Charter Commission
May 16, 2014
APPROVED May 23, 2014

The Charter Commission met in the Claremont City Hall Council Chambers on May 16, 2014. Chairman George Caccavaro called the meeting to order at 6:00 PM.

The following members were present: Russell Fowler; Raymond Gagnon; Ronald Gilbert; Cynthia Howard; Nicholas Koloski; Paul LaCasse; Philip Osgood; Robert Porter; and George Caccavaro, Chairman.

The Pledge of Allegiance was led by Nicholas Koloski and recited in unison by those present.

Public Input

There was no input from the public.

Minute Approval

On MOTION by Ronald Gilbert, SECONDED by Nicholas Koloski, the May 9, 2014 Minutes were APPROVED with noted amendments. The vote was unanimous with the Chairman abstaining because he was not present at the May 9th meeting.

Chairman Caccavaro, referring to the May 9th minutes, noted that he had also spoken with Dave Scanlon regarding the petition that had been presented to the Commission at their April 25th meeting. He learned the State doesn't have a policy regarding online petitions. If the petition presented had been anything but advisory, the State would have had an issue with it. The State requires what they call a "wet signature" on petitions. A wet signature is a written signature, as opposed to an electronic one.

NOTE TO MINUTES: ALL MOTIONS TO ADOPT ARE CONSIDERED AS TENATIVE ADOPTION SUBJECT TO FINAL REVIEW

Discussion of Manchester Charter

The Chairman reported he had spoken to Gwen Melcher, the City Clerk, regarding some of the question the Commission had raised at recent meetings. He hadn't heard back from her yet and felt she probably needed to talk to someone at the State.

The Chairman reported that Mr. Gilbert and well as himself have received calls about why the Commission was skipping over parts of the Manchester charter dealing with the

schools. He explained that the city of Manchester has its school department included under the city government umbrella, whereas in Claremont the school district stands alone and is its own entity. There was a brief discussion in which Mr. Osgood explained that as well as a charter change, there would have to be a bill passed in Concord to combine the school district with city government for the city of Claremont. It was agreed there was a lot of change being proposed right now and the Commission would continue passing over sections dealing with schools as they were not relevant to the tentative charter being created.

NOTE: Numbering for the sections below refer to the Manchester charter numbering, once the sections are incorporated into the tentative Claremont charter the sections will be renumbered sequentially to fit with what has been incorporated into the tentative charter.

Article VI. BUDGETS AND APPROPRIATIONS

- Section 6.01 Fiscal Year. On MOTION by Robert Porter, SECONDED by Nicholas Koloski, it was unanimously VOTED to approve this section as written.
- Section 6.02 Budget Review and Recommendations—Subsection a. A MOTION was made by Philip Osgood and SECONDED by Robert Porter to approve this section as written. After a brief discussion, Mr. Osgood and Mr. Porter agreed to AMENDED their motion to replace “such other officials as the mayor shall select” with “finance committee”. The AMENDED MOTION was PASSED unanimously.
- Section 6.03 Budget Formulation, Submission and Message—Subsection a. A MOTION was MADE by Philip Osgood and SECONDED by Robert Porter to add “and finance committee” in two places after the word mayor. The motion PASSED 7:2 (Gagnon, Caccavaro voted against).
    - During discussion, it was agreed that the commission has consistently said they want the finance committee to have input from the community.
    - Mr. Gagnon felt this was the mayor’s budget, he would be working with the various department heads and the committee prior to presenting it to the board of aldermen and it wasn’t necessary to make the proposed change.
- Section 6.03 Budget Formulation, Submission and Message—Subsection b. A MOTION was MADE by George Caccavaro, SECONDED by Philip Osgood, and unanimously VOTED to place this subsection on HOLD until further information is obtained.
    - Mr. Gagnon began a discussion of the sequence the budget process would go through.
    - Mr. Caccavaro question if that question hadn’t been answered in Subsection a.
    - Mr. Gagnon felt the budget should go from the mayor to the board of aldermen where it is accepted and sent to the finance committee if changes are wanted.
    - Mr. Osgood felt the mayor should be working with the finance committee then go to the board of alderman, saving a step.
    - Mr. Porter feels having the mayor work with the finance committee will take longer, but is a good process and allows for good input.
    - It was suggested that Mr. Gagnon’s problem was with Section 6.02, which had already been discussed and voted on, rather than with Section 6.03 which was currently being discussed.

- A discussion of when the mayor takes office and when the budget is due followed.
- As Subsection b is currently worded, with the election schedule the Commission has approved, the mayor would be elected at the beginning of March and would have to submit a budget.
- Mr. Gagnon suggested looking at what the city of Lebanon does. They use a March election date but he doesn't know what their fiscal year is.
- Chairman Caccavaro asked Mr. Gagnon if he would be willing to gather more information from the city of Lebanon for the commission to review.

- Section 6.03 Budget Formulation, Submission and Message—Subsection c. A MOTION was MADE by Robert Porter, SECONDED by Ronald Gilbert, and unanimously VOTED to approve as written.
- Section 6.03 Budget Formulation, Submission and Message—Subsection d. A MOTION was MADE by Nicholas Koloski, SECONDED by Philip Osgood, and unanimously VOTED to approve as written.
- Section 6.04 Budget Adoption—Subsection a. Notice and Hearing. A MOTION was MADE by Robert Porter, SECONDED by Nicholas Koloski, and unanimously VOTED to approve as written.
- Section 6.04 Budget Adoption—Subsection b. Amendment before Adoption. A MOTION was MADE by Philip Osgood, SECONDED by Russell Fowler, and unanimously VOTED to approve as written.
- Section 6.04 Budget Adoption—Subsection c. Adoption. A MOTION was MADE by Nicholas Koloski, SECONDED by Paul LaCasse, and unanimously VOTED to approve with the following amendments: Remove "The school department budget shall constitute a single line item," and to change eight to five.
- Section 6.04 Budget Adoption—Subsection d. A MOTION was MADE by Cynthia Howard, SECONDED by Paul LaCasse and PASSED 8:1 (Porter voted against) to remove last part of sentence after the word herein and replace with "then either the budget as originally submitted by the mayor or the current fiscal year budget shall become the budget, depending on which one is lower, pursuant to RSA 49-c:23."
- Section 6.05 Amendments after Adoption. A MOTION was MADE by Philip Osgood, SECONDED by Ronald Gilbert, and unanimously VOTED to approve with the following amendment: Removed the last sentence of subsection c, referring to the school district budget.
- Section 6.06 School District Budget and Section 6.07 School Committee Budget Hearings. A MOTION by Philip Osgood, SECONDED by Russell Fowler, was unanimously VOTED to delete these sections.
- Section 6.08 Administration of the Budget. A MOTION by Robert Porter, SECONDED by Raymond Gagnon, was unanimously VOTED to approve this section as written.
- Section 6.09 Overspending of Appropriations Prohibited. A MOTION by Philip Osgood, SECONDED by Paul LaCasse, was unanimously VOTED to approve this section as written.
- Section 6.10 Debt Limit. A MOTION by Paul LaCasse, SECONDED by Philip Osgood, was unanimously VOTED to approve this section as written.
- Section 6.11 Finance Officer. A MOTION was MADE by Paul LaCasse, SECONDED by Robert Porter to approve this section as written. Mr. Koloski asked that "at least quarterly" be changed to "monthly" stating that the current Council

receives monthly reports. Both Mr. LaCasse and Mr. Porter agreed to AMEND their motion. The AMENDED MOTION was PASSED 8:1 (Gagnon voted against).

- Section 6.12 Independent Audit. A MOTION by Robert Porter, SECONDED by Philip Osgood, was unanimously VOTED to approve this section with the following amendment: to insert "to" in the last sentence after reported.
  - Mr. Osgood said he would like a complete financial audit done for the Mayor when he takes office.
  - It was mentioned that the current timeline for audits would allow for one within the first month the mayor takes office. Mr. Osgood said he would be okay with that.
  - The Chairman opened the discussion to the public.
  - AJ Maranville, Ward 2. Mr. Maranville asked if Mr. Osgood meant a full forensic audit, which would cost $200,000 or more. The current audit the City has done is one in which the audit firm is provided with information from the City, this costs around $40,000-$50,000.
  - Mr. Osgood said he is okay with the way the City currently does audits, but wanted to be sure it is done within the first month of the mayor taking office and that the auditors be available to explain their audit results to the incoming mayor.
  - Mr. Osgood said he wants the timeline to be correct … when the new mayor takes office.
- Section 6.13 Biennial Budgeting. A MOTION by Philip Osgood, SECONDED by Robert Porter, was unanimously VOTED to approve this section as written.
- Section 6.14 Fund Depositories. A MOTION by Robert Porter, SECONDED by George Caccavaro, was unanimously VOTED to approve this section as written.
- Section 6.15 Limitation on Budget Increase. Mrs. Howard felt that if this section was contained in the tentative charter, the charter would have to pass by 60% rather than simple majority (50%) due to the State requirement requiring a 60% passage for tax caps. A MOTION by Paul LaCasse, was SECONDED and VOTED to HOLD any action on this section until the Chairman can contact the State for more information.

Article VII. PROCUREMENT PROCEDURES

- Section 7.01 Procurement Code. A MOTION by Ronald Gilbert, SECONDED by Robert Porter, was VOTAED to approve this section as written.
- Section 7.02 Procurement Methods—Subsection a. A MOTION by George Caccavaro, SECONDED by Paul LaCasse, was VOTED to HOLD any action on this section until the Chairman is able to get a copy of the current procurement procedures.
- Section 7.02 Procurement Methods—Subsection b. A MOTION by Philip Osgood, SECONDED by Russell Fowler, was VOTED to approve this section with the following amendment: Change Manchester to Claremont.
  - There was a brief discussion of this section
  - Mr. Gagnon gave a scenario which would allow someone to side step this.
  - Mr. Porter and Mr. Fowler both felt that the City's Conflict of Interest statement that is required to be signed by all City volunteers and employees would not allow for the scenario to happen.
  - Mr. Koloski said that it was really a moot point, since this would be covered very clearing in an upcoming part of the Manchester charter, Section IX.

- Section 7.03 Procurement Manager. A MOTION by Russell Fowler, SECONDED by Ronald Gilbert, was unanimously VOTED to approve this section as written.

ARTICLE VIII. GENERAL PROVISIONS
Administrative Rules and Policies

- Section 8.01 Establishment of Rules. A MOTION by Nicholas Koloski, SECONDED by Philip Osgood, was unanimously VOTED to approve this section with the following amendment: Change may to shall.
  - Mr. Porter asked the Chairman if he could check to see if a copy of the old Administrative Code still exists.
- Section 8.02 Statement of Policy. A MOTION by Paul LaCasse, SECONDED by Philip Osgood, was unanimously VOTED to approve this section as written.
- Section 8.03 Periodic Review. A MOTION by Robert Porter, SECONDED by Paul LaCasse, was unanimously VOTED to approve this section as written.

Compensation

- Section 8.04 Compensation of Officials. After a lengthy discussion, it was the consensus of the Commission to HOLD this section until more information could be gathered.
  - Mr. Gagnon reported that they tried to increase the $68,000 current salary for the mayor of Manchester to $109,000 but it was voted down by the voters.
  - The Manchester Aldermen are currently paid $5,000 plus $1,500 for suits.
  - Mr. LaCasse said he likes the wording of this section just the way it is.
  - Chairman Caccavaro felt you can't ask someone to run a $20 million company for only $68,000.
  - Mr. Koloski said Claremont won't be springboard to move on to bigger things.
  - Mr. Gagnon commented, interestingly enough that Manchester and Nashua mayors don't generally go on the bigger things.
  - Mr. Porter reminded everyone that the mayor's position isn't a part-time job.
  - Mr. Osgood said he thought the mayor's position would probably be 50 to 60 hours a week, with lots of late nights. He agreed that $68,000 is not a reasonable figure; however, he feels Claremont shouldn't be paying as much as the Governor makes which is $100,000.
  - Mr. Gagnon asked if anyone knew the average salary in Claremont.
  - Mr. LaCasse asked the average salary of city mayors in NH?
  - The chairman opened discussion to the public.
  - AJ Maranville, Ward 2. Mr. Maranville feels $68,000 is ludicrous even for Claremont … you have to look at what the people around him are making. Benefits also have to be considered. Wonder if they are getting $40,000 benefit package.
  - Manchester is paying their mayor $68,000 but their department heads are getting paid a lot more.
  - Mr. Porter asked if the Commission could get data from regarding municipal salary and benefits, and could information what Claremont Department Heads are getting for salary and benefits.
  - Mr. Fowler said he has no problem with Department Heads making more than the mayor, they are experts in their specific fields while mayor is not.

- “Fruit for Thought” from Mr. Osgood. There is a level of responsibility we are creating within the Board of Alderman. They are really going to be a Board of Directors who will probably be putting in more time that current council. He feels they should receive a stipend.
- Mr. Osgood also feels that this charter section should contain wording that the Board of Alderman should have to ask for a charter change in order to increase the mayor’s salary, this would necessitate it having to go to the people for a vote to approve.
- Mr. Koloski said as a current council member, he couldn’t spend any more time than he does currently. He attends meetings five nights a week. He does it because he wants to. He ran for his seat because he didn’t agree with what he was hearing and seeing on the council. And, he said, he would be really upset to think those people would be paid for doing a half ass job.
- Mr. Gagnon asked if the city had a merit plan that could be brought over to the tentative charter.
- Chairman Caccavaro felt this section is where the City’s current merit plan belongs.
- Mr. LaCasse stated the problem with that is that the mayor is an elected official.

Chairman’s Notes

The Chairman said he had just received an email from the City Clerk, Gwen Melcher with answers to question the Commission had.

If there are no candidates running for a position, the person with most write-in votes wins.

There is no need for primary because all Claremont elections are non-bipartisan.

The recount process is covered by State RSAs.

Someone cannot be Supervisor of the Checklist and hold another position that impacts elections.

A MOTION by Robert Porter, SECONDED by Raymond Gagnon, was unanimously VOTED to adjourn the meeting at 8:50 PM.

Respectfully submitted,

Tracy Pope
Secretary
Charter Commission