



Charter Commission
June 6, 2014
APPROVED June 16, 2014

The Charter Commission met in the Claremont City Hall Council Chambers on June 6, 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, led by Philip Osgood, was recited in unison by those present.

Minute Approval

On MOTION by Robert Porter, SECONDED by Philip Osgood, the May 30, 2014 minutes were APPROVED with noted corrections. George Caccavaro and Nicholas Koloski abstained from voting since they were not present for that meeting.

Public Input

None

Chairman's Notes

Chairman Caccavaro explained that in response to his email to commission members regarding the rescheduling of the June 13 meeting, he had request to check if Thursday, June 12, would be available. It was not. The June 13 meeting has been rescheduled to Monday, June 16 at 6:00 PM at City Hall. So there will be no meetings next week and two meetings, Monday, June 16; and Friday, June 20, the following week.

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

Discussion of Manchester Charter

- Section 2.05 Vacancies. The Commission discussed this section.
 - Mr. Koloski stated special elections are expensive for the city and it could be quite a burden for the city if we had to run several special elections because people decide that being in the position isn't for them.

- Mr. Osgood suggested offering the position to the next highest vote getter.
- The question was raised, what if the second highest vote getter turns the position down?
- Mr. Osgood responded that the position would then be offered to the next highest vote getter and proceeds down the line until someone accepts the position.
- On a MOTION by Robert Porter, and SECONDED by Philip Osgood, it was unanimously VOTED to leave Section 2.05, Subsection a as is, and to amend Subsection b by replacing the wording after the word shall to “offer the position to the next highest vote getters for that position in descending order. If this procedure fails, the position will be filled by appointment by the Board of Aldermen.”
- Section 3.02 Departments Existing at Adoption. On a MOTION by Robert Porter, and SECONDED by Cynthia Howard, it was unanimously VOTED to remove the departments listed in Subsection a and replace with the following departments: Assessing, Mayor, City Solicitor, Finance, Fire, Library, Parks & Recreation, Planning & Development, Police, Public Works, Welfare.
- Section 3.04 Authority, Subsection e. On a MOTION by Cynthia Howard, and SECONDED by Robert Porter, it was unanimously VOTED to replace wording after shall with “conform to City of Claremont Ordinance 2-336.”
 - The current city ordinance on purchasing was reviewed in detail.
 - Mr. Osgood reminded the commission that the charter says ordinances in existence when the charter takes effect will remain in existence.
- Section 3.07 Appointed City Officers. On a MOTION by Robert Porter, and SECONDED by Philip Osgood, it was PASSED 8:1 (LaCasse voted no) to delete Subsection b.
 - Chairman Caccavaro expressed his concern that the commission seemed to be adding layers and not letting people do their jobs.
 - Discussion of Assessing Board vs. Assessing Committee and adding two lay people versus two full-time people.
 - Mr. Koloski feels if you add this layer (an Assessing Board); you are opening yourself up to be sued before they even go to the state.
 - Mrs. Howard stated that they have this (Assessing Board) in Lebanon.
 - Chairman Caccavaro opened the discussion to public input.
 - AJ Maranville, Ward 2. Mr. Maranville stated Manchester is much bigger and that is probably why their charter is written this way (i.e. with an Assessing Board). Lebanon has seven to eight different building inspectors. It wouldn't surprise him if Manchester had seven or eight assessors. In Claremont, we have one.
 - Mr. Osgood felt that the commission should leave the current system Claremont has in place ... The Assessor acts on appeals, if taxpayer doesn't agree they can then take their issue to the State. No Assessing Committee or Board.
 - Mr. Fowler stated that Assessors have to be licensed.
- On a MOTION by Robert Porter, and SECONDED by Paul LaCasse, it was unanimously VOTED to add the following wording to Subsection a: “and the provisions of Article 3.08 of this charter.
 - Mr. Gagnon explained the City Clerk is a powerful position in some places like Manchester. In Claremont this position is a subset of the Finance Department. Are we asking the Board of Alderman to appoint the number two person for the Public Works Department or the Parks & Rec Department? No, so why would

we want to have the number two in the Finance Department appointed? Do you want Alderman appointing the number two at Public Works, the number two at Parks and Recs?

- Chairman Caccavaro reread Section 3.08 which shows a clear vetting procedure including posting a position and an interview process.

At this point Chairman Caccavaro explained that he has been asked and he knows several other members of the commission have been asked why the Financial Director isn't an elected position and why the Mayor appoints this position. He explained because this position goes hand in hand with Mayor and they work very closely together you can't have them not get along. It is better that the Mayor pick his own Finance Director.

- Mr. LaCasse explained he had checked RSAs and couldn't find anything that referred to the Finance Director being an elected position.
 - Mr. Osgood noted during the last charter commission they tried to have the person filling these position be residents of Claremont and they learned you can't do that.
- Section 3.12 Existing Departmental Boards and Commissions. On a MOTION by Philip Osgood, and SECONDED by Russell Fowler, it was unanimously VOTED to eliminate all wording after the first sentence in Subsection a and all of Subsection b.
 - Section 4.03 Municipal Primary Elections and Section 4.07 Primary System. On a MOTION by Cynthia Howard, and SECONDED by Paul LaCasse, it was unanimously VOTED to eliminate these sections.
 - The question was raised if it would hurt to have four or five people on the ballot for a position. Wouldn't it be cleaner with only two on the ballot?
 - Mr. Porter questioned is this what the Commission wants. It could lead to someone being elected with only 25% of vote.
 - It was the consensus that if we had multiple candidates that would be a good thing.
 - Section 4.08 Primary System. On a MOTION by Raymond Gagnon, and SECONDED by Robert Porter, it was unanimously VOTED to eliminate the word "primary" in this section.
 - On a MOTION by Nicholas Koloski, and SECONDED by Russell Fowler, it was unanimously VOTED to eliminate the words City Council and replace with Board of Aldermen in Section 4.12 through 4.17.
 - Section 4.18 Prohibition Against Holding Other Public Offices. On a MOTION by Nicholas Koloski, and SECONDED by Ronald Gilbert, it was unanimously VOTED to accept this section as written.
 - Section 4.19 Sessions. On a MOTION by Paul LaCasse, and SECONDED by Philip Osgood, it was unanimously VOTED to accept this section as written.
 - Section 4.25 Posting Notice of Primary. On a MOTION by Ronald Gilbert, and SECONDED by Paul LaCasse, it was unanimously VOTED to delete this section.
 - Section 4.26 Application and Filing Fee. On a MOTION by Robert Porter, and SECONDED by Cynthia Howard, it was unanimously VOTED to delete this section.
 - Section 4.27 Declaration of Results. On a MOTION by Nicholas Koloski, and SECONDED by Philip Osgood, it was unanimously VOTED to delete this section.

- Section 5.03 Budget Formulation, Submission and Message, Subsection b. On a MOTION by Robert Porter, and SECONDED by Cynthia Howard, it was unanimously VOTED to accept this section as written.
 - There was a discussion of election timing.
 - Chairman Caccavaro reminded the Commission that they had agreed to hold elections in March to coincide with school elections.
 - Mr. Gagnon read an email he received from the Office of the City Manager in Lebanon outlining the timeline for their budgets and elections.
 - It was the consensus of the Commission that moving the elections to coincide with school elections had been a good idea but that it would not work with the City's new fiscal year. Too many things would have to be changed.
 - Mr. Porter stated the new Mayor needed to be given time to get their feet on ground.
 - It was agreed that the Commission would need to go back to a November election for the Mayor and Aldermen.
 - It was noted there were several sections where the dates would have to be changed.
 - The secretary suggested rather than go through the tentative charter tonight searching for the dates that when the Commission is given the clean copy of the tentative charter to review for the next meeting, they can read through and note any spot that has a date that needs to be changed.
 - Mr. Osgood suggested this would be a good place to make a change if we wanted to start process earlier?
 - It was noted this give three months which should be adequate.
- Section 5.13 Limitation On Budget Increase. On a MOTION by Robert Porter, and SECONDED by Cynthia Howard, it was unanimously VOTED to leave this section on HOLD.
 - The Chairman explained he still has not received an answer from Concord on the questions the Commission had raised. The language in the Manchester charter could be construed as establishing a tax cap.
 - Mr. Gagnon said we could accept and send to Concord and if it was a problem they would let us know.
 - Some Commission members felt the problem would be if they accepted the language.
 - It was felt the people of Claremont had already voted on this and it would be better to get an answer from Concord. The Chairman promised he would have an answer for the next meeting.
- Section 7.04 Compensation, Subsection a. On a MOTION by Philip Osgood, and SECONDED by Raymond Gagnon, it was unanimously VOTED to remove the third sentence "The Board of Aldermen shall have the power to increase the mayor's salary annually but may not exceed the cost of living index."
- Section 7.09 Employee Retirement System and Section 7.10 Pension Act Repeal. On a MOTION by Ronald Gilbert, and SECONDED by Cynthia Howard, it was unanimously VOTED to delete these sections.
 - Mr. Porter said he thought Manchester had their own retirement system, while Claremont is part of the State system. He did not think this language was necessary.

- Section 9.03 Transfer of Powers, Subsection a-2. On a MOTION by George Caccavaro, and SECONDED by Philip Osgood, it was unanimously VOTED to delete the following boards from the listing: Board of Assessors, Board of Recount, Retirement Board, Water Commission.
 - Mr. Gilbert said he would like to see CSB Community Center Board Listed.
 - Mr. Koloski explained there wasn't a Board for the new community center and that they are trying to work out legal issues regarding the Goodwin Community Center Board.
 - This led to a discussion of what the Commission really wanted and it was agreed that their intent was to have existing Boards and Commission continue.
- On a MOTION by Robert Porter, and SECONDED by Russell Fowler, it was unanimously VOTED to remove the word "following" from Section 9.03, Subsection a-1, and remove the listing of all boards, commissions and authorities in Subsection a-2.
- Section 9.10 Continuance of Chapter 551.
 - Mrs. Howard said she had done some research on this and Chapter 551 had something to do with wills and estates.
 - Mr. Porter suggested this section be passed over until the Chairman could research it further.

Mr. Osgood explained he had been looking at laws and found that the Charter Commission can set up a timeline for elections, removing of powers, basically a road map to streamlining the implementation of the new charter, if it is approved, so it doesn't take too long.

Mr. Porter suggested this be the first item on the agenda for the June 16th meeting. He felt this is very important.

Mr. Fowler asked if the Commission could receive minutes before the meetings. He doesn't have time to really read them before the vote is taken. The secretary said she would be happy to email the draft of the minutes to Commission members prior to the meeting. She asked that members check with her before they leave to be sure she has the correct email addresses.

Mr. Gilbert asked for clarification on the wording for the mayor's compensation. If the mayor is on a spouse's insurance and decides not to take the insurance we offer, does that mean he will get more money. Mr. Gilbert was told no. He asked if the Commission could put wording to that effect into the charter. Mr. Osgood said he felt the commission had it covered and referred Mr. Gilbert to the last section of the article that referred to no bonus or stipend.

Mr. Porter MOVED to adjourn.

Mr. Osgood stated he had several other issues to discuss before the meeting adjourned. He is not sure we are done with this charter and there are a few things the Commission might want to discuss.

The Commission received public input and hasn't really addressed:

- The Police Commission – They are now appointed and whether the Commission can write into the Charter that they be elected?
 - Chairman Caccavaro said this was covered in the New Hampshire RSAs.
 - Mr. Osgood felt the Commission should put in and let State tell us we can't.
 - Chairman Caccavaro said the RSAs clearly state how to appoint and how to remove, etc.
 - Mr. Osgood asked the Chairman to send him the specific RSAs so he can review them.
- Capital Improvements, many would like to have these go before the city for a vote.
 - Chairman Caccavaro there are ordinances and policies in place, just because the public wants something doesn't mean they should get it.
 - Mr. Osgood said town forms of governments vote on capital improvements ... many in Claremont wanted that form of government. The Commission voted and said they were not going down that road. But we should consider their request that capital improvements after a certain amount be voted on by the citizens.
 - It was suggested after elections, City Officials should have a training process of who they are, what they are, what their powers are and are not. Maybe the training could be done by the Municipal Association.
 - Mr. Koloski said this is offered and people don't go.
 - Mr. Gagnon said he knows the Municipal Association does offer that type of training.
 - Mr. Osgood suggested that there be something Claremont specific offered. New Officials need to at least be educated what their powers are and are not.
 - Mr. Fowler felt strongly that capital improvements or expenditures for large amounts should be put on a ballot. He said the Council has the option to put these items on the ballot. He said a Councilor can say they aren't comfortable voting on this and move it be put on ballot. He stated he was specifically referring to votes like the new community center.
 - Mr. LaCasse stated the Council has the power to vote, but are able to delegate it back to the people if they so wish
 - Mr. Koloski said he would like to know specifically what document says that the council can do that. He remembers specifically asking that question of the City Attorney when the vote for the community center was before the Council and was told no.
 - Chairman Caccavaro said he will research this.
 - Mr. Osgood said he feels that this is why charter commission passed ... concerns about spending.
 - Mr. Fowler said he would like chairman to investigate this question and would like him to ask more than one lawyer.

Chairman Caccavaro stated he feels the Commission will have one heck of a time to get the tentative charter passed.

Mr. Osgood said he feels good that he has done what he was supposed to do.

Chairman Caccavaro feels the Manager to Mayor form of government is what will hang the Commission up in getting the charter passed.

Mr. Koloski felt the hang up will be the decision to compensate Aldermen.

It was suggested the City should have had monthly meetings for the public to say if they felt the manager was doing his job.

Mr. LaCasse said this would be inconsistent with State law. Only the Council can terminate a City Manager.

Chairman Caccavaro stated he feels the Commission has done good work. If citizens are upset with one thing, they shouldn't throw the baby out with bath water.

Mrs. Howard said the reason they were all here is because the current system doesn't work. She suggested the City should have had strong language about infrastructure maintenance so there wouldn't have been an outdoor pool problem or the Goodwin Community Center problem.

Chairman Caccavaro said he doesn't disagree.

Mr. Koloski stated he heard what was said. He is coming up on six years as a City Councilor. In that time, three people have told him they wanted to get rid of the City Manager. This year has been the lowest public attendance to budget meetings that he has seen and this year there was plenty of opportunity for public input. He doesn't think the tentative charter will pass.

Mr. Fowler said the entire process had been set in motion to make changes. Even if the charter fails, he feels changes will be made.

Chairman Caccavaro said it isn't the type of government we have but the people we elect that will determine if this will succeed.

Mr. Koloski said if the charter is voted in, what is to stop the current City Manager from retiring, then he would be a citizen, and running for Mayor. All the people who are angry are going to sit up here and get paid for it.

Chairman Caccavaro said he has been very careful to keep the City Manager out of the discussions. He said he will say that Guy has done an excellent job of staying out of it.

Mr. Osgood said, if the City Manager runs and is elected, then it is the will of the people. He feels the Commission has created an excellent document with good controls over boards. This is a very good form of government, one that will vet everything better than it does now. Is it wrong, he isn't saying that, but it is not going to satisfy everyone. He couldn't vote for a town form of government. The Commission went to a big city (Manchester) charter and pared it down. He still feels big capital improvement have to go before the voters.

Mr. Porter's MOTION to adjourn was SECONDED by Paul LaCasse and unanimously APPROVED. The meeting adjourned at 8:32 PM.

Respectfully submitted,

Tracy Pope
Secretary
Charter Commission