

SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
September 28, 2021 at 5:30 PM

Mayor Craig called the meeting to order.

Mayor Craig called for the Pledge of Allegiance, this function being led by Alderman E. Sapienza.

A moment of silence was observed with Mayor Craig asking that the Ouellette family and Dick Komanso and his family in their thoughts and prayers.

The Clerk called the roll.

Present: Aldermen Cavanaugh, Stewart, Long, Roy, Sharonov, O'Neil, Levasseur, E. Sapienza, Shaw, Barry, Gamache and Hirschmann

Absent: Aldermen T. Sapienza and Terrio

Mayor Craig stated I would like to start by welcoming Ward 8 alderman, Ed Sapienza. Tonight we have a proposed charter amendment before us and I would ask the Clerk to please read the amendment.

Matthew Normand, City Clerk, stated this is the proposed charter amendment as it would read on the ballot.

Proposed Charter amendment:

Shall the City of Manchester approve amendment to the City of Manchester

Charter summarized below:

1. The Charter is amended throughout so that the "School Committee" is referred to as the "School Board," a "School Committeeman" is referred to as a "School Board Member," consistent with the State law.
2. The School Board shall elect from among its members a chairman to serve for a term of two years. In the event of a vacancy, the School Board shall appoint a replacement to serve for the remainder of the term.
3. The School Board shall have fiscal autonomy and be responsible for overseeing the administration of the School District's budget. It shall have the authority to borrow money on behalf of the School District. The School Board shall be subject to the existing limitation on budget increase but shall have the authority to override that limitation with two-thirds super-majority of its membership.
4. Various provisions of the Charter are amended to provide that the School Board shall comply with the laws of the State of New Hampshire for the adoption and accounting of its annual budget and its capital budget and for the issuance of a debt instrument; to authorize the School Board to appoint an independent auditor, a clerk, and a treasurer.
5. Effective Date: Upon Passage

If you favor this proposal, vote YES; if you do not favor it, vote NO.

Alderman Cavanaugh moved that the charter amendment question be ordered to the November 2, 2021 Municipal General Election ballot. ***Alderman Long*** duly seconded the motion.

Alderman Roy stated in my opinion this thing has been messed up since the beginning. The court ruled that the Charter Commission was illegal or they said it wasn't able to go forward and we spent \$30,000 on it. They sent their recommendations to us. We pushed those aside ignoring the commission that was duly elected by the taxpayers apparently because we know better than those duly elected officials. We are pushing this through for autonomy and the language to me is very duplicitous. It doesn't say that the school board will have their own authority to tax essentially taking the power away from the aldermen to control the tax rate. I just don't think that this has been handled well from the beginning and as you know I have voted against it in the past. Thank you.

Alderman Long stated I think of any issue that we have had before this Board, this has been the most out in the media. We have been doing this for two years so people know about this. To suggest that because the Mayor is not in here...the bottom line is the members will vote for their chairman. The Mayor is the current chairman. Again, I think that this has been out in the media and on social networks for two years or since 2019. As far as the AG's Office, they give us their definition. They didn't tell us it was against the law. They gave us what they define it as and we proved that by going to court and getting the judgment. The bottom line is I don't know if this is going to pass or not. It may not. I believe that it is a structural change that we need for the school district. We have been talking about the school district forever with no changes. I think this is a proposal. If they don't elect to approve this, then I will have to come up with other ideas or we will have to come up with other ideas. I think this is an opportunity for the voters to have an opportunity to weigh in on this. Also just for clarification, #5 is a question also correct Matt?

City Clerk Normand responded it is not a question. It is the stated effective date of the charter amendment.

Alderman Long asked so there are only four questions that are going on the ballot.

City Clerk Normand answered they are not actually questioned. We discussed this when the Board met on July 20. It will be an up or down vote. There will be one question on the ballot and people can vote it up or down.

Alderman Long asked so splitting #1 from the others is not possible.

City Clerk Normand replied I think that is a question for the Solicitor.

Peter Chiesa, Deputy Solicitor, asked what was the question. This is the form that has been approved and it has to go on the ballot in this form. If you start eliminating items, you will have a whole myriad of potential due process issues.

Alderman Long stated I know that changing Items 2, 3 and 4 may have conflicts with other parts of the charter but I think Item 1 is a simple change. I would like us to consider that. If not, and the BMA choses to make it all or nothing, that is fine with me.

Alderman Barry stated the bottom line is that we as a Board are going to vote whether or not to put this on the ballot and let the people decide; the same people that voted us into office and the same people that voted our school board into office. I think it is important that we do that because we have to show that we have trust in our own people and our own city that not only elect us but I have confidence that they are going to study the charter amendments that are going to be proposed on the ballot and make the right decision. That is why I think it is important for us, just as it was back when the tax cap came before the Aldermanic Board. I wasn't on it then but they voted to put that on the ballot because it was important. It was important for the people to decide. I think just as that was, so is this. I think it is important for us to put it on the ballot and let the people decide.

Alderman Roy stated just for clarification, I think I just heard you say that we voted to put the tax cap question on the ballot. That is not accurate. There was a petition that went through the city and they got the required number of signatures. That is how the tax cap question got on the ballot. Another point I wanted to make was in the past when

we have had City Charter Commissions, one of the complaints from those commissions was that it was all or nothing; it had to be all or nothing and you couldn't break apart every recommended change. I think this would have to follow suit and be all or nothing.

Alderman Shaw stated the people in the city elected a Charter Commission and they worked diligently to come up with recommendations to amend or revise the charter for the school district. Controversy arose and the back and forth began. Then it was a legal question. Then it was this and then it was that. Then we took it upon ourselves to come up with an amendment to those things that the commission decided on and regretfully I was one of the people who voted for that amendment and I wish I hadn't because I have had a lot of time to think about it. That is not what the commission decided. That was something that the commission was undecided about and couldn't come to agreement on. Why would we make a decision for them and then try to get that on a ballot? I think this is wrong. I think that everything should be left the way it is and then move forward and let the school district continue to do what they are doing. At some point down the road, maybe we can start this process again but right now this is not the right time. The paranoia about how we are going to pay our bills and how things are going to happen is all over the city. I don't think that throwing this out at people and taking a chance that it might get passed...I am hoping it wouldn't but taking a chance that it might get passed and who knows what would happen after that? Do I have faith in the school board? Yes, I do. I have faith that they know more than we do about how to run the schools which they do now. We don't run the schools. We approve the money. That's it. What is wrong with that? Our job is to protect the city. Our job is to protect the taxpayers and residents of the city and the children and everyone so why would we have a final say in that money? I don't think this is ready to go on the ballot and I hope that we don't put it on. Thank you.

Alderman Hirschmann stated after reading this proposal over and over, the thing that jumps out obviously to me is the fiscal autonomy. The word autonomy is they are going to be on their own. So when they need to borrow money and go out to Bond Council they won't be bothering Sharon Wickens. They are going to have to have their own Finance Officer and their own Bond Council. When it comes time to do other things like

principal contracts or TA contracts, they aren't coming here for our vote. I am not voting for a teacher contract if this goes through. They can do it on their own. In fact, the Mayor being on the school board right now as the chairwoman gets a veto. That is more powerful than a vote.

Mayor Craig responded I don't have veto power. That is the problem with this set-up.

Alderman Hirschmann asked did you advocate to get veto power.

Mayor Craig answered we have talked about it before and during the Charter Commission meetings we talked about it.

Alderman Hirschmann stated so something very useful didn't make it to the ballot. My point is that they are going to be on their own. They are elected just like we are but we have been the oversight decade after decade after decade. I can tell you that school buildings that are built right now that the school committee didn't have the courage to build...when Parkside kids were eating lunch at 10 AM because there wasn't a cafeteria big enough, it was Dave Wihby and Keith Hirschmann who said let's build a school building because this isn't right. The school board at the time didn't have the courage to do it. I don't trust this new form of government. Manchester Proud has swooped in and proclaimed that they are the heroes of the school district. Well guess what? There have been a lot of stalwarts here for decades upon decades. The citizens of this city have paid their taxes and cheered on the school district and so have the aldermen. To just blindly give this away and listen to people like Alderman Shaw who is afraid that she won't be able to live in her house in her senior years and there are many other ladies like her, that is very troubling. Have we been unfair to the school district? I think not. This year the money just seems to be raining from the sky with all kinds of CARES Act money and the money that we, the taxpayers, have given them and money that they have gotten from many sources; hundreds of millions of dollars. It is not just tax money. They get a lot of money. Are they spending it correctly? I don't know. We are not in charge of spending the money, they are. I urge you not to change the charter. This isn't thought out. It came back to us as a revision or a...I don't even know what it is

being called right now because our Solicitor was working on this. That is another thing. They will have to get their own Solicitor. They are not going to use ours anymore. They used to be a department and it was a well-run department. The charter was changed in 1996 to pull them away from us and everything has gone downhill since that passed in 1996. The school district has declined. That is all I have to say. Thank you.

Mayor Craig stated just to be clear, the vote tonight is to determine whether or not these items go on the ballot for voters to decide.

Alderman Sharonov stated I just wanted to say that generally speaking I am a big supporter of direct democracy and letting voters decide on issues by ballot measures as often as possible. However, the proposals have to be precisely worded and not confusing to voters. They have to be short. They should not consist of four separate issues and four separate paragraphs where the meat of the question isn't all the way in paragraph three. I think it is very confusing to voters and it is not going to be a fair vote if it goes to the ballot. I do not support putting this on the ballot in its current form. I would be more supportive if all of these four proposals were four separate questions on the ballot. Thank you.

Alderman Long stated we are getting two sides of the story here. One is that we have to follow the Charter Commission and the other one is these are too confusing. The only change is #3 with respect to overriding the cap. It would be changed from it being at the aldermen's discretion to having the school board with a 2/3 majority able to do it. That is the only difference from what the Charter Commission presented to us. If you are still confused, it is the Charter Commission that put these questions together. I disagree that we are responsible for finances. I believe that we as a body are responsible for academic achievement also and I will always advocate for that and do what I can in this body as an alderman with respect to academic achievement. We just talked for 20 minutes or so and nobody brought up academic achievement, just finances. How do we expect the district to be able to thrive when they can't plan two years in advance? They can't plan. Why? Because we don't know what Board is going to be here and whether they are going to be supportive or not supportive financially.

You can't even take little bites of an increase in academic achievements with the way the process is now. Let them set aside \$1 million or \$2 million from what they receive in order to meet these achievements. If they do that and we approve something they get it and the following term they don't agree with it or we don't agree with it and they have to change their scenario. In my mind that will never work. We need a structural change and this is the structural change. Again, it is not what I want. It is what the voters want. Let them decide what it is they want. You are hearing all over the city that they aren't for this. I am not hearing that. I am not sure if ward 3 is still part of Manchester but that is not what I am hearing and I am hearing it from both sides. This is a willingness. If you get somebody in there who is spending money and the voters don't want them to spend money, that person is gone. Every two years you have a choice. It is not the end of the world and I don't believe that any Board would do what I am hearing out there was far as raising the taxes as high as what I have heard. I am in favor of putting these questions to the voters. Like Alderman Roy said, we paid \$30,000 to get these recommendations so I am in favor of putting them on the ballot.

Alderman Levasseur stated I hope you can bear with me because I have a lot of comments I want to make but since Alderman T. Sapienza is not here, can we just move the question.

Alderman E. Sapienza stated I can assure you alderman that constituents in ward 8 have expressed overwhelmingly to me that they don't want this going to the ballot so I would disagree with you there. I just want to piggyback on what Alderman Sharonov said. Not just this ballot measure but any ballot measure if it is not clear and concise the general rule of thumb is to vote no. They have a responsibility to make these things clear and concise and that hasn't been done.

Alderman Long stated the comment was people all over the city don't want this. I am not hearing that all over the city. Maybe you are hearing that in ward 8 but I am not in ward 8.

Alderman O'Neil stated I am in favor of sending this to the voters. The one thing I hear from people when they decide whether they are going to remain in Manchester as their family grows is they want a difference in our schools and I think this is an opportunity to make that difference. I am going to vote in favor of letting the voters in Manchester make the decision on what the future of the school district looks like. Thank you.

Mayor Craig called for a vote. *Alderman Long requested a roll call vote. Aldermen Long, O'Neil, Barry, Cavanaugh and Stewart voted yea. Aldermen Roy, Sharonov, Levasseur, E. Sapienza, Shaw, Gamache and Hirschmann voted nay. The motion failed.*

*There being no further business, on motion of **Alderman Cavanaugh**, duly seconded by **Alderman Roy**, it was voted to adjourn.*

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clerk of Committee