

CHARTER COMMISSION

April 16, 2003

4:00 PM

Chairman Dykstra called the meeting to order.

The Clerk called the roll.

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

Messr: Deputy Solicitor Arnold

Chairman Dykstra addressed item 3 on the agenda:

TABLED ITEM

Minutes of meeting held on April 2, 2003.

On motion of Commissioner Hirschmann, duly seconded by Commissioner Duffy, it was voted to remove the item from the table.

On motion of Commissioner Duffy, duly seconded by Commissioner Pepino, it was voted to accept the April 2, 2003, minutes.

Chairman Dykstra addressed item 4 on the agenda:

. Minutes of meeting held April 9, 2003, if available.

On motion of Commissioner Duffy, duly seconded by Commissioner Pepino, it was voted to accept the minutes of April 9, 2003.

Chairman Dykstra addressed item 5 on the agenda:

Continued discussion and possible actions relating to preliminary report on proposed Charter.

Chairman Dykstra stated okay, now we had things that we asked them to do. Now, do we have that here?

Deputy Clerk Johnson responded yes. There were two handouts that we had. One is from the City Solicitor. It says, "Department heads and officers" at the top, and that's relating to the Commissioner of Welfare. You had asked for language for that change. That's the language that he's recommending, and he's here to address it if you have any questions.

Chairman Dykstra stated okay, are there any questions by this Board.

Commissioner Hirschmann asked how soon could it be posted in the newspaper.

Deputy Clerk Johnson stated oh, no. We're not looking at that one. We're looking at the other one.

Chairman Dykstra stated we're looking at this.

Commissioner Hirschmann stated oh, I'm looking at the wrong thing.

Deputy Clerk Johnson stated yes, this one.

Commissioner Duffy moved to adopt the revised Section 3.05.

Deputy Clerk Johnson asked did you want to take 10.05 with that together.

Chairman Dykstra stated he said both, I think. Didn't you?

Commissioner Duffy responded yeah, a) and b).

Commissioner Cook stated oh no. He said 3.05.

Commissioner Duffy stated I said 3.05 which is the section we're talking about.

Commissioner Cook stated he didn't say 10.05.

Chairman Dykstra stated all right, 3.05 a) and b).

Commissioner Duffy stated yes.

Deputy Solicitor Arnold stated you've got to do 10.05 also. Doing one without the other doesn't...

Commissioner Shaw stated both at the same time. Would you amend that to include both at the same time?

Commissioner Duffy stated I'll move to accept both the revised Section 3.05 and Section 10.05.

Commissioner Shaw duly seconded the motion.

Commissioner Duffy stated oh, this really is an addition on 10.05, isn't it. It's item d).

Deputy Clerk Johnson responded actually no, it's replacing the existing d) that's there.

Commissioner Duffy stated replacing d) with this, so it is...

Chairman Dykstra stated oh, that's the date that should be...he should be appointed.

Deputy Clerk Johnson stated what the committee requested is that he come back with something that met with the provisions of State law, and State law requires that the person that's elected hold that office, so that's why you need 10.05 in there as well. It ultimately will do what the Commission wanted to do which was make it an appointed position, but you have to by Statute allow that person to fill out their term. You can't change it, cause there is separate Statute with regards to that. Does that cover it, Tom?

Commissioner Hirschmann stated so it's a two-year transition. I get it.

Commissioner Cook stated it's a two term thing.

Chairman Dykstra asked are we moving on just...

Commissioner Cook stated the whole thing, everything on the page, I guess.

Chairman Dykstra asked and I got a second.

Commissioner Shaw stated I had a second.

Chairman Dykstra stated by Shaw. Any discussion?

Chairman Dykstra called for a vote. The motion carried.

Chairman Dykstra stated okay, it carries. These are adopted.

Deputy Clerk Johnson stated the second item that we have given you is at the last meeting, the Commission had talked about legal counsel and how to get expressions of interest with regards to that. And so what I did is I said well we could do a public notice in the paper. We drafted something up, and I just wanted the Commission's approval before we submitted it for publication.

Commissioner Cook stated so moved.

Commissioner Hirschmann stated moved, second.

Chairman Dykstra stated okay, just one question. Is it mandated that we do this?

Deputy Clerk Johnson stated no, that's what the Commission asked to do, but you do have to follow the procurement code.

Chairman Dykstra stated okay, we still have to get an attorney is what I'm asking.

Deputy Solicitor Arnold responded yes. The Statute requires an attorney licensed in New Hampshire lend an opinion.

Chairman Dykstra stated that's all I wanted to know. Okay, it was moved by who? By Hirschmann. Second by?

Commissioner Tessier stated I'll second.

Chairman Dykstra stated second by Tessier.

Chairman Dykstra called for a vote. The motion carried.

Commissioner Pepino stated why don't we have Brad do it for nothing.

Commissioner Cook stated you get what you pay for.

Chairman Dykstra stated Bob Shaw wasn't happy with the results. Okay, the motion carries. That is adopted. How are we actually going to decide? Are we going to get the names?

Commissioner Shaw asked are you looking for amendments now, Mrs. Chairman.

Chairman Dykstra stated yes...is there anything else that we're finishing over here.

Commissioner Duffy stated Madame Chair, are we agreed that we're going to leave this to the staff to review and select the attorney. Are we going to come back?

Deputy Clerk Johnson stated no, we will take all of those expressions of interest, copy them, and forward them to the membership.

Commissioner Duffy asked is it possible for you to screen them down and submit a preferred list.

Deputy Clerk Johnson stated I don't know. We may get three responses. We may get a hundred responses. I don't know what we're going to get, and so what I was going to do...

Commissioner Cook stated we didn't get a lot last time. We got like five or six.

Deputy Clerk Johnson stated the Commission wanted to choose its own, so my process was that I'd get all of the information, and then from there, you could make a decision on how you want to do it.

Chairman Dykstra asked was there anything in the transition we needed to address. Are we all set with that?

Deputy Clerk Johnson stated to my knowledge, we've put together the draft based on everything that has been voted on to date. I don't know for a preliminary report that you would need anything else in there other than obviously we will do some kind of a summary as to what the differences are, and once you have voted to send it as your preliminary report, presuming you do, but if you were to do that, and you are scheduling your public hearing, you would be referring it to the public hearing, I'm presuming, and I would just ask a couple of procedural questions from there, but I think you need to deal with the document first to determine whether it's...

Chairman Dykstra stated okay, we had had a concern before about the Aldermen basically getting elected when you're abolished, that they're gone, that you know, they do not even if they run, they do not basically take office.

Deputy Clerk Johnson stated we did make that change in the...

Commissioner Hirschmann stated she did do that.

Chairman Dykstra stated I just want to double check.

Commissioner Pepino stated we better get that opinion in writing.

Deputy Clerk Johnson stated it's in here. It states in e), the last sentence, "The positions of Aldermen At Large and School Committee At Large shall be considered abolished..."

Commissioner Cook asked what page are you on, Carol.

Deputy Clerk Johnson responded the last page. Section e). It says, "All elected officials shall serve out their current term of office through January 6, 2004." That would be your present Board.

Commission Cook stated but we haven't done the transition provisions yet, right.

Deputy Clerk Johnson stated this is the transition right here.

Commissioner Soucy stated we're not going through them.

Deputy Clerk Johnson stated, "The Mayor, Aldermen, and other elected officials elected on November 4, 2003 shall take their oath of office on January 6, 2004 and serve through November 22, 2005. The positions of Alderman At Large and School Committee at Large shall be considered abolished effective January 6, 2004 and no person shall take an oath of office for such positions." That is what the Commission voted on at the last meeting.

Commissioner Cook stated but my question was we have not voted on all the transition provisions yet. Isn't that correct?

Deputy Clerk Johnson stated I think we had at the last meeting asked if anybody had any issues with any of them.

Commissioner Cook stated we haven't voted on 10.01 yet.

Chairman Dykstra asked what's 10.01.

Deputy Clerk Johnson asked did you want to walk though the transitions.

Commissioner Cook stated I want to vote for the transitions. I want to walk through them.

Deputy Clerk Johnson asked do you want to do that.

Chairman Dykstra stated sure, no problem. We'll walk through the transition, then I'll be open to amendments.

Deputy Clerk Johnson stated 10.01 is the effective date of the Charter. Up until this point in time, the Commission has voted that the effective date would be upon passage. That was done early on. If you want to take a vote on each section, is that what he was looking to do? I believe that's what Mr. Cook was looking to do.

Commissioner Cook stated I would like to make a motion, Madame Chairman, if I might.

Chairman Dykstra responded certainly.

Commissioner Shaw stated well, I asked first.

Commissioner Cook stated excuse me. Commissioner Shaw asked to do that first.

Chairman Dykstra stated oh, okay. All right. Commissioner Shaw. I thought we were going to go through this first. Go ahead.

Commissioner Shaw stated my motion will be in order for this thing to come to a conclusion, this Charter, that the election for all offices, the elected offices, be non-partisan, and any changes that need to be made to any verbiage that we put in here contrary to that be modified.

Commissioner Pepino stated I'll second that.

Commissioner Shaw stated my opinion, can I speak to that. I've made many, many conversations, you know. People don't call me. I have to call them, and hopefully they return my calls, and I have found that the vast majority of people that I have reached like lots of this Charter as I do, and find that the partisan, non-partisan issue shouldn't divide the Board, that I'm willing to cast my vote for the elections to be non-partisan and do what you told me was my duty the other day.

Chairman Dykstra asked what did I tell you was your duty.

Commissioner Shaw responded that I should vote.

Chairman Dykstra stated I hope so, sure.

Commissioner Duffy stated I second the motion.

Chairman Dykstra stated second that it's non-partisan. Any discussion?

Commissioner Pepino stated I second that.

Chairman Dykstra stated oh, I'm sorry. It was Pepino. Shaw by Pepino. Discussion? Hearing none, we're going to call for...did you want to say something?

Commissioner Hirschmann stated yeah, if you're going to take a vote on this, which it looks like it's coming, the Solicitor did bring in at one point that you could have your affiliation printed on the ballot with your name if so desired in a non-partisan primary or election, so could we at least have that on the ballot?

Chairman Dykstra stated but if it's partisan, it does have that on there.

Commissioner Hirschmann stated no, his motion is for non-partisan, and at one point, the researcher did research to say we could have the R or D next to the person's name on a non-partisan ballot, so I'm asking that that be included. If you're going to go in the non-partisan fashion, at least allow that.

Commissioner Shaw stated but they're listed in a line.

Commissioner Hirschmann responded yeah.

Commissioner Shaw stated alphabetically or whatever.

Commissioner Hirschmann stated five people are running for Mayor, and one person has the courage to say they're a Republican, and one person has the courage to say they're a Democrat, and the rest of them don't declare, so it says this guy Republican, this woman Democrat.

Commissioner Cook asked is that an amendment to his motion.

Commissioner Hirschmann responded yes.

Chairman Dykstra asked is that for all offices.

Commissioner Shaw stated it can't be for School Board.

Commissioner Hirschmann stated it can't be for School Board.

Chairman Dykstra stated other than that.

Commissioner Shaw stated I think we need to move it along, but it sounds innocent enough. I don't know...

Chairman Dykstra asked is there a problem with the City Solicitor.

Deputy Clerk Johnson stated it can be done.

Chairman Dykstra stated it can be done. I just wanted to clear that up.

Commissioner Pepino asked is there a problem with that.

Chairman Dykstra stated okay, so it would be non-partisan but listing the affiliations.

Commissioner Cook stated my understanding is he made a motion, and he seconded the motion. He's making an amendment to the motion, so my understanding of where we are is he wants to amend their motion. I'd like to vote on both of those parts, so that would be an amendment to the motion.

Chairman Dykstra stated I just wanted to know if there's any discussion.

Commissioner Pepino stated I'll second his motion.

Chairman Dykstra stated okay.

Deputy Clerk Johnson stated by Pepino to second the amendment.

Chairman Dykstra stated okay, any discussion.

Commissioner Shaw asked do we vote on the amendment first.

Commissioner Hirschmann asked is that how it works.

Deputy Clerk Johnson responded yes.

Chairman Dykstra stated we'll take a roll call.

Deputy Clerk Johnson asked you want a roll call on the amendment.

Chairman Dykstra stated and the motion as amended.

Commissioner Wihby asked this is pending if his original motion passes, right.

Commissioner Hirschmann stated correct.

Deputy Clerk Johnson stated this is an amendment to the main motion.

Commissioner Cook stated it amends his motion, and then we're voting on the whole thing.

Commissioner Hirschmann stated they have to do amendments first.

Chairman Dykstra stated the amendment is to list the affiliation next to the name in a non-partisan election.

Commissioner Hirschmann stated Tom, that's if they desire to, right.

Chairman Dykstra stated it's going to look funny if some don't.

Commissioner Hirschmann asked is that how that works. Could you explain that?

Deputy Solicitor Arnold stated I didn't research that in particular. I researched whether you could list party affiliations in non-partisan ballot and came to the conclusion you could. It would seem to me that unless they're declared in the City records some place, you couldn't have a designation to put on there.

Deputy Clerk Johnson stated the designation of the party will be based on whatever the voter registration records shows at the time of filing.

Commissioner Hirschmann stated okay. I'm okay with that.

A roll call vote was taken. Commissioners Hirschmann, Pepino, Shaw, Wihby, and Dykstra voted yea. Commissioners Cook, Duffy, Soucy, and Tessier voted nay. The motion carried.

Deputy Clerk Johnson stated we have five yeas, four nays, so the amendment carries, so now your main motion as amended would be that all elected offices be non-partisan, that the verbiage be modified accordingly, and that wherever able, the party affiliation will be designated.

Chairman Dykstra stated okay, we'll take a vote on that.

A roll call vote was taken. Commissioners Cook, Duffy, Pepino, Shaw, Soucy, Tessier, and Dykstra voted yea. Commissioners Hirschmann and Wihby voted nay. The motion carried.

Chairman Dykstra stated my vote was certainly in the spirit of compromise, and that's fine.

Commissioner Cook stated now, I'd like to make a motion.

Commissioner Hirschmann stated my later vote will be in compromise.

Commissioner Cook stated I would like to make a motion that in 10.01, the effective date of the Charter be on the first day of the fiscal year after its passage which would mean, assuming that it passed, it would be July 1, 2004, and that the sense of the body be, not that we have any option at this point under the law, but that the sense of the body be that this Charter be voted on at the general election in 2003, and I'd like to speak to my motion.

Commissioner Duffy duly seconded the motion.

Commissioner Pepino stated there are three or four parts to that in there.

Commissioner Cook stated well, there are two parts to it.

Chairman Dykstra stated it's all right. We can handle it.

Commissioner Pepino stated separate it.

Commissioner Cook stated frankly I put them together for efficiency's sake. Charters are supposed to be about government. The examination of a Charter is supposed to be about how the government should be designed, what the government elements ought to be, and how for a period of time, the government ought to work, not about and this is not a reflection on any member of this Commission, but not about political ramifications of the next primary, political ramifications of who's going to be in office tomorrow afternoon or the day after that, and who's going to be on some Board supposing all sorts of other imponderables that nobody knows the answers to. We have been surrounded by, and I don't think participated in, but we have been surrounded by an inordinate amount of politics in this Charter Commission. We have heard or some of us have heard who attended a public hearing in Concord, the Chairman of one of the political parties say, "I want this election to be at a special election, cause I can get more voters out there and affect the result that I want." Very straightforward, probably honest, but that's not what this is about, and if we vote on this when the majority of people have the chance to vote on it and when the most time has gone by for people to consider it and have education on it, and if it becomes effective as every other Charter has become effective at the beginning of the fiscal year next which is what the Statute says, unless the Charter Commission says something else which we have every right to do. There's no law that says we have to do that, but that's the default provision, then the orderly form of the study of government and the function of government will prevail, and if we succumb to politics, we will

succumb to you gotta do away with things in the next 10 minutes, you've got to wipe people off the ballot, you've got to change things, and it becomes in the consideration of the Charter that assumedly if it goes forward from us we believe in, something about partisan politics and not something about what we think the best form of government is. When we did this the last time, those of us who were on that Commission, we had compromises. There were things in that Charter you didn't like, and there were things in that Charter I didn't like, and there were lots of things in the Charter that Commissioner Shaw didn't like.

Commissioner Shaw interjected everything.

Commissioner Cook stated well not everything, but some things. But we had it debated as a governmental structure. We didn't have it debated as a political entity, and it wasn't about people, and it wasn't about jobs, and it wasn't about majorities on the Board of Aldermen this year or anything like that, and this one has been turned into a terribly partisan thing. To the credit of the members of this Commission, I have not seen them do that, but we've been surrounded by a whirlwind, and I think passing this motion would defang those considerations.

Commissioner Shaw stated well, I've mentioned many times that I now have cable TV.

Chairman Dykstra stated we're happy for you.

Commissioner Shaw stated last night was an especially important night to watch cable TV because the Alderman from Ward 3 definitely summed up the thing about when the election for the Charter should be. I have to tell you Brad, it is political but not the way you look at it. The Mayor of the City of Manchester stands before the Aldermen last night, and bold-facedly told a fib. I'd call it a lie, but to be polite, I'll say it was a fib. Okay, and he misled the Board of Aldermen last night who were making the vote to send a letter to the State, which we should send a letter to the State. Nobody here has asked at all for the election to be any other day than the question we asked of the Clerk, when can we have it. Nobody has gone forward to ask for that to be done to the best of my knowledge, but we're being misled by the question, and I urge you to watch last night's Board of Aldermen meeting and listen to the Alderman from Ward 3 explain to the other members of the Aldermanic Board the rationale for the election to be when we would really want it, not when the Mayor wants it because first of all, no one, not us and not the Mayor and not the Aldermen have a right to send this to any ballot except the municipal election, general election. There's a dispute between the Secretary of State and the City of Manchester as to what might be called a general election. The Mayor has said many times...first of all, you have to go back, Brad, and you have to look at the Charters that have passed in the City of Manchester,

and by coincidence, the Charters that have passed are on an even-numbered year. All of us know that the municipal election or general election on an even-numbered year does not have anybody from the Board of Mayor and Aldermen on the ballot. The one time, and the Mayor misled the Board on this last night, the one time that they sent a ballot to the general population to vote on a Charter amendment, it's a coincidence, it went on the primary, the date that is denied to us but somehow the Board of Aldermen were able to send it. All the people on the ballot, there were two, four, six, seven. Even I was on the ballot. I didn't remember that. There were seven names on the ballot for Mayor. There were two, four, six, eight for Alderman At Large. That happened to be on an odd year, an odd year. We don't have much chance, Brad, to pass a Charter even to get it to the people because this Charter has to go on a ballot where the people are going to lose their health benefits. They're going to lose their seats, and up till a few minutes ago, they had to declare their seats, and I think the Alderman from Ward 3 said he would lose his seat automatically under partisan elections because he's a federal employee, okay. You know, this thing has become political because the Mayor on the very first time that he came before us, first he said nothing needed to be changed, Mr. Cook. Well maybe a little, Shaw. You should have raised my salary, but then he came before us the second time, and he stated, "I" big word, "I wish to defeat this Charter if you do thus, thus, and thus." What I have thought in my motion that passed a few minutes ago is we gave the Mayor what he wanted. He said, "It is not fair, not fair to have partisan elections, that we exclude citizens that have a right to serve as Aldermen, want to serve their community, and because they are federal employees couldn't do it." So I think, I know you have compromised. I know this side has compromised, and finally today, I've compromised, all right, and I think that Mr. Cook's motion to do what he would like to do should be defeated. Now, it's too bad it'll be defeated again five to four, but it's too bad.

Commissioner Pepino stated when I got elected, the first thing I did I went to Concord, got all the RSAs on charters. I went home, and I read them all, and when I got all done, this was my interpretation, and I read it about a dozen times. The election shall be in November. The 14 Aldermen, 14 School Committee members that get elected will get another two years to finish their terms. That's what I got out of all of this, and then when I come down here, everything changed. Now, last Thursday, I spoke to the Chairman holding that bill that Brad is referring about. She asked me what do you want to do with that bill. I said, "Kill the damn thing." I said, "Let's do this. Let's kill it." And I says, "April 22nd I will put a bill in to ask for the same thing, but it won't come in through the back door. It will be a straight bill, and it will follow the process." Because the Senate amendments are all the back door. You were up there. You know that. Somebody wants something, they tack it on a bill and zip it over to us, so you look at it, and you don't know what to make of it some times. That's what I said to him. I said,

“We’ll put it in as a straight bill.” I don’t know what she’s going to do with it, the default budgets and all, put the exact same thing in. I believe in that bill, but still when I read the law, I believe in the law.

Chairman Dykstra stated any further discussion. Okay, hearing none, we’ll take a roll call vote. Could you clarify the changes? I think it was for July or something.

Deputy Clerk Johnson stated changing 10.01 to an effective date of the first day of the fiscal year after passage which would be July 1, 2004, that you anticipated as the date, and to request that the vote be taken at the general election in 2003.

Commissioner Duffy stated Madame Chair, may I ask for a clarification on the second part of that motion.

Deputy Clerk Johnson stated the second part of the motion was that he requested that the vote on this Charter however it comes out at the end be taken in the general election in November, 2003.

Commissioner Duffy stated however if that is not included, when would it actually take place. It depends upon possible legislation, etcetera.

Deputy Clerk Johnson stated there is pending legislation actually in two areas. One is the bill that Commissioner Pepino just referred to. There’s also a House Bill 151 which was amended by the Senate rather than the Senate Bill being amended. So that one goes to committee on conference. There’s two separate bills in Concord now.

Commissioner Duffy stated we’re trying to supersede, to put in this Charter the specific language as to when it would be voted on.

Deputy Clerk Johnson stated it’s not going to be in the Charter. What you have to do by law regardless of what law is, even if one of these passed, you need to send it to the Board, but what you would do at that point is you would say to the Board of Mayor and Aldermen, according to what Mr. Cook is saying, is that we are requesting that the Board order it to the November general which in either case would be consistent with the law, whether it’s with the pending legislation or whether it’s with what is currently on the books now, cause what is currently on the books now has been interpreted by the City as being the general election in November. So the Board has no choice. It has to order it to that any way. If the legislation that is pending before the State now were to pass, either one of those bills, right now the language includes language that the Charter Commission would order either the primary or the general, and then the Board of Mayor and Aldermen would have no choice but to call it for that date.

Commissioner Duffy stated thank you for that clarification.

Commissioner Hirschmann asked was there action taken.

Deputy Clerk Johnson responded yes there was last night.

Commissioner Shaw stated Madame Chairman, if the law was changed to allow the primary or the general election, I will tell you at this stage I would vote for the general election, not the primary. I want the least number of people on the ballot that would oppose that it go.

Commissioner Pepino stated I agree with you.

Commissioner Hirschmann stated I just wanted to hear any actions that were...Bob Shaw discussed actions at the Board of Aldermen last night in reference to the Charter. Could you just summarize the...

Commissioner Shaw stated they sent a letter to the when they get together, the House and the Senate get together, the conference committee, and they're asking that you defeat not only the election date but I'm sure the letter contains language to defeat the fallback provision.

Commissioner Cook stated I don't think that was in the bill that we're talking about.

Deputy Clerk Johnson stated it was contained in...reflections of both were contained in the letter that the Mayor presented, and I would have to go back to the minutes to refer to them.

Commissioner Cook stated you've got two bills. There was a bill that was Senate bill which I don't remember the number of. 77, something. There was a Senate bill which had nothing to do with Manchester Charter provisions when it started. It was about the Londonderry and Kearsarge Regional School District bond issues or something. It was amended in the Senate with two provisions. One was to allow the election to be for general, special, or primary elections. It went to the House which is the only place it ever had a hearing. The House is doing whatever they're doing with it, and I am no more knowledgeable than Leo is on what they're doing with it, cause I don't think they've done anything with it yet. There was a House bill that went to the Senate, 151 I think is the number, and in the Senate, that bill was amended, I think only in respect to the election date, not in respect to the fallback budget. I think that's the difference, cause the fallback budget was also in the first bill. That was another floor amendment in the Senate, the 77 went to the House. That one because it had already passed the Senate...no,

because it had passed the House in one form and gone to the Senate and passed the Senate in a different form now is in two different forms coming out of the two bodies, and the House will either have to acquiesce in the amendment by the Senate or set up a committee of conference to discuss the amendment to that bill. So, you've got two different situations in Concord...

Chairman Dykstra interjected but they are opposing both.

Commissioner Cook stated they are opposing the amendment that would give the Charter Commission the authority to set the date of the election.

Commissioner Hirschmann stated so they're not...so our government...we have a Charter Commission that's trying to restructure and tone government, and government is fighting the Charter Commission.

Commissioner Cook stated no. The Charter Commission has never had the authority under State Statute to set the date of an election for Charter.

Commissioner Hirschmann stated I don't care about the date. I care about the fallback provision that we worked hard on.

Commissioner Cook stated I don't know because I didn't see it. You did. On whether they opposed the fallback budget too. I don't know that.

Commissioner Shaw stated they opposed both.

Commissioner Hirschmann stated you're right. There is politics involved here, and it's bad.

Commissioner Shaw stated I think that Commissioner Hirschmann zeroed in on it, the fact that the government is fighting the government, and only one that has spoken in our behalf because the other two are kind of people suspicious of it, and that's the Alderman from 1 and the Alderman from 2, but you served in the Legislature, and I don't know how the Legislature works, but I would imagine that in the six months that you discuss bills that there must have been times when you wished you could have entered a bill, and your House rules don't allow that to the best of my knowledge. You have to amend something else. So what basically has happened is the citizens of Manchester because of the way the State runs itself is denied when it finds that it has a need to get that need addressed, but the Senate has different rules, and the Senate allows amendments to things that are not germane to be entered as amendments. Some times, that's good. Some times, it's bad, but when governments fight each other is we don't know what it is. Incidentally, the legislators from Nashua, the Mayor didn't bring this up. This

affects the City of Nashua and other cities, and my understanding from the testimony given last night is the legislators from Nashua have voted for both bills. It is our responsibility to change the Charter. It is our responsibility I thought to get the citizens to vote for our changes. In other words, we believe in what we passed. We want it passed. But the Mayor says, "Well no. No, no, no, no, no." You know, you've got to understand this here.

Chairman Dykstra stated well that's hopefully going to the people.

Commissioner Pepino stated I'm not going back to last night. I didn't watch that, but the night a week or two before, I found it by mistake, and they were right in the middle. I turned it on and it said, "Charter Commission." So I watched, and I had never heard so much misinformation from the Aldermen and the Mayor. Now, let's drop that one. Last year, when we were going to have this Charter Commission, and you remember Carol, you had to have two special elections or was it one.

Deputy Clerk Johnson stated we had one special election. Under the law, you're required to have one special election.

Commissioner Pepino stated okay, so when we brought that bill in at the end of June, Bob, you say you can't bring a bill in in an emergency, we brought it in the last day of the last session as an amendment for this Charter Commission vote, and we lost it.

Chairman Dykstra stated emergency, you can, yeah. Is there any further questions relating to this here.

Commissioner Duffy stated I'll defer to Commissioner Soucy, then I'd like to call the question.

Commissioner Soucy stated I was just going to say the underlying motion here to change the effective date is important, but most important I think is that this Charter Commission go on record with a preference for the November general election. What has happened outside of this room either at the Aldermanic level or at the State level in the Legislature is outside of our scope, and we have been accused of trying to influence the process or motivate the process. I'm not aware of any such thing. I'm not aware of anyone going to anyone asking them to draft legislation. If the legislation doesn't pass, then it's clear that the election will be held in November. If the legislation does pass, and there is an option, I think it's good for us to go on record saying that we would prefer November at the general election when more people will have an opportunity to participate in this important decision affecting the City.

Chairman Dykstra stated Commissioner Duffy, then Commissioner Shaw.

Commissioner Duffy stated I'm calling the question.

Chairman Dykstra stated okay. Does everybody understand this?

Deputy Clerk Johnson stated the question on the floor is to change the effective date to the first day of the fiscal year which presumably would be July first of 2004 and to request that the question on adoption of any Charter coming out of this Commission would be held at the November general election.

Commissioner Pepino stated I had one question. Like now, it takes effect upon passage. If we change the date, what happens to the Alderman At Large, School Committee At Large?

Deputy Solicitor Arnold responded the transition provisions provide that if the Charter passes that upon it becoming effective that...well, actually no. It provides that they will not take the oath of office if the Charter passes.

Deputy Clerk Johnson stated so that transition provision would have to be changed obviously.

Commissioner Pepino asked that would have to change.

Chairman Dykstra stated if you want it to be effective on passage...

Commissioner Pepino stated I want to hear it from him though.

Chairman Dykstra stated okay, but we're in the voting mode here. We are in the voting mode. I just called for the vote, and there's a question to move the question. We cannot.

Commissioner Pepino stated if you don't have the information, how can you call for a vote.

Chairman Dykstra responded well, he moved the question.

Commissioner Pepino stated I'll refuse to vote.

Chairman Dykstra stated fine. If you want to, go ahead. I'm not going to get into it today.

Commissioner Pepino stated you're moving the question down there, and we haven't got the information on the table yet.

Chairman Dykstra stated you're going to vote yes if you want to change it to July first and the general election in 2003. If you vote no, that means you support the effective date on passage. So no is voting for the effective date.

Commissioner Pepino asked is this still good language in here.

Chairman Dykstra stated I like effective date on passage.

Deputy Clerk Johnson stated it would have to be changed.

Chairman Dykstra stated I'm going with my original. You do what you want.

A roll call vote was taken. Commissioners Cook, Duffy, Soucy, and Tessier voted yea. Commissioners Hirschmann, Pepino, Shaw, Wihby, and Dykstra voted nay. The motion failed.

Chairman Dykstra stated that stays the same.

Commissioner Shaw stated let's move the question to a public hearing. Can we move the Charter to a public hearing?

Deputy Clerk Johnson stated I do have two questions before you do that, because you made some changes to the Charter tonight.

Chairman Dykstra stated then I'll recognize you as soon as she's done.

Deputy Clerk Johnson stated you had a change in that you now said that you want a non-partisan, and you asked us to update the language. I just want to clarify for the record before I present something at a public hearing that isn't what you intended that you still would want to retain having a primary for all elections. The way you have with the School Board, you would do the same thing on the Board of Aldermen in essence.

Commissioner Shaw stated one name, you still have a primary.

Deputy Clerk Johnson responded one name, you still have a primary in regards to that, okay.

Commissioner Soucy stated to provide the opportunity for write-ins.

Commissioner Shaw stated that's what we want.

Deputy Clerk Johnson stated the second would be the designation of the party affiliation I would preference that by saying that it would go with the ballot form which is normally determined by the Clerk, so I guess I would indicate some language in there that will designate that they will be a designation of any party affiliation placed on it at the option of the Clerk so the Clerk could determine how best to get that designation on there. We're not restricted to an R or Republican and maybe just having Republican placed out there or Democrat placed out there is going to make more sense.

Commissioner Shaw stated if the candidate wishes.

Chairman Dykstra stated no, no, no, no.

Deputy Clerk Johnson stated no. That isn't what you voted on.

Chairman Dykstra stated no. It's going to be very confusing.

Deputy Clerk Johnson stated all I'm doing is saying allow the Clerk to determine how that's going to be formatted on a ballot.

Commissioner Shaw asked but if I'm registered non-declared, that goes on too.

Commissioner Cook stated that goes on too.

Deputy Clerk Johnson stated as of the filing period.

Chairman Dykstra stated they're going to put non after your name.

Commissioner Hirschmann stated undeclared.

Commissioner Cook stated it's just a little negative sign.

Chairman Dykstra stated a big minus sign.

Deputy Clerk Johnson stated as of the filing period too.

Chairman Dykstra asked are you done with...

Deputy Clerk Johnson stated as of the date of filing.

Commissioner Cook stated just as a point of information on Carol's question, my understanding is we're going to not meet again until, if this goes to public hearing, we're not going to meet again until the public hearing which is on the 30th. As soon as you have the language done, if we can get it, so that we can all read it, and if anybody has an objection to it, we could so notify you and maybe get together an hour before the public hearing or half an hour before the public hearing just to work out the language.

Chairman Dykstra stated not a problem, not a problem.

Commissioner Cook stated I don't think that will be the case, but just if anybody has the problem.

Commissioner Hirschmann stated this is done.

Deputy Clerk Johnson stated wait a minute. What you're going to act on at this point and time and send to public hearing is considered your preliminary report by Statute.

Commissioner Cook stated so we can always fix it anyway.

Deputy Clerk Johnson stated you can fix it later, but I have to send what you pass tonight to the Secretary of State.

Commissioner Cook stated forget what I said. You're right. We can always fix it if it's screwed up.

Chairman Dykstra stated all right, forgotten, Brad. Thanks.

Commissioner Soucy stated but if we do have it in advance, we could before the hearing...

Deputy Clerk Johnson stated it would be in our intent to get this together as soon as possible and get it out on the web so the public has it in advance and so forth.

Commissioner Duffy stated Madame Chairman, may I also ask...I'm thinking now about the selection of an attorney that's going to review this. Would it be helpful...in the ideal situation to have had that attorney selected by the public hearing so that that person would be present to hear the comments that could assist...

Chairman Dykstra stated I don't know if we're going to have it ready, Commissioner, really.

Commissioner Duffy stated well, I'm just asking if it was, you know in a perfect world whether that would be possible. It would be helpful.

Chairman Dykstra stated in a perfect world, maybe.

Commissioner Duffy stated if it doesn't make a difference, it doesn't make a difference.

Deputy Clerk Johnson stated we're putting the closing of the time on the notice.

Commissioner Hirschmann stated he's going on language.

Commissioner Shaw stated on the agenda for the day of the public hearing, could we not put down since no other business is allowed, so that if we only had three people show up for a public hearing, we could conduct more business, that we don't have to just adjourn and go home.

Chairman Dykstra asked what business.

Commissioner Shaw stated well, allow us to do it.

Deputy Clerk Johnson stated I would suggest that you do it as a posting of two meetings. One can be immediately following the other, and I would agree that...we have put a closing date on that public notice that you approved for the 28th which is two days before your public hearing, so at that point, you could hold a discussion. I can say we have X number, and you can hold a discussion after the public hearing, and say, "Okay. This is how we want to make our selection," and make that determination at that meeting, and also try and determine how you want to proceed from there, cause you're going to be on a very short time frame.

Commissioner Soucy asked what time is the public hearing scheduled for right now.

Deputy Clerk Johnson responded 5 p.m.

Commissioner Shaw asked why not 5:30.

Chairman Dykstra asked what's wrong with 5 and get people that don't work.

Commissioner Hirschmann stated I would prefer later.

Chairman Dykstra stated not me.

Deputy Clerk Johnson stated then I suggest that perhaps you could take two separate motions here. The first would be to approve the document as amended this evening as being your preliminary report.

Chairman Dykstra stated that is on the floor, I think.

Deputy Clerk Johnson stated that I believe was the intention of Commissioner Shaw to make that motion before I interrupted him, and you will need a second to that.

Commissioner Duffy stated may we hear what your second...

Deputy Clerk Johnson stated then the second motion will deal with the public hearing separately, to send that report to a public hearing.

Chairman Dykstra asked who will second Commissioner Shaw's motion.

Commissioner Cook stated that wasn't his motion, but if it...

Chairman Dykstra stated no, the motion to move this to a public hearing. Seconded by Commissioner Pepino.

Deputy Clerk Johnson stated can we do the public hearing separate please.

Chairman Dykstra stated that's what we're doing now, the public hearing.

Deputy Clerk Johnson stated no. You've got to have your preliminary report.

Chairman Dykstra stated report to send it to a public hearing. Isn't that what we're doing?

Deputy Clerk Johnson responded no.

Chairman Dykstra asked what were you doing with it.

Deputy Clerk Johnson stated you need to approve what you've adopted to date as your preliminary report. That's your first item of business.

Commissioner Shaw stated that's my motion.

Commissioner Pepino duly seconded the motion.

A roll call vote was taken. Commissioners Hirschmann, Pepino, Shaw, Wihby, and Dykstra voted yea. Commissioners Cook, Duffy, Soucy, and Tessier voted nay. The motion carried.

Chairman Dykstra stated Bob's on the swing vote.

Commissioner Hirschmann stated we compromised.

Commissioner Pepino stated we compromised. It did no good.

Chairman Dykstra stated I compromised.

Deputy Clerk Johnson stated then next would be to refer your preliminary report to a public hearing as the process for getting the information to the public, and the public hearing date you have at this time would be April 30th, and it's scheduled at 5 p.m. I don't know if...

Chairman Dykstra stated at the Aldermanic chambers.

Commissioner Cook asked can we talk about the hour for that meeting.

Deputy Clerk Johnson asked does somebody want to move that, cause you really have only...that's a tentative date that you scheduled and a tentative time. Nothing has been sent to that...

Commissioner Cook stated I understand that, but if we're now setting it, it was tentative till now, and now we're setting it.

Commissioner Pepino asked what day is that on.

Chairman Dykstra responded Wednesday.

Commissioner Cook stated a little later to allow...6 o'clock would be early enough.

Chairman Dykstra asked how about 5:30.

Commissioner Hirschmann stated 6 o'clock.

Commissioner Shaw stated 6 o'clock. We'll compromise.

Commissioner Hirschmann stated it gives people a chance.

Commissioner Soucy stated it gives people a chance to go home.

Chairman Dykstra stated well, there's a lot of department people that work right here probably could come right over and go home.

Commissioner Hirschmann stated we don't want to hear from them. We want to hear from the public.

Chairman Dykstra stated that's all you're going to hear. You're not going to hear...then you can run the meeting.

Commissioner Shaw asked why. You won't be there.

Chairman Dykstra stated it doesn't matter.

Commissioner Tessier asked when will the public get copies of this Charter.

Deputy Clerk Johnson responded our intent is to try and put this together as soon as possible. It won't be until next week.

Commissioner Tessier stated okay. And how do they receive it? Who gets it?

Deputy Clerk Johnson responded what we normally do is we will advertise in the paper that there is a public hearing to be held, that the document is available at the City Clerk's office for viewing. In addition to that, our intent is to put it out on the web, so anybody can access it from the web site.

Commissioner Tessier stated so we do not see that certain groups like the Aldermen or the Chamber get copies of this to review, the School Board. They get it off the net. Okay. That's all.

Deputy Clerk Johnson stated the Clerk's office normally gives...the Board of Mayor and Aldermen have copies of anything that is held, so they would automatically get a copy anyway, and certainly the School Committee.

Commissioner Duffy stated another point of clarification for the Clerk. Will each of these pages or this document, this preliminary will they be so noted as a preliminary document?

Deputy Clerk Johnson stated it'll be presented as a preliminary report, and the preliminary report that we will do will contain a summary in the front because that's required, and the summary in the front will basically state that this is the preliminary report, that there is a recommendation by the Commission at this point

and time to adopt a revised Charter, and the proposed revised Charter is attached hereto as part of the report. And that's what is going to send up to the State. We will also hopefully start the process of also listing out the major differences because that's what's going to have to be on the ballot eventually anyway, and I think it makes it easier for people to know what those changes are, so to the extent it's feasible to do that this quickly, we will attempt to do that. If not, we will meet just the basic requirements of law and deal with the rest over the next week.

Commissioner Duffy stated can I follow that up then with, assuming then we have the public hearing and upon completion of the public hearing getting to Commissioner Shaw's question about having an opportunity after the public hearing to continue discussion about the preliminary draft of this document.

Deputy Clerk Johnson stated it's my understanding that you want to schedule a regular meeting of the Commission immediately following the public hearing, and the first item will be to deal with the legal service issue, and the second item will be to deal with where you want to go from there.

Commissioner Cook stated what we did the last time, because you get several sets of input to the preliminary draft. You get the people's input at the public hearing. You get the Attorney General's review which may require certain changes, may not, and you get your independent review from your own counsel which is required by Statute.

Deputy Clerk Johnson interjected that independent counsel is the final.

Commissioner Cook asked that's the final one only. So, you get two sets of input before we...

Deputy Clerk Johnson stated actually you get DRA as well and the AG's office. We have to send it to the AG, the Secretary of State, and the DRA, and then you will also have your public input.

Commissioner Cook stated I was using state government as homogenized, but you're right. There's three components to it.

Commissioner Duffy stated my only question is are you supporting having a follow-up meeting.

Commissioner Cook responded oh, I think at least one.

Chairman Dykstra stated it's the same day.

Commissioner Duffy stated we're going to have the same day, but I expect we're probably going to need another meeting even after that.

Deputy Clerk Johnson stated oh, you're going to need a couple of meetings.

Commissioner Duffy stated for that evening, we're trying to establish a calendar for the evening which requires a public hearing followed by a regular meeting of this Commission.

Commissioner Cook stated I don't know that we're going to have the responses from the State by the 30th.

Deputy Clerk Johnson stated our intent is what I will do is as soon as the draft is done, immediately then that will be considered the filing of the preliminary report with our office, not the April 30th date. Whatever date you have it, that's the date we have it. We will send that up immediately. They have 14 days to respond. You have to complete your due diligence and all of your stuff by June, I want to say it's the 18th.

Commissioner Cook stated I'm only addressing Commissioner Duffy's question about I don't think we'll probably be able to react to everything on the same night as the 30th.

Deputy Clerk Johnson responded you won't have all of your information back, I wouldn't think.

Commissioner Duffy stated I don't expect so.

Chairman Dykstra stated we could probably have a meeting the following Wednesday.

Commissioner Hirschmann asked don't they have 60 days to reply to us or something.

Deputy Clerk Johnson responded no, 14 days by law. You have to be completely done your final by June 18th. That final report has to be filed with the Clerk's office on June 18th, and that means all of the writing and everything else which means you have to give us more time before that.

Commissioner Hirschmann asked is there another hearing on the final draft.

Deputy Clerk Johnson responded no.

Chairman Dykstra stated that's what the Aldermen basically put on the ballot, right.

Deputy Clerk Johnson stated pardon me.

Chairman Dykstra stated the Aldermen put that on the ballot.

Deputy Clerk Johnson stated that's right.

Commissioner Soucy stated but there's nothing precluding us from holding a hearing.

Deputy Clerk Johnson stated I guess the other question I would have for this Commission as long as you're talking about your public hearing stuff is normally at a public hearing, you not only provide the document, but someone usually will provide some kind of a summary of what is before. I don't know if you want to choose a member of the Commission to do that, if you would rather City staff to do that, I'm just not sure what your intent would be.

Commissioner Hirschmann stated you'd be fine.

Commissioner Cook stated when you say a comparison draft, that two column thing that we had before...

Deputy Clerk Johnson stated not a comparison, no. There will be a summary of the differences.

Commissioner Cook asked just a summary of the changes.

Deputy Clerk Johnson stated the summary of the differences, the same as what had been done in the previous Charter, that's what has to appear on your ballot. We're going to attempt to have that done at the same time. We may not get it done until the public hearing, but...

Commissioner Cook stated you guys did the draft. I mean, I think it probably should be reviewed by...as soon as you have that ready, if you could send that out to the Commissioners too because if somebody has a violent objection to something you've said, but I trust you guys to do that summary of what the contents are.

Deputy Clerk Johnson stated we have to have a summary for the ballot anyway.

Chairman Dykstra stated okay, we were talking about the time.

Deputy Clerk Johnson stated basically you have no motion on the floor. I mean, you need a motion to send it to public hearing at this point.

Commissioner Hirschmann stated 6 p.m.

Commissioner Duffy asked we need a motion for...

Chairman Dykstra stated to send it to a public hearing. Who wants to move?

Commissioner Hirschmann stated I'll move for 6 p.m.

Commissioner Pepino asked is 6 o'clock all right with everybody.

Deputy Clerk Johnson stated it's on April 30th in the Chambers.

Deputy Clerk Johnson asked Hirschmann by who was the second.

Chairman Dykstra responded Pepino.

Commissioner Cook asked what's this, to send it to...

Deputy Clerk Johnson responded to send it to public hearing April 30th at 6 p.m.

Chairman Dykstra called for a vote. The motion failed with Commissioners Cook, Duffy, Soucy, Tessier, and Dykstra duly recorded in opposition.

Commissioner Hirschmann asked you're opposed.

Chairman Dykstra responded yes.

Deputy Clerk Johnson stated okay we have Commissioner Dykstra, Cook, Soucy, Tessier, and Duffy.

Chairman Dykstra stated don't make me do a reconsideration, gentlemen. I just don't want it for the six o'clock.

Deputy Clerk Johnson stated the motion failed.

Chairman Dykstra stated oh, then I'm going to ask for reconsideration.

Deputy Clerk Johnson stated you voted against it. You can't, but somebody who voted in favor could.

Commissioner Shaw asked reconsideration of what.

Chairman Dykstra stated well basically, I voted against the 6 o'clock.

Deputy Clerk Johnson stated she wants to reconsider her vote.

Commissioner Shaw asked you voted against sending it to public hearing.

Chairman Dykstra stated I voted against the 6, not the hearing. Are you going to make a motion to reconsider?

Commissioner Hirschmann asked if I make a motion, can I speak to it.

Commissioner Cook asked what was the motion.

Deputy Clerk Johnson stated the motion was to send it to public hearing on April 30th at 6 p.m.

Commissioner Shaw asked did you take a vote. I didn't vote on that.

Commissioner Cook stated it was a voice vote. You said yes.

Chairman Dykstra stated I voted against the six o'clock. Now, it says that we can't have the hearing, so I'm going to ask for a reconsideration, but one of them speaking in the affirmative, move for reconsideration.

Commissioner Pepino asked what time do we want.

Chairman Dykstra stated it doesn't make any difference. 6 o'clock is what you had.

Commissioner Pepino stated it makes a difference to Donna.

Deputy Clerk Johnson stated just make another motion. That's all.

Chairman Dykstra stated okay. I'm going to make a motion. The public hearing is at 4:30...no, on April 30th in the Chamber at 5:30.

Commissioner Hirschmann asked that half an hour is important to you.

Chairman Dykstra responded well, it's a compromise. Yeah, for me, it is.

Commissioner Cook stated the original proposal was 5 o'clock. The vote was at 6. Now there's a motion for 5:30.

Commissioner Wihby stated I'll second that.

Commissioner Hirschmann stated we really should have it at 7 at night.

Chairman Dykstra asked what's the big deal.

Commissioner Tessier stated let's go 7:30.

Deputy Clerk Johnson stated motion on the floor, Dykstra by Wihby, April 30th, Chambers at 5:30.

Commissioner Tessier asked could we take a roll call please.

Chairman Dykstra stated yeah, let's have a roll call, may as well.

Commissioner Pepino asked Donna, is that all right.

Commissioner Soucy responded the time doesn't matter.

A roll call vote was taken. Commissioners Cook, Duffy, and Hirschmann voted nay.

Commissioner Pepino asked this is for sending it to a public hearing at 5:30.

Commissioner Shaw asked has it gone to public hearing.

Deputy Clerk Johnson stated it failed 5-4.

Chairman Dykstra stated it was just a time thing to change, that's all, and it's going out of proportion.

Commissioner Pepino stated oh, wait a minute. You voted against it. I voted for it.

Commissioner Wihby stated she voted against it.

Commissioner Pepino stated that's right, it failed.

Deputy Clerk Johnson stated we have Commissioner Cook no, Commissioner Duffy no, Commissioner Hirschmann?

Commissioner Cook stated he said no.

Commissioner Hirschmann stated I want it 6 o'clock because I want the public to come. I don't care about department heads and City people. I want the public to come.

Chairman Dykstra asked how about the non-working elderly. What's wrong with 5:30 for the non-working elderly? They come and they go. That's the reason I mentioned it. All right, let's take a vote. We're in the voting mode. Don't compromise then. That's fine.

Commissioner Hirschmann stated I compromise every time I've sat here.

Commissioner Pepino asked what are we voting on.

Deputy Clerk Johnson responded on whether or not to hold a public hearing at 5:30.

Commissioner Cook stated no, to send it to public hearing at 5:30.

Commissioner Tessier stated to send it to public hearing.

Deputy Clerk Johnson stated to send it to public hearing, that's right.

The roll call vote continued. Commissioner Pepino voted yea.

Commissioner Shaw stated I don't know. I'm sorry.

Chairman Dykstra stated you know what I'm going to do. I'm going to withdraw my motion.

Commissioner Tessier stated you can't. We're in the middle of a vote.

Chairman Dykstra stated I can withdraw anything.

Commissioner Tessier stated no, you can't.

Chairman Dykstra stated everybody is so confused about a half hour. This is ridiculous.

Commissioner Tessier asked can we finish the vote please.

Chairman Dykstra stated yes, and then if you want to withdraw it, you can after the vote. If you're not happy with it, I'm not going to worry about it.

Deputy Clerk Johnson asked Commissioner Shaw, are you passing.

Commissioner Shaw stated if I move to adjourn, then you're going to be in trouble.

Chairman Dykstra stated I won't accept that. If you want to just...I can withdraw. Can I withdraw a motion at any time?

Commissioner Tessier stated not in the middle of a vote.

Commissioner Soucy stated not in the middle of a vote.

Deputy Clerk Johnson stated you're the presiding officer.

Chairman Dykstra stated all right, I'm going to withdraw this motion, and it is my right to do so. Okay. Whereas no one wants to go with the 5:30, I'm withdrawing my motion just to make things simpler for everyone.

Commissioner Soucy stated we were in a voting mode.

Chairman Dykstra stated now you can all move on what you want. Whatever.

Deputy Clerk Johnson stated Commissioner Wihby is moving to the public hearing at 6 p.m.

Commissioner Tessier stated I hope everybody watches this.

Chairman Dykstra stated it was withdrawn.

Commissioner Tessier asked would you vote for this.

Chairman Dykstra stated hey, no one wants it at 5:30, so why not compromise again for the Commission.

Deputy Clerk Johnson stated Commissioner Hirschmann is seconding the motion.

Commissioner Hirschmann stated go back to 6.

Commissioner Wihby stated roll call please. Move the question.

Commissioner Shaw asked could we separate the question.

Chairman Dykstra stated no, it's done. We're voting for 6 for a public hearing. Commissioner Shaw asked we have already voted.

Chairman Dykstra stated we're doing it now.

Commissioner Cook stated the motion I assume is to send it to public hearing on April 30th at 6 o'clock. Is that correct?

Deputy Clerk Johnson stated at the Aldermanic chambers.

Commissioner Cook stated the operative phrase is to send it to public hearing, not 6 o'clock in case anybody would like to know why people are voting against it.

Chairman Dykstra stated and my concern was the time. Okay, so now we're going to vote for 6.

A roll call vote was taken. Commissioners Hirschmann, Pepino, Shaw, Wihby, and Dykstra voted yea. Commissioners Cook, Duffy, Soucy, and Tessier voted nay. The motion carried.

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

Respectfully submitted,

Deputy City Clerk

Approved for Commissioner: _____
Donna M. Soucy, Secretary