



For Immediate Release
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Contact: Roger Wilkins, 603-703-9181

*Statement on Hillsborough County Superior Court
Finding on City of Manchester's Spending Cap Petition Appeal:
NHAC Motion to Dismiss GRANTED*

Manchester - In these hard economic times, taxpayers cannot afford these lofty legal maneuvers by the City Solicitor in avoiding their responsibility. Attorney Joe Kelley Levasseur's motion on behalf of the Thee New Hampshire Advantage Coalition (NHAC) gave the taxpayers the upper hand over political interests today. From here, we need to start an effective dialog on the positive attributes of a spending cap - bringing the Aldermen's taxes under better control.

Roger Wilkins, President of NHAC and fellow petitioner stated "The taxpayers of Manchester and purveyors of good government were handed a huge victory today. We are happy that Judge O'Neill recognized that the Aldermen's action were clearly in violation of the Right to Know Law." Wilkins continues, "Thanks to the hard work of so many who fought to get this on the ballot and the hard work of Attorney Joe Kelly Levasseur, the taxpayers of Manchester will have their voices heard this November,"

BACKGROUND ON RULING

NHAC was the sponsor of the motion to dismiss based on 91-A:2 The Right to Know Law provisions. As Judge James O'Neil, III declared, "Solicitor Clark stated that no vote was taken...that those present reached a 'consensus'...(which is) is not sufficient to bring this (appellate) action on behalf of Manchester's governing body, the BMA." Judge O'Neil also instructs those challenging the voter's petition that "A majority vote of Aldermen was required to rescind the litigation." Thereby he instructs City Solicitor Clark that he "violated RSA 91-A: 2, I(c), THE RIGHT TO KNOW LAW."¹

¹ Hillsborough County, SS. Northern District (July 23, 2009). *City of Manchester v. William M. Gardner, Secretary of State; Kelly Ayotte, Attorney General; Kevin Clougherly, Commissioner* Docket No. 09-E-289. Manchester: State of New Hampshire.