

THE CITY CHARTER ADVISORY COMMITTEE

Thursday, April 7, 2011 – 7:00 p.m.

Eileen Dondero Foley Council Chambers

Present: Assistant Mayor Novelline Clayburgh, Chair; Councilor Coviello (via telephone); Joshua Cyr; John O'Leary; Peter Loughlin; Robert Sullivan, City Attorney; and Kelli L. Barnaby, City Clerk

I. Call to Order

Assistant Mayor Novelline Clayburgh called the meeting to order at 7:00 p.m. She announced that this evening's discussion will be regarding the Police and Fire Commissions.

II. Acceptance of Minutes – March 24, 2011

Mr. Loughlin moved to accept and approve the minutes of the March 24, 2011 City Charter Advisory Committee meeting. Seconded by Mr. O'Leary and voted.

Assistant Mayor Novelline Clayburgh announced that we will hold the Public Comment Session at this time and informed the audience that there will be a 3 minute time limit for each speaker. In addition, she advised the Committee that Councilor Dwyer is present this evening and will be discussing her proposed amendment with the Committee.

IV. Public Comment Session

Councilor Dwyer said when the list of amendments was provided to the City Council there was no item relative to the Police and Fire Commissions duties, responsibilities and power. She indicated that she feels it is an issue that the Committee must take up and that no issue has come forward more since she has been on the City Council. Councilor Dwyer stated that the information provided shows anecdotally that commissions are a thing of the past. She further stated that the Committee may consider having the City Council appoint members to the Police and Fire Commissions as other communities do. Councilor Dwyer also informed the Committee that some communities appoint a Public Safety Committee that represents both fire and police.

Laura Pantelakos, State Representative, said that she was one of the first Fire Commissioners elected in the City. She briefly spoke to how the first commission was established and feels the need exists for a Fire Commission. Ms. Pantelakos stated that a Fire Commission serves as a buffer between the Fire Chief and the City Manager. She also indicated that some people would like more control over the Fire Department and that is why this issue has been brought forward. In conclusion, she stated that the Fire and Police Commissions should remain.

Councilor Spear spoke to the debate that occurred Monday evening at the City Council meeting regarding the request by the Fire Department for a supplemental appropriation. He said it was an important matter and yet the Council heard nothing from the Fire Commission and they were noticeably absent from the meeting and discussion.

Ralph DiBernardo spoke opposed to placing the issue of eliminating the Police and Fire Commissions on the ballot. He expressed his concern regarding the debate that occurred last Monday evening at the City Council meeting between the Fire Chief and Council. He stated that the City Council would bring politics into the Fire Department if the Commission was abolished. In addition, he stated if the commissions are abolished the City Manager would have an additional 150 employees under his management. In conclusion, he expressed his strong support for the commissions.

Charlie Griffin stated in 1987 the City voted to have a Fire Commission. He spoke to the discussions on Monday evening and feels that the commissions need to remain and we need to encourage their work.

Jerry Howe, Police Commissioner, expressed support for the commissions. He stated that the commissions deal with complex issues and serve the City well. He spoke to the time involvement and learning process of being a commissioner. He urged the Committee to keep the structure as is.

John Russo, Police Commissioner, spoke to the time involved in being a commissioner. He said that a commissioner puts in 700 to 1,000 hours per year. He indicated that law enforcement is different from any other department in a municipality. He also reported that an elected commission has the authority to act on any citizen complaint. Mr. Russo also briefly discussed the history of the Police Commission and spoke in support of the commissions remaining elected bodies.

Michael Hughes, Fire Commissioner, stated that he has served many years as a Fire Commissioner. He also indicated that the City Council did hear from the Fire Commission on Monday evening, through the Fire Chief. In addition, he reported that the commission met the budget guidelines as established by the City Council. In conclusion, Mr. Hughes indicated that he has never seen Councilor Spear at a Fire Commission meeting and urged the committee to keep the elected commissions.

Vassilio Pamboukes spoke in favor of keeping the elected Fire Commission. He stated that the Portsmouth Fire Department is outstanding and widely recognized in the State. He spoke to the various services and training that is required by the Fire Department. Mr. Pamboukes stated that the Fire Commission works hand and hand with the Fire Chief to make things happen and provide services efficiently throughout the City. In addition, he addressed how the Police and Fire are the first line of defense in the City and the difficult times we are facing. He commended the Fire Department for meeting the budget guidelines as established by the City Council. In conclusion, he requested that politics be kept out of this decision.

George Remick stated that he was a former Fire Commissioner in the City of Portsmouth. He addressed the importance of the commissions and said that the commissions and the Council have always worked together and he respects the work that they do. He spoke opposed to placing a question on the ballot to abolish the Police and Fire Commissions.

Paul Mannle spoke against abolishing the Police and Fire Commissions. He said that this is a large City with a large budget and you should not deny the residents of more representation. He stated abolishing the commissions would give the City Manager and City Council too much authority.

Dan Hovey said he is a retired fire fighter in the City of Portsmouth. He expressed his support of the Fire Commission remaining an elected board. He also said that the Fire Commissioners spend a great deal of time meeting their responsibilities and do a great job.

Rick Condon, Portsmouth fire fighter, thanked former Fire Commissioners Laura Pantelakos and George Remick for their work. He expressed his support for the Fire Commission remaining an elected body. He stated that there is a strong show of support to keep the commissions by the speakers this evening. Mr. Condon said that the Fire Commissioners received \$100.00 per month for all the work and time they invest in the City of Portsmouth. In conclusion, he said that the Fire Commission has a proven track record and expressed his opposition to abolishing the commission.

William St. Laurent asked what would constitute the Charter Advisory Committee from going to a Charter Commission. City Attorney Sullivan said a commission would only come about if there was a significant change, such as a change in the form of government or if numerous changes were needed to the Charter. He further added that the Commission could be established by the City Council and voted on by the residents of the City. He said a Commission could also be established via citizen petition from a specified number of voters. Mr. St. Laurent spoke in support of a Charter Commission being established. In addition, he expressed his opposition with there being a time limit for speakers this evening.

Richard Gamester, Fire Commissioner, stated that the Fire Commission keeps the politics out of the equation. He expressed his concern with the accusations made by Councilor Spear this evening. Commissioner Gamester said he feels the reason the Charter Advisory Committee was created was to abolish the commissions and take away the power of the commission and place it in someone else hands. He said the City Manager is successful due to the great employees he has surrounding him. He further stated that the City Manager desires to have complete control over the Police and Fire Departments. In addition, he stated that the City Council needs to stop micro-managing. In conclusion, he said that commissions are a democracy to be enjoyed by many.

John Golumb, Police Commissioner, said it is important for the Charter Advisory Committee to ask itself what is wrong with the commissions, what needs to be fixed and what would abolishing the commissions accomplish. He said the commissions serve the people as a direct representative.

William McQuillen asked that the Charter remain as is. He said it is important for the Charter Advisory Committee to recognize that not one speaker this evening is in favor of abolishing the commissions. He said that the City does not need less elected officials.

Paul Wentworth, Fire Commissioner, expressed his disappointment with Monday evening's Council meeting. He said the City Council was not professional and the Fire Chief was brow beat. He said that a commission is needed and if there was none he is not sure that the Fire Chief would be here today.

Jerry Howe, Police Commissioner, addressed the process of negotiating contracts. He expressed his support of the commissions remaining.

Laura Pantelakos, State Representative, asked what type of committee this is. City Attorney Sullivan informed Ms. Pantelakos that this committee is advisory in nature and makes a recommendation to the City Council. He further indicated that if the City Council chooses, the issue of abolishing the commissions could be brought forward by the City Council.

John Russo, Police Commissioner, said that the people have spoken this evening and let the Charter Advisory Committee know that the Fire and Police Commissions should not be abolished.

George Remick clarified with City Attorney Sullivan that the City Council has the authority to disregard this committee and its recommendations. City Attorney Sullivan said that is correct.

Assistant Mayor Novelline Clayburgh declared the public comment session closed.

At 8:00 p.m., Assistant Mayor Novelline Clayburgh called a brief recess. At 8:05 p.m., Assistant Mayor Novelline Clayburgh called the meeting back to order.

III. Discussion of Police and Fire Commission Suggested Amendments

Assistant Mayor Novelline Clayburgh said that the members should decide what they would like to do relative to the Police and Fire Commissions. She said the committee could make a list of options and have a discussion.

Mr. Cyr feels we need to decide if we need to discuss whether or not a change to the Charter is necessary. He said any changes should produce a measurable and positive result. He further informed the committee that many residents don't know the responsibilities of the Fire and Police Commissions.

Mr. Loughlin said that the public comment session was helpful and interesting. He said the speakers this evening unanimously spoke against abolishing the commissions. Mr. Loughlin informed the committee that he was a former representative to the Police Commission and every commission has done a great job. He advised the committee that he would not have brought this question forward but he is in favor of one board answering to all the voters. Mr. Loughlin said he prefers and supports one body being totally answerable to the voters. In addition, he suggested that the question be placed on the ballot to let the voters decide.

Councilor Coviello said he enjoyed Peter's comments. The point of democracy was brought up several times this evening. He said based on the number of people that are running for the Police and Fire Commissions it leaves him feeling that the residents are not getting much of a choice. He also indicated that many residents do not know the purpose of the commissions and many times if there is a problem they contact the City Council and not the commissions. In conclusion, Councilor Coviello said he has no desire to do the work of the commissions in addition to the work responsibilities of the City Council.

John O'Leary thanked everyone for coming to speak during these Charter Advisory Committee meetings. He said that this is a complicated issue and so many different aspects that come into play. He stated he wants a democratic process. He addressed the Charter and said what was put in place 20 years ago has stood the test of time and worked well. He indicated that we need to recognize that the committee is not making a judgment on what is best for City but whether this question should be moved on to the City Council. Mr. O'Leary said he would like to see 4 to 5 people running for a spot on the commissions.

Assistant Mayor Novelline Clayburgh said she would like to recommend to the City Council to place the question on the ballot. She said many communities do not have Police and Fire Commissions. She indicated that the public should make the decision whether to have a commission. In addition, she said we need to define our recommendation to the City Council and be more specific. Assistant Mayor Novelline Clayburgh said she agrees with some comments made by Councilor Coviello on the negotiation of contracts. She said that the negotiations have been challenging. She also stated that the speakers this evening have or had some association with the Police and Fire Departments. In conclusion, she stated that other communities have a public safety commission which could be another consideration.

Mr. Cyr asked what would be better by any change, or is this a great marketing vehicle to educate the public. He does not know what the real problem is.

Mr. O'Leary said he is not sure if we have heard enough reasons to have the question placed on the ballot. He said what could happen with the question on the ballot is the public would become more informed of the duties and responsibilities of the commissions and it could be used as a public relations tool.

Mr. Cyr asked if Councilor Dwyer could come forward and address the committee to discuss her suggestion.

Mr. O'Leary said that the committee decided to invite people that brought suggestions in order to provide back ground information. He said he would like to know why Councilor Dwyer felt the need to bring the question forward. In addition, he said that the committee needs to discuss the schedule and what the committee wants to accomplish this evening.

Assistant Mayor Novelline Clayburgh said that we would hold a future public hearing and discussed the date of May 5th. She asked if everyone agreed to hold another public hearing on May 5th.

Mr. O'Leary said he does not feel that we need to have a meeting on April 19th if we are holding the public hearing on May 5th. Assistant Mayor Novelline Clayburgh suggested conducting the public hearing on April 19th instead of May 5th.

Assistant Mayor Novelline Clayburgh asked Councilor Dwyer to come forward and speak to her suggestion.

Mike Hughes, Fire Commissioner, said he strongly objects to the committee allowing Councilor Dwyer to come forward and speak after the public comment session was closed. He said he was elected by the public just as she was.

The committee agreed to allow Councilor Dwyer to come forward and address the committee as well as Fire Commissioner Hughes.

Councilor Dwyer said that she feels that the public needs to weigh in on this issue. She said we need to separate the people from the future positions.

Fire Commissioner Hughes apologized for his outburst. He said he was unaware of the 3 minute time limit to discuss issues this evening. He said he has never heard the City Council express any problems they have with the Police or Fire Commissions. Mr. Hughes said the commission does a great deal and serves the City best.

Assistant Mayor Novelline Clayburgh announced that April 19th will be a public hearing and there will not be a time limit on speakers. She requested that the committee wait until after the public hearing to come up with a recommendation for the City Council.

Mr. O'Leary said the April 19th meeting will be held at the Portsmouth Library in the Levenson Room.

V. Miscellaneous/Unfinished Business

Mr. Loughlin asked if the committee could go back to reviewing the list at this time. Assistant Mayor Novelline Clayburgh said the committee will review the list until 9:00 p.m. when the meeting will be adjourned.

Assistant Mayor Novelline Clayburgh reported that she received a new suggestion from Mr. Mannle.

Assistant Mayor Novelline Clayburgh advised the committee that the School Board will be submitting a letter to the committee on Item 26 – Student Member of School – add the teacher representative to this section or remove section entirely. City Attorney Sullivan said the Charter is to outline the form of government. He said it is superfluous to address non-voting members in the Charter. He recommended that another way be used.

Assistant Mayor Novelline Clayburgh said she feels either they all are in the Charter or not.

Mr. Loughlin said he would like to hear from the School Board on this matter.

Councilor Coviello said when he watches the School Board in the Eileen Dondero Foley Council Chambers it appears that there are too many members sitting at the dais and suggested having the representative members sit at a table on the floor next to the dais to give the School Board members additional room.

Assistant Mayor Novelline Clayburgh said we will wait until the public hearing on Item 26 and make a decision. She indicated that she would notify the School Board of the next meeting.

Assistant Mayor Novelline Clayburgh read the recommendation of Mr. Mangle to change a public hearing to a Town Hall meeting with a time limit of 10 minutes for each speaker. She said the issue of Town Hall meetings was discussed at the last committee meeting and City Attorney Sullivan has indicated that it is a City Council policy.

Paul Mannle said that residents feel there needs to be an allowance for discussion between the City Council and the residents during a public hearing. He said if you use the Town Hall meeting method, the Council would know in advance the number of people attending and the time limit could be adjusted by the City Council based on the number of speakers.

Mr. O'Leary said that the City Council has latitude on how to conduct a public hearing. He does not feel that the Charter is the proper vehicle for this suggestion.

Mr. Cyr said he likes the dialogue back and forth. He is not sure if it is the right place for this amendment suggestion.

Assistant Mayor Novelline Clayburgh said she would have the suggestion added to the list of suggested amendments.

Assistant Mayor Novelline Clayburgh announced that the committee would be conducting a public hearing on April 19th at the Public Library in the Levenson Room at 7:00 p.m. In addition, she announced the dates of the remaining meetings as follows:

- *Thursday, May 5th at 7:00 p.m. at City Hall in the Eileen Dondero Foley Council Chambers*
- *Thursday, May 19th at 7:00 p.m. at the Public Library in the Levenson Room*

VI. Adjournment

At 8:55 p.m., Mr. O’Leary moved to adjourn. Seconded by Mr. Cyr and voted.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk