Charter Commission
September 26, 2014
APPROVED October 2, 2014

The Charter Commission met in the Claremont City Hall Council Chambers on Friday, September 26, 2014. Chairman George Caccavaro called the meeting to order at 6:30 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 Nicholas Koloski, was recited in unison by those present.

Minute Approval

On MOTION by Ronald Gilbert, SECONDED by Paul LaCasse, the September 19, 2014 minutes were unanimously APPROVED as written. Nicholas Koloski abstained from voting since he did not attend the meeting.

Chairman's Notes

The Chairman explained that the purpose of tonight's meeting was to educate the public on the differences between the current City Charter and the charter being proposed by the Commission. He reminded the Commission that this will be their last meeting until the vote, between now and then they are free to do what they feel should be done. Tonight's meeting will be educational only; there will be no debate by those in favor or those against the proposed charter.

Educational PowerPoint Presentation

Vice Chairman Robert Porter gave a PowerPoint presentation (attached) which outlined the main differences in the proposed charter.

At the conclusion of the PowerPoint presentation, the meeting was opened for comments from the Commission.

Chairman Caccavaro said one of the questions raised at the last meeting was with regard to ballots and the ballot machines. There will be separate ballots for the state elections and the charter. The ballot machines will be programed to read both ballots.

Public Question and Answer Period

The meeting was then opened for questions from the public.

Kyle Messier, Ward 1, asked if the meeting could be rescheduled to a date when CCTV would be able to film. She said she knew of several people who planned to tune in to tonight's meeting and she was disappointed that the meeting was not being filmed. She felt this is an important community discussion that people would like to hear.

Nick Koloski said he had been asked by the Eagle Times when the program would air.

A MOTION was made by Robert Porter, and SECONDED by Nicholas Koloski, to reschedule the meeting.

Cynthia Howard said she would like to continue tonight's meeting and schedule another meeting that could be televised.

Raymond Gagnon felt the people are here and the Commission should hear what they have to say. The proper procedure would be to continue tonight's meeting.

Bernie Folta, Ward 3, felt the people present at tonight's meeting are here to take a position and want it aired. He also feels rigorous debate is educational.

Chairman Caccavaro said the Commission had had meetings which were all open to the public. The purpose of tonight's meeting and last Friday's meeting was to educate the public on the differences between the existing and proposed charters and to answer questions.

Russell Fowler commented that he and the rest of the Commission had given up every Friday night to meet. These meetings were all open to the public for questions and input. That was the opportunity to voice your comments, not tonight.

Ronald Gilbert explained that the Commission was obligated by law to only have one public meeting and the Commission has had three.

Raymond Gagnon said it is not the Commission's place to judge. He thinks we should listen and then continue the meeting (to another date).

Chairman Caccavaro agreed and reminded everyone that the purpose of tonight's meeting was not to grandstand, but to educate.

Robert Porter CHANGED his MOTION to read that the Commission continues with tonight's meeting to allow public input and then continue it to a night that CCTV will be able to televise the meeting. Nicholas Koloski who had SECONDED the original motion agreed with the change. The motion PASSED unanimously.

Bernie Folta, Ward 3, asked if people who spoke tonight would have the opportunity to repeat themselves when the meeting is telecasted on CCTV so they could get their message out.

Richard Seaman, Ward 3, voiced concern with what he felt were snide comments and a contentious atmosphere building already over a simple motion.

Russell Fowler said he doesn't have a problem with meeting tonight.

Chairman Caccavaro put the question to the Commission.

Phillip Osgood asked those present if they wanted to wait until the televised meeting or ask their questions tonight? He said the Commission wants to be open and transparent. If they don't want to waste time tonight and wanted to wait for a meeting that was televised by CCTV he would prefer tonight's meeting be cut short.

Chairman Caccavaro explained CCTV was not present tonight due to a misunderstanding. They had asked him if tonight's meeting was going to be the same as last Fridays and he had responded it would. When he realized there would be a lot more people present tonight, he contacted them to televise the meeting. They said they would try to get to the meeting. Apparently they were unable to.

It was determined there were several people in attendance that had questions and wanted to proceed with the meeting.

Bob Lovett, Ward 2, asked if when discussing term limits for the mayor position, had the Commission considered four or six year terms rather than the two year limit in the proposed charter.

- Robert Porter explained that the Commission had used the Manchester charter as a guide and that is what they had and it is also what the current City Charter has.

- Mr. Lovett responded by explaining he felt the first year would be spent learning the job, and the second spent trying to get re-elected.

- Mr. Porter said four or six year terms had not been considered.

Tom Rock, Ward 2, asked about the limits set for Board and Commissions; specifically, that you can't serve more than two consecutive terms. With these types of limits, how are you going to fill seats? He went on to say, he currently serves on the Zoning Board and the only reason he joined was after seeing an applicant not be able to have his application heard for two meetings in a row because there wasn't a quorum.

He also felt there were political ramifications because the proposed charter (Section 3.14a) says the members of any board or commission can't all be of the same political party. He felt this will be another issue in filling seats. His question was how do you get around this?

- Philip Osgood said the Commission thought they had taken that language out; unfortunately, it is too late to take out now. He believes with a change in city government, where people feel they are being heard and feel good about how public input is received, there will be a change in volunteerism for Boards and Commissions. He explained he had recently had a chance to look at the proposed charter with Secretary of State Bill Gardner. He said Secretary Gardner commented positively about the many opportunities for public input contained in the new charter.

- Chairman Caccavaro apologized that this was missed by the Commission. He said the Commission always tried to be non-partisan.

- Mr. Rock then asked if when volunteering for a Board or Commission, the City was going to have to inquire about political affiliation.

- Mr. Osgood said just one member from a different party would suffice to meeting the requirements of the proposed charter; he didn't think that would be a problem.

Richard Seaman, Ward 3, asked if the current Council had the ability to veto. He was told no. He went on to say the proposed charter allows the mayor veto power and a 2/3 vote of 8 alderman (6) could override the veto. Why was this veto power beneficial for Claremont?

- Philip Osgood explained with the strong mayor form of government the mayor will be the leader of the City, aided by the Board of Aldermen. The Commission didn't want to tie their hands. If the mayor is elected by the people and is trying to get something done and the alderman are convinced it isn't the way to go, the veto power gives the mayor one more avenue to pursue. If the mayor vetoes, in order for the aldermen to over-ride, a larger number of aldermen would be needed and the discussion would probably catch the media's attention and so the vote would be more public.

- Mr. Seaman asked what was the Commission trying to solve? He sees a lot of abuse coming from this. Why was there so much power in the hands of one person?

- Chairman Caccavaro said this was a checks and balance system. He said it was just like a motion being passed and then brought up for reconsideration and voted down.

- Charlene Lovett, Ward 2, asked if the City of Manchester charter had the veto power written in their charter. She was told it did.

- Mr. Seaman said he thought the Charter Commission was supposed to have improved the current charter. His question was still, what was solved by putting this into the charter?

- Bernie Folta, Ward 3, said the answer to the question was simple and longstanding … suspicion of power. That is the reason for veto power. Governors, Presidents all have it. Never trust power completely.

- Mr. Osgood said the proposed charter was changing the scope of leadership. Not one person is making all the decisions. There will be more involvement with boards and commissions, open discussions, and people have the opportunity to be heard.

Mike Satzow, Ward 2, asked what the Commission found wrong with the current City Charter that they felt it needed to be changed so drastically.

- Philip Osgood explained the people of Claremont felt they were not being heard. The proposed charter allows people to now be on board at the beginning of process, to know and understand what is happening. He said that is one of the things that impressed Secretary Gardner about the proposed charter.

- Mr. Satzow commented Bill Gardner was not from Claremont.

- Raymond Gagnon said he did not hear Secretary Gardner make any statements pro or con regarding the proposed Claremont charter.

- Mr. Satzow said if he didn't hold his current city councilor accountable, why would he hold the aldermen accountable. It is going to be same thing. He feels we need to change the role of citizens to get them more involved.

- Chairman Caccavaro said there is an underlying belief that the current City Council isn't responding. Whether this is true or not, the perception that it is is real enough. The Commission was trying to get a more responsive form of government.

Bob Lovett, Ward 2, asked if there was any thought given when the Commission used the numbers five and six with regard to aldermen votes required in the proposed charter.

- Philip Osgood explained the Commission had used the same percentages as in the Manchester charter; however, since we have fewer aldermen our numbers are smaller.

- Bernie Folta, Ward 3, explained five is a majority of eight, while six is a super-majority; different circumstances require different vote guidelines. Mr. Folta said he would like to ask Mr. Satzow what he felt is needed to ignite the people of Claremont to get them more involved.

Tom Rock, Ward 2, said with the strong mayor form of government, a person would be a Claremont citizen for one year, get on the ballot, get elected by popular vote and would have a $90,000 a year job for the next two years. Currently the Council looks for people, they are vetted, and then are hired but can also be fired by the Council. How is voting somebody in by popular vote for two years better than the current system?

- Nicholas Koloski commented it isn't which is why he wasn't in favor of this.

- The Chairman asked Commission members to refrain from stating their personal opinions.

- Robert Porter said people will be vetted who run for mayor.

- Chairman Caccavaro explained the Commission tried to have required public meetings for candidates and the State said it couldn't be done.

- Philip Osgood said rather than having applicants from all over the country and ending up with someone running the city who isn't from Claremont, you are going to have a mayor with committees who are helping him, collecting input from citizens, finding better ways to find what the community wants.

- Mr. Rock said the City Manager works for the City Council and can be fired by them. Aren't Council members the ones with the most power?

- Mr. Osgood said that was a true statement.

Neil Ward, Ward 1, said he sees the mayor's role in the proposed charter as the point man, someone he can vote in or out. Currently he has no say in keeping or firing the City Manager. Right now people feel they don't have a say.

Richard Seaman, Ward 3, asked how residency is defined. What do you have to do for the 12 months; do they have to live in Claremont all 12 months?

- He was told that residency is defined under the RSA laws.

Mike Satzow, Ward 2, asked if the mayor is paid $90,000/year, will a new Charter Commission be necessary to give a salary increase.

- Philip Osgood explained the proposed charter only allows the salary to be raised by a cost of living adjustment. We are looking for someone that wants to make a change in Claremont and is not here for the paycheck.

Richard Seaman, Ward 3 … Everyone will agree there is an ongoing undercurrent to reduce the cost of living in Claremont. One piece of the proposed charter will be the added cost of now paying alderman. We have never done this before.

- Philip Osgood explained the bottom line will be it is still cheaper than what we are paying now. The Commission felt that the increased mandated attendance and activity that will be required of alderman necessitated some compensation. He also noted these are stipends and the aldermen will pay taxes on the monies received.

- Cynthia Howard commented that the Cornish School Board pays stipends to its members.

Charlene Lovett, Ward 2, Asked if the proposed charter fails, what do the Commission members feel the most important parts of the prosed charter were.

- Chairman Caccavaro said he felt the referendums allowing citizens to pass or reject ordinances and the standing committees were very important parts of the proposed charter.

- Raymond Gagnon said five of the nine members on the Commission were, in the past or presently, City Councilors and during the discussions regarding standing committees, they strongly supported the importance of these committees. Also, the new Preamble was an important statement.

Charles Allen, Ward 3 stated people are going to give their opinions. He feels the proposed charter is a bad idea. He will be encouraging every voter to vote against it.

Tom Rock, Ward 2 questioned section 2.02d regarding the Board of Alderman being the final judge of an election.

- He was told this is the same as in the current charter and is commonly referred to as canvasing the vote.

- Mr. Rock told the Commission he appreciated the effort put forth by the Commission; unfortunately he couldn't say he appreciated the outcome.

Michael Satzow, Ward 2, asked about 2.11a regarding the mayor's ability to remove a department head, he feels it is opening the City to a lawsuit.

- Charlotte Lovett, Ward 2, asked if this language was contained in the Manchester charter.

- Chairman Caccavaro explained the language was the same; just the number of votes required was different because of the number of aldermen in each city.

- AJ Maranville, Ward 2, this is a strong mayor form of government, if the mayor thinks he has to get rid of a department head, it is his prerogative. In case it is a vindictive move, the Board of Aldermen have the ability to override.

Ronald Gilbert said there has been a lot of discussion amongst city employees of massive layoffs and firings if the proposed charter passes. No matter how much they are told these rumors are totally false and nothing is going to happen to city employees, it isn't believed. He wanted to stress the only major change would be there would no longer be an Assistant Mayor and the City Manager position would be switch to the mayor position.

Bob Lovett, Ward 2, if the proposed charter fails; will there be another commission in a few years? Can the Council implement portions of the proposed charter?

- The Council can propose another Charter Commission; however, there would still have to be a referendum and vote.

- Someone then said the Council can make changes to the City Charter without a Charter Commission.

- It was argued this was not true.

- Scott Pope, Ward 2, suggested rather than guessing what can or can't be done, he would like to suggest that the Commission find out.

- Bernie Folta, Ward 3, said the answer is contained in section 49B of the RSAs.

Chairman Caccavaro said he would have to check on the availability of the Council Chambers for the next meeting and the availability of CCTV to film.

A MOTION by Robert Porter, SECONDED by Joe Osgood, at 8:10 PM, to continue the meeting subject to arrangements by the Chairman for CCTV and room availability was unanimously APPROVED.

Respectfully submitted,

Tracy Pope
Secretary
Charter Commission