



Charter Commission
June 20, 2014
APPROVED June 27, 2014

The Charter Commission met in the Claremont City Hall Council Chambers on June 20, 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.

Minute Approval

On MOTION by Cynthia Howard, SECONDED by Robert Porter, the June 16, 2014 minutes were APPROVED as written.

Public Input

Bernie Folta, Ward 3. He read in the newspaper the Chairman's proposal to change the course of the Commission. He understood the Chairman was recommending that the Commission apply the work done thus far to the current form of government (City Manager-Council). He recalled there was a petition presented to the Commission that had said the same thing. He is going to be consistent with what he has been saying, the Commission should continue on path they are on especially at this late stage of the game. If they decide to switch back, the current Charter would have to be gone over with a fine tooth comb.

Chairman Caccavaro explained he was proposing to retain the type of government the City currently has, City Manager-Council, and use the tentative charter. They would just strike mayor/aldermen and replace with city manager/council.

Mr. Folta repeated he would like to see the Commission stay on course and continue with what they have been doing.

Chairman Caccavaro said he felt there is never a wrong time to do the right thing. It is not the form of government, but the people we elect.

Robert Picard, Ward 1. Mr. Picard said he was concerned about the comments in the newspaper. Everyone has the right to vote on this issue. He feels the Chairman's role as is to give people something they can vote on.

Walter White, Ward 3. Mr. White likes what he sees – a split in the Commission which causes discussion-conversation. He wants to be able to vote in November on a Mayor versus a City Manager form of government. Like Mr. Osgood has said, you aren't going to know what people want unless they can vote on it. He hopes the Commission continues on the same path. He said he sees lots of opposition to the form of government the City has now.

AJ Maranville, Ward 2. Mr. Maranville said when voters go into a booth they can surprise you. He has heard a lot of feedback that employees in the City have been told they are going to lose their jobs and lose money (salary). He feels the Commission has been fair and equable and needs to clarify all the misinformation that is out there.

Chairman Caccavaro emphasized there is no reason any employee of the City should be concerned.

Robert Porter explained that once the dust has settled and the tentative charter is back from Concord, he has recommended that the Commission meets one final time, on television, to educate the public about the tentative charter ... this is how it works now and this is what it will be. A purely educational meeting, he feels this is extremely important.

Richard Seaman, Ward 3. Mr. Seaman feels this should be taken to a vote and let it come out as it does. He explained that Claremont has been very fractured. If the vote on the tentative charter comes out 49-51, that won't change. The Commission needs to have something that everyone can get behind to support that would have a 25-75 vote. If it is something everyone can get behind, people will turn out and will get excited. Right now with a split of 50-50, it is just switching the have's and have-not's around.

Robert Porter confirmed that a simple majority is all that is needed to pass the tentative charter.

Bob Gerard, Ward 1. Mr. Gerard asked if the tax cap would be discussed tonight. He thinks it will be a good idea. He said he feels everyone has to live within strains and constraints.

Bernie Folta, Ward 3. Mr. Folta noted there are two factions in front of us that are talking. That doesn't happen enough in Claremont. He has been tracking several groups and has seen an increase in volunteerism. Dialogues in the same room, this is what will benefit Claremont. He disagrees with Mr. Seaman regarding a close vote, he feels those that lose will not go away and those that win will not gloat.

At this point in the meeting Mr. Folta questioned the charter having to go to an independent attorney for review. The spreadsheet showing the timeline for the tentative charter was referred to.

Chairman's Notes

Chairman Caccavaro reported that he again spoke with Assistant Secretary of State, David Scanlon. He had the following to report:

- The transition plan doesn't have to go to Concord with the tentative charter.
- Existing elected officials will complete their current term and will be replaced by the newly elected officials.
- The City Manager is a hired position and he was unclear regarding the transition for this position, he suggested discussing this with the city attorney. Since the City Manager has a one year contract, the Chairman suggested he just be allowed to finish his contract.
- New Hampshire is not a recall state. The elected Mayor can only be removed for violating his oath or for making public confidential information regarding the city.

AJ Maranville, Ward 2. Mr. Maranville stated the Commission could make tougher rules than the state has, they just can't make their rules weaker. The Chairman repeated what he was told by Mr. Scanlon, the state of NH does not allow recall.

Cynthia Howard questioned if RSA 49-C:13 Removal of Mayor, Aldermen, and Councilors would apply. It was agreed that Chairman Caccavaro would ask Mr. Scanlon about this RSA.

The Chairman was reminded that he also needed to speak to the City Clerk regarding the question about the Deputy Registrar position.

Russell Fowler appreciates Chairman getting answers for the Commission and said he would really also like to know if we can make things tougher.

Mr. Caccavaro MOVED to suspend the rules to allow a discussion regarding why we should not eliminate the manager-council form of government. With no second to the motion, it FAILED. Motion to reconsider is valid, but has to be made and seconded by member that was on the opposing side.

A MOTION was MADE to adopt the recommendation made by petition, and accepted at the April 25, 2014 meeting of the Charter Commission, to retain the City Manager form of government, and SECONDED for discussion by Nicholas Koloski.

- Mr. Osgood commended everyone in the room for the tentative charter that has been created. It was brought out this evening the possibility of a 49-51 vote. Who is to say, no one knows. We won't know until the people have voted. There is a group of people out there that we don't know how they feel. Unless we have a vote, we won't know what the community wants. In Concord they have constitutional amendments; the legislature doesn't have the right to change the constitution, only the people can. Charter change is as big as a constitutional change. He wants the people to make the decision. Commission is not changing the charter just making a suggestion to the people and asking which way do they want to go.
- Mr. Koloski says he is okay with seeing how it turns out at the polls. He has been vocal that he is not in support of this but has continued to work with the Commission.

He doesn't want to see this jeopardize the Charter Commission process going forward. People are taking notice in the State of what is going on in Claremont. He would hate to see all the work go to waste. He feels there are better ways to get to the same point. If you want more voice in your government even if this fails, then come to the meetings.

- Mr. Porter said he is against this motion and agrees with Mr. Osgood that he would like to see it go to a vote. Distinct choice.
- Mr. Gagnon said he agreed with Mr. Porter and Mr. Osgood. That doesn't mean he will vote their way, but feels the Commission has gotten to a point where they have to let this run its course. He is not in favor of the tentative charter and will work very hard to defeat it in November. Worst possible thing that has ever been done as a city, but the Commission has reached the point of no return. He feels Mr. Folta made a very strong point, the Commission had the opportunity to strengthen the existing charter and chose not to do it.
- Chairman Caccavaro said he doesn't understand if you feel it is going to fail, why not give voters something they can vote for.
- Mr. Gagnon said it is perception. People will feel they have been given an eleventh hour curve ball that denied the right of the people's choice. Feels we can defeat this and defeat it soundly and put it to bed.
- Mr. Koloski said regarding the petition, he was surprised that there were more voter signatures on this petition than the petition to establish the Charter Commission, yet when the petition was presented on the (April) 25th it wasn't acted on. He found it insulting that a Commission established by petition, had a petition come before them and chose not to act on it.
- Mr. Porter said he wanted to stress one more time that he feels the key to making this a positive experience is the education piece.
- Mrs. Howard said in response to Mr. Koloski's comments, that the Commission had already made their choice.

The MOTION FAILED by a 6:3 vote (Gagnon, Koloski and Caccavaro were in favor).

Mr. Koloski left the meeting at 7:07 PM to attend a Council Meeting.

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

Discussion of Manchester Charter

Section 5.13 Limitation on Budget Increase. A MOTION was MADE by Robert Porter, and SECONDED by Philip Osgood, to delete this entire section. He feels this is a discrete issue and he doesn't want to muddy the waters. The charter is a big enough issue in itself. The tax cap issue should be handled separately. He doesn't want to see it influence the vote on the charter. It can be taken up separately.

- Mrs. Howard said if this does come up in the future it will require a 60% vote and that will be very difficult to get. Tonight there is an opportunity to put it in charter and have it pass by a simple majority.
- Mr. Fowler said he appreciates what Mrs. Howard is saying, but the voters voted the tax cap down and they've had their say. He is going to vote with Mr. Porter on this.

- Mr. Osgood reminded Mrs. Howard the existing charter can be altered on recommendation of council or aldermen. This wording can be put in at a later date as a charter change and would still only require a majority vote. He will be supporting Mr. Porter, he is in favor of this wording but not right now.
- Mrs. Howard said taxes are a problem in Claremont. Having this wording will help to bring business to Claremont.
- Mr. Gagnon the issue of putting this wording in now where it would only require a majority vote, rather than having it stand alone where it would require a super majority vote, is a back door way of circumventing the process

The MOTION PASSED by a 7:1 vote (Mrs. Howard voted against).

The Commission again discussed possible language regarding a recall section.

- Mr. Gagnon said the integrity of an elected official is pretty important. If people elect an official he would feel bad if the aldermen can get rid of them.
- Chairman Caccavaro agreed, he would be in favor of language if the power was with the people.
- Mr. Osgood said Manchester stands on the state law.
- Mr. LaCasse asked again if this could be made stronger than state law.
- Mr. Porter suggested that the Commission postpone action until next week when the Chairman will have had a chance to gather more information.

A MOTION by Robert Porter, SECONDED by Ronald Gilbert, to adjourn the meeting at 7:30 PM was unanimously APPROVED.

Respectfully submitted,

Tracy Pope
Secretary
Charter Commission