



Charter Commission
June 27, 2014
APPROVED August 22, 2014

The Charter Commission met in the Claremont City Hall Council Chambers on June 27, 2014. Chairman George Caccavaro called the meeting to order at 6:04 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, and SECONDED by Ronald Gilbert, the June 20, 2014 minutes were APPROVED 7:1 with noted corrections. Mr. Koloski abstaining from voting because he left the meeting before it ended.

Chairman's Notes

Chairman Caccavaro reviewed two emails he had sent the Commission earlier this week (attached) with information he had obtained.

- The first was information from Assistant Secretary of State, David Scanlon, regarding the possibility of adding recall language to the tentative charter. He said that there is no way the Commission can add a recall provision to the charter.
- The second was information he received from the City Clerk, Gwen Melcher, regarding the Registrar and Deputy Registrar. The City does not have a Registrar or Deputy Registrar. The City Clerk is the Supervisor of the Checklists; she has one Deputy City Clerk (Doree Russell) and three Deputy Tax Collectors (her staff). The Wards are set up with the Clerk, the Moderator and three Supervisors of Checklists all of which are elected officials.

The Commission then reviewed Jane Taylor's, the City Attorney, response to information sent to the Commission by Bernie Folta regarding the tentative charter being reviewed by an independent attorney. The legal review referenced in RSA 49-B: 4,V does not have to be done by an attorney who is not already retained by the City. The purpose of the review is to provide advice to the Council, not the Commission. Jane provided this to the Council for the proposed amendment change in 2009.

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

- Article III, Section 3.03 Department Heads-Nominations. On a MOTION by Russell Fowler, and SECONDED by Philip Osgood, it was unanimously VOTED to add the language from the last sentence in Article 32 of the Claremont City Charter to the tentative charter as subsection b in Section 3.03, the current language would become subsection a.
 - Mr. Fowler said in reading the tentative charter he realized that there was no language about the need for certain department heads to reside within the City because they needed to be available in case of natural disasters.
- Article IV, Section 4.08 Board of Registrars. On a MOTION by Raymond Gagnon, and SECONDED by Robert Porter, it was unanimously VOTED to change the title of this section to Election Oversight and to remove Registrar of Check Lists in subsection a, replacing it with “responsible for oversight of all election related and voting activity.”
- Article VII, new section Merit Plan. On a MOTION by Nicholas Koloski, and SECONDED by Raymond Gagnon, it was VOTED to add Article IV, Sections 50-56 of the Claremont City Charter to the tentative charter, inserted after section 7.02. The following sections will be renumbered and all appropriate changes from council to board of aldermen and city manager to mayor will be made. These sections refer to the Claremont City Merit Plan in effect as of 7/1/14, which included, by reference, in whole in the tentative charter. Any changes beyond this date will be effective on approval by the Board of Aldermen.
- Article VI, Section 6.02 Procurement Methods. On a MOTION by George Caccavaro, and SECONDED by Robert Porter, it was VOTED to change 1982 to 2003 in subsection a, and Manchester to Claremont in subsection b.
 - Mr. LaCasse questioned if the Commission liked the wording in this section. It was his belief that often bids are not even opened.
 - There was a discussion of the bid process currently followed by the City.
 - The Chairman opened discussion to the public.
 - AJ Maranville, Ward 2. In 1992, the City Manager increased the amount to \$50,000 before a bid was needed. He doesn't like that; he feels it is too much. He believes the incident where bids were not opened was to run the water treatment plan, he personally knows of someone who had a bid returned. The bid was addressed right, was on time and should have been opened. It was a case of one individual using the system the wrong way.
 - Mr. Osgood reminded the Commission that they were not here to change policies; they are here to write a charter. In the tentative charter, Section 9.02 states policies in place will remain.
 - It was the consensus of the Commission members not to change the wording in this section and only make a correction of the date.
- Article II, Section 2.05 Vacancies. On a MOTION by George Caccavaro, and SECONDED by Philip Osgood, it was VOTED to add the word “or” after 90 days in subsection a, and to add the following at the end of this subsection: No special election shall be held if the vacancy occurs within 180 days of the next regularly scheduled election for mayor.

- Mr. Osgood explained he had spoken to the Secretary of state who recommended that there be a cut-off date. If a vacancy occurs six months before an election, you may not want to have a special election.
- Article II, Section 2.11 and Article III, Section 3.06 are identical. Mr. Osgood questioned if the Commission wanted to leave both in. It was agreed by the Commission to leave both in, you can't be too clear.
- Mr. Koloski explained he had found several sections in the Claremont City Charter that didn't appear to be covered in the tentative charter. The Commission reviewed each of the sections.
- On a MOTION by Nicholas Koloski, and SECONDED by George Caccavaro, it was VOTED to add Sections 63, 64, 65 and 67 of the Claremont City Charter to the tentative charter as Sections 9.10, 9.11, 9.12 and 9.13. These sections were regarding (63) Private Use of Public Property; (64) Use of Streets by Public Utilities; (65) Liability for Discharge; and (67) Public Records.
- Mr. Porter asked if page numbers could be added to the tentative charter document.
- On a MOTION by Paul LaCasse, and SECONDED by Ronald Gilbert, it was VOTED to add Sections 68 and 69 of the Claremont City Charter to the tentative charter as Sections 9.14 and 9.15. These sections were regarding (68) Trust Funds; and (69) Saving Clause.
- On a MOTION by Cynthia Howard, and SECONDED by Russell Fowler, it was VOTED to add Sections 5 and 6 of the Claremont City Charter to the tentative charter as Sections 9.16 and 9.17, changing city manager to mayor. These sections were regarding (5) School District; and (6) Representatives to General Court.
- On a MOTION by Robert Porter, and SECONDED by Nicholas Koloski, it was VOTED to add Sections 22 and 25 of the Claremont City Charter to the tentative charter as Sections 9.18 and 9.19, making all appropriate changes from council to board of aldermen and city manager to mayor. These sections were regarding (22) Ordinances; and (25) Procedure to Fix Salaries.
- On a MOTION by Cynthia Howard, and SECONDED by Philip Osgood, it was VOTED to add Section 60 of the Claremont City Charter to the tentative charter as Section 4.15 and to correction subsequent numbering and to make appropriate changes from council to board of aldermen and city manager to mayor. This section was regarding Notice of Election or Appointment.
- Article IV, Section 4.16 Prohibition Against Holding Other Public Offices. On a MOTION by Raymond Gagnon, and SECONDED by Robert Porter, it was VOTED to replace the wording of this section with the following: No election official shall hold any other elected political office.
- Article IV, Section 4.17 Sessions. On a MOTION by Raymond Gagnon, and SECONDED by Philip Osgood, it was VOTED to replace the first board of registrars with City Clerk and Supervisors of the Checklists; and to replace the second board of registrars with City Clerk.
- Article III, Section 3.01 Departments. then Article II, Section 2.08 Powers and Duties. A MOTION by Cynthia Howard, and SECONDED by Paul LaCasse, to add a clause requiring mandated maintenance plans as subsection i, of Section 2.08, FAILED 2:7, with Mrs. Howard and Mr. LaCasse voting in favor.
 - Mr. Koloski asked what happens if you don't have the funds to do what you have in the plan. Mr. Koloski felt this was micromanaging.

- Chairman Caccavaro agreed. This is the responsibility of the mayor and board of alderman.
- Mr. LaCasse asked if this could be put into Section 2.08 as an additional subsection – “i”.
- Chairman Caccavaro felt this was already covered in subsection e. He also felt it was up to the mayor to decide if he wants a maintenance plan established.
- Mr. LaCasse said he thinks it is currently the City Manager’s responsibility and it isn’t getting done.
- Mr. Koloski said he thinks the maintenance of buildings is part of the Capital Improvement Plan.
- Article III, Section 3.07 Appointed City Officers. Mrs. Howard suggested adding the Fire Chief, City Solicitor and Public Works Director to those nominated and appointed by the board of aldermen. It was determined that this is already covered in another section. Appointments are confirmed by five aldermen.
- Mr. LaCasse asked if the Financial Officer could be added to the list of officials that have to live in the City. He said you have to have funds in an emergency and that would be the responsibility of that position.
 - Mr. Porter pointed out that the Mayor has the authority to make things happen in an emergency and having the Financial Officer live in the City would not be necessary.
- Article II, Section 2.06 Meetings. Mrs. Howard said she would like to see language that said a reason had to be given for a non-public meeting.
 - It was explained that this is covered by RSAs and that a reason for adjournment to a non-public meeting is always given.
 - Mr. LaCasse said he doesn’t like that they can adjourn to talk to the City Attorney under attorney/client privilege.
 - Mr. Gagnon told Mr. LaCasse there was nothing he could do about that. It is covered by RSAs.
- Article VIII, Section 8.03 Standards of Conduct. Mrs. Howard said she would like to strengthen the language in subsection f, Non-interference.
 - The Commission felt the language was acceptable.
 - Mrs. Howard asked Mr. Koloski how he would get information he needed for a vote. Mr. Koloski responded he would ask the Mayor. Mrs. Howard asked if he would receive it. Mr. Koloski said he would, but if he didn’t and it was an emergency, he would go to the City Manager.
- Article V, Section 5.05c Amendments After Adoption-Transfer of Appropriations. Mrs. Howard said she would like to add language “no appropriations after adoption or transfers of city funds shall be made to any non-profit organization, business or group formed as a committee to work on any city project.”
 - Mrs. Howard explained no city dollars would be transferred to any non-city entity to work on a project. Charitable non-profit would be exempt.
 - Mr. Gagnon explained Nashua has an Urban Enterprise Fund to clean up neighborhoods. The City is a partner in this. The language she is proposing would make it hard for Claremont to have this sort of project. What would happen if the Main Street group asked the City to join them for a specific project for the downtown area? There are many economic development projects this could affect.

- Mr. Osgood agreed. He is not ready to include this type of language in the charter.
- Several Commission members said they remember what Cindy is talking about, the NC3 group received \$1million from the City for the community center project and they wouldn't tell anyone where the money was going or how it was being used.
- Mr. Koloski said he didn't like what happened with NC3, but putting this type of language into the charter would only limit things going forward.
- The Chairman opened the discussion to the public.
- AJ Maranville, Ward2. NC3 was right that they didn't have to tell us where the money went. It is just another way to sham the public; however, if you want to stop it, it will be hard. It is all in the people running the show. Hopefully, moving forward with these types of projects there will be enough city people involved.
- Chairman Caccavaro said the Commission should not be adding wording into the charter to address specific incidents.
- Mrs. Howard MOVED to add the noted language to the charter. There was no second and the motion FAILED.
- Article II, Section 2.03 Powers and Duties. On a MOTION by Cynthia Howard, and SECONDED by Philip Osgood, it was VOTED to add a new subsection "e" to Section 2.03, which will read as follows: The City Clerk or his/her designee shall act as Clerk to the Board of Alderman.
- Mrs. Howard recommended adding language to the tentative charter that would put a limitation on TIFD Districts. She explained that the City currently has two TIFD Districts, River Road which is showing a profit and the Downtown TIFD which is showing a deficit. Every year the City Manager transfers funds from one to the other.
 - George doesn't want to put anything in the charter that will look like it is impeding economic growth.
 - Mr. Gagnon noted we just went through one of the biggest economic declines in history. Because they aren't profitable right now doesn't mean they won't be.
 - Mr. Caccavaro asked if it was permissible to transfer funds. Mrs. Howard said that is a gray area. Mr. LaCasse reiterated, it was a very gray area.
 - Mr. Caccavaro said he couldn't understand that, the City has gone through many audits since the TIFDs were created and the City had been making the transfers. The Auditors and the IRS haven't said anything.
 - Mr. LaCasse noted the school was in the TIFD District and they weren't getting any benefit.
 - Mr. Osgood tried to explain, TIFDs are payments in lieu of taxes, and the school doesn't get a portion of those payments because they go into the TIFD. He can't agree with fooling around with TIFD Districts.
 - Mr. Porter said the purpose of TIFD Districts was to create new value on the tax rolls.
 - Mr. Koloski said he wouldn't want to tie the City's hands for future development.
 - Mrs. Howard made a MOTION to adopt the wording she had passed out to the Commission for Limitation on Tax Increment Finance District. There was no second to her motion and it FAILED.
- Chairman Caccavaro asked if anyone else on the Commission had any other sections of the tentative charter that they wished to discuss. There were none.

A MOTION by Robert Porter, and SECONDED by Russell Fowler, to make all tentative changes to the proposed City of Claremont Charter permanent, was unanimously VOTED. It was further agreed that once all the changes from tonight's meeting had been made, the secretary would send the document to Commission member, Cynthia Howard, to give a final proof reading before sending it to the City Clerk who will send it to the State for review.

- Chairman Caccavaro congratulated the Commission members for their open meetings, back and forth debates and cooperative spirit. It lends credibility to all.
 - Mr. Gilbert cordially invited Mr. Gagnon, Caccavaro and Koloski to help sell the charter to the public.
 - Mr. Fowler said it will be important for the person entering the voting booth to know what they are voting on.
 - Chairman Caccavaro agreed with Mr. Fowler. He said that is what Mr. Porter and he have been saying right along ... the Commission will need to educate the public before the charter is voted on.
- Chairman Caccavaro explained he will call the next meeting when the tentative charter is received back from the State. They have until early August review the document and get it back to the Commission.

A MOTION by Robert Porter, SECONDED by Russell Fowler, to adjourn the meeting at 8:55 PM was unanimously APPROVED.

Respectfully submitted,

Tracy Pope
Secretary
Charter Commission