CHARTER COMMISSION

December 18, 2002 **2:00 PM**

Chairman Dykstra called the meeting to order.

The Clerk called the roll.

Present: Leona Dykstra, Bob Shaw, Donna Soucy (late), Brad Cook, Patrick Duffy, Keith Hirschmann, Nancy Tessier, Michael Wihby

Absent: Leo Pepino

Messrs: Deputy Solicitor Arnold, Alderman Osborne

Chairman Dykstra addressed Item 3 of the agenda.

Minutes of meeting held November 25, 2002.

On motion of Commissioner Duffy, duly seconded by Commissioner Cook, it was voted to accept the November 25, 2002 minutes.

Chairman Dykstra stated before we get into the communication from Alderman Osborne, I spoke with the Clerk's Office the other day and evidently we need to have some kind of a budget before we go too much further to basically do what we have to do for this Commission. We talked about it and last time when we had a Charter Commission there was a budget of about $27,000. We thought that maybe we could get along with $20,000 this time. The Clerk's Office felt that $14,000 for doing all of the transcripts plus the research person…I have a hand out here. Last time we did keep $1,000 in contingency and the outside legal reviews were $4,000. I just wanted some input from this Commission on how you feel about that. We are saving money because we are going to have out public hearings here at City Hall because the facility can accommodate it. Last time we went out to other places and it cost us money. If you could just look over the hand out and if anyone wants to comment they may.

Commissioner Duffy stated my question is what resources are going to be available to us with respect to the City Clerk's Office and the City Solicitor's Office because that wasn't made clear in our initial meeting as to whether or not they had the staffing to support our efforts.

Chairman Dykstra replied I believe when I talked to Carol Johnson she said that with the $14,000 that would be able to take care of all of the transcriptions that we would need.

Deputy Clerk Piecuch stated I just wanted to let you know that it is up to $15,000. The overall budget is still $20,000 but we will be attending all of the meetings and doing all of the transcription and the research person will be out of our office.

Commissioner Duffy asked with respect to the City Solicitor will that office have a representative here.

Deputy Solicitor Arnold stated we will try to attend all of your meetings. I can't promise that we will be at every one but we will make every effort to do so. We certainly will be glad to provide you with whatever legal research necessary, however, I would note that pursuant to the statute you need an independent counsel to certify that it meets State law so you will need a budget item for that. I believe the number of $4,000 was proposed and we think that is in the ballpark for hiring someone to certify that the Charter meets the requirements of the statute.

Chairman Dykstra asked so that $4,000 would be for outside legal counsel. How do we deal with you or do you just do it?

Deputy Solicitor Arnold answered we will just do it.

Commissioner Cook stated I did want to point out that the outside legal counsel required by the State statute is somebody after we are done with whatever we are going to do that person looks at it and certifies that it complies with the law. That is not a substitute for…we had two legal counselors at one time. We had two who advised us during the process of the Charter as a legal researcher in addition to the governmental researcher that we had. We also had it independently reviewed. This amount wouldn't be enough if we had somebody doing it during the whole process but this certainly would be enough to have somebody certify it at the end. The question I have is where it says services by the City Clerk's Office "research assistance" and I am interested in the comment that the research person would be coming out of your office. I can see the research person being employed by your office but…

Deputy Clerk Piecuch interjected they will be working out of our office. I think Carol will go into that.

Commissioner Cook stated it would seem to me that this Commission would, if we are going to need a researcher, which I don't know if we do or don't but if we are going to need a researcher to research and I am not reading this as being contradictory to that but I would assume that we would be hiring the research person who would then be working out of your office and we wouldn't necessarily be using somebody working in the City Clerk's Office if that was necessary.

Chairman Dykstra replied I believe we had one last time.

Commissioner Cook responded we did but we hired the picked the person or hired the person and the person worked out of the City Clerk's Office.

Chairman Dykstra stated Carol if you want to address that that is fine. We will be reimbursing them anyway.

Deputy Clerk Johnson stated I apologize for being a few minutes late. I was trying to get some copies of some other stuff that is being handed out. What we did was we broke down the budget. The budget that was submitted last time was a $27,000 budget. The legal services were $4,000 and that is the same exact amount that was budgeted last time, which covered…(Atty. Cook) you are right there were two attorneys involved the last time. You had one attorney that worked doing the process and another attorney that did the review at the end. I did speak with Tom Clark about that and he did indicate that they would be willing to assist on giving you general advice as things are going along. Last time you did have a research assistant and that was John Groulx, who is no longer in the community. You also had secretarial help from our office. There were printing costs, postage costs, publishing costs and legal notices. The legal notices and those things can remain unchanged but obviously duplicating and other costs go up. We looked at our budget and determined that we are hiring…we have received approval to hire an Administrative Assistant position in our office so we will be back to somewhat a current staffing level and in that process I anticipate filling the position within a couple of weeks. We already closed applications and we have people who have been deputy clerks in other communities so we have some very good people to chose from. The learning curve as far as doing transcription and those kinds of things are not going to be an issue for us. We obviously aren't going to charge you rent. If you hold your public hearings here, that saves you in having to hold them someplace else. We had to hire Molloy last time, which was a few hundred dollars a pop too, so we saved a few dollars in those areas. In terms of secretarial staff, we figured that most of the Administrative Assistant's time, whatever we use of that person, a portion of our budget will pick up some of that. The research

assistant was…quite frankly we have Steve Vaillancourt working in the office on a contract manpower basis. He is obviously familiar with a lot of things and that was the person we were going to use for some of the research. It is a Committee decision and I am telling you exactly what we intended to do. That is what we had in mind. We could contract the research for the most part and could have the Administrative Assistant help out with that as well.

Commissioner Cook stated we wouldn't have had a Commission and it wouldn't have worked if your office hadn't have done what they did the last time. It was magnificent and wonderful to have you do all of the things you just talked about. For the Commission to do its job appropriately, if there is going to be a need for a researcher because I don't know that there is or isn't, but if there is going to be a need for a researcher I think we need to have a researcher who is under our control and under our selection whether that person works out of your office and gets paid through your office or whatever that is fine but the fact that there is a person and that person doesn't appeal to me as a researcher but the fact of the matter is that we need as independent a researcher with as little agenda as researcher as possible to do research for us. I think that is a personal question. I only asked the question because it was on here as research assistant.

Commissioner Hirschmann stated the integrity of the people who work at the City Clerk's Office…I would accept anybody in that department on a rotating basis whether it is Tricia or Carol or Paula or Steve Vaillancourt…whoever is hired in the City Clerk's Office in Manchester would be acceptable to me. It doesn't have to be one person as a researcher. It could be whoever is available on staff to do our research when we have a majority decision that let's say five or six of us want something researched. We vote on that and it is handed off to the City Clerk's Office. It is not handed off to a person. It is handed off to that department to do the research office.

Commissioner Shaw stated I would like to see a breakdown of the $15,000 before I would be willing to vote for this as to where the money goes and how Carol came to that amount. My understanding is that the Aldermen probably aren't meeting until next year so we are not…

Deputy Clerk Johnson interjected the first week in January would be their next meeting.

Commissioner Shaw stated it won't break the City Clerk's Office because they will be reimbursed for any money they spend. I would hope at our next meeting we could see a complete breakdown of where you think the money would go and then we would take a vote and the Aldermen would get it at their second meeting in January.

Chairman Dykstra asked Carol can you address that at all. I know he wants it in writing.

Deputy Clerk Johnson replied I am trying to figure that out.

Commissioner Hirschmann asked the last Commission spent $27,000.

Deputy Clerk Johnson answered yes. We were presuming six public hearings.

Commissioner Cook stated that is not meetings, though.

Deputy Clerk Johnson replied no but you have legal notices and your legal notices are $250 each time. So there is part of your chunk. For the secretary/clerical position in the Clerk's Office, the last time it was a $9,000 expenditure. That did not…

Commissioner Shaw stated it was all in overtime.

Deputy Clerk Johnson replied no it was not. It was straight time. When you have meetings, I don't get paid overtime. A lot of people in the Clerk's Office don't get overtime.

Commissioner Shaw asked if we have night meetings we pay somebody to attend…

Deputy Clerk Johnson interjected I am paying Tricia straight time to be here right now.

Commissioner Shaw stated right now we are reimbursing the City of Manchester for somebody that already works here. She doesn't get the money, she gets a paycheck.

Deputy Clerk Johnson stated we hired somebody in the Clerk's Office last time. We hired that person as an Administrative Assistant and that person did all of the minutes and all of the clerical work and so forth. There is a lot of clerical work involved, particularly as you go along. What we are saying in our office is okay we will absorb some of that. We did last time as well. We absorbed some of that secretarial time. If we did a physical chargeback for everything we had done for the Commissioner and for every hour I had spent with the Commission towards the end when things got into the real technicalities, it would have been far exceeding that amount of money. We basically tried to cover some of the basic salary and benefits that we are paying out of our office and we had to hire

somebody to do that so it was a new person in our department at the time. The research person that you had last time came under Commissioner Coordinator and that was a $5,000 charge.

Chairman Dykstra asked how many months was this.

Deputy Clerk Johnson answered it was about an eight month timeframe. For printing there was a budget of $250. Obviously that was a few years back. Your duplicating was $2,500. Those are costs that we are really trying to absorb within that budget, that $15,000.

Commissioner Cook asked are these numbers current or what was in the last budget.

Deputy Clerk Johnson replied this is what was in the last budget and what we did is we looked at it and said okay you guys expended that amount of money and we know we can pick up some duplicating costs and some clerical. If you want me to sit down and analyze what the breakdown of that would be in today's figures and do an analysis obviously $9,000 for secretarial five years ago versus now is a lot of money. There has been a big change in what the City pays out for salaries and benefits. That clerical time was used and that clerical time will be used this time. If Leo or I attend the meetings, we won't be charging back the Commission for that time and we do need to spend some time here but I can't dedicate all of my time directly to this Commission. I will come when I know that you have things that are needed and at the end I am going to be looking over somebody shoulder in our office all the time making sure that whatever the Commission has voted or asked to be done is being done and it is being done correctly and that is the same thing we did last time. There are some things that are the same and some things that are different. Really the only difference is that instead of breaking it out this way we lumped it together. We can give you chargebacks if you want and keep track of it. I haven't tracked the duplicating to date but I can tell you there has been quite a bit already.

Chairman Dykstra asked so it probably could be more if we do it that way.

Deputy Clerk Johnson answered yes if I give you an exact chargeback. We are figuring a $40,000 budget probably by the time you are done if you wanted to look through every single thing. Tom Clark's office is not charging you back time and we are not going to charge you for some of the stuff that we do in the Clerk's office. If I have to have somebody dedicated to that or somebody dedicated to doing research…that research person did a lot of work last time. We anticipated probably three days a week that somebody is going to be doing it for some period of time. That will slack off as time goes on but then there is going to be getting

into the nitty gritty of the verbiage of everything and sending out copies and letting people look at it and you may have breakdowns of the Commission once you decide what you are going to break out.

Chairman Dykstra stated I think it worked out great last time and it is not like somebody is taking minutes.

Deputy Clerk Johnson asked if you want a further breakdown and you want us to break that $15,000 down we will be happy to do that for you.

Chairman Dykstra asked, Commissioner Shaw do you have a problem with the $15,000.

Commissioner Shaw replied of course I am going to have a problem with any money being charged by the City for services except for material goods. For time, I would expect that it would remain free. In fact, one of the things I want to do in the new Charter is that the City Clerk's Office and City Solicitor's Office would become ex-officio members of the Charter Commission so we wouldn't have to go through this again seven years from now. I think that all sums for payroll would be free. $4,000 for legal services and we had two legal people the last time.

Deputy Clerk Johnson stated you are still going to need a review and prices aren't quite the same as they were back then.

Commissioner Shaw asked so we are going to have one person review it for $4,000.

Deputy Clerk Johnson answered I went to the Solicitor and he said that the $4,000 was probably a reasonable amount and you may get it for less. Just because we are saying there is $4,000 that doesn't mean you have to spend $4,000. That is a guess.

Commissioner Cook stated I think the comparison to the outside legal services number would be the bill that we got from the outside person the last time under the presumption, which I support, that the Solicitor's Office does review and research as we go along. The outside bills are what we should compare it to.

Deputy Clerk Johnson replied but the other piece in the Alfano bill was at a much higher rate than the Simon bills were.

Commissioner Cook responded right but that is the kind of outside person we are going to need to read it at the end and do the certification.

Deputy Clerk Johnson stated that is right so you are looking at a $140 range that I think it was last time for services and I am not sure what it would be this time but if you are picking someone of that caliber, that is probably what you are going to be paying. You know better than I do. You are an attorney and you know what you charge per hour.

Commissioner Cook replied that is kind of low.

Deputy Clerk Johnson responded $140/hour was the price last time and that is what I am saying. Prices don't go down, they go up. If you get something during the course of time that the Solicitor's Office doesn't feel comfortable giving you an opinion on because it happens to involve them or there is some kind of conflict at that point you may need to have somebody else look at it.

Commissioner Hirschmann stated I do agree with Bob Shaw. I have a hard time with City government charging itself to do this but when Leo Bernier made up this budget last year he had no idea that there was going to be a Charter Commissioner. There is a contingency fund for the City and that is where this money can come from. I am sure the Aldermen can look at moving $20,000 from Contingency to the Clerk's Office so they can perform this task. It is less than the last time.

Chairman Dykstra stated and who is to say we are going to spend it all. Right now what you are looking for, Carol, is to get approval from this Commission for a letter to be sent asking the Board for the $20,000. Is that what we are looking for?

Commissioner Hirschmann moved to approve the proposed budget. Commissioner Cook duly seconded the motion. Chairman Dykstra called for a vote. The motion carried with Commissioner Shaw being duly recorded in opposition.

Deputy Clerk Johnson stated I would note that one of the issues that we ought to talk about is the $27,000 versus the $20,000. If the Commission needs more money we will come back and tell you that we can't do it for that amount but I think it is a good place to start. I would rather go in and ask for $20,000 then have us go in and ask for $30,000 and not need it.

Commissioner Hirschmann replied well when you preface that to the Aldermen you are going to have to tell them we might have to go back to them.

Deputy Clerk Johnson stated I suspect that we will tell them that is what we are anticipating but that is not…

Commissioner Duffy interjected what kind of tracking mechanism is there in case we “run out of money”. Can we know on a monthly basis how we are doing?

Chairman Dykstra stated I believe the Clerk’s Office had a breakdown didn’t you last time.

Deputy Clerk Johnson replied we can provide you with reports probably. We have to do all kinds of things with the budget. Right now we are in the process of making our budget. HTE requires it.

Deputy Clerk Piecuch stated there will be a separate account.

Deputy Clerk Johnson stated we are going to follow a bill back process anyway and ask them to set-up a Charter Commission account so it can be tracked better for next time.

Chairman Dykstra asked how do the monies come from that account to the Clerk’s Office. Is it just as we go?

Deputy Clerk Johnson answered it will be a resolution transfer from contingency to a line item probably in the budget that says City Clerk Charter Commission. Then we pay out of our payroll and it would then be a chargeback. Everything is billed differently than it used to be.

Chairman Dykstra addressed Item 4 of the agenda:

> Communication from Alderman Osborne seeking the Board’s consideration of a proposal that the City embark upon a new system of hiring potential new employees based on a drawing or lottery process which would be conducted in a public forum atmosphere.

Commissioner Duffy stated I presume that the Commission is going to be hearing from department heads and Commissions and, therefore, I would suggest that that ought to take place before we get into some of the dialogue relative to matters that individuals choose to have us look at.

Commissioner Cook stated I would presume that one of the things we are going to decide…Carol referenced the fact that they budgeted for six public hearings. We had one for the general public and I assume we are going to have one that allows for Aldermen, former Aldermen, Mayors and former Mayors to come in and tell us what they like and don’t like about the Charter. Certainly Alderman Osborne is one of them but I agree with Commissioner Duffy that all of the issues that come

up ought to come up in a systematic way and not here is a letter we got today let's talk about this. We have to have some kind of systematic process.

On motion of Commissioner Duffy, duly seconded by Commissioner Tessier, it was voted to table this item.

Chairman Dykstra stated at this time Alderman Osborne has asked to say a few words. Would the Commission agree to that? There was a consensus to let him speak.

Alderman Osborne stated I came here today to answer a few questions if any of the Commissioners have any questions in layman's language. That is what I am here for. I know it is quite a big change here that you are looking at but I think you have to have the knowledge on the whole thing in general here. I know that a couple of department heads one way or the other don't care and a few of them don't like it. You have this with everything. All I am asking for here is a chance to let it get on the Charter and let the people decide. This is the main thing. I am not asking anyone to put themselves on the hook by answering yes or no. I just want it put in the Charter so the people can decide.

Chairman Dykstra stated the issue has been tabled so the vote is not going to come up until later on after we have heard from the department heads. We just let him speak as a courtesy.

Commissioner Shaw stated one of the things in the Charter itself and there are many changes that are usually made and not just one item that the people get to vote on. They vote on the total Charter with your provision in there or not in there. There is another method for this item. If you wanted a Charter amendment that could be done separately. Probably after this Charter is passed maybe it will be more clear that you can make changes to the Charter.

Alderman Osborne replied this would be through the Board. This was sent to you people.

Commissioner Shaw stated well it is going to be one of the things but it may not be something that we put in the Charter.

Alderman Osborne replied that is fine but I thought it would be a decent thing to ask me some questions on it or to have an open mind…things of that sort rather than to close your mind on it.

Commissioner Duffy stated I did move to table it but I don't want to have it implied that I have a closed mind on it. I just want to have it understood that…

Alderman Osborne interjected I am not saying you have a closed mind, Sir. I am just saying a closed mind in general.

Commissioner Duffy stated I want it understood that the department heads haven't had an opportunity to consider this in light of many other things and that it is premature to discuss this in my opinion.

Alderman Osborne asked well wouldn't it be better for me to discuss what I have and then the department heads can bring their comments in.

Chairman Dykstra answered it has been a decision of the Commissioners to table this. As I said before, we are going to listen to the department heads and I guess they feel it is a little too soon to be discussing this.

Commissioner Hirschmann stated the format should be that communications are accepted by the Committee but we do have to go in an orderly fashion and work through the Charter and this being a workshop we can't bounce back and forth. We are going to keep accepting communications as we go along but we are not going to address them in our workshops. We are going to go through this Charter orderly like we agreed.

Chairman Dykstra replied we are but the thing is that I asked the Commission and they had no problem with allowing him to speak. If you want to change that right now that is fine. Usually it is a courtesy to hear what they have to say but we can move on. There has been a motion and the item has been tabled.

Chairman Dykstra addressed Item 5 of the agenda:

Communication from Robert A. "Howie" Howe.

On motion of Commissioner Cook, duly seconded by Commissioner Soucy, it was voted to table this item.

Chairman Dykstra stated there is another communication that came in from Paul Martel that isn't on the agenda. What is the Commission's pleasure on that?

On motion of Commissioner Cook, duly seconded by Commissioner Soucy, it was voted to table that communication.

Commissioner Hirschmann stated I imagine we are going to be getting a number of these and we are going to number them and keep track of them. They are all on

the table and are accepted for advisement but they are just not going to be taken up today.

Chairman Dykstra replied right and the other thing is that we might even go into some of these issues in sub-Committees. They might want to call you before a sub-Committee and get your input so don't feel that things are dead. We are just kind of moving along and it is kind of premature.

Commissioner Shaw stated on a slightly different subject because of something we put in this Charter, Aldermen were not allowed to go to departments and demand work from departments. I think that we accepted the rules of the Board and we also accepted the rules of the Charter. As individual Charter members, neither the City Clerk's Office or the Solicitor's Office should be inundated by our personal requests. When we want something the Commission should vote on it. I just want to be sure that we all understand that.

Commissioner Hirschmann stated my understanding is that we adopted the rules of the Board of Aldermen so if there is an issue before us it takes a majority of our Committee to send it to a sub-Committee or to a researcher. If there is not a majority vote, it is not getting researched.

Commissioner Shaw stated well I am just saying don't wake up in the morning and say I think I will go down to the City Clerk's Office and find out how Nashua does something.

Chairman Dykstra stated that is the only other communication we have so basically we can start to get into everything. I know at the last meeting I think Commissioner Pepino mentioned what we are really looking at and are there any interests that any of us as Commissioners feel need to be looked at. What do you feel we should be put into sub-Committees? What issues are you interested in? What do you feel the people want? From the first hearing we had we did get some input. I will just kind of leave that open so we can get into a working type session right now.

Commissioner Soucy stated personally I think that the Commission at this point is still in the information-gathering phase. I know a lot of work was done during the last Charter revision and certainly that material is accessible to us and we can look at what the Charters look like in the cities of Concord and Nashua. That is also research we can do elsewhere but I would think that we would want to focus at this point on trying to establish a schedule for the public hearings that we will have with the general public and also any special hearings we will have with select groups, whether it be department heads, present and former Aldermen, etc. and maybe after a couple more of those meetings we could then determine if we are

going to focus just on specific areas or do a general review section by section of the document.

Chairman Dykstra replied that sounds good but the majority of us…usually when you look at the Charter and the people vote to have a Charter looked at, you look at the whole Charter. If there are certain things in there…that is the only thing I mentioned if you are interested in looking at anything that we can discuss to get things moving, fine. Certainly we are going to set-up the public hearings today. We probably can't set them all up. We can find a time when we want to meet that is best for all of us and set-up those meetings. I would hope that we could get more done at this meeting. If this is all that this Commission wishes to do at this time as you have suggested is to set-up meetings, I have a problem with that.

Commissioner Duffy stated I do support Commissioner Soucy's position as far as making arrangements to set-up the meetings with department heads and others. I guess in addition to that it would also be helpful to try and get a better understanding of the breakdown of sub-Committees. You mentioned sub-Committees a number of times. I don't have personal knowledge of what possible sub-Committees you are alluding to. Maybe if we had a discussion about how this work could be divided up so that again when the Commission comes together it could be reviewing work of a sub-Committee that makes sense. I just need to have some conversation about these sub-Committees to give me a better appreciation of how to proceed.

Chairman Dykstra stated I remember last time I was on a sub-Committee on the Conduct Board. It was because it was something that a majority of us as Commissioners agreed that we wanted to address. People were asked if they wanted to be on the sub-Committee and then we put certain people on the Committee. They were actually a working Committee that would meet outside of when we met. They would meet whenever they wanted to. We had a Chair of that sub-Committee. You can have either three or five members on the sub-Committee and then information would come back to the full Commission. They would bring forth what they found and what they thought should be done and then the whole Commission would discuss it and vote it up or down. Whether you want to be on a sub-Committee or not, fine. Some people might want to be and some might not but we have to look at what we are interested in. Is there something that you feel might need a sub-Committee? If a majority of this Commission feels that there needs to be a sub-Committee on something then we go ahead with it. It has to be a decision by the majority of us.

Commissioner Duffy asked so those were more ad hoc as I understand it rather than standing type Committees.

Chairman Dykstra answered there is nothing standing in a Charter. Under the Board rules I would pick the Chairman and the members of those sub-Committees.

Commissioner Cook stated just to follow-up on what you said they were akin to a sub-Committee of the Legislature. The Committee heard a bill and the Chairman of the Committee says it is a complicated subject and there are eight gazillion options and you folks expressed an interest or have some expertise or whatever the reason people get on sub-Committees and then the example the Chairman used was one of the prime ones. There were several people that said not only a Code of Conduct but a Board of Conduct was a good thing. Some people were more interested in that than others. The people who were most interested came up with a proposal. We worked on the proposal, we tweaked the proposal and ultimately it got into the Charter. It is a subject matter study/drafting type of thing.

Chairman Dykstra stated and even at the sub-Committees if you felt you needed someone to come before that Committee it would be up to that Committee. You kind of did your thing and brought it forth to the full Commission. Do you remember, Carol, what other sub-Committees we had?

Deputy Clerk Johnson replied another Committee that you will definitely need will be a drafting Committee.

Commissioner Cook stated we did have a Drafting Committee ultimately to put everything to…

Deputy Clerk Johnson interjected you were fortunate enough last time that you had a couple of attorneys on that Committee.

Commissioner Cook replied yes Kathy Sullivan and I were the Drafting Committee last time along with the researcher we had. The researcher actually came in with verbiage and then we tried to consolidate it.

Deputy Clerk Johnson stated your committees will vary with each Commission according to what you feel is the subject matter that needs to be done. Now the Conduct Board because there was nothing really that addressed that in the last Charter was something that there was a real interest in. There were certain things that were done at the very onset that people said yes we have an interest in looking at the At-Large Aldermen I think was something that came out last time.

Chairman Dykstra asked was there a sub-Committee on that last time.

Deputy Clerk Johnson answered there was a sub-Committee that looked at portions…

Commissioner Cook interjected it was a legislative committee, in essence what kind of legislative bodies did different communities have.

Deputy Clerk Johnson stated right what kind of form government do you really want and do you want to change it. Those are all issues that I guess…you really need to grapple with some main issues and decide what might be the main issues that you want to break out and some of that won't come about obviously until you gather all of your information. I think there are probably people at this table right now that know that they have certain interest in certain areas and to bring that out at this point would probably be a healthy thing to at least start breaking out some information and it also gives people a flavor for what people might be interested in that are on the Commission or that want to come and speak to the Commission. At some point when you have some kind of a document together you are going to want to go back to the public and get some comments on it and sometimes it is helpful for you to get some information up front from the public be it department heads…for instance department heads already know what Alderman Osborne's proposal is but they don't know what else is coming. I am not saying form all of your Committees today because you are not ready to.

Chairman Dykstra stated the thing is and I mentioned it at the beginning is that we should go around this table and see what issues you want to look at. We had a public hearing and heard people talk about the Aldermen At-Large, the tax cap, partisan versus non-partisan, etc. so there are a lot of things we have heard. There is quite a bit out there that we have already heard. It has been in existence for six years. Some of you probably got phone calls, I know I have, so we can kind of tell by the general public what has been out there. If we want to do that and go around this table and you can tell me what you think we should be looking at…it is not cast in concrete it is just a discussion.

Commissioner Soucy stated based on the fact that the voters wanted a Charter Review Commission I think that we have an obligation to at least go through the entire document and we certainly can do that in sub-Committees. We can look at certain issues in sub-Committees. I was going to suggest that since the Charter is divided into Articles that we divide our sub-Committees into similar categories. That we look, for example, at Article I and II, which are the powers of the Board of Mayor and Aldermen as perhaps one grouping or one sub-Committee; departments and department heads as a separate one; school, school committee and those related issues as a separate one; elections…I have had a number of calls about election related issues. I can tell you that is certainly an issue that I have heard from a number of people about. Then perhaps we can group the budget and procurement issues together and then the remaining articles like the general provisions, the conduct and the transition. That would be five working sub-

Committees with clear distinctions within the document. Now we would certainly be open to having more or less depending on the types of issues that we hear about as we continue to gather information from the public hearing process but it would be a starting point and we could then divvy up the communications as we receive them and refer them out to the sub-Committees to work on.

Commissioner Shaw stated I am opposed to sub-Committees period. So we will have an 8-1 again. The rationale for that is that in reading the 58 pages of this Charter I would want to see us be a Committee of the whole more and the rationale for that is I don't want to go to a sub-Committee meeting and sit there and listen to two or three members discuss Plan A or Plan B and then have them bring forward their suggestions and have to hear it all over again because you always have someone who has questions on something. I see us being a Committee of the whole. I think the idea that you had that we should break the Charter down into 10 parts and that we should take up one part of a time and go through that particular part as a Committee of the whole and discuss what our views of that are. In today's meeting I thought finally we might find out just exactly what the thinking is of what needs to be changed. I want to know. I am not opposed to the sub-Committee concept as much as I think we should be a Committee of the whole.

Chairman Dykstra stated I agree with sub-Committees and you don't and I don't know how the others feel but I like the idea…I think last time we went through it all together rather than to just…we all have to look at it together because there might be some areas in here that we don't even think needs to be changed so why are we going to break into sub-Committees for things that are probably just a waste of time. That is my feeling. I think that a Committee of the whole where we all look at it together is a good idea.

Commissioner Cook stated we set-up sub-Committees last time when it was obvious from the work we were doing…the majority of this Charter is the Charter from before just like every Charter is the Charter from before. There were some changes in this Charter from the Charter before. There were some things that got changed. There were some things that were carried over because we obviously…first of all almost everything in the City had been relying on them. If we had a blank slate and we were starting out to design a City we might or might not pick a City Manager but given Manchester's history and the way it operates we are probably not going to so we are not going to spend…maybe we are because maybe somebody wants to but we decided the last time that we were not going to sped a gazillion hours discussing the merits of a City Manager when it is probably not in the cards that Manchester is going to have a City Manager. You can't get there until you have done two things. As a group we are dancing around this what do you want thing but we don't have to dance around it. I think I could sit here

and tell you what I want or don't want but that is not the point. The point is 312 or whatever the majority was asked for a Charter Commission and 270 didn't or whatever the vote was and that is a quarter of 1% of the people in Manchester or something so we are here. Obviously the whole Charter is fair game to look at because we are a Charter Commission. I was intrigued by something that Commissioner Hirschmann said at the first meeting. He said he worked with it and lived under it because he was an Alderman under the old Charter and new Charter and he said there are a lot of inconsistencies there that need to be straightened out. At some point I would love to know what they are because we tried, all of us, and if there are it is our fault. Nobody had ever said that there were inconsistencies before to me and I would love to see them. If they are there, we should fix them because if the thing doesn't work technically it ought to work correctly and that is why you have a Charter Commission to look at what you have. I think first of all we all as Commissioners should go through the whole thing and says who doesn't like the Preamble okay we all like the Preamble, etc. We have to pick a working meeting when we say read the Charter and underline what you think works and what you don't think works, what you don't understand or whatever it is because we are going to through it. We need to set meetings I think at a minimum for former and present Aldermen and former or present Mayors. I think that is one configuration that we had the last time. We had former and present School Board members and the hearing we had on school issues also had school administrators. We had department heads and City employees and their representatives. We had City unions come in and talk about what they thought was good, bad or indifferent. Then you get the constituencies. We had one for the general public. If there is an outcry to have just a general public one then by all means we ought to have another one. We need that schedule because after we have gathered all of that information – what we are interested in, what they are interested in, and what has been pointed out to us some things are going to pop up and these are the things we keep hearing and this section needs fixing because it doesn't work or maybe a lot of people will come and say they do or don't like this.

Chairman Dykstra stated we still need more public hearings for the public. To me that is very important because as we go along…right now they really don't know what we are thinking and it is important for us to let them know what we are planing to do. As time goes on and things come out that we are planning to do this or that and someone says my God I don't want that so I am going to the public hearing to complain or yes that is good…right now they want a change but they want to know what we are looking at and I think we have to be up front with that. I don't know how many public hearings we have had for the people. We had quite a few of them. Do you remember?

Commissioner Cook replied I think we had two for the public. We had one at the beginning and you are required to have a second one after you have a draft so that there is input from the public on the draft and then you go back and take the input you had on the draft and you…we made changes after the preliminary one last time. We got our heads handed to us on a couple of provisions and we changed them. It wasn't 8-1, it was 7-2.

Commissioner Hirschmann stated I will go first just out of amusement and I hope this amuses everybody. I agree fully that we have to get back to the schedule. By the time we leave here today we need to know when department heads and other people we should be seeing are going to be seen by us. We have all had since November to read the Charter and to be sworn in and I listed 20 items of interest of my own. Twenty items. It doesn't mean I want to change them it means I want to look at them. Maybe I want a word change. Maybe I want to hear what people are thinking on that item. One item that really interests me is Item 15, 5.29 of the Charter is talking about contributions to the candidates and the reporting of those contributions. There is a soft money thing going on in Manchester where people are getting under $500. You could go around on a weekend and collect $490 and not tell anybody where any of that money came from and then fill out a report and hand it to the City Clerk's Office and say I collected under $500 and no one knows where that money came from and no one knows, quite frankly where it went as long as you spent under $500. I think open and honest integrity of reporting every check that is handed to you, every candidate, you should report. Who gave it to you and every contribution should be listed from $0 and every expenditure from $0 in the future. That was one of my things as an Alderman that…I had personally run against people that supposedly didn't spend any money. That is brief. I have 20 items of interest and I am sure you all have 20.

Chairman Dykstra stated you can mention some without going into detail so we know where you are coming from.

Commissioner Hirschmann stated Section 2.02, the make-up of the Board of Mayor and Aldermen and how many Aldermen we are going to have. Section 2.10 Commissioners and how they are appointed or elected. The section on elections and whether they are partisan or non-partisan. How the budgetary process works and whether there has to be a fall back budget or not. The make-up of Commissions like Water Works, which is an authority and the make-up of the Airport Authority. Schools. The amount of School Committee members. Vacancies. There seem to be a lot of people getting appointed into City government rather than elected and I think that should change. Filing fees. I think they are way behind on the eight ball with some of these offices, including ourselves. There was no filing fee for us to get into City government. Filing periods. I don't like the filing period. I don't know why it is in July. I think it

should be in August. Section 5.19, I don't know what that is but I have that it should be changed to three years. Contributions, compensation of officials, Section 8.04. That came up and made headlines a few times that the compensation of officials shouldn't be discussed. Maybe this Commission should look at the Mayor's salary, the Aldermen's salary and benefits and that type of thing. The Charter itself, Section 8.03, I remember the former Mayor saying there should be ex-officio members. Maybe the Clerk and maybe in the future no City officials should be running for the Charter Commission. I thought that was a conflict. Then there is the Conduct Board that needs an overhaul. It is more than tinkering. I think we need a complete review of the Charter.

Commissioner Soucy stated I don't have a list but I have general issues that Commissioner Hirschmann mentioned. There were issues that came up at the first public hearing that I think obviously are definitely on the table regardless of what side we are going to take. I think we need to have a long debate about the number of Aldermen we have and whether we continue to do non-partisan elections. I personally think that the reporting section needs a lot of work. I agree with Commissioner Hirschmann that the Charter should be more like the requirements on the State level for reporting. There should be more reporting. I think the budget process and the timeline definitely need to be reviewed. I don't have a specific recommendation at this point but I really believe that the timeline issue has caused a great deal of concern amongst departments and how they function but also for people participating in that process. I think we need to take a look again at the Conduct code and whether or not that Committee is really working – how frequently they have met and what types of issues have been considered perhaps expending the power or perhaps reducing the size of that Committee. I think we just need to consider how that is functioning and certainly issues such as the tax cap and other things that were raised at the hearing I believe have to be fully debated by this Commission.

Commissioner Wihby stated the details I don't know if we should get into right now but I think we need to set-up a sub-Committee for the tax cap and the At-Large Aldermen and School Board members, partisan elections and a lot of things that Commissioner Hirschmann mentioned. Other than that, I think we should talk about it at the full Commission level.

Chairman Dykstra stated this is good. We are all getting a little bit of an idea on how people feel.

Commissioner Cook stated as I started to say earlier there was no, in my view, ground swell to have this Commission created. 300+ people voted for it and 270 people voted against it. In a City of 105,000, people aren't unhappy with the Charter, however, we are here. People have said that there are inconsistencies

here that people who have worked on it and people who have seen it operate have concerns about that are perfectly legitimate to look at. I think from what I have heard in public testimony and in private comments about the Charter, there is an abysmal lack of understanding of what is in the Charter. People don't understand why it is in the Charter, which means that we didn't educate them last time but I think we did or they have forgotten. I think there is a fundamental misunderstanding about the role of the Charter and the role of statutes. Most of the things we have heard proposed could be in ordinances of the City and passed and be the law of the City. I think our job is to review the whole thing. I think our job is to explain it if we can't explain what is there and the rationale for it isn't worthwhile then maybe it shouldn't be there and if there is a better rationale or some other knowledge or proposals have come forth since, times change. I think there are some proposals I have heard that are disastrous like tax caps. They don't work. They have never been effective and they can handcuff the City especially when we have times when we don't know what taxes are going to be capped because we don't know what taxes are going to be enacted or not enacted at the State level and there are all kinds of proposals on what money will or won't be coming back to the City. I think that is as dangerous an idea as I have ever heard. I think everything is on the table. I think we need to look through the thing. I think we need to hear from folks and I think we need to do our job.

Commissioner Duffy stated I also feel that we need to review the Charter. As we had already discussed there are number of things that have been mentioned that are certainly among those that need to be reviewed. In addition, I would offer that the Enterprise fund departments need some special attention in terms of this Charter. It seems to me that one size does not fit all, as the current Charter seems to suggest. I think we need to go through these items and I am particularly in hearing from those who are living with this Charter day in and day out. Until we hear from them I think that I will reserve further comment as far as areas we need to look at.

Commissioner Tessier stated I guess one of the areas that I hope will surface is the current process for the budget. I think it is too long and too drawn out. Having worked in a department and having to work within a budget…we spent a lot more money than we agreed to because everything was last minute. Hopefully we can shorten the budget process. I have a strong interest in that. The other thought I have had for the last couple of meetings is that we are locked in on a lot of things because of State statutes and before we start debating and spending hours on issues let's make sure they are issues that we can debate and talk about. If we spend meeting after meeting talking about something and find out we can't change it then shame on us for not doing our homework. I hope that the Commission will look to see that we look at the budget and talk about things or change the things that we can legally change.

Commissioner Shaw stated I didn't vote for the last Charter or vote to have a Charter Commission review. My objections are different from the Mayor. My objections have to do with some testimony at the public hearing when the Chamber came in here and said that the Mayor should have appointing power and they want to keep that and we fought very hard for that in the last Charter but somehow at the very end we decided that the City Solicitor should not be a City officer, that is what my vote was and that the officers would be appointed by the Aldermen. I do not favor that method at all. I think that all of the department heads in the City of Manchester should be appointed by the Mayor. I think that is a change that should be made. Under 3.06 of the Charter it says that the Mayor can suspend or fire some department head but he has to have nine votes of the Board to do it. That was never my understanding and I was surprised when I read that terminology. My understanding was that the department head had to have nine votes to stay. That the department head would be suspended immediately by the Mayor himself and if the department head wished he could appeal that. I favor that the Mayor again be the person who appoints and the Aldermen are the ones who fire. Everybody has brought up things with the budget and Nancy just brought up that it is a prime concern for the School Department. It is a major problem. There is a philosophy that says because the Mayor is elected in January he doesn't have time to produce a budget. Well I know Mayors who have done it in 90 days time. It can be done but you have to tell him to do it. Barring that, if you can't tell him to do it I favor a destruction of the government that we have that is presently constituted and a refiguring of what it is that we expect from our newly elected Mayor and that would be one of the things…he could start it right away. Governor-Elect Benson has started already. He has to produce a budget by X date. It is a much more complicated budget than the City of Manchester. There are ways to run this government better. What we have to do is look at the problems that people face here and say well why do we swear the Mayor in in January and then go down each one of the things and ask why do we do that. Why is it that we have 14 Aldermen? We have people who run the State of NH who meet semi-annually and they get paid $100 a year and we can't find people to serve on Commissions that can operate like the Legislature might operate and the timing of their meetings and everything else. This government is expensive because the Charter makes it expensive. Many of the things that you had written down, Commissioner Hirschmann, are fine. If we want to do the tax cap, we must ask the Legislature that is presently constituted up there…you can put a bill in at any time if we thought we were being denied our constitutional right to have a tax cap if that is what we want. If it ruins government, wouldn't that be great. Right in our own State constitution it says we have a right to revolt.

Chairman Dykstra stated I kind of agree with a lot of things you did bring up here. I think what Commissioner Tessier said about making sure that we were doing

things legally isn't that why we have the City Solicitor here. He could tell us basically if we are going the right way or doing something wrong. When you are talking about the Code of Conduct that Commissioner Hirschmann and Commissioner Soucy mentioned I worked on it and I agree. I don't think it works that well for the people. Basically if the Aldermen don't want to send it to the Board of Conduct it doesn't get there and I think we have only met once or twice in six years so something drastically has to be changed there. It is just not working and I will admit that even having worked on that Committee. I didn't think it was going to work that way so we do need to work on that. The non-partisan elections certainly and the Aldermen At-Large I will be open and honest with that. I have seen the way it worked and I don't think it does so I think there should be a change there. Whether we get the votes or not I am just being up front. In the newspaper and I don't know if Commissioner Cook can address this but the term limits. We do have term limits when there is a Charter and we need probably a…

Commissioner Cook interjected we have term limits for appointees not for elected officials.

Chairman Dykstra stated this says elected or appointed and that is why I wanted to bring it up. I don't know if that is something that our City Solicitor can look into as to whether we can do that because it says that the court ruled that we could not impose limits on either elected or appointed officials.

Deputy Solicitor Arnold replied my office is already looking into that.

Commissioner Cook stated it was legal when we had the last Commission but maybe it has changed.

Chairman Dykstra stated I remember when I was in the House I put in a bill that gave term limits to Boards and Commissions to five year terms so it surprises me that things have changed since I have been there. One other thing I wanted to mention is we talked about tax caps and I am not too happy with the way spending is going on in the City. I am wondering if it is not legal to have a tax cap with the same thing applied like they do at town meetings form of government that whenever a big bond issue comes in like for Verizon or a stadium it can go to the people to vote on when big monies are spent. Is that something that would not be considered a tax cap and something that might be doable? Can you look at that also, Mr. Arnold? If a tax cap doesn't work I want the people to have more control over spending in this City.

Commissioner Shaw stated what you asked Mr. Arnold to look into is exactly what I was going to say we can't do. You have no more right than I do to ask the

City Solicitor to look into something. I was going to move that this Committee send a request to the Solicitor to look into and get back to us a legal opinion on tax caps.

Commissioner Hirschmann duly seconded the motion.

Chairman Dykstra stated I would like to include the bond item.

Commissioner Cook replied what are we voting on.

Chairman Dykstra stated to have the Solicitor look into the legality of a tax cap and the bond issue.

Commissioner Cook replied I understand what the tax cap means. What I don't understand is when you said also include the bond in that. What is the question?

Commissioner Shaw stated I can tell you that if we would like to build a brand new high school and it will cost $15 million the people must vote on the bond. It is a method they use in Maine. Warrant articles for towns. There would have to be a separate vote on bonds.

Chairman Dykstra replied I thought that was something I mentioned.

Commissioner Duffy stated I believe it has been mentioned that some of these things are being looked at anyway by the Solicitor's Office by issue of other things that have come up. I don't necessarily think that the Charter Commission should be the one directing some of these if, in fact, they are already being investigated for other reasons.

Chairman Dykstra replied the only reason I think this Charter Commission…I mean we are elected and I think we have asked him to do it for us and it would be important that we get the information. You are saying that we shouldn't have the right to ask them to give us that information?

Commissioner Duffy responded yes.

Chairman Dykstra replied I think I disagree with you.

Commissioner Tessier stated is there an assumption that these issues are going to be on the table for discussion. Shouldn't we decide whether or not we are going to…

Commissioner Cook interjected the sequence is out of order.

Commissioner Tessier stated that is what I am saying. Are we going to talk about the bond issue? Let's have an agenda of what we want to do and then go to the Solicitor's Office rather than just riding the…

Chairman Dykstra interjected I thought somebody mentioned they were looking at tax caps and were interested in the tax caps and that is why we want him to look at it.

Commissioner Tessier replied it is not that I don't want to look at it. I just want to make sure that all of us agree that that is what we want to look at and I think that has to be put in the form of a motion saying that…

Chairman Dykstra interjected I think he made that motion.

Commissioner Hirschmann stated we asked for an opinion.

Chairman Dykstra responded we just asked for an opinion. I feel we have that right.

Commissioner Hirschmann stated the motion was to get the opinion of the Solicitor's Office on the tax cap issue.

Chairman Dykstra stated and then we amended it to add the bond issue.

Commissioner Tessier asked so is there an assumption that this Commission is going to talk about tax caps.

Commissioner Hirschmann answered no. It is going to be referred back from the Solicitor to say whether it is allowed or not.

Commissioner Tessier stated my question is shouldn't we as a group decide whether or not we want to talk about that before we ask them to do the work on it. Let's pick another one that is not as complicated as the tax cap.

Chairman Dykstra stated a motion was made by Commissioner Shaw and it was seconded.

Commissioner Soucy asked could you repeat the motion.

Deputy Clerk Johnson replied my understanding is that Commissioner Shaw has asked the City Solicitor to look into the legalities of a tax cap and to look at meeting forms of large bond issues and report back to the Committee. I will add

just to make sure that we understand it correctly because we will send the letter over to them to ask them to do that but the basics of it is that you are really looking to find out if there is State legislation or something that needs to be looked at and that was one of the questions that was raised prior.

Commissioner Shaw stated why discuss a tax cap if we can't pass a tax cap. Why take up the Commissions time with a subject that…

Commissioner Hirschmann interjected that was Commissioner Tessier's point earlier.

Chairman Dykstra stated I believe this Commission has the right to ask the City Solicitor for opinions, correct.

Deputy Clerk Johnson stated the Solicitor has indicated that he will assist in those areas, so yes.

Commissioner Shaw stated if a tax cap is not allowed in your point of view then the issue is mute. I don't want to discuss it unless I can pass it if I wish to pass it.

Commissioner Cook stated from a timing perspective I think we are out of order. We are putting the cart before the horse. I think we need to have the hearings, review the Charter and see how it works and then if we are interested in any of these things I think we can formulate the question a lot more specifically. If I were a lawyer and I got the question that you just put in a motion I would do the most encyclopedic research in the world and it would disrupt my office significantly. Now if I got the question I would be able to charge somebody for it.

Commissioner Shaw stated he does charge.

Commissioner Cook stated his office is full up and I think that is an awfully broad assignment and I am going to vote against this until we have formulated the question a lot better.

Chairman Dykstra replied he mentioned that his office is already looking at it, correct.

Commissioner Cook stated I think he said they were looking at the recent decision that just came down from the court.

Deputy Solicitor Arnold stated I kind of share Commissioner Cook's concern. We certainly are willing to assist and look at the law, however, he is also right that if you send a very broad question it becomes somewhat of a different task then if

you were asking a more specific question. For instance, on the bonding…I mean the tax cap I think we have looked at the case law and that is relatively speaking kind of straight forward. Everybody understands the tax cap but when you talk about bonding do you want to set a dollar amount? Do you want to include bonds that may be revenue bonds as opposed to general obligation bonds? Do you want to include revenue bonds at the Airport that don't impact the tax rate because they are paid out of Airport revenues? The more specific the question is, the more specific we can be in our answer rather than saying well assuming the following here is your answer.

Commissioner Shaw stated of course that is not the research that I want him to do. There must be a law in the State of NH that allows bonding by towns and what method they can use to bond and there must be a method for cities and towns. That is the issue. We can't use the town method because we have a representative form of government. What we are saying is when we go to discuss spending in the City of Manchester do we want to talk about bonds. We can't talk about bonds. It is decided in State law how bonds shall be addressed. We need a simple answer to a simple question. It is not meant to be complicated. It frightens people.

Chairman Dykstra stated it was brought up at the public hearing too and as a lot of the Commissioners here said we have to address what was said at that meeting and tax caps were brought up. Partisan elections…all of these things were brought up so we have already gotten a message from some of our citizens and I think we all decided that we will be looking at all of this. We have to begin somewhere and there is an awful lot to cover. There was a motion on the floor and a second to have the City Solicitor's Office look into those two things and come back to tell us yes you can do it or no you can't because it is not legal and then we go from there. I don't have a problem with it. Is there any further discussion before I call for a vote?

Chairman Dykstra called for a vote. The motion failed with Commissioner Dykstra, Hirschmann, Wihby and Shaw voting in favor.

Commissioner Duffy stated perhaps we could modify that motion.

Chairman Dykstra stated it was just an opinion that we were asking for, correct. That is all we were asking for was an opinion.

Commissioner Duffy stated my opinion is that if we asked the City Solicitor to share with us the research that they are doing for other reasons that is something that would be helpful in our deliberations but at this stage, prior to even having had an opportunity to hear from department heads, commissioners and others, that

to me would be valuable rather than asking a specific question at this stage of the game of the City Solicitor's Office.

Chairman Dykstra replied well I can understand your interest in wanting to have the department heads here and listening to them but as far as I am concerned they are part of it but I think the Charter belongs to the people of this City and I think there thoughts and input are important too. It is the wish of this Commission that we do not get an opinion on these two things so be it. We will not get an opinion on that at this time.

Commissioner Hirschmann stated I think it will be important to get the department heads and the officers of the City in. I can just vaguely recall news articles through the years. One of them was the City Clerk's Office itself saying that primary elections were expensive and that maybe there should be a run-off or different type of election. In some instances primaries are costing us money. I think it is important to here from the Clerk, the Solicitor, Kevin Clougherty who is an officer of the City and then get the department heads in here. The Mayor has already come and given his two cents.

Commissioner Soucy stated I was just going to suggest that maybe now we could start putting together a calendar based on the availability of everybody.

Chairman Dykstra replied I was just going to be doing that but I wanted to be sure that everybody had everything off the table. Right now we will get into setting up some dates here. We have to set-up dates for public hearings and also for our next meeting, which I would hope that at our next meeting we can start at the beginning of this Charter and work through it as a Committee of the whole and decide what we think should go to sub-Committees and then I will appoint sub-Committees.

Commissioner Hirschmann stated we could do some of that today. We are not in a hurry to leave are we?

Commissioner Cook replied we were scheduled to be here until 4 PM I believe.

Chairman Dykstra stated right now we could do the six public hearings.

Deputy Clerk Johnson replied I don't know if you want to do six but my suggestion would be that I guess everybody wants to hear from the officers and the department heads and the City unions. My question is do you want to take them all in one meeting?

Commissioner Cook stated one thing we said at the last meeting was and I think it has a lot of merit, if we can arrive at a time that all of us can meet regularly like

Tuesday nights at 6 PM…I don't care when it is but whenever it is we put it down and schedule it and plan on it because until we are done just like when people are elected to the Aldermanic Board a couple of times a week they know they are obligated. When they are elected to the School Board Monday nights are used. I think we need to do that first and then we can designate some of those meetings to be testimony from this group or that group but I think the cart is before the horse here.

Chairman Dykstra stated what Carol was suggesting is that we start with our public hearings.

Commissioner Cook replied if we can figure out dates we can figure out which ones of those are going to be public hearings.

Chairman Dykstra stated we have to go according to what is available here too.

Commissioner Soucy stated can I ask a question of the Clerk. At this point the Aldermen meet on the first and third Tuesday and typically have their committee meetings on Mondays or have they been doing them on alternate…

Deputy Clerk Johnson interjected what I was going to try to get to next is that if you are going to pick a time to meet for your hearings when you are using the Chambers you are going to be restricted pretty much to Wednesdays or Thursdays and some Thursdays there are ZBA and Planning Board meetings. That is why I said let's try and get those scheduled because that is the difficult room and you also want to make sure that you are all available to be here. These rooms are more available because we have two conference rooms available. We have this room and we have the room up above. I have the Heritage Commission and Conservation Commission and some of the other Committees once and awhile use it but this room is available for you more working nights. Wednesday and Thursday nights these rooms are usually always available. I guess I am saying you probably want to lean towards those two evenings. If you want to try to get your input in from the department heads and everybody soon, you could start in January perhaps with a Wednesday and a Thursday one week and then usually do your normal meetings after that on Wednesday and Thursday evenings and whether you use evenings or 2 PM or 4 PM…the department heads you may decide to schedule at 2 PM. I don't know.

Chairman Dykstra asked so you are saying that we have Wednesdays and Thursdays to work with.

Commissioner Shaw stated can we go around the table and say what days you would like to meet and what days you can't meet.

Chairman Dykstra replied she has given us only two days to pick though.

Commissioner Shaw stated can we just find out a day when we want to meet.

Commissioner Hirschmann stated I am open as far as the time and would be flexible to help anybody but I think we should commit to the first and third Wednesday of every month. The Aldermen have Tuesdays so let us be the first and third Wednesday and the Aldermen are the first and third Tuesday. The time is open. You guys can decide on that.

Commissioner Cook stated you may find that the first and third isn't enough but I agree with you that we should pick a day of the week. To start it is fine but when we get into April and May and you see crunch time coming you may want to meet every Wednesday.

Commissioner Soucy stated I can do Wednesdays. I would prefer no earlier than 5 PM.

Commissioner Wihby stated Wednesdays are fine for me and 5 PM is a good time.

Commissioner Cook stated Wednesdays and Thursdays are fine.

Commissioner Duffy stated Wednesday is my preferred day. The first Wednesday in January happens to be January 1 so we can't do it then.

Commissioner Cook stated we could do January 8th and 9th and have hearings and double them up.

Deputy Clerk Johnson replied you can't. It is already booked on Wednesday, January 8.

Commissioner Tessier stated Wednesday is perfect and anytime from 5 PM on is great.

Commissioner Shaw stated any day is fine but 5 PM is terrible.

Chairman Dykstra stated so Wednesdays at 5 PM. Is that good for everyone?

Commissioner Hirschmann stated if the Commission members could just make one more meeting in the daytime, the people that are in City government can come because they are here in the daytime anyway. I know that some of you have jobs.

Chairman Dykstra stated okay so Wednesdays at 5 PM will be good. January 1 is out so what is the first Wednesday we can get it?

Deputy Clerk Johnson stated Wednesday, January 8 there is a meeting being held in the Chambers so they would not be available from 6 PM on. If you wanted to bring the department heads in and do a hearing on that date we can schedule it in the Chamber for earlier and make sure that you are out of there by 6 PM.

Chairman Dykstra asked what time could we have it on Wednesday, January 8.

Deputy Clerk Johnson answered whatever time you want.

Commissioner Cook stated I just want to be sensitive to these two people who are much more restricted in terms of their occupation than many of us who have more flexibility. To take leave time and have to make it up is not fair.

Deputy Clerk Johnson stated January 2 is open, which is a Thursday evening. Wednesday, January 15, the 22 and the 29 I believe are all free. All of those Wednesdays. You could do hearings both evenings and you could then follow it up with a work session or something.

After some discussion, it was decided to meet on Wednesday, January 8 in the second floor conference room or the one upstairs. That will be a work session meeting. On January 15 there will be a public hearing in the Chambers for department heads, City officers and Commissioners (not including the school) at 5 PM. On January 22 there will be a public hearing in the Chambers at 5 PM for former Mayors, current Mayor, former Aldermen, current Aldermen and City employees and unions. On January 29 there will be a public hearing in the Chambers at 5 PM for School Board, school personnel and anyone related to the School District.

Commissioner Shaw stated some time I want the Airport and Water Works in here to discuss how the City Charter affects their operations.

Commissioner Duffy stated my thoughts since that was an area that I did address as a concern is when we get to those particular issues we can invite those people back as appropriate whether it is to a sub-Committee or the Committee as a whole. I thought the meetings we were setting up in January is to just get a general sense without getting into a lot of particulars.

Deputy Clerk Johnson stated the Airport Authority and Water Works would be invited as department heads.

Chairman Dykstra stated we will probably schedule two more hearings for the public. We can do what we want basically.

Deputy Clerk Johnson stated we will plan that all of the meetings we scheduled are going to be public hearings and if there is time to carry over business from a previous meeting…for instance you are going to start in on January 8 going through the Charter. You may not get through the whole thing so then on January 15 if you have time after the department heads go through you might continue on a little bit and finish it up. That is what we are going to presume unless there is other stuff that comes up as we go along and we will just add those to the agendas.

Chairman Dykstra asked how are we going to work out our regular meetings. We have one on January 8. Are we just going to determine them as we go along?

Deputy Clerk Johnson answered we will reserve a conference room and the Chamber as back-up for overflow because if you have too many people in the room you are going to want a bigger spot. We will schedule the Chamber for all Wednesdays in February for now. We will just tentatively schedule it on Wednesdays. That way if you decide you want to meet the first and the third but you get into committees and a committee wants to meet on the second or fourth, it is already scheduled.

Commissioner Tessier asked so can we assume that all of our meetings will be on Wednesday.

Chairman Dykstra answered yes. We don't have the dates yet but that is what we are looking at.

Commissioner Duffy asked are we thinking about continuing these meetings weekly or bi-weekly.

Chairman Dykstra answered weekly seems like a lot to me but it depends on how much we have to look at. It is hard to tell. We can decide as we go along.

Commissioner Duffy stated I am talking about our own meetings and I think it is important that we have a concluding time. I am not saying that we will adhere to it strictly but to get a sense of how long we will meet.

Chairman Dykstra replied I would think a couple of hours. Maybe 5 PM to 7 PM or 7:30 PM.

Commissioner Duffy stated so we won't be eating dinner at 10 PM or 11 PM if we start at 5 PM.

Chairman Dykstra replied it depends on what we are going to be looking at. If we go around this table and say two people want to do this and the other seven don't want to where is it going? We have to decide how much we are going to be doing. Right now we have a good start and I am happy with that. I think this is going to work out so we can get all of the Commissioners in. We are all set for Wednesday, January 8. At that time if the Commissioners can kind of go through…you probably already have. I have highlighted things. If we can go through the thing. We are going to start at the beginning and discuss these things and as we go through it decide whether it is something we want to have a sub-Committee for. We will take it one step at a time and see what kind of work we have before us and we will determine how many meetings we will have. It is very hard right now to decide that.

Deputy Clerk Piecuch stated you did want to talk about the minutes.

Deputy Clerk Johnson stated our office is…it gets to be confusing because we don't have the minutes officially on file. My suggestion is…we have been submitting them to Donna and having Donna approve them before we give them to the Commission. My feeling is that I don't think they are really controversial coming out of our office. We will submit the draft to the Commission as soon as they are done and then the Commission can accept them or reject them and the secretary can sign off on the official minutes that have been accepted. We have the minutes from the last meeting. Donna just returned them to me. I will copy them and get them out to you.

Chairman Dykstra stated we can look at them at the next meeting. That sounds great to me.

Commissioner Soucy asked would it be possible either for the next meeting or before the next public hearing to develop a timeline so the Committee has deadlines and we are aware of when we need to have our report completed and when we need to present it to the State, etc.

Deputy Clerk Johnson stated we will put something together.

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

Respectfully submitted,

Deputy City Clerk

Approved for Commission:_____
Donna Soucy, Secretary