



Charter Commission
June 16, 2014
APPROVED June 20, 2014

The Charter Commission met in the Claremont City Hall Council Chambers on June 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; Philip Osgood; Robert Porter; and George Caccavaro, Chairman. Nicholas Koloski and Paul LaCasse were not present.

The Pledge of Allegiance, led by Philip Osgood was recited in unison by those present.

Minute Approval

On MOTION by Cynthia Howard, SECONDED by Ronald Gilbert, the June 6, 2014 minutes were APPROVED as written.

Public Input

None

Chairman's Notes

The Chairman read into the file (copy attached) an email he had sent to the Commission members regarding questions raised about the Police Commission at the last meeting. He said that Philip Osgood had responded to the email and he did not want this construed as a meeting. It was noted later in the meeting that this information was specific only to the Claremont Police Commission.

Chairman Caccavaro explained that Raymond Gagnon had arranged for him to meet with the Secretary of State, Bill Gardner. They discussed the various questions the Commission had and received a lot of information.

- Section 5.13 Limitation on Budget Increase (referred to by the Commission as the tax cap section. The simple answer is yes, it can be put in the Charter.
- Section 9.10 Continuance of Chapter 551. Chapter 551 is Chapter Law and established the Chief Financial Officer position for the City of Manchester. So this section is exclusive to Manchester and not applicable for Claremont.

The Commission reviewed a memo (copy attached) from the secretary outlining a list of current departments the secretary had obtained and confirmed with the City's Finance Director, Mary Walter.

On a MOTION by Philip Osgood, SECONDED by Robert Porter, it was MOVED to incorporate, in Section 3.02, by reference the department list presented.

The Commission reviewed a financial report outlining the expenses to date incurred by the Commission. The Chairman said he is planning to talk to the City Manager regarding additional funding.

The Chairman said Bill Gardner (Secretary of State) had discussed the position of City Clerk at length. He was astonished that in Claremont it is a subordinate position. His concern with this arrangement was that there were too many layers to have direct accountability to the council/aldermen. His opinion is that there should be direct accountability because of the Election and Central Collections responsibilities. The Chairman said in defense of the City, it is done this way to streamline. Mr. Gagnon noted that Claremont isn't breaking any rules; we are just doing things differently.

A letter from the Chairman to Commission Members was distributed (copy attached). The Chairman read his letter publically. It dealt with the Chairman's feeling regarding passage of the tentative charter and recommendations he is making. He said he will not ask for discussion or a vote at the meeting since two members are missing.

Mr. Osgood said he watched a recent council meeting on television which was good because he understood the actual meeting didn't get over until 1:00 AM. He said the Council was talking about having to meet more. He said he was glad the Commission had voted to put in for stipend for the Aldermen. He commented the job is becoming more involved.

- Mr. Porter said he had served on the Council for nine years. It has always been a position with a heavy workload. This is nothing new.
- The Chairman agreed. He thinks people are just starting to notice and be aware.
- Mr. Gagnon said he feels one of the good things the Commission has added is the orientation for newly elected officials.
- Mr. Porter agreed and said there is a lot involved and it goes to a whole new level when you become Mayor. He said Mrs. Pope could attest to that because her husband, Scott, had served as Mayor. Mrs. Pope commented she remembered her husband going to Concord almost monthly to promote the City. Mr. Fowler said that promoting the City shouldn't have been the Mayor's responsibility; it should have been the City Managers and the Planning Department's. Mr. Gagnon was quick to state, and he said he was sure Mr. Osgood would agree, that when a volunteer attends hearings or testifies, it means a great deal to those in the Capital, probably more so than if it were a paid City official. He also stated that he remembers then Mayor Pope, who was a registered Republican, coming to Concord. He said he had a very good relationship with then Governor John Lynch, a Democrat. Several times Governor Lynch said publically that Scott was the best mayor in the State or that Scott was his favorite mayor, they were on a first name basis.

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

Discussion of Manchester Charter

- Section 5.13. After the section was read, Mr. Porter said there was a lot to think about and suggested no action on the section be taken until the next meeting.
 - Mrs. Howard thought the language should stay in the Charter even though the people of Claremont had voted a tax cap down. She stated a tax cap had been passed for the school budget, so she felt it shows the people of Claremont feel there is a problem.
 - Mrs. Howard was reminded that the cap passed for the school budget by a simple majority, while it was not passed by the people for the city budget which required a super majority or two-thirds vote. It was suggested that the people felt the problem was with the school budget and not the city budget.
 - The comment was made that if the tax cap is thrown into the tentative charter, it would just be another reason people may vote against it.
 - Mr. Gagnon said he was uncomfortable slipping the “tax cap” in with the tentative charter. He felt it was a question of ethics. If there is going to be a tax cap, it should be done up front and in a clean way ... here is the tax cap, vote it in or not, don’t tie it to the Charter.
 - Mr. Caccavaro felt people who voted against the tax cap, will vote against the charter if they don’t want the tax cap. The Commission shouldn’t try to slip it by them.
 - Mr. Osgood feels good about the language in the Manchester Charter because it is written to make it easy to override ... but also feels, if the Commission puts one more thing into the tentative charter that the people don’t understand, it is going to muddy the waters. He agrees with Mr. Gagnon and would rather see a vote on the tax cap stand alone and not be a part of charter.
 - Mr. Gilbert asked when was the tax cap was voted down. He was told by the Chairman it was two years ago.

On a MOTION by Robert Porter, SECONDED by Raymond Gagnon, it was unanimously VOTED to hold off any action on Section 5.13 until the Friday meeting (June 20, 2014).

- Section 9.20 Continuance of Chapter 551. On a MOTION by Robert Porter, and SECONDED by Philip Osgood, it was unanimously VOTED to strike this section.

Dates

- The Commission then reviewed the Tentative Charter reviewing and double checking all dates listed. On a MOTION by Philip Osgood, and SECONDED by Robert Porter, it was unanimously VOTED to confirm and change all dates as discussed.

Timeline

- Mr. Osgood referred the Commission to Section 49-D:5 Transition Provisions that had been distributed. He noted this was the RSA that he had referred to at the last

meeting that gave the Commission the authority to provide for an efficient and timely transition should the tentative charter be passed. There followed a discussion in which several questions were raised.

- Mr. Osgood said he would prefer the voters knowing when they go to the polls what is going to happen.
- The question was raised if the timeline needed to go to Concord with the tentative charter? The Chairman will research this.
- It was suggested that the work on the tentative charter be wrapped up and then the Commission can begin working on the transition timeline.
- Mr. Osgood said he focused on the words “timely transition”. He felt this meant sooner, rather than later. If passed this will be a major change. It was his suggestion that the city have election for officials with the school election in March so there will be no need for special election.
- The question was raised if those elected would only serve nine months and there would be another election for officials in November.
- It was suggested that for the first election in March, officials would be elected for two years and nine months.
- This led to a discussion if current Councilors would not finish the terms to which they were elected. The Chairman said the word “integration” bothered him. Mr. Gagnon suggested this be something else the Chairman could research for the next meeting. The comment was made that the public should know what will happen after the elections.
- Mr. Osgood then asked about the current sitting City Manager, the Commission’s authority to make a change for the position is what. Mr. Caccavaro said the City Manager is on a one year contract.
- Mr. Porter said you would want the City Manager in place until the Mayor is elected and takes the oath of office.
- Mr. Porter said he was assuming Mr. Osgood was talking about electing them City officials. The best practice management would be to have a transition plan in place with some overlap.
- Mr. Gagnon asked why someone being replaced would want to stay. He was told the person would be paid and responded then we will need to have that written in the transition plan.
- Mr. Caccavaro and Mr. Osgood both agreed that the City has good department heads in place if the City Manager decided to leave when the new Mayor took office. Perhaps it would be good to let someone come in with their own ideas. Mr. Caccavaro said he is open to what Commission wants.
- Mr. Gagnon said if the new Mayor is elected in November; they would be Mayor-Elect until January; so there would be some overlap.
- This raised the question by Mr. Caccavaro – how do you terminate the mayor if they aren’t working out? There is nothing in the charter. The Alderman can terminate because the mayor has veto power. It was then noted the Alderman can override the mayor’s veto.
- Mr. Gagnon stated for the mayor to be terminated it should be the power of the people, we can’t have eight guys saying “you’re done.”
- It was noted there is no “impeachment” power (for lack of another word) and there is no way to terminate Aldermen either.

- The Chairman was asked to look into the Commission's ability to add recall wording for the mayor and aldermen.

Discussion of Manchester Charter (Continued)

- Mr. Fowler question the wording found in Section 2.05c. On a MOTION by George Caccavaro, and SECONDED by Philip Osgood, it was unanimously VOTED to strike this section.
- On a MOTION by Philip Osgood, and SECONDED by Russell Fowler, it was unanimously VOTED to change the number of aldermen in Section 3.14g-2 from nine to eight.
- On a MOTION by Philip Osgood, and SECONDED by Robert Porter, it was PASSED 6:1 (Mrs. Howard voted no) to remove the words "or appointed" from Section 4.16.
 - Mr. Osgood asked what an appointed political office was. It was agreed that would be an office like the Police Commission. Mr. Osgood said he asked this question because that is what he thought and it made him think about someone like Allison Raymond who is on the Police Commission but also works at the polls. If the language as we have it in Section 4.16 stands, she would be unable to serve in both capacities.

Articles and Sections

- The Commission then reviewed the Tentative Charter double checking all reference articles and sections. On a MOTION by Robert Porter, and SECONDED by Philip Osgood, it was unanimously VOTED to confirm and change all of the reference articles and sections reviewed.

Review

- The Chairman is going to research:
 - Authority Commission has to make changes regarding Councilors/Alderman and City Manager/Mayor in the transition plan.
 - Can Commission add recall language with regard to elected mayor.
 - Deputy registrar
- The tax cap language will be discussed at the Friday, June 20, meeting.
- The transition plan will be discussed at the Friday, June 27, meeting.

A MOTION by Robert Porter, and SECONDED by Philip Osgood, to adjourn the meeting at 8:02 PM was unanimously APPROVED.

Respectfully submitted,

Tracy Pope
Secretary
Charter Commission