

## CHARTER COMMISSION

January 2, 2013

6:00 p.m.

**Chairman Duval** called the meeting to order.

**Chairman Duval** called for the Pledge of Allegiance, this function being led by Commissioner Pappas

The Clerk called the roll.

Present: Commissioners Duval, Girard, Martin, Lopez, Pappas, Clayton, Ashooh, Infantine

Commissioner D'Allesandro arrived late

**Chairman Duval** stated before we get started with the agenda item, I have a few housekeeping measures if I can ask your patience for just a couple minutes. In order to maintain our professionalism and appropriate decorum, and we all have demands, personal business and otherwise, if you would kindly notify Maura, our clerk, if you are going to be absent from the meeting. If for whatever reason you can't make it or if you are going to be late or leaving early, if you could just let her know so we can make sure we are going to have a quorum and we can respond accordingly. Also, as I suggested previously and I'm certainly willing to let commissioners weigh in, but in terms of planning future meetings it would be helpful if we have a start time to a meeting and an approximate end. I'm not trying to hamstring commissioners, I'm not trying to limit debate, I'm not trying to limit discussion or anything else, I'm trying to make it so the outside world could see exactly when we are meeting, they can get here during that time to observe if they like and also so commissioners can plan their business and other schedules

accordingly. I think that is appropriate. That is not to say that if the meeting needs to go longer, that's fine. If the commissioners have something that we are discussing and you think it is pertinent for us to stay longer, let's do it, let's get the job done, but I think, at least for planning, if we can start if we can start with a set time I think that would be appropriate. Lastly, I think when we are exchanging with members of the public who might be giving testimony, we should maintain appropriate decorum. If you could be mindful to direct your comments to the chair if you can, I would appreciate that, just so I can be fair to every commissioner in terms of giving them allotted time for questioning so that we have the best and most fair balance across the commission. That is what I propose for housekeeping measures.

**Commissioner Girard** stated the only thing I would say is that I think it is dangerous to set an end time for a meeting however tentative it may be. I think that sets expectations. I think people plan around it, whether they are members of the commission or they are invitees of the commission, and I think we should leave the commission meetings open ended without a presumed end time so people don't feel like they are under the gun or people don't make plan believing that because a tentative end time was set that it is somehow going to be honored. I think that puts a number of people on the spot and I think we should be prepared to be here as long as it takes on whatever night we are here so everyone has the opportunity to hear and be heard.

**Commissioner Ashooh** stated although I wouldn't want to cut off discussion, I think having a start time and a finish time is appropriate. If we can't conduct our work in 90 minutes or two hours, whatever we assess the time to be, and we find that there is a need to continue on, I think getting an agreement between the commissioners to continue that meeting to deal with the continuing issue is not a problem. I think at least setting parameters makes a lot of sense to me.

**Commissioner Lopez** stated thank you, Mr. Chairman. I have to agree with Commissioner Girard to a point. Once you get in deep into the discussion and everyone is looking at their watch, if you set an end time, I think you are going to run into some problems. That remains to be seen. You say the start time, but is there a certain time limit that commissioners have to be some place or is there a certain time that you had in mind, an hour, two hours, three hours?

**Chairman Duval** replied at this juncture, I would propose an hour and a half. That is what I had in mind; 90 minutes might be appropriate. I think even the last meeting we had, which I thought we have very elaborate exchange with the mayors, the time would have almost worked. We did go over. I had suggested 7:30 p.m. but we actually did not set a time, but I know that it went a bit longer than that. Maybe that is going to be the exception, maybe not. I think we could try it and see if we could work with it. Again, if, down the road, we need to revise it we certainly will. It would certainly not be limited for public sessions. I don't propose that because we don't know what the turnout is going to be. When the public's input is done, the session is done and we can adjourn. I think in terms of work sessions, if commissioners could plan on an hour and a half I think that would be prudent and appropriate.

**Commissioner Lopez** stated there would be no intentions of anyone saying that we have to be here for 90 minutes and then it is time to go home. We would just continue our discussion if we have issues to bring up?

**Chairman Duval** replied I think it is up to the commissioners. If we can act in a more efficient time that's fine too. There will be times when we have a pretty light agenda, where we get done in an hour, and I think we can certainly adjourn.

**Commissioner Ashooh** stated I think it has been demonstrated in the aldermanic chambers on any number of occasions that a number of people have shown up to speak and the public session doesn't accommodate that they will recess and adjourn and continue to hear public comment. In our work session, I think having a time frame, especially when we are in discovery, when we are listening to other people speak to us, is more important to set a limit to hear everything that they have to say and then if we feel that we need to continue I think we can then, amongst this group, take a vote to say that is it important for us to stay here longer to do the work of the commission that particular night. Having a workable time frame, whether it is 90 minutes or two hours, I think would preclude, to some extent, what we had at the last meeting where we had commissioners and speakers wondering off before anything was really done. I think we need to recognize that there needs to be some respectful limit, especially when we invite people here. That is the only reason I think it is important to have some sort of a frame that we can work with. We can make our own rules.

**Chairman Duval** stated I appreciate that. Again, I think that it will force us to be diligent in our efforts and questioning. I think each commissioner will certainly have access to any person giving a presentation at these meetings. You are certainly welcome to go back and ask additional questions of the people who have been presented. They have offered to, the ones who have presented so far.

**Commissioner Pappas** stated I just don't understand why we need to set a limit on this. We were all elected here by the City. Whatever amount of time it takes us to get things done on a Wednesday, we should be here working. Setting these time limits, I think, gives the wrong message to the City.

**Chairman Duval** stated thank you for your comments.

**Commissioner Girard** stated I would like to follow up on what Commissioner Ashooh said and that was I think one of the reasons why we had issues with commissioners and the mayors leaving at the last meeting. Because when that meeting was set, the expectation was set, however tentative that the meeting would be over by 7:30 p.m. and that is when you started to lose people. I think if people had been told that the meeting would go as long as it needed to go, then nobody would have had that expectation and people wouldn't have had their wives waiting for them at malls. I think there were some questions and some commissioners who didn't get a chance to investigate some of what they had to say. Someone brought up the Board of Mayor and Aldermen meetings. You never know when an issue is going to come to life, you never know if something someone is going to say is going to lead to additional questions, a deeper inquiry, more people wanting to participate and ask and even to artificially set time limits on meetings when you are either taking testimony in a general public hearing or like we were the other night with the mayors, sets the wrong expectation. It is going to leave you having problems at the end. Somebody, whether it is a guest or a member of this commission, or a combination of the two, are going to make plans and are going to have to leave before the rest of the commissioners get to ask their questions or make their points because of something somebody in those chairs said. I get up at 3:30 a.m. so I am not eager to keep these meetings going any longer than they need to be, but I don't feel like any of us should be rushed, or cut off or under some kind of timeline. Even a tentative deadline to end the meeting sets an expectation that will impact what happens in this chamber.

**Chairman Duval** stated thank you for your comments. Any further comments?

**Commissioner D'Allesandro** stated I apologize for my being tardy. Having listened to a couple of comments and having been a part of a lot of public hearings, public hearings are meant for the public and you don't shut them off.

**Chairman Duval** interjected not for public hearings, commissioner. I just want to interject that we specifically excluded public hearings. We are specifically talking about work sessions.

**Commissioner D'Allesandro** stated I think it is very difficult to give a time certain to a meeting that involves the public trust. We ought to be here and listen to people until they are finished. If our discussion and debate goes on, so be it. I have sat through a lot of these discussions over the years. They go on and you just have to be there. I think one of the tragedies is when people begin to exit. I find that to be very disconcerting. I think that is a terrible insult to the process. We are here for the duration, period. We should all be here for the duration. There may appear circumstances that force you to leave and I can understand that, but I think those are rare in this process. Indeed, I don't understand why we don't have more public participation in our meetings. These are vital meetings. They have an effect on the lives of all of the citizens in our city. It just seems to me that, at a time when anxiety is at an all time high, we have all of these problems in our city and some of them could be affected by changes in the charter. It seems to be that we ought to have more people. I got an email from the Chamber of Commerce today about education, what is going on in education. People are forgoing coming to the city because of the fact that our educational system is not up to par and they don't want to put their kids in our system. That is something we have to be thinking about.

**Chairman Duval** stated I think as time goes on, commissioner, we will have better representation, certainly during the public hearings. We will get into some of that discussion tonight, what we can do as a commission to foster that and encourage people to come out. Thank you for your comments.

**Chairman Duval** addressed item 3 of the agenda.

3. Minutes from meetings held November 21, 2012, and December 5, 2012, (Public Hearing).  
*(Note: Previously distributed to the board via email for review)*

*On motion of Commissioner Martin, duly seconded by Commissioner Clayton, it was voted that the minutes be accepted.*

**Chairman Duval** addressed item 4 of the agenda:

4. Selection of three to five topic headings for future meetings.

**Chairman Duval** stated in an earnest start to the process for charter revision, I had suggested in communication to commissioners at the start of the charter review process if we could, at least initially, adopt three, four, or five headings of what we perceive to be the major items. It might be an opportunity for us to market and solicit public input, along the lines of what Commissioner D'Allesandro was alluding to. For instance, just throwing one out there, education certainly might be one that the commission thinks is a significant issue or item for any proposed changes. It would allow us to go to those and reach out to those in the educational community. As an example, I asked them to come out to the public hearing. It might be a little more focused on that one item. As a way of marketing and getting the public to come out and participate during the public

sessions, that is what I had in mind and that is what I communicated to each commissioner. Again, I'm not looking to thwart the debate or the discussion because as we move forward, any item is open for consideration of course. Along the way we may decide to add another category or pursue matters further with additional due diligence. At least this is a way to start and to get the message out. With that I would like to open it up to discussion and if we can decide to put some headings on some of these obvious significant items that would be good.

**Commissioner Clayton** stated to the notion of education of being one of the things that we want to address, and being mindful of what Commissioner D'Allesandro just said, I think I got consensus from the previous and the current mayors who were here that the notion of adding a Hooksett and Candia representative on the School Board is something that was looked at in a positive way. Given some of the issues we are dealing with here with sending towns talking and exploring with other districts, I think that is something I would like to see us address. I think it is non-controversial, but I always say that until I mention something and then I realize what a controversy it is going to stir up. I think as a proud graduate of Manchester High School West I think the towns should have a voice.

**Commissioner Martin** stated thank you, Mr. Chair. First of all, I would like say that I like the idea of the categories for the purpose of focus, as you say, not for the purpose of limiting conversation and the idea that at some point in time we could add categories if necessary as we move forward. I would propose to my colleagues that we begin with education as that is one that everyone agrees to and go from there.

**Commissioner D'Allesandro** stated thank you, Mr. Chairman. I agree totally with what Commissioner Clayton said. Education is a fundamental issue as it relates to the City and we see what is going on in the surrounding communities. In essence communities are now battling one and other for students, which is unheard of. I have never seen anything like it. I have been in education all of my life, but we have districts that are now vying for students. What is Manchester going to do? Commissioner Clayton's statement about discussing the two towns and their representation I think is long overdue. Something like that should be discussed. It is of paramount importance. I think it could have a financial impact on the City, if indeed those entities decided to withdraw from our community. Why not let people participate in the process if indeed they are going to be here for another 25 or 30 years, hopefully longer. As this City begins its planning for its next budget cycle, I think that would have an impact on attitudes in terms of how we move. I think education is of primary importance. It is an economic driver for the City. I appreciate that and I appreciate bringing that forward.

**Commissioner Ashooh** stated I think with respect to having some headings to get public input on, I think education certainly tops the list. I would also like to bring to the floor a comment by Mayor Gatsas that was gleaned from the last meeting when we had the four mayors speaking. He touched on an issue of set proceedings, rule 42, about transparency and pecuniary disclosure. I was really surprised to find out that nowhere in municipal government is there is a disclosure for pecuniary interest for any elected official. That brings up another sub heading perhaps for our categories that we seek public input on. The entire idea of government transparency I think might be a good one to get public input on. I sit on a number of boards and on each of those boards I have to sign a disclosure every year of any conflict I may have or general relationship that I may do business with. I think it is only reasonable to expect our elected officials to do the same thing or if you sit on a board here in the City. I would like to add

transparency or some broader form to one of our topics to explore in the future and get public input on.

**Commissioner Lopez** stated thank you, Mr. Chairman. Can I ask Commissioner Infantine a question please?

**Chairman Duval** replied sure.

**Commissioner Lopez** stated you brought up a very intriguing point and I was wondering if you pursued that at the State level with the secretary of state whether we could put those minor things and how to write the charter because looking at the RSA on how it goes to the voters... Have you pursued anything in that area?

**Chairman Duval** stated I'm going to interrupt there, commissioner. Can I ask you to hold that one until we get through this idea of how we are going to organize the meetings and how we are going to have public hearings? I want to circle back to that because I think that is a question that I think that may have to go to legal and I want to have that along the lines of what Commissioner Infantine suggested in communication, if we can, if you wouldn't mind hold it. We will circle back.

**Commissioner Lopez** stated I will.

**Commissioner Martin** stated piggybacking on what Commissioner Ashooh said talking about transparency, one category that came to my mind was fiscal responsibility. I have a desire to have a conversation about the tax cap or the structure of the tax cap. You talk about transparency and rule 42, to me, would be in alignment with fiscal practices. Perhaps we could put that under an umbrella category of fiscal responsibility or something of that nature. It is just a thought to throw out there.

**Chairman Duval** stated fiscal matters or something like that.

**Commissioner Martin** stated yes, something of that nature.

**Commissioner Girard** stated thank you, Mr. Chairman. Just to recap the email that I sent you in reply to your request, I think there are a handful of categories under of which any number of the individual items that commissioners have brought up tonight or are likely to bring up over the course of our deliberation, certainly education is one. I think we need to take a look at campaigns and elections, budgets and taxes, land use planning, employee compensation, elected and appointed officials and the bodies they serve. I think underneath those headings, any number of issues that we heard from the mayors or that we have heard tonight can be relatively neatly categorized, whether it is a school issue, an economic development issue, budget, tax cap, how do you handle the compensation for the mayor, what do you do with departments, department heads, should there be terms, should there not be terms, should the welfare commissioner remain elected, any number of the issues that have been brought up I think fit into those categories. I know Mayor Wieczorek and Mayor Baines brought up the Yarger Decker personnel study, probably can't address that, but there are probably some things that we can require the board of aldermen to do, for example, before approving a contract, certain information that they need to take before they give the thumbs up or the thumbs down to any employee contract. I think those categories—campaigns and elections, budgets and taxes, land use planning, employee compensation, elected and appointed officials—if you are looking for categorical headings probably address everything that has been said tonight, everything that was said by the mayor and anything else that I can think of.

**Chairman Duval** stated just to recap if we can, I want to make sure we are using the same words for the purpose of discussions, we have education for sure, I had election reform, but campaigns and elections.

**Commissioner Girard** stated by the way, I think campaigns and elections can be handled within, Commissioner Ashooh, your concern over transparency and disclosure or it can be handled under the category of elected and appointed officials. There is going to be some overlap between some of these categories and I don't think that is a bad thing if different items sometimes get taken up under multiple categories because there are natural tie-ins.

**Chairman Duval** stated elected and appointed officials, fiscal matters.

**Commissioner Girard** stated budget and taxes.

**Chairman Duval** asked am I missing one? I only have four.

**Commissioner Girard** stated I had education, campaigns and elections, budgets and taxes, land use planning, employee compensation, and then elected and appointed positions. I think under that one you can certainly handle the questions on department heads, commissions, commissioners, and certainly anyone elected to sit in these chambers.

**Chairman Duval** asked commissioners, any comments on those categories? Is there anything you think we are missing? They are relatively broad enough, I think, to encompass a whole host or plethora of items that might come before us but, if we get down the home stretch and we need to add something we certainly can or find a home for it or create another category. At least initially this will

cover quite a bit and allow us to begin immediately to organize these work sessions accordingly.

**Commissioner Ashooh** stated just a question on procedure. I take it each of these categories, whether we expand the list or not, would be subject to a public hearing to get public input?

**Chairman Duval** replied I think that would be the idea, unless by the time we get done conducting our due diligence and inviting people in to give input during these work sessions and we decide that maybe two can be lobbed together, if that is the will of the commission, then so be it. At least initially this might make sense.

**Commissioner Ashooh** stated that's fine as long as at some point we do have public comment on each of these areas, whether it is organized or one mass product. That would be fine.

**Commissioner Girard** stated in fact, Mr. Chairman, I would like to pick up on Commissioner Ashooh's point and suggest that we specifically hold public hearings on each of the broad categories.

**Chairman Duval** stated that was my intent.

**Commissioner Girard** stated the public comes in and offers, as part of our due diligence, their perspective on those areas.

**Chairman Duval** stated that is the whole idea.

**Commissioner D'Allesandro** stated thank you, Mr. Chairman. I have down four so maybe I missed one. I have education, election reform, budget and taxes, and elected and appointed officials. Those are the four broad categories. I would assume that we would put the word out that A. we are having a public session having to do with education, we would then invite a series of people who we wanted to hear from in education to present the ground work and then the public would chime in. For example, for education we would certainly want the superintendent of schools here to give us an overview of education. We may want someone from the legislature to talk to us about the education formula. What is the adequate education formula? What does the City receive? How does the City receive the money? What are the criteria that are used for creating the formula? How can the formula be changed and so forth and so on. We may, obviously, want to talk about, in conjunction with education the budget process. How is education handled? What is the story with the adequacy money that is about \$56 million that comes to the City? What about the rest of the money and how does it all come together? In terms of a broad presentation, we would want to hear from people who internally run the education here in the City of Manchester then get the public's view as to what is going on with education. That is a monumental topic. Which one did I miss?

**Chairman Duval** replied Commissioner Girard recommended land use planning.

**Commissioner Girard** stated and employee compensation. Do you have the one on elected and appointed officials?

**Commissioner D'Allesandro** replied yes, I do. As the chair, you will layout the format for which these hearings will take place?

**Chairman Duval** replied that correct. What I had in mind, Commissioner D'Allesandro, as I pointed out, in the broad communication, was to have a work session first followed by a public hearing on specific topics. Again, unless, as I commented, if we think down the home stretch there is an opportunity to couple to together, if we think we can do that during a public hearing that is up to the will of the commission. But again, my plan would be, what I am recommending, is have a work session first, get all the input we possibly can during an evening and follow that up with a date for a public hearing on that topic.

**Commissioner Pappas** stated I would like to have a public hearing before going to a work session so we can hear what the public is saying, their input, before we go in and start hashing some stuff out in a work session. That would be my thought.

**Commissioner Girard** asked would you define what you mean by a work session?

**Chairman Duval** replied in other words, along the lines of what Commissioner D'Allesandro was referring to...

**Commissioner Girard** interjected in other words, we hear from the superintendent of schools...

**Chairman Duval** interjected and many other people and have an exchange of dialogue, allow people at home, who are viewing community television to hear what we are hearing and the to come in and weigh in based upon that dialogue. To me, that is more productive.

**Commissioner Lopez** stated I'll just throw this out. We are creating a lot of subjects to throw out to the public. A, the public ought to be interested in some of the subjects that we are talking about. B. we have nine commissioners here and we might not need to discuss some of these things. Why are we forcing something on to the public without really talking, among the nine of us, whether that is important? We have six subjects to throw out to the public and maybe some of it is not... For example, we talked about the schools. Everyone knows that you want to get an earlier budget, but you have to create a supplementary budget somewhere along the line. There is a lot of research that has to be done. The second this is that you throw all these subjects out there and the question I would have, is it just going to be residents of Manchester who are able to tell us? It is our charter. Is everyone from sending towns going to come in and tell us how to run the City of Manchester? Those are the types of subjects that I think we should talk about in terms of how we are going to move forward. If there are seven commissioners here who don't want to talk about benefits for aldermen, why are we going to force it?

**Commissioner Ashooh** stated I don't necessarily disagree with Commissioner Lopez, but I look at the public input sessions, whether they are residents or non-residents, if there is a business owner who has substance and is going to be paying the bills for a lot of this, we should hear from them. What I would like to see is some sort of system where we have a work session dealing with each of these topics, getting input from the superintendent of schools and so on, and then a series of public hearings at some sort of schedule in between these meetings where we do not restrict the public comment to any particular topic. If we have talked about education and transparency and someone wants to show up at the third meeting and talk about fiscal responsibility I don't think we should restrict that. I think it is incumbent upon us to create a fodder for the discussion to solicit the public input, listen to that and then we proceed from that stage. I see it that we

have a work session where we as a commission talk about our important points, we throw it out to the public, we do what we can to solicit the public to show up and comment on any topic that they want, which would then include in our materials for further discussions. I think that might deal with what Alderman Lopez is talking about because it is true; we need to decide in this commission where we are going to go forward with this, but I think we need public input in order to go forward. As much public input as we can get, fine, let's schedule it so that they can come in on a regular schedule where we are dealing with these other topics and hear what they have to say.

**Commissioner Martin** stated I would agree with Commissioner Ashooh that the person who lives outside of town, but owns a business in Manchester, I look at the residents of Hooksett and Candia in the same manner; this is our charter, this is our city there is no question, but they are consumers of what we provide. I want to know what they think. How they feel about our current structure of the charter as it impacts their children in our schools. I would hope that we would invite them to the table as well.

**Chairman Duval** stated unless there is a desire by this commission to limit input from only Manchester residents, I think we ought to encourage input. I think there will be very few. I do not think that will be a problem for us. I think Manchester residents, I hope, will come out. That is why we are here, they elected us to serve, but I don't think that will become an issue.

**Commissioner Infantine** stated I may have missed something in the conversation of the categories that were already outlined. Where did you throw administrative changes?

**Commissioner Girard** asked is that a catch all for any loose ends or on any particular topics?

**Commissioner Infantine** replied the former, the loose ends.

**Commissioner Girard** stated then I guess we should create one that is called loose ends. The short answer is I did not have a category for that.

**Commissioner Infantine** stated I'm more looking at things that will have very little public discussion, very little disagreement, things that will help the aldermanic board and the School Board and others act more efficiently, where they found an unthought-of thing that needs to be addressed, that's all.

**Chairman Duval** asked do you want to call it administrative or administration?

**Commissioner Infantine** replied administrative.

**Chairman Duval** stated I wanted to come back to Commissioner Lopez. Commissioner Infantine, you had suggested to commissioners in communication an issue, if you could highlight that issue and then if Commissioner Lopez wants to pick it up from there, that would be great.

**Commissioner Infantine** stated at our last meeting when we had the mayors, I heard conflicting concepts. Someone said that one of the previous charters was bold and then someone else said that you should work around the edges because anything of substance could derail getting a charter completed. It seemed clear to me that you have certain subjects that are very simple, that no one is going to disagree with versus the ones that are a little more controversial. It has to do with how you have to present these items to the public when it comes to a vote. Do you

have the ability to have, let's say, we came up with 15 items and eight of them are administrative, can they be listed individually? People can vote yes or no. Can you have groupings of one that we would have unanimous agreement on versus the ones where the vote was not unanimous? I reviewed what was provided by Commissioner Girard prior to us forming to see how things need to be presented and it is clear in the law that you need to present to the voters the totality of the changes. It doesn't, however, say anywhere that I have read, and I guess there are another 50 or 60 pages that I have not read yet, but from what I have read it does not say how it needs to be presented on the ballot. You have to present it to the voters within a certain period of time, 180 days after we meet, it need to be publicly vetted, it needs to be presented in a way that is understandable to the voters, but it doesn't say how it has to appear on the ballot that I could read. My question is, because we are so new and I think 30 years with a charter, in the scheme of things, is relatively new, since this is only our third Charter Commission, has anyone ever asked the question of how it needs to be presented on the ballot or did we just assume that it needs to be the totality, up or down, with all the items? I do believe, if that is the case, it makes it very difficult for the City to come forth every ten years and present something that is bold, yet you are afraid to do anything of substance because you could ruin the entire process. That being said, if you really want to make any kind of changes, you go out and get the 4,500 signature you need and you can bring that in front of the aldermen at any given time versus this Charter Commissioner. I really don't have an answer.

Commissioner Lopez, in response to your question, all I have done in this is have a brief conversation with Commissioner Girard and I wrote the email which you all saw. I didn't feel it appropriate to consult anybody about the legality of it.

**Chairman Duval** stated Commissioner Infantine, I appreciate it. I think this is the opportune time to bring it up for discussion. I would have a question about how we get the answer. I'm really being quite honest with you. Let me highlight the

issue to make sure I understand it. You are thinking that housekeeping items where we could have unanimous consent should be brought for revision to the voters, you are thinking that those could just go down the drain because of some larger, more controversial piece?

**Commissioner Infantine** replied correct.

**Chairman Duval** asked can we parse them out and put it to the voters that way? Is that something for legal and do we want to send it to legal for an appropriate answer?

**Commissioner Lopez** stated I think it is possible that it may be a legal question, but whereby all the charter changes have to go to the secretary of state and DRA, the secretary of state would probably be the first person that I would attempt to contact and ask him about the format of submitting a charter and if we can do that. The thing stipulates shall the municipality approve the charter revision. How it is formatted... Our last charter in 1996 we were told it had to be that way, period. A new avenue of approach could go the secretary of state in the format that Commissioner Infantine is talking about and see what his viewpoints are. That is where it is going to end up in the end anyways.

**Commissioner Clayton** stated essentially, what Will is proposing is offering the voters a line item veto in terms of what we put together. You are right, we got conflicting advice: be bold and nibble around the edges. It might allow us to put something out. The issue of the mayor's salary was one that the mayors all said that if you put it in there it is going to get voted down by the voters. It is an issue we probably should address, but if it is going to put the kibosh on everything else we do, it really does inhibit us in that way and if we could explore this and see if we could put them up piecemeal it would be interesting.

**Commissioner Girard** stated I don't know if we can do this, but I see the city clerk out in the hallway. Could we ask him what he knows about this?

**Chairman Duval** replied we didn't ask the clerk to be here. He happens to be in the gallery tonight. I don't want to put him in that position this evening. I think there is an issue there with separation. We have been told that before. We will certainly get his input, but let's do it in the appropriate manner with a little bit of notification. I think Commissioner Lopez's suggestion is on point. There are sources we can go to before we go to legal. I think ultimately it may go to legal counsel to the commission, but we could start with getting at least preliminary responses from Secretary of State Gardner and maybe Senator D'Allesandro or Representative Infantine have other suggestions about who we might go to who might be able to provide some immediate consultation would be good.

**Commissioner Infantine** stated I'm sure that Commissioner Lopez is correct that Bill Gardner would probably be the first one to go to. Also, I would ask a further question. One thing I have learned being a legislator, when you formalize legislation it tells you what you can't do more than it tells you what you can do. That is the whole point of a lot of legislation. If it is not in there and it wasn't intended to be there, we are at a legislative session now where if this body wanted something submitted to try and make it available to us, you really have to go back to the legislative history of this act and when it was formulated to find out what the intent was. Either legislative history, legislative research and of course the best legislative researcher in the whole state is Bill Gardner who has been there forever. That is my suggestion.

**Chairman Duval** stated we will make every attempt... I will take it upon myself to put it in the right hands to get a response to the question. I may, if you don't mind, commissioner, defer them to you as well, offer them your contact information to see if we can have some exchange there if that is okay with you.

**Commissioner D'Allesandro** stated I think legislative history is preeminent and is something that we should attest to. The fact of the matter is that the House has very poor legislative history. The Senate does have a document on legislative history because we do almost-verbatim transcripts. On a number of occasions lawyers have come to me and asked for a transcript to find out about a particular issue. As I understand it, the secretary of state would write out what should appear on the ballot. The secretary of state does that now for all of the stuff that we put on the ballot. It would be good to get the secretary here or the assistant who really is doing most of that work now, representing the secretary of state, to go over that process. Indeed, if some sentence struck out the entire process that would be a waste of our time and would be detrimental to the work that we have done. It seems to me that each item that you put on the ballot has to be clearly identified and it has to be an articulation of what that item contains. You move on all of those issues. Once this is put together, once a draft has been put together, that is when the secretary should be brought down and we should find out from that office how this is going to appear on the ballot so we don't make any mistakes in terms of letting all of this work go by the boards with the idea that one mistake in drafting could eliminate all of the work that has been done. I think that is a very critical question as we move forward.

**Commissioner Girard** stated I'm not sure, and I'm not saying we shouldn't check, but I think section 49-B:6 might answer the question for us. In section one it says, "In the case of a charter revision or a charter adoption the question to be submitted to the voters shall include a summary which explains both the current

form of government utilized by the municipality as well as the changes in that form of government which will occur if the charter revision or charter adoption question is approved by the voters. The question to be submitted to the voters shall be in substance as follows: ‘Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?’”. I don’t know if that answers the question or not, Will, but it seems to me that the question we are allowed to put on the ballot is that one and it is on the revision as a whole. I’m not saying we shouldn’t look.

**Commissioner Infantine** stated I don’t want to get into a legal argument because neither you nor I are attorneys, but again, I listened to what you said and I still don’t see where that disallows what I have proposed.

**Commissioner Girard** stated you may in fact be right. I think we should look, I just didn’t know if that helped answer the question.

**Chairman Duval** stated we will look and we will try to get the right answer.

**Commissioner Ashooh** stated I think the seminal question and three Charter Commissions that I have observed including this one, it is basically an up or down vote on all the recommendations. To me, one of the questions should be asked, if these are the rules we are operating under, can we change the rules for this commission or do we change the rules for the next commission. If it is up or down on all the recommendations and that is what the secretary of state says or if we end up going to legal counsel that is fine, because on every other elected board you don’t change the rules for what you are doing today; you are changing the rules for the next board. We should perhaps find that out and clarify that.

**Commissioner Lopez** stated I don't want to prologue this, but I think it ought to be pursued by the secretary of state because if you go to 49-B:5(a) the secretary of state has to approve what goes on the charter. If he says all or nothing that is it, there is no sense in wasting our time because it is not going to happen unless you change the law. I agree with Commissioner Ashooh, we were elected under a certain law and I don't believe we can change the law.

**Chairman Duval** stated getting back to a comment that was made earlier, I think that we seek public input, we had input from the current mayor, former mayors, all part of our due diligence process and I wouldn't encourage or discourage the commissioners to do what they think is right at the end of the day. It is something that is considered big and bold that may not pass, if the commission is set on putting before the voters, if that is the will of the commission, then I think we have to proceed accordingly. Times change; it has been a decade since the last revision process and for example, using the issue of mayoral salary, if at the end of our due diligence process, we have a number in mind or there is a certain compensation level that we think the mayor should be compensated at, we should put it before the voters. That is how I feel.

**Commissioner Infantine** stated just one last comment. Again, looking at the legislative record in the Senate to see what the intent of the authors of the bill was, would be very important.

**Chairman Duval** stated that's great. I appreciate the comments and input from tonight. I think it will serve as a nice foundation for the process to begin to unfold and come to life.

**Commissioner Clayton** stated one last thought. I believe it was Mayor Baines who said that if we can't get six votes in this room we shouldn't consider putting it on the ballot. I think that is indicative of, if we go piecemeal and everyone is putting in their wide ranging or far reaching notions, they probably wouldn't be as effective so we get to hammer it out in here. I thought that number six was an interesting one as far what we decide to put on the ballot.

**Chairman Duval** stated a couple of commissioners have brought that up and I appreciate you bringing that up because I thought we might want to... Is there a will of this commission to adopt that as a rule? Is that appropriate? Does anyone feel strongly about it, one way or the other?

**Commissioner Lopez** stated I do feel very strongly that if six commissioners don't want to put something forward that we are wasting our time. I think all the subjects and as you go through we might... As an example, aldermen serving without pay, if you can't get six commissioners here to agree that there should be pay for aldermen, what is the sense of even discussing it because in the end you are going to lose a charter? I agree with some of the other commissioners that if you turn around and don't have a majority of the people agreeing on a commission, if it comes out of here five to four, it is not going to pass. We want to talk about subjects, we want to talk about the mayor's pay. I think we would all agree unanimously so all you have to do is come up with a mechanism. You can either do it by ordinance or put it in the charter. I personally would put it in the charter because the aldermen are not going to give the mayor a pay increase.

**Commissioner Girard** stated I do not favor a super majority for this commission either to take something up or to agree to pass something on the board. I do not buy into the idea that if certain issues are passed five to four, our work and our time spent here is doomed to failure before the voters. There are a lot of reasons

why the last Charter Commission failed to get the document it produced passed. I don't think anyone can point to any one issue that lead to it, whether it was contention on primary issue or anything else. I think it is unrealistic to expect that any range of issues that six of us will agree to anything and everything and I think what you do at that point, you give the minority an opportunity to veto the will of the majority. If you take a look at any governing body, the only area that you ever see requiring a supermajority, typically, is on the override of a veto. You may have some supermajority provisions in laws on specific cases where for whatever reason they want a high bar to do it. The City of Manchester is an example where it takes ten aldermen to tap the rainy day fund or to use any of the off budget funds that they have for something other than the purposes intended, like the economic development fund that bought recycling toters. There were ten aldermen who had to agree to do that because it was not the purpose of the fund. To tell the majority of this commission that it can't have its way because it is not a supermajority I think is wrong. I agree with everybody that we should do the best we can to get as many votes together in favor of something or against something as the issue warrants, but I am not of the opinion that unless we have six we are going to fail, or unless this happens we are going to fail, or if we are bold we are going to fail, or if we don't tinker we are going to fail. I think if this group works together, as I believe it can, and thoughtfully addresses the issues and a majority makes a decision, whether it is five to four or six to three or something else, then we are going to have a couple bites of this apple. You could have a whole series of votes cast six to three, but what happens if the final document itself only passes five to four? Is it then dead? What happens if a bunch of things pass five to four, but overall the document passes six to three? What do those five to four votes mean at that point? I think we are tying ourselves to a benchmark that is way too high and completely impractical, frankly, to say that for every one dissenting vote there must be at least two in favor or this thing goes nowhere.

**Chairman Duval** stated very sound observations, commissioner. I appreciate the remarks.

**Commissioner Martin** stated forgive me, I am new at this, but would the chair entertain a motion to that effect that we would not put anything on the ballot that did not have a six person majority? I'll put that out to a vote to this group.

*Commissioner Martin moved that any items placed on the ballot must receive approval by six commissioners.*

*There was not a second to the motion.*

**Chairman Duval** asked does anyone else have comments? I'm trying to get everyone to weigh in and then if we need to we can vote.

**Commissioner Pappas** stated coming into this I thought it was potentially a good idea to look at it to make it a unanimous thing on this board. After looking further into it and hearing Commissioner Girard's comments, I would be a little concerned because there might be some issues that we look at that may not be hot buttons to the voters and they might not even look at it while voting on the charter, but this board might be split on a five four vote, but it might be something that the City might need. I don't necessarily think it is a good idea to put it to six three. I would just be very cautious that we don't do this. We are going to have those small issues that don't get in there because it is five four. I would vote against it.

**Chairman Duval** stated I think at the end, when this is all done, you talk about each commissioner having an opportunity to go out and market in their own neighborhoods and throughout the community, whether they support or don't support the final version of the amended charter. That will be up for each

commissioner to decide based on the finished product. There may be some items, Commissioner Girard, going along your comments to the commission, you might find yourself in support of the charter even though you don't agree with every item that is being proposed. I think there is that opportunity. I tend to think that we go right now with a simple majority, five votes to approve an item. I guess I could be persuaded.

**Commissioner Ashooh** stated I think in a discussion about whether it is five to four or six to three, we are losing sight of the fact that Charter Commissioners are part of an evolutionary process of a charter. I have heard it said that the 1996 Charter Commission was bold. We don't have to be bold; we need to be progressive and we need to be sure in the steps that we recommend to take the charter through the next ten years. That being said, I think what we are talking about is trying to find consensus for the nine commissioners here. Whether it is five to four or six to three or if we end up nine to nothing, it is fine as long as we are evolutionary in our process. I think the five to four vote at least spurs discussions which is what we are all about. Let's look at this as an evolutionary process, let's leave it as a five to four majority vote and work towards consensus to get a majority on whatever we do.

**Chairman Duval** stated well said, commissioner. Thank you.

**Commissioner Infantine** stated thank you. First, I was trying to look at the rules that we set for ourselves and I have been leafing through this as we have been talking and I don't really know what the rule is because I can't see it other than elected individual commissioners, but I can't see in the rules we have in front of us, whether it says majority or what it says. That being said, you always have to look at the more sinister things. While I think a six to three shows a little more confidence in the idea than a five to four, I can also see someone who gets 75% of

what they really like and then when it all comes down to it, they say they don't like the final draft and my vote could be used to deep six this whole thing by having a five to four. I think that if we start making rules that for any individual it could be six to three, but it only has to be a simple majority at the end. I think we are making it much more complicated than it has to be.

**Chairman Duval** asked are you suggesting that five four, a simple majority, is acceptable?

**Commissioner Infantine** replied correct. Only because that mechanism is there to, what is the word I'm looking for, not demolish, but sabotage, at the end if you don't like it. I'm sorry that I had to say that, but stuff happens.

**Commissioner Lopez** stated I don't think there is any hurry right now to do anything other than to move forward and talk about the subjects and go that way. I just remind the commissioners that in the end, whatever the product is, you are going to need support. You are going to need support from the former mayors and you are going to need support from the aldermen because the people in their ward are going to go to them and ask what do you think of this. I would like to come out of here with nine zero votes on most of the subjects, but that might be impossible. If it is eight to one, seven to two, that is still good to go out to the public for changing the charter. Don't take the political process out of the equation because it is not going to happen.

**Chairman Duval** stated thank you for your input on that; it is very important.

**Chairman Duval** addressed item 5 of the agenda:

5. New business to come before the commission.

**Commissioner Ashooh** stated just to note under new business, there are a couple of things I would like to note and I would also like to recognize that we have former City Clerk Leo Bernier here. Let me make two comments and then if you would like to entertain the past clerk for his comments that would be great. I have two things that I think might be baggage from the past. We have received certain documents from the public hearing the first time that were submitted to us. Should we receive and file those? I'm not sure on the procedure. We have gotten them, should we acknowledge that we got them?

**Clerk Leahy** replied in the public hearing you did take a motion to receive and file all written communications so that has been handled.

**Commissioner Ashooh** stated the last thing, we have had some communications via email. Are those emails being kept for public record?

**Clerk Leahy** asked which emails are you referring to?

**Commissioner Ashooh** replied there have been a number that have had all of the commissioners' names on them and I believe if they involve more than four or five of us it constitutes a public meeting. We should, I believe, be retaining those. That is another question for our clerk.

**Chairman Duval** stated just for clarification for our clerk, what Commissioner Ashooh is referring to is that certainly at the start of this process, for instance Commissioner Infantine's very constructive remarks or questions relative to this

whole idea of how the ballot gets presented to voters and such that type of communication between commissioners, what are we obligated with that communication?

**Clerk Leahy** replied typically they are not printed or anything like that, but they are subject to the right to know law so if anyone were to ask for them then they would have to be given.

**Chairman Duval** asked should we be including you on those communications along the way and will you be keeping a record of those?

**Clerk Leahy** replied it may be helpful, yes.

**Chairman Duval** stated on those communications that are work related or further the works of this body that we copy the clerk and she will make sure that they are recorded properly.

**Commissioner Martin** stated we now have our categories, our tasks, at hand. I'm looking to move forward because people are asking me when is the next public hearing, when are we going to talk about education. Can you outline for me and for those concerned who keep asking me, where do we go next and when?

**Chairman Duval** replied again, I think the commissioner should plan to meet every Wednesday, provided we have a quorum. That would be the plan. The first item on the agenda will be education. I think we should dive right into it. All of them are going to get the same amount of consideration between now and the time we wrap up our works. I think the first session should be a work session. Again, time allowing, I'm assuming that we can pull together at least a good cross section of those from the educational community, Commissioner Martin. Beyond that, we

can agree to a public hearing date at the conclusion of each work session and when that is going to be for each topic.

**Commissioner Martin** stated in regards to a public hearing, it would need to be more than a two week notice for many of our families who have concerns about education because of their family structure and responsibilities and so forth so people can plan. That has been expressed to me.

**Chairman Duval** stated we will be very mindful of that.

**Clerk Leahy** stated Mr. Chairman, if I may, for public hearings I am going to need nine days' notice in order to put a notice in the *Union Leader*.

**Chairman Duval** asked a minimum, correct?

**Clerk Leahy** replied yes.

**Chairman Duval** stated along the lines of what Commissioner Martin was saying, to the clerk we will be cognizant of when we set the dates for public hearing, we will try to get ample notice to the public based upon each of this topics.

**Commissioner D'Allesandro** stated just a question on how we advertise a public hearing. Other than the local newspaper how else do we advertise the public hearing?

**Clerk Leahy** replied it also gets posted on our website, it is posted on the bulletin board at city hall as well as the city library.

**Chairman Duval** stated Commissioner D'Allesandro, if I can respond to your question this way, I think by adopting this process tonight I think it allows us an opportunity to go to other bodies. If it is on education we go to their various organizations and ask them to please publicize it, whether it is PTA or MEA or the Chamber of Commerce. I think it will give us a better opportunity to hand deliver a message to invite them to please broadcast notice of the public hearing.

**Commissioner D'Allesandro** stated that's good advice and I think that is good sentiment. Is there any way we could get PSAs on the local radio station announcing that there is a public hearing? I'm very discouraged that the public knows nothing about us to be honest with you. That is what I get from people. I feel that it is a significant responsibility and the public should know more about this. Advertising public hearings is very problematic. I understand that. We have difficulty with that at the State level when we are doing particular pieces of legislation. The more we can do to get things out and the more outlets that are available to us... How do people get their news today? Isn't that something that we ought to discuss in this group? They don't use the *Union Leader*. There is no one working there anymore. Really, the only thing I see in the *Union Leader* now are foreclosure notices. That seems to be the significant part of the newspaper. How do we get the word out to people? I think that is very important. The particular topic that we are talking about, education, what are the outlets? What are the outlets that are available for us? I'm not talking about on a cost basis, but free and available to us. We should take advantage of those. We have six topics of enormous importance to the City. If we don't get the public to comment on them, I don't care if we vote nine to nothing, if the public doesn't know anything about it they are going to say no. That is usually the best answer that people give, no. That is not what we are looking for. We are looking for people to understand what we are doing, have the ability and the opportunity to express an opinion on it.

That is my real concern. Look at our first exploration on the public hearing where we had two people. I find that very discouraging.

**Chairman Duval** stated I'm a little more optimistic than that. I appreciate you beating that drum. I think it is a drum we should continue to beat until we close business for this Charter Commission. We used the work evolution and an evolving process and I think as we go along we should get the word out as much as we can. Each commissioner can do whatever they can to get the message out.

**Commissioner D'Allesandro** stated we can even use revolutionary process because the evolutionary process is an ongoing situation. I used to teach that in my history class. You evolve: you either do it by the revolutionary or the evolutionary process. We talk about these little entities that go on over the course of time and sometimes the revolutionary process works in terms of getting people out.

**Commissioner Lopez** stated I think the clerk could work with Matt Normand. He has a complete list of people who he could email to like the Girard at Large show.

**Chairman Duval** stated we will work on that list.

**Commissioner Lopez** stated get that list and just throw it out there.

**Chairman Duval** stated we can build on that as well, Commissioner Lopez.

**Commissioner Ashooh** stated first of all, I would like to say that I read the *Union Leader* every day. It is how I keep up with Senator D'Allesandro tactics.

**Commissioner D'Allesandro** stated I'm never in the paper.

**Commissioner Ashooh** stated I do miss John Clayton's articles, but things do move on. Commissioner D'Allesandro talked about teaching history. I had him for algebra and my math is terrible.

**Commissioner D'Allesandro** stated slow learning is a problem. We deal with it.

**Commissioner Ashooh** stated and you weren't fast teaching. I would like to recommend, there is a flaw with printed media, websites and things like that, and that is people have to go there to find the information. We have a number of political shows around; there is one with Paul Wescott, Sunday morning on WMUR. Perhaps I would nominate our chairman to go and be on the show and talk about the Charter Commission, what we are doing and what is coming up. I'm sure some of us would be able to help with those connections to get you there. I think we need to be active in getting the word out, more than just relying on people to go look for it.

**Chairman Duval** stated absolutely. That is what I was alluding to; it starts right here, it really does, certainly as the process begins to unfold.

**Commissioner Pappas** stated I don't know if the City has a Facebook page of some sort.

**Clerk Leahy** stated I don't believe the City does, no, but we could certainly set one up for the commission.

**Commissioner Pappas** stated maybe that is something we should look at. Commissioner Martin has done a great job; I have seen her page quite frequently posting about the charter. I think maybe a Facebook ad for a minimal charge, just

to get some people to join in on the conversation and post what we are talking about and the meetings that are coming up might be something we should look into. Another thought process is, when we are doing these ads in the *Union Leader* or doing buys on radio, we have a set public hearing date, maybe not just one. Education could be January, budget taxes at another date so people could plan ahead and they see it.

**Chairman Duval** stated that is exactly right. That was the whole intent behind this whole process we adopted tonight.

**Commissioner Girard** stated I would like to suggest perhaps that we take the last two Wednesdays of the month and have them be public hearing dates.

Commissioner Martin has brought up on multiple occasions the need for people to plan ahead. I think it becomes difficult for us to say exactly when we might hold something, especially if we are trying to make determinations meeting to meeting so we either could have public participation sessions before all of our meetings or we could take the last couple Wednesdays of each month and have them be designated as times that we are going to take public comment. We could do it by categories or we could do it as general comment sessions. I think that might give some structure to the public to be able to come in and at least know when we are taking their input and be able to plan accordingly. I would also like to say that I will gladly, on my adorable little radio show as we call it, from 6:00 a.m. to 9:00 a.m. Monday through Friday, run whatever legal notices the City puts out for those hearings. There are only two or three days before the last public hearing, but Clerk Normand sent me the notice, we cut an ad and we ran it on my radio show. I'm happy to keep doing that. I think many of us have Facebook pages. I know I periodically post things on my Charter Commission page. I think if we all did that we would be reaching an audience. I would like to suggest... One of the things I have been working on is the website I created for my campaign. I have essentially

revamped the whole thing in the hopes of making it a general clearing house for information. We have added a calendar. We have the ability for people to send their comments in. We haven't finished it so I haven't announced it yet, but if the commission is interested in that, I have basically de-politicized that site and I wouldn't mind and planned on making it available to the commission so it didn't have to pay to have a site done. That is something that I can put up and maintain for basic dissemination of information.

**Commissioner Martin** stated moving on from the communication piece, in regards to the work session regarding education I would propose the obvious players: Superintendent Brennan; Business Administrator DeFrancis who has a copy of the charter on her desk, that is how important the charter is to her work; Assistant Superintendent Burkush from the standpoint of her historically knowledge, having served on the superintendent's executive team; and certainly Assistant Superintended Tursi, not to slight him as he is my supervisor, but he had only been with us for three years. In addition to the obvious players, perhaps Vice Chair Gelinias from the standpoint of the Board of School Committee's perspective on how the charter impacts their role.

**Chairman Duval** stated very obvious players. Before we move to adjourn, I would ask that the commissioners email, after giving a little bit of thought, but as soon as you can, people you think should be asked to participate in this work session. If you could email me and copy the clerk on it I would appreciate it. Getting back to what Commissioner Girard said about maybe identifying the last two Wednesday s of the month, my only concern with that, at least for this month, is that I imagine we could go quite extensively to make sure we cover adequately the topic of education. As an example, if we have to go to work session number two, that would be a concern. That is the only thing that I am a little hesitant about, commissioner.

**Commissioner Girard** stated you can start that whenever, if ever. If you want to make the last Wednesday in January as the first public hearing that's fine.

**Chairman Duval** stated I'm curious to see how the work session goes for education. Let's think about that, certainly, next Wednesday.

**Commissioner Lopez** asked did we square away the legal issue of the chairman contacting him and the legal questions that we are going to ask before the chairman contracts him so we all have an understanding of the question that we are asking?

**Chairman Duval** replied I think there were comments at the last meeting and I think it was understood, to try and maximize efficiency and use of legal billable hours, that we would direct questions to me and then I'll pass them along in a constructive manner so it is not duplication.

**Commissioner Lopez** stated I didn't understand it that way, Mr. Chairman. I thought we were going to write up some procedures on when we contact legal. The questions that we ask might not be the pertinent question and have the same understanding unless all the commissioners agree to the question. As an example, is he going to give the answer in writing or is he going to relate to you what his answer is? Sometimes words get mixed up. I'm curious as to what legal questions are, how we are going to handle it going to him, are they in writing, is he going to come back to us in writing with the questions that we ask?

**Chairman Duval** replied again, I think it is important that we maximize efficiency when and where we can. I don't know if we have to go as far as having something in writing. I think an appropriate and timely flow of communication to

get commissioners' questions answered. Let's say during the process or at our next public hearings there are unanswered questions, the commission may decide that they want an answer to a question and I will pose it to legal. I would imagine that he would be emailing a response back to me for distribution to the commissioners.

**Commissioner Lopez** stated I don't want to conduct business by email. I will tell you that right now. With all due respect, this business of email... We had 72 emails just on the legal aspect of trying to find someone who was qualified. I think we want to discuss it among us, vote on what we want to do, and this is just my opinion, but I'm not going to respond to emails with legal questions and how any commissioner understands it unless the legal person is in person here explaining it so we can ask questions or he puts the answer to us in writing as to what our legal responsibility is depending on what the question is. I'm not going to accept that he said this or she said that. It doesn't work; believe me.

**Commissioner Girard** stated just to pick up on what Commissioner Lopez was saying, I think that any legal questions that the commission as body would like to ask or any commissioner would like to have asked should be in writing. I think the replies should be in writing. Again, to follow up on what Commissioner Lopez was saying, if there is a need for us to engage legal counsel in a dialogue because a written question and a written answer is going to lead to more questions that need more answers then we should take an action to have the legal counsel come in where we can enter into that discussion. I would think that those discussions would be in public session. I can't imagine a situation where we would need to go into non-public session with our legal counsel, but I don't think it is appropriate for verbal questions to be asked and for verbal answers to be given so there is the back and forth that Commissioner Lopez is worried about.

**Commissioner Ashooh** stated I think if you are, indeed, appointed by us as the gateway to legal counsel and a question is asked of legal counsel, I would like to see counsel here to respond to the question that was asked so that we do have that give and take. If you take a look at the Board of Mayor and Aldermen, the city solicitor sits in the back and is at times asked for. I think on occasion that would be good to have so that if there is a question, we submit it through you to counsel and ask counsel to come back in and give us his opinion and give us a chance to ask questions. I think Vice Chairman Girard is correct, if we ask a question that is going to come back with other questions and other answers I think we need to proceed in the most efficient way and I think that is here in person.

**Chairman Duval** stated understood. We certainly will continue to make sure we have this right at the appropriate time when questions are brought up. We'll make sure it is with the consent of this board.

**Commissioner D'Allesandro** stated just one other thing under new business. I have passed out something to each one of you from our former city clerk and it seems to be that would fit beautifully under elected and appointed officials as a point of discussion. We can all take it home and sleep on it.

**Chairman Duval** stated thank you commissioner and I appreciate former Clerk Bernier's letter. He has called me on a couple of occasions and has offered to be of any service he possibly can to the commission and we are going to take him up on his offer at the appropriate time. Thank you, former Clerk Bernier.

*Commissioner Lopez moved that any questions to legal counsel be submitted in writing with a response from legal counsel in writing or in person. The motion was duly seconded by Commissioner Girard.*

*Chairman Duval called for a vote on the motion. There being none opposed the motion carried.*

**Commissioner Girard** stated Mr. Chairman, Commissioner Ashooh brought up the fact that former City Clerk Leo Bernier is here and mentioned that he might like to have him come and address the commission. Did I understand that correctly?

**Chairman Duval** stated former Clerk Bernier and I have chatted and he has offered to come make his remarks at the appropriate time pertaining to clerk-type matters. I appreciate his offer and will take him up on it.

**Commissioner Girard** asked did we come to a resolution on the time limit question for these meetings or did we leave that conversation hanging?

**Commissioner Ashooh** replied my recollection was that it was not resolved, but seeing that we are in the 86<sup>th</sup> minute I think this is a good time to adjourn.

*There begin no further business, on motion of Commissioner Ashooh, duly seconded by Commissioner Girard, it was voted to adjourn.*

A True Record. Attest.



*Secretary of the Commission*