter and which still remain needed for Manchester's future. The key areas of interest in the Charter for the business community include but are not limited to form of government. The Chamber believes the corporate model of an empowered CEO supported by a vital and functioning Board of Directors has proven itself as one of

the most highly tested and successful models of management. We, therefore, believe it is critical to run our City as any business would be run by having a strong Mayor as a CEO who is supported and advised by Aldermen who act as the equivalent to a Board of Directors. We feel that this should be retained and not weakened. Power role of the Commissioners. Consistent with the corporate model, we believe that Commissioners should serve in an advisory versus decision-making capacity. We oppose restoring the Commission form of government found in the prior Charter because it ultimately creates a decentralized system and power base struggle that causes confusion at best and dissention and competition among City leaders at worst. At-large seats. The Chamber favors citywide thinking and hopes to encourage and elect leaders who represent and work for the community as a whole. Dividing any community is counterproductive and undermines the City's ability to develop and accomplish long-range planning and development. Therefore, the Chamber favors at-large seats over ward seats. In fact, the Chamber believes in approaching Manchester as a united City and we have a high level of interest in increasing the at-large seats by redistricting the wards to reduce the number of ward seats but still insuring that neighborhood interests are represented at the Aldermanic level. The Chamber opposes any version of a tax cap. Imposing such a provision may undermine the City's ability to invest in improvements that may initially require an increase of revenue but will secure a meaningful return on investments. A tax cut may harm the City's ability to sustain a strong economic development plan that will insure Manchester's ability to maintain a high quality of life and a diversified business community. We are interested in proposed reorganization plans for City departments and administrative functions as well. We would like to see a centralized system established at City Hall to expedite community and business contacts with the departments that serve our citizens and businesses. We favor and will advocate for efficient and streamlined government. We hope that as you move forward with this process you will consider the business community's perspective. As a business advocacy organization we remain willing and anxious to have further discussions with you and we wish you the best of luck in the process. Thank you very much.

Kathy Sullivan 192 South Mammoth Road, Manchester stated:

I served on the previous Charter Commission and it seems like old home week in some respects this evening. When the last Commission rewrote the Charter we went through a very painstaking and careful process. We researched charters of comparable communities, took testimony at a number of hearings from the public, representatives of City departments, the Mayor, the Aldermen, former Mayors and former Aldermen. It was a very comprehensive review and like this Commission did reflect a cross section of the political spectrum, both Democrats like myself and Mike Lopez and Republicans like John Stephen and Leona Dykstra. At the end of the process we came together and recommended that Charter with the

exception of Mayor Shaw who felt that there was no reason to change the old Charter. After that process we went through six years ago, I do not think that there is a need for this Commission to expend the type of energy and time and money that a wholesale Charter revision would take. I think the money would be better spent on other City needs or not raised from the taxpayers to begin with. There are a couple of areas that I know this Commission is going to be asked to look at. One is a tax cap. I would ask the Commission to study it and then reject it. I don't know why anyone would want to take the Board of Mayor and Aldermen off the hook on the budget. We should hold them accountable and make them make the tough choices. Besides, a tax cap will inevitably lead to litigation, which means more money out of my pocket and taxpayer's pockets to defend the City and we don't have a very good record in the City lately of winning lawsuits. For example, if you cut the Welfare budget how long do you think it will be before we get sued over that? If we cut the School District budget we will end up being in court over that. Let's not have a tax cap but let's hold the Mayor and Aldermen accountable for the budget. With respect to restoring power to the Commissions, again it is an issue of accountability. Why let the Board of Mayor and Aldermen off the hook in making certain decisions? It is their job to make policy. If there is a problem with the Airport, it is up to the Board of Mayor and Aldermen to stand up to the Airport Director. If there is a problem with Parks & Recreation, it is up to the Aldermen to take care of it. If you return power to the Commissions you get rid of accountability. As a taxpayer, I want City government to be held accountable by me and the taxpayers. I don't want the business of the City done behind closed doors the way it used to be. I want it done in the light of day. Let's keep the power of the Commissions where it is, off the charts and out of existence. With respect to At-large Aldermen, this is something I feel strongly about. People have tried to undo At-large Aldermen time and time again since the last Charter Commission. It has always failed. Listen to the people of Manchester. They like the At-large Aldermen. If anything, I think it should be increased. One issue that I think could be the subject of an amendment is a responsible employer amendment to the Charter. I think it is time that if we are going to spend our taxpayer dollars on contracts and I see Alderman Hirschmann shaking his head but if we are going to be spending our tax dollars on contracts with private industry, why not require private industry to give good benefits and good working conditions to the people who are getting paid and making a profit off of our tax dollars. Thank you very much and I hope you enjoy your experience.

Hubert McDonough, Jr., 65 Holmes Road, Manchester stated:

I don't know whether or not you people have the authority to do what I am proposing but I go to the School Board, I go to the Aldermen, I go to the Legislature, any group that makes rules I go to. My plea denied is about holidays. I think and strongly believe that George Washington should have a holiday and Abraham Lincoln should have a holiday. Columbus is fine, but if he hadn't landed

here somebody else would have. Martin Luther King deserves it certainly but without these two he wouldn't have had the chance. I don't have to give you a history lesson but we would all be saying hail to the King or whatever if George Washington hadn't gotten us free from the British, but more importantly or as importantly he decided we would be a republic and not a monarchy. They wanted to name him King when it was over and he said nay, nay, we are a republic so they elected him President twice. He was the only one ever elected unanimously. When it was time for a third term he said no, two is enough and went back to Mount Vernon, as we know. Certainly without George, first in war, first in peace, first in the hearts of his countrymen. His day goes by. It is not a holiday in Manchester. Schools aren't out. Teachers don't teach we are going to be out next week for Washington's birthday and here is why. It just passes and when Lincoln's birthday comes along, the same thing happens. You and I know that we would have two countries here if it weren't for Lincoln – the United States of America and the Confederate States of American and then it all ended, when the horrible Civil War did end, there was no retribution and no revenge. He said go back, disarm, and pick up your lives to the Southerners and that is what happened. Thank God we have this country united since then. If those two gentlemen don't deserve holidays, I really don't know who does. Maybe we could start it here in our City and I don't know if you have the power to do this or not but let's hope so and maybe it would spread. Actually that is all I have to say on that subject but the last speaker made me think of something. I don't want to degrade what I just said now but changing the subject completely about Aldermen At-large, I think we should have less than 14 Aldermen never mind increasing the number. The more people you have sitting around here it seems to me the less gets done. Forget that. Remember Washington and Lincoln please.

Jeff Kassel, 22 Appleton Street, Manchester stated:

I would like to congratulate Leona for getting elected Chairman. I kind of enjoyed the comments of the representative from the Chamber of Commerce because I have been very worried about these guys. They have kind of hijacked the Board of Aldermen in the sense that there is now a huge transfer of money from the residential parts of this City into downtown. I don't mean to say that the downtown doesn't look good. The downtown looks good and after \$200 or \$300 million it should look good over the last 20 years. I moved here in 1977. I bought a modest Victorian house. My taxes were \$730. They are now \$4,000. A 500% increase in 20 years. If I am lucky enough to live until I am 75 or 80, I am looking forward to taxes if they go up at that rate of \$20,000 a year and I don't think my pension is going to be able to keep up with that. Everybody here thinking about this and listening to me should understand that if you own property in this City then your taxes are probably going up at the same rate and it is a problem. There has to be some mechanism to control costs. I would also like to complain a little bit and maybe this is an internal rule, about how long people are allowed to speak

in a public session. In the Aldermanic Chamber you are limited to two minutes and there is no back and forth interaction between the speaker and the Aldermen themselves and I think this is kind of a mistake if you want participation in government. It is not the kind of format that encourages people to come up and be heard and be part of government. As far as your job goes, I would like to see something in the Charter about recall in case something goes wrong in the electoral process so that we can remove people. I would like to see some mechanism for large expenditures, such as a civic center or a baseball stadium. I believe there should be a threshold where the people actually are allowed some say in this process instead of just allowing 14 members of the Board of Aldermen to have the total say about it. There should be a threshold of maybe \$5 million or \$3 million. I don't know what that threshold should be but I feel completely locked out of the process, which is why I started COMP, Citizens Opposed to Multi-Million Dollar Projects, because it is impacting my taxes and the taxes of everybody who owns property in the City. I would like to see something done about the School Board. We have some ex-School Board members here that sit on this Charter Commission. The School Board has run amuck. This is a huge part of the budget of this City and since I am paying for it and everybody else is paying for it there has to be some way to control these people. I would also like to recommend that you guys hire a very tough high paid consultant that has experience reorganizing these charters and these constitutions because there can't really be a mistake. I totally disagree with Mayor Baines. I think there needs to be radical reform in the Charter of this City government. Thank you.

Lucille Stevens, 100 Woodcrest Court, Manchester stated:

I will make my comments brief and to the point. One of the most important items that should be changed in the current Charter is the elimination of At-large Aldermen and At-large School Committeemen. These positions are drawing our City's depleted finances. They are definitely not needed. One Alderman and one School Board member for each ward is sufficient. People never think to call their Alderman At-Large for anything that is happening in their ward. We should return to partisan elections. Non-partisan elections should never have been adopted. City spending has gotten way out of hand and should be curtailed by a cap on all future budgets. The School Department should never be granted independent control over its budget. It must remain under the jurisdiction of the Board of Mayor and Aldermen. I want to read a quote in yesterday's paper by the Finance Committee Chairman, Thomas Donovan, "According to the agreement with the City the District has budgeted another \$500,000 for deficit reduction in the upcoming year's budget. Any debt left over will be the City's responsibility." Now it says right in the Charter, Section 6.09, "No payments shall be made or obligation incurred against any appropriation except in accordance with appropriations made. Any authorization of payment or incurring of obligations in

violation of the provisions of this Charter shall be void and any payment made illegal.” That is all I have to say.

Janet Stiles, 226 Sagamore Street, Manchester stated:

I have come to express myself and speak for my husband because he has a decreased ability to speak tonight due to an operation that he recently had so he said he would ditto everything I say. I continue to do the schedule that we planned on. I agree with the gentleman from the Chamber of Commerce that we need to streamline this Aldermanic Board and its functioning in the City. One of the ways that Walter and I think we can streamline is to do away with the Aldermen At-Large because it is becoming a tax burden. The other thing that we were considering is the non-partisan elections. I have been a Selectman in Ward 2 for many years and there are many people who come to me and say what happened to the Republicans and the Democrats, I don't know who to vote for. Many people cannot find some of the things in the newspapers and do not have the time to read the newspaper and, therefore, when they come to vote they need to know and everything is based on party as far as the basic idea of voting. We do have to have Republicans and Democrats balanced in the wards and people come expecting to know which way they are going to be voting if they are a partisan person. I think that we need to become a little more serious about our constituents who come to vote for us and for them so they know what they are going to be doing in the ward room. It is a scary place for many. They get confused whether they are young or old and I think we need to think seriously about how we present these ballots. Thank you very much.

Artemis Paras, 1275 Hanover Street, Manchester stated:

I want to thank each of you for your willingness to serve as a volunteer on this worthwhile project. We have heard comments pro and con to leave the Charter alone. I have two proposals that I would like to make and if you are considering, based on the votes and the consensus of this Commission, I would ask that you would please consider them. I refer to Article VI, which is titled “Budgets and Appropriations.” Under Section 6.03 Budget Formulation, Submission and Message, I have been concerned for quite some time with the overlapping of terms, I call it the double speak, in Manchester. We have a capital improvement budget and we have a community improvement budget. Well according to the Charter here under a) the Mayor shall establish the form and procedures for the annual budget, which is our operating budget and for the capital improvement budget. That usually is a long-term budget. I have a bill that was passed this last year, House Bill 1121. It is in effect on the capital improvement program. It says a minimum of six years, at least six years. We have two. We are not conforming to the requirement of the applicable State law. I ask the Board to consider having the years two changed to six at least to comply with this statute, RSA 674:5 and there is more to this statute. I would appreciate all of you ferreting out that statute.

It gets confusing when you go to the School side and you start hearing SCIP. At first I didn't know what SCIP stood for so I asked some people and they said oh it means cash. Cash? Then I heard no it means capital improvement. Well, what is it? If each of you were to ask the Aldermen this year what is the capital improvement budget that you have approved long-term, please find the answer and let me know. I would appreciate that. I must refer you to another section in this, Article D, #2. Again, proposed capital expenditures two years. Very quickly, Madame Chairman, if I may talk just very briefly on Article VIII, Administrative Rules and Procedures. It says the Board of Mayor and Aldermen may establish rules. I would like to see that word may changed to shall. We have been hearing about oh the Aldermen can make policies. Well, we don't have any record in any manual of what their policies are. We are whimsical. A policy today changes tomorrow. I would appreciate your looking at that section also. For information purposes, I also have the amended Charter and under Article IV Schools and School Committee I noticed that there was a phrase "the laws in effect". It was Section 4.01. I don't recall that that was in the referendum that we delete the language "the laws in effect." Perhaps some of the lawyers on the Commission can help me out in that matter. If anyone wants to discuss any of the research that I have done, you are free to call me and please, we want consistency with acronyms. CIP – let it mean what it is supposed to mean relative to the Charter requirements. Thank you.

D.J. Murphy, PO Box 10143, Bedford stated:

What I would like to address here is not ruining the house, that is City Hall and the City Clerk's Office. I was reading in the newspaper recently that the people were referring to utilization of members of the City Clerk's rank and file, production and service members for this Committee. I envision since you are a separate Committee that had been elected to serve in a sort of consultation/technical staff position, I respectfully submit that it might be to the betterment of the focus and the thought processes of all of you that if you segregated yourself from City Hall and maybe utilized one of the City's elementary or high school facilities, one of the rooms in the afternoons or at night where you can have a blackboard, a cork push pin board and visual overlay projectors for your Charter development. Sometimes for the citizens and residents of the City of Manchester it becomes very, very difficult to be addressing just simple requests of the City Clerk's Office staff and the Clerk or the Deputy Clerks who are supposedly supposed to be openly accountable and responsive to the requests of the citizens of standard every day fare. That is minutes of meetings, forms, documents, certificates of deaths, registrations and marriages, blah, blah, blah and so forth. I would like to take it upon myself early in this process to explain that management definition. That you as a Commission serve a capacity as technical staff or a technical consulting position and that you do segregate yourself as much as possible, with the exception of for this evening the public hearing segments of your activity, and try

to keep it as isolated for the freedom and the purity of your thoughts on this City Charter and its development and evolution. Thank you.

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

I will be very brief. I am here this evening to speak on behalf of us older taxpayers and some fixed income taxpayers. I believe that a tax cap should be included in the new Charter for the City of Manchester. I believe a cap of no higher than 2% above the cost of living increase for Social Security recipients should be allowed unless 2/3 of the Board of Aldermen on a roll call vote, vote in favor of the increase plus at least 60% of the electorate voting in an election following the approval of the increase by the Board, with the election date being no less than 30 days and no more than 60 days from the affirmative vote of the Board of Aldermen. This will erode the fixed income of senior citizens much slower than the present system and allow them to hold on to their homes and properties longer and lead more comfortable lives with one less worry. I also believe that At-Large officials are superfluous, unneeded and expensive and should be removed from the City payroll. A return to partisan elections should also be a large part of any new Charter for Manchester. Thank you very much.

Billy Dodd, 181 Mammoth Road, Manchester stated:

Congratulations to each of you for the positions that you obtained. First of all, in going through the little red book here, Page 164, Section 5.09 City and Ward Officers, it states in there that the Mayor and two Aldermen At-Large and the Welfare Commissioner will be elected by the City at large. I have talked with former Alderman Girard. His idea, and I think it is a great one, goes something like this. Remove the Aldermen and School Board At-Large from Section A and add a Section C and that would be whatever the legal terminology would be, one Alderman and School Board At-Large member would be elected to represent Wards 1-6 and the other At-Large member would represent Wards 7-12. That cuts down the number of people they are going to represent and gets them in better contact and it gives each of those respective wards two people they can call. A bigger reason for doing that or just as big a reason is when it comes to voting on bonding money, the big bucks, it takes a 2/3 vote. It takes 10 with 14 people. If you drop the At-Large positions, the magic number with only 12 now to bond money becomes 8. I think they are going to spend a whole lot more money so by having the 14 people it makes projects have to be worthwhile before they are going to get some money. Moving on, number 10 on Page 121, City Property. The selling of City property. Somehow there has to be something in that section that a property would not be sold for less than 50% of its appraised value. The City is in the process of giving away buildings. We gave away the Chandler School Building for \$1. We gave away the Chase Block that right now is appraised at \$2.2 million and there has already been a contract signed on that building approved by the Aldermen for \$100,000. That is totally ridiculous. Page

162, Section 5.01 Non-Partisan. I believe the election should stay non-partisan for the simple fact that it gets more people into it. I work for the Federal government. Under the Hatch Act I cannot participate in any elections that are partisan. You are going to keep out some people that would be able to participate if you go back to partisan elections. Page 192, Section 6.06, the School District and the Budget. No change on that. I think the Aldermen should control how much money goes over there and the School Board should spend it the best they can. I don't know where you would add this in or how you could add it in but there seems to be confusion between the Aldermanic Board and the School Board over interest earned on the money that comes down from the State. The Aldermanic Board seems to think that money belongs to the City. If the State is appropriating money to the City for the purpose of schools and the Aldermanic Board theoretically holds that money and disburses it over to the School Board, any interest earned on that money should belong to the School Board. I don't know how you address that. Page 204, Section 9.03 Standards of Conduct. Under item e) Conflicts of Interest, it seems to be the only conflict of interest that applies is if an Alderman gets money in his pocket right now. I think when the civic center came down there were two Aldermen that owned property very close to the civic center and the intent in building the civic center was to increase property values downtown and make your buildings worth more money. I think the two Aldermen that owned property should have been excluded from voting on the civic center because they weren't going to get the money in their hand right then but the intent of building the civic center was to increase the property values downtown so, therefore, when they did sell their building it would be worth more money. I think that needs to be addressed a little bit. I would seriously want you to consider the Alderman At-Large and School Board At-Large positions and breaking them up to represent two different sets of wards and definitely keeping the part on Section 6.06 the school budget. Let the Aldermen appropriate the money and let the School Board administer the money. Thank you.

Kathy Staub, 374 Laurel Street, Manchester stated:

I am the President of the Manchester Coalition for Quality Education. We are a group of parent leaders from around the City who formed to improve the quality of schools in the City of Manchester. I thank you for holding this public forum. I think Mr. Kassel is very right when he says that this type of one-way communication is really not as effective as having back and forth and I think that might be something you might want to look into, having more a forum than just a public comment session. I have two requests that I would like you to consider when you look at the current Charter. One is that any changes that are made conform to State law. By that I mean that the State statutes and administrative rules regarding school districts, municipal law, and home rule charters be used as a guideline for writing the Charter. Basically in short I would like to stay out of court. I would rather see my tax dollars go towards buying police cruisers and

textbooks and patching holes in the roads than paying for court costs and legal fees. For example, over the last few years several attempts have been made to place school finances in the hands of the municipal Finance Department. Now two NH judges, Chief Justice Nadeau and more recently Superior Court Judge Mangonis, have made it clear that this is not legal under current NH law. It is not just squabbling between the Aldermen and School Board that we need to worry about. At the present time, approximately half of the money used to run Manchester schools is appropriated by the State legislature. That may change under the new Governor but for right now if we want State money we need to comply with State rules. Currently only about 25% of the school annual operating budget is approved by the Board of Aldermen. If we fail to follow that law, at some point the State of New Hampshire may feel compelled to step in and protect their interests and another legal imbroglio will ensue. If you don't agree with the rules then the proper way to deal with that is to change them and not ignore them. The second request that I have is that a section on Charter revision and amendments be included within the Charter. There is a section about writing petitions and so forth but there is nothing specifically about amending the Charter. The process of placing an amendment on the ballot should be outlined briefly with references to the pertinent State laws and guidelines and also I would like it to include a requirement that the exact wording of the amendment be available to voters at the polls, not just in a postage stamp sized legal notice that appears in the newspaper months before the actual voting occurs. The last time, there was a single vague paraphrase on the ballot and, in fact, there were three separate changes that were proposed to the Charter. The actual wording was nowhere in evidence at the polls. To make informed decisions, voters need to have information. I wish you all luck and I hope you take your role in interpreting the State rules regarding the home rule charter seriously. Most of us ordinary citizens don't have the time or the inclination to research State statutes so we are relying on you as our elected designees to do so. Thank you very much.

Joe Levasseur, 866 Elm Street, Manchester stated:

Thank you all for being here tonight and for taking the time to run and congratulations on winning your respective seats. First I would like to talk about a spending tax cap. I don't know if that is something that the Board is concerned about but I would have liked to at least have heard some dialogue on it in this review that you are going to do. If not for this time maybe for another time in the future. A tax cap, although some people are against it, I think a tax cap allows people to plan their lives into the future knowing that their tax increase can only be raised by so much. This is important for commercial development. A lot of your Millyard and a lot of your commercial people that lease property would like to know that their taxes are going to be stable over a long period of time before they commit themselves to the City of Manchester. As we have seen over the last four years, we have seen some pretty roller coaster tax rates coming out. This last

one being pretty high and the next one expected to be even higher. If you are someone who is coming to look into Manchester to put a business in or to lease property from a landlord it is something that they would like to know that their taxes will be kept within a reasonable limit. Obviously if you have children and you want to send them to college it would be nice to be able to plan for the future on how much money you can put away. I think it is something that needs to be vigorously debated and I hope that you will pay attention to that. As far as partisan elections go, I believe we should go back to partisan elections. I think that we are a two party system. This country is based on a two-party system. I think that the two-party system is probably the best system in the world. We, as different parties, keep each other honest. We debate vigorously our perspectives on how government should run and I believe that the people who vote for party a lot of the time because they maybe feel that one party is better at one thing at a certain time in the history of a country or a state or a city and the other party may be better on different types of things. I think it is something that should be debated vigorously and I hope that you give that a lot of consideration and I would like to see us go back to partisan elections. Also, as far as the School District to a School Department, you all are very familiar with the fact that this was already brought to the voters and that it passed by 60% to 40% that the School District should be made a School Department. The person who came before me was correct that instead of battling with each other in court we should just go to the State legislature and I am happy to inform you today that a State Rep from Manchester just went up today and filed a bill that would allow Manchester to be able to put that into their Charter and get this thing resolved once and for all so that we can go back from a District to a School Department. I believe that the person who is elected to run the City, such as the Mayor, Robert Baines was elected to do things with schools, should have the power to have bottom line control over where the money is being spent in the School District and it should hopefully become a School Department. I think spending \$25,000 to \$50,000 in lawsuits every couple of years to keep us separate is ridiculous and this Mason-Dixon line needs to be put together and gotten rid of once and for all. As far as the At-Large positions, when I was an Alderman there was a vote taken by the Board, it was an 8-6 majority vote that the At-Large positions should go to a public hearing so that a Charter amendment could be voted on. The Mayor at that time vetoed that even though there was a majority vote. I think the people in this City are pretty firm in their conviction that the At-Large positions are a waste of time. Most people believe that the At-Large positions are necessary because if a person in a ward is having a problem with an Alderman that they don't get along with or they don't particularly care for that they would rather go to an At-Large position but I believe the Mayor in his or her capacity with the staff they have can take up any kind of problems that are going on in the ward so I believe we should go back to 12. I also believe that the Mayor's salary should be increased. I don't mean to say that we should take any money from the taxpayers to increase that salary but I

do believe that the Aldermen, being paid \$5,000 a year should be cut to \$2,500 with the remaining balance going towards the Mayor's salary. I believe that the Mayor works seven days a week, 365 days a year, 52 weeks a year. It is a very hard job and I think that the salary should be increased to maybe bring in some more quality also. I am not saying anything bad about the Mayor now. I am talking about the future. I would like you to put in the Charter that there shall be a public access television station. I don't know if you will get to that point but obviously I do believe in public access. The people of the City are watching. They do keep an eye on what is going on at City Hall and Channels 16, 22 and 96 are excellent for people to learn about the politics of the City. I am getting close to the end. I would like you also to think about the City Solicitor's position. I believe over the last couple of years that the City Solicitor's position has been compromised by politics. I believe that that position must be an autonomous position that shall not come under any political debate or pressure whatsoever. It is something that needs to be discussed. I don't believe that anybody should have the right to fire that person unless it is a full Board, not only 9 votes. That position of City Solicitor must be autonomous at all times with all decisions that are made in a legal capacity and I hope you guys will give that some consideration. Last but not least, I would like you guys to keep airing your meetings to that we can watch this from the convenience of our homes. Thank you very much.

Chairman Dykstra requested the Clerk to submit any written communications submitted to the Commission to date into the record.

Chairman Dykstra stated I do want to thank all of you for coming this evening and to let you know that we are going to continue to have hearings. We might even look at changing the format. A lot of people have talked about a little more discussion. I certainly don't oppose that. The Commission will take everything into consideration that you have said tonight. If you do have anything that you would like to submit, please do that to the Clerk. We are going to continue on but you are welcome to stay. We are going to be having working sessions also, not in the Aldermanic Chambers but as you know you are welcome to come to anything. That certainly is your right. It is your City and we want to do everything we can to make you a part of it so you are welcome to come to anything that we do and I am sure that it will be put in the newspaper so you will know what is going on. Right now I want to open it up for discussion with Commission members. Is there any business that any of you would like to present this evening? There was none. We are going to move on to scheduling the next meeting. We have 12/11 and 12/12 open. It is really a tough time of the year with the holidays. Basically it will probably be at 5 PM somewhere here. It wouldn't be in the Aldermanic Chambers. It would be in one of the conference rooms.

Deputy Clerk LeBlond-Kang stated on 12/11 it could be held in the Chambers at

5 PM. On 12/12, however, the meeting would need to conclude before 6:30 PM or 7 PM because there would be a Planning Board meeting here in the Chambers. On either one of those two days you could meet in the third floor conference room, which we refer to as the NH Primary Room.

Chairman Dykstra stated the reason I wanted to have a meeting is because we just had our hearing. If we can't do it next week, we could try the following week.

After some discussion, it was decided to schedule the next meeting for Wednesday, December 18 at 2 PM.

There being no further business, on motion of Commissioner Cook, duly seconded by Commissioner Duffy, it was voted to adjourn.

Respectfully submitted,

Leo R. Bernier
City Clerk

Approved for submission: _____
Donna Soucy, Secretary