

The Claremont City Council held a meeting on Wednesday, January 23, 2008, in the John Goodrich Room of the Sugar River Valley Regional Technical Center, 111 South Street.

The meeting was called to order by Mayor Pope at 6:35 p.m.

Members of the Council present were:

At-Large Councilor Thomas (Toby) Batchelder, III
Ward I Councilor David Roark
Ward III Councilor Richard Dietz
Assistant Mayor Deborah Cutts
Mayor Scott Pope (resigned before the end of this meeting)
At-Large Councilor Andrew Austin
At-Large Councilor Kyle Messier
Ward II Councilor Paul LaCasse
At-Large Councilor Robert Picard

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

OPENING REMARKS

Mayor Scott Pope

Mayor Pope said this meeting is for the Council members to meet the State Representatives and for the State Representatives to share legislative items affecting the city. He noted the Governor's State of the State address was today and some legislators would be running late. He thanked Maura Carroll from the Local Government Center; Matt Leahy, Senator Gregg's representative; Lisa Levine, Congressman Hodes' representative; Senator Bob Odell; Representative Ray Gagnon and the other legislators for being here. He thanked Don Tebo of the Tech Center for the set up at the last minute. He said the issues (retirement, mandates, laws, conservation issues, etc.) at the state legislature affect how the city does business.

City Manager Guy Santagate

Mr. Santagate said the amount of involvement from the congressional delegation, Senator Odell and Representative Gagnon has increased ten-fold since he came here six years ago. An example is that we've gotten earmarked funds for two projects: Draper's Corner (\$1.5 million) and the intersection of North and Main Streets (\$4.5 million). They will be funded 80% by federal monies and 20% by city dollars. There was a problem with the National Park Service and everyone jumped in to help get clearance on the mill projects. He thanked Senator Odell for his

help with CSI (Customized Structures) and other projects. He said to rest assured that funds provided to us will be used effectively in Claremont.

CITIZEN'S FORUM

Christine Corey, Ward 1, is concerned the Council is losing sight of the progress we've been making over the last few years. She is encouraged that there is a meeting on January 30th to deal with some of these matters. She is concerned about the failure to address, at the last Council meeting, a citizen petition. She read in the paper that a Councilor had violated the City Charter by trying to direct Department Heads. She urged the Council to deal seriously with this issue. She is concerned a Councilor divulged information acquired in a non-public session. Another issue is the Stop/Yield/Dangerous Intersection sign on East Green Mountain Road. It seems to her that something else must be behind this and that some people on East Green Mountain Road only wanted the intersection re-designed. The city cannot afford to do that and instead came up a temporary solution of a change in signage. But, the property owners didn't want that and instead wanted a road layout change. There was talk of people not wanting to develop in that area due to the road; so she wondered if someone wanted the city to pay for the road re-design to make it more attractive to a developer. Some of these matters are of concern and the people need to know that those who represent them will conduct the peoples' business in a lawful, professional and above-board manner.

Mayor Pope recognized Representative Larry Converse who had come in.

NEW BUSINESS

Legislative Update

Maura Carroll, General Counsel, NH Local Government Center

Ms. Carroll said the Local Government Center (LGC) represents all 234 municipalities in the state. They are following over 300 pieces of legislation this year. When they can't be everywhere, they try to focus on things that will have the most affect at the state level. Some of the issues they are dealing with affect property taxes, exemptions and the assessing process. Over the last six or seven years, they have seen a number of bills that try to make the property tax an income tax. They have taken the position that if there is any exemption adopted, it ought to be a local-option exemption. Any property tax exemption shifts the balance of who pays. One other issue dealing with assessing is House Bill (HB) 1310 which deals with income and expense information. Assessors have not been able to access commercial taxpayers' information. It is primarily those that have their property tax value based on leases or other kinds of income. Assessors do not want personal information; they just want to be able to value a property appropriately. If we can't do that, then the homeowners/residential property taxpayers make up the difference. There is nothing in the law, currently, to get that correct information.

Transportation Issues: Municipal Advocacy Committee had adopted a policy to support an increase in the gas tax to fund maintenance of roads. HB 1405 will provide a six cent increase in the gas tax. In the Labor Committee, House Bill 1469 makes safety a mandatory subject in

bargaining, it reduces the number of employees to certify a bargaining unit and it requires that an evergreen clause is used in each collective bargaining agreement. This is an Article 28A issue of the NH Constitution. This provision says the state cannot mandate any new program or modify any existing programs such that it would cost municipalities or local governments additional money. In the LGC view, binding arbitration and some other collective bargaining issues mandate additional costs at the local level and so violate the Constitution. NH Retirement System issues: They met with a federal mediator to discuss the looming crisis regarding retirement system costs. Some issues in HB 653 last year changed the funding methodology for the retirement system from open group aggregate to entry age normal which will increase employer costs, but in the long term should sustain the system so you won't see the volatility in rates. They were able to get a Local Government representative on the NH Retirement System Board of Trustees. At this point, there is no gain sharing. There is no money from "excess earnings of the retirement fund" going into the special account. Having that happen reduced the corpus of the pension such that we were at 57% funding. That is a dangerous place to be. There will be no gain sharing until the fund reaches 85% funding and that is perceived to be in 20 years. She recommended reading the report from HB 876 (Retirement Study Commission). Introduced last week, Senate Bill 463 would change the make-up of the Investment Committee of the Board of the System. Board of Trustees members would be required to have investment backgrounds. A letter that was sent dealt with the Litigation Fund that they are developing. One thing that happened was the Board of Trustees received legal advice from their attorney saying it was not legal to deal with the medical subsidy account in the way that they had been doing it (25% of employer contributions going directly into the Medical Subsidy Account; taking that 25% from the special account, moving it into a special medical account and reimbursing the corpus of the pension fund). The bottom line is that employers were made whole which was the intent from the beginning. All of the medical subsidy was supposed to be paid from the special account. The attorney said you can't take the money from the special account to reimburse employers. The Board of Trustees voted to just follow the portion of the law that their attorney said was okay to follow. The portion they said was in violation of IRS (Internal Revenue Service) regulations they are ignoring. What that does is add 25% to employer contributions to fund the medical subsidy. In this biennium, that will be \$128 million. From the LGC perspective, that is a 28A issue. It was never intended to be an employer cost. They are encouraging cities, towns, counties and school districts to participate in a lawsuit that would determine whether we are dealing with a constitutional violation.

Mr. Picard asked about the distribution of the gas tax. Ms. Carroll said cities and towns get 12%; the rest goes to the state. Department of Health and Human Services, Department of Safety, Fish and Game and others get a piece. The intent is to change it so Department of Transportation (DOT) would get more of that money and to find other revenue sources for the other departments.

Mr. Santagate said it was a good start to have people with a finance background on an investment committee. On the assessment side: for commercial/industrial properties, he suggested if income and expense information is not provided, the property owner should be prohibited from appealing the value that the Assessor sets. Pension fund increases are being

picked up by the cities. The pension system has to be fixed. We are picking up a lot of those costs locally and we have our hands full.

Ms. Carroll said the way the retirement system is set up, cities, towns and public employers are the risk takers. One important thing is that COLAs (cost of living allowance) as recommended by the commission would be funded by a 2% increase on employee costs and not employers. Mr. Santagate said that it is so easy to underfund something that won't happen until 20 years out. So, it has to be pressured into happening, because it is too easy to push it off and it drifts.

Mr. Austin asked about property tax exemptions. Ms. Carroll said there has been a proposal for an exemption for Masonic lodges; there has been a recommended change in the elderly exemption; they typically see suggested changes in the veterans' credit and the disabled credit. One thing that has gotten a lot of attention is the pollution control credit.

Ray Gagnon, who serves on the Municipal and County and also State and Federal Veterans Affairs, questioned what the impact would be on cities and towns with a suggested change in the definition of the veterans' exemption. All things have a spin effect.

Mayor Pope asked how the recent downturn in the Stock Market has affected the retirement fund investments. Ms. Carroll said the contribution rates change every two years. There will be no change in the current contribution rate until July 2009.

Mr. Picard asked about gambling to help with funding. Bob Odell said in the Ways and Means Committee, there are two bills coming up dealing with casino gambling. There is a question of the level of support these bills would receive. The question would be, is this the kind of business we would want in NH. In other communities, this has had a devastating effect on local businesses where these businesses are. Revenues from slot machines in Connecticut and New Jersey have been dropping. In NH, this would be a local market. This would not likely be a destination market.

Ms. Carroll said they are entering their legislative policy development process. If there are any issues that we want NHMA (NH Municipal Association) to support in the next two years (2009-2010), to get those suggested policies to them for discussion. She noted Ms. Taylor, City Solicitor, serves on the LGC Government Affairs Committee.

Matt Leahy for Senator Judd Gregg

Matt Leahy noted Senator Gregg has been able to secure some federal earmarked funds for the mill redevelopment project and the downtown area. The Senator wants to keep working on local development issues. Securing earmarks is difficult so that is why it is important for the city to identify top priorities to help carry out local missions/goals. The Senator sits on the Senate Appropriation Committee and is in a good position to help out with that. Some key programs in the 2008 federal budget are: Community Development Block Grant (CDBG) – \$4 billion, slight increase from 2007; Newmarket tax credits, the authority for the program expires this year with legislation pending to extend it through 2013; Brownfields - \$163 million.

Ms. Messier asked about interest in historic buildings and accommodating ADA (Americans with Disabilities Act) issues for second floor living quarters. Nothing that Mr. Leahy was aware of. Ms. Messier requested that be put on the list.

Mr. Santagate said that \$1 million Brownfield money was used in the Sawtooth clean up. Layering Newmarket tax credits with historic tax credits is the key and he is glad to see they'll be extended.

Mr. Roark asked about updates on the Real ID Act. Mr. Leahy said he can find out.

Mayor Pope thanked Mr. Leahy for his work and extended an invitation to Senator Gregg to come back when the weather is warmer.

Mayor Pope welcomed Representative John Cloutier who had just arrived.

Chris Collins for Senator John Sununu

Chris Collins broke his leg while skiing and was unable to attend.

Lisa Levine for Congressman Paul Hodes

Lisa Levine brought greetings from Congressman Hodes. She said Claremont is a very top priority for him. She said he wants to hear from citizens about what he can do to help the citizens of Claremont. The Congressman is focused on constituent services. He is committed to helping people cut through the red tape to get their benefits (veterans, immigration issues, Medicare, Social Security). He is focused on things that directly impact Claremont. The first bill he introduced was the Northern Border Economic Development Act. It creates a commission which covers the northern portion of Maine, New Hampshire, Vermont and New York. It gets federal funding for economic development in the region which includes Sullivan County. The bill is pending in the Senate. If it becomes law, \$40 million each year can be appropriated for that commission for the region. They will seek advice from the cities and counties on economic development projects. The goal is to have communities present their needs to the Commission. His goal is to have that bill enacted this year. He was pleased to have been able to bring over \$200,000 in earmarked money for the New Community Center.

Mr. Austin asked how soon before the Border Economic Development Act will be passed. Ms. Levine said they are waiting on the Senate and hope it will happen this year. If it doesn't pass this year, Congressman Hodes will reintroduce it next year.

Mr. LaCasse asked about money for energy (green technology). Ms. Levine said it's one of the Congressman's top priorities to help city and school buildings to get tax credits to get energy efficient systems. There are provisions in the energy bill to help increase the use of renewable fuels. Mr. LaCasse asked when funds would be available if it passes. Ms. Levine said she would

have to check. It would come in the form of tax credits. Mr. LaCasse asked that that information be referred to Mr. Santagate.

Ms. Cutts supports Mr. LaCasse's request. Sullivan County led the way for a solid waste collaborative through Antioch Institute. She asked if there will be any incentives for communities. Ms. Levine will check and get back in touch with Mr. Santagate. She said they are aware of the solid waste collaborative and are working with the county on that project.

Mr. Austin asked if there will be tax credits to individual homeowners as part of the bill. Ms. Levine will check and get back with the City Manager.

Mr. Roark asked about laws on illegal immigration. Ms. Levine said the Congressman went to the southern border and will go to the northern border to see what is going on with customs. She'll get a report from him. She believes the Senate and House are focused on that issue. Mr. Leahy will get back on the details of what is in that appropriation bill.

Senator Bob Odell

Senator Odell said the retirement system has gotten out of hand. The COLA process punishes people like teachers. We have one of the lowest performing investment programs in the U.S. This investment committee has become very important. The state has a revenue plan for the 24 months of the biennium. For the first six months we were doing fine; we were down \$6 million out of a budget of \$100.2 billion. But refunds for corporate taxes had to be done in January and now things are off. The Governor has put into place a policy of no new money unless it is an emergency situation. For example, court security is inadequate, but we can't change it due to the money situation. There was a proposal to give people on Temporary Aid to Needy Families (TANF) an extra \$250 per month for housing. This would come from TANF reserve. But the problem is if that reserve is used up, we wouldn't have any reserve to take care of the people it serves now. That means the Welfare offices will see these people. The most important issue is education funding. It affects economic development and the spirit of people. The state Supreme Court ordered the legislature to define the cost of an adequate education and funding source. The Legislative Committee defined an adequate education by June 30th of last year. The next step is costing an adequate education. That must be done by February 1. It was determined in trial votes that the state define an adequate education as costing \$3,450 for every student in NH. Multiplying that by 200,000 students would equal \$680 million dollars. Currently we are spending \$900 million. The targeting comes in for special needs schools and special education. We have a limited pool of money. By June 5th they will have made a decision on how much public education will be funded from the state level. Other optimistic issues – Environment: renewable fuels; regional green house gas initiative (he is a co-sponsor), lower carbon levels.

Mr. LaCasse asked about the impact of school funding on Claremont. Mr. Odell said if nothing happens, the court will make the decision for us. The other thing that happens is that the grant for Claremont is reduced, but cost will not be reduced and therefore the community will have to pick up the difference. Communities with special needs schools will be hurt the most. Mr. Santagate said the formula is too narrow. Mr. Odell said before they leave in June, they will

have to get this resolved. If resolved the wrong way, those with the greatest needs will be the losers.

Mayor Pope asked about the last formula. Mr. Odell said the Governor's plan was more helpful to the kind of communities he is most concerned about. We are living under the Gatsis formula now.

Ms. Cutts said she is offended by the current situation.

Senator Odell said they are limited by having to use a statewide standard and not one by community.

Representative John R. Cloutier

Representative Cloutier said we have three major challenges: education funding, retirement system and transportation funding. The challenge is to provide the necessary services without overly burdening his constituents. He said education funding and the retirement system have already been covered tonight. He is a member of the House Public Works and Highways Committee. The third major issue is transportation funding. The turnpike fund is turning around due to toll hikes. He is doing what he can to support projects in our area so funds don't get sucked into the I-93 project. The major thing his committee will do is the update to the state's 10-year transportation plan. Hearings start on Tuesday, February 5th, in Concord. He encouraged the city to send a representative or he said he would be happy to take a letter on behalf of the City Council. The 10-year plan comes from local input. Until recently, the 10-year plan had become a 30-year plan, because there was not enough money to fund all of the projects. The gas tax has not been raised since 1991, but the Governor is opposed to a gas tax hike. The toll revenue will fund the turnpike system. We will have to reduce projects. There are a lot of other communities fighting for the highway dollars. He is concerned about highway aid. 12% of the gas tax goes into the fund for highway aid and Claremont gets a portion of that. Some other agencies take some of the highway funds and he questioned some of those takings. They are looking at how they tax alternatively fueled vehicles. He introduced a bill for a study commission. He is willing to consider a gas tax hike. He voted not to participate in the Real ID program. It is an unfunded federal mandate. If we do not participate, NH residents may not be able to board planes or enter federal buildings. They just passed a bill today encouraging the state government to set an example by encouraging more recycling. He would favor a better tax (income, sales, etc.) to reduce property taxes. He is a member of the County Delegation and they are proposing to build a smaller prison, because we can't afford a large one. The County is having problems with the nursing home. He will do what he can to support the County Commissioners on that. He suggested the Council get together with the County Commissioners.

Ms. Messier asked about the road projects at Drapers Corner and North and Main Streets. Mr. Santagate said it is earmarked for \$6 million, \$1.5 million for Drapers Corner and \$4.5 million for North and Main Streets. Claremont will pay about \$1 million and approximately \$5 million will come from the federal government. Design work has begun on both projects. Drapers Corner is scheduled for 2010 and North and Main is scheduled for 2012.

Mayor Pope said at some point in the near future, he will invite the County Delegation to the Council.

Ms. Cutts talked about elderly exemptions and that Claremont reviews them every year. She said that the elderly people don't want a free ride; they want to earn more and not get penalized. They want to not count their Social Security income. She would like to see creative incentives for the elderly. Mr. Cloutier said it might be worth exploring.

Representative Larry Converse

Representative Converse said Mr. Cloutier covered most of what he was going to say. He said at the County level, we are in trouble. The Commissioners have done about \$80,000 worth of cuts, but that won't cover a \$2.5 million deficit. Mr. Santagate asked if that was last year's deficit. Mr. Converse said yes. At the end of the fiscal year, there were encumbrances, but no money to go with it. Mr. Santagate said he hopes it's not compounded for two years.

Mr. Picard asked about accountability. Mr. Converse said the County Commissioners go through the budget, but didn't know about the encumbrances until July 5th. Ray Gagnon said you have to question the skill level of the people involved. They had a meeting in April or May with the accountant and was told there would be a \$400,000 surplus. It didn't make sense that they were talking about funds that didn't exist.

Representative Raymond G. Gagnon

Raymond Gagnon said we need to coordinate and work together (jail, school, etc.). When he was born, there were 13 representatives in Claremont there are now 5. The entire Sullivan County delegation is 13 out of 400. He stressed the reps need to hear from the city and that the city gets "points" for showing up in Concord. It makes more impact. We need to get the biggest bang for the buck.

Mr. Austin asked why were cut back on reps. Mr. Gagnon said population.

Mayor Pope opened the floor for questions.

Mr. Picard asked about No Child Left Behind (NCLB). Mr. Leahy said there is no consensus on how to reauthorize it. Ms. Levine agreed and said that Congressman Hodes is concerned about requirements that are not working. He would like to hear from everyone about what is working and what is not working. Mr. Picard suggested either fund it completely or eliminate it.

Mr. Roark asked about the work progress for Route 11. Mr. Cloutier said it is pretty much done. The Claremont section is completed. The Newport section will be done in the spring.

Mr. Gagnon talked about exemptions and introducing a bill. Mr. Cloutier said the deadline has passed for this year. Mr. Odell said in the fall: you request drafting legislation; sign off; made

into a bill; hearing in House and then voted on on the floor. Mr. Gagnon suggested in August or September to get together to discuss issues that could be submitted as legislation to help Claremont. Mr. Odell suggested development requirements for second floors of historic buildings. Mayor Pope thought that was a good idea and asked Mr. Gagnon to remind him or Mrs. Russell in June to schedule it.

Ms. Cutts encouraged Congressman Hodes to touch base with teachers on the NCLB Act. It's not all bad.

Mr. Batchelder thanked the reps and said Claremont has a more positive light because of their efforts. Mr. Cloutier said he stands strong for his home community.

Mayor Pope thanked each one for attending.

Representative Thomas E. Donovan

Was not present.

Representative Ellen Nielsen

Was not present.

RECONSIDERATION OF PLANNING BOARD APPOINTMENT

Ms. Cutts said tonight's agenda includes a reconsideration of a Planning Board appointment and the January 30th agenda includes an item for Process and Procedure – Appointments to Boards and Commissions; these two agenda items are related. These actions are not intended to be an action in favor of or against any specific person, but her attempt to assist the Mayor to regain and maintain proper procedure, due process and order for this Council's deliberations. She is concerned that the appointment to the Claremont Planning Board made at the January 9th Council meeting was made without following proper procedure and was without proper decorum. She believes the Council needs to re-address that action in order avoid setting an undesired precedent. The outcome may not change, but the process and the Council's credibility will be preserved.

A motion was made by Ms. Cutts and seconded by Ms. Messier to reconsider the appointment of Paul LaCasse to the Planning Board.

Mr. LaCasse suggested the motion to reconsider is not a valid motion under Roberts Rules of Order. Ms. Taylor noted that Council Rules, Rule 33, specifically states that the Council Rules are to be followed with Roberts Rules not to be followed unless the particular situation is not addressed in the Council Rules. Reconsideration is addressed in Rule 32.

Mr. Picard asked which procedure was violated during that process. Ms. Cutts said she was not sure that violated was the right word. It is important to use this as an educational opportunity for

new Councilors. The procedure not followed during the Appointment to Boards and Commissions was: Mayor stating moving on to Appointments to Boards and Commissions; noticing the applicants in packets; Council took moment to review applications; and then he would open it to a motion for a nomination. At the January meeting there were four applicants for the Claremont Planning Board. The Mayor did not go through the process (noticing that section, noticing the applications and giving everyone an opportunity to make a statement). The other part not followed correctly was she did not hear an opportunity for nays because things were moving so quickly.

Mr. LaCasse believes Mayor Pope had asked if there were any other nominations for that position; there was a vote and everyone was affirmative. Ms. Taylor said before you can debate the merits of the motion to reconsider, you need to determine if you will reconsider the vote. If the vote is to reconsider, then you can debate tonight or at the next meeting whether to vote yea or nay on the motion.

Ms. Messier said six members are new to the Council. She agreed with the motion to reconsider because it went too fast. When it was discovered that the forms were not filled out properly, it was not acknowledged. Citizens are expected to fill out the forms completely. She read the two questions that were not answered on Mr. LaCasse's application.

Are you related to any city employee or member of any city board/committee, or have you ever conducted business with the city, any of its employees or members of the city's boards/committees? Provide details.

Have you now or have you ever been cited for violating any local, state or federal ordinance, law or regulation related to land use, property maintenance, International Building Codes, or other legal requirement pertaining to the subject of the Board/Committee for which you are applying? Provide details.

She doesn't want to set a precedent that Councilors are different from citizens.

Mr. Picard said in addition to looking at Mr. LaCasse's application, he also looked at the resume. He noted that Ms. Cutts filled out her application at the last minute, so he did not see the difference. Ms. Cutts clarified that she did not apply for the position. We did not follow the regular process this Council had become accustomed to following. The motion to reconsider is about following process and procedure. It has worked well. There is nothing about the January 9th meeting that followed decorum or proper procedure. The public needs to have faith in what we're doing.

Mr. Austin said he is for the betterment of his city. He had not seen a meeting run like the last one. It seemed to him the whole meeting was out of order. He has heard from the public. If we go forward, we will set a precedent.

Mr. Dietz doesn't think the motion to reconsider is appropriate because according to Section 36 of Roberts Rules of Order, the motion to reconsider can only be made on the day of the vote.

Mayor Pope said he watched the video three times. There was a motion and second; the application was filled out and there were other applications filled out that night as well; he asked for all in favor (did not ask for other nominations) and he asked for all opposed and heard no voices. He accepted his share of blame. He let some things go due to his comfort with the past Council. He had asked that they speak in order. Respect person presenting item to get background before discussion occurs and motion is made. If Councilor is sponsoring an item, they deserve the courtesy to speak to that item. He will give priority to those who have not spoken. From now on, according to Rule 16, all votes are to be roll call votes, even minutes, for clarity. For board appointments, he will ask for nominations unless there is only one application. The meeting of the 30th will be a training issue. It is important in the application process to identify conflicts. He will bring more information to the Council on that. He accepts his share of the blame, but he followed the process and did best he could.

Mr. Picard is in favor of roll call votes. He said that for the Planning Board appointment vote, he heard no nays.

Ms. Messier read Council Rule 32 that permits reconsideration of any action at the same or next succeeding meeting. She is concerned with the non-answers on the application.

A motion was made by Ms. Messier and seconded by Mr. Austin to move the question.

Roll Call Vote to Move the Question: Motion failed 3-6 with Mr. Batchelder, Mr. Roark, Mr. Dietz, Ms. Cutts, Mr. LaCasse, and Mr. Picard voting no.

Councilors discussed Council Rules versus Roberts Rules, public notice and revised agenda.

Since Council is reconsidering the Planning Board appointment, Mr. LaCasse thinks it is fair to reconsider all votes from the January 23rd meeting. Ms. Cutts believes the rest of the appointments seemed to follow the procedure and decorum that she had become used to. It was just the first one that did not. Mr. LaCasse does not believe that was the intent. He believes that none of the nominations required any of the paperwork that was requested. He believes according to Roberts Rules that a nomination is a nomination.

Mr. Picard said the first motion delayed until after break. It was not rushed. This is personal vendetta.

Mayor Pope said try to keep from being personal.

A motion was made by Ms. Cutts and seconded by Mr. Austin to move the question.

Roll Call Vote to Move the Question: Motion failed 4-5 with Mr. Roark, Mr. Dietz, Mr. LaCasse, Mr. Picard and Mayor Pope voting no.

Mayor Pope said he will not vote in favor of this not because he doesn't agree there is some decorum that should have been followed. He believes the appointment was made following some sort of a good process. Future appointments will be handled through a roll call vote. The process was followed; there were some errors made; it could have been done differently.

Ms. Messier is concerned the Council is setting a precedent that the citizens filling out the forms is not the same as a City Councilor filling out the forms. Mayor Pope will keep an eye on that in the future.

Ms. Cutts said according to Mr. LaCasse's words, he didn't think an application was required. She has no doubt those types of interactions will continue. She wants to focus on the proper procedure and encouraged people to have more faith in the proper procedure. She may ask the City Attorney about setting a precedent. She stated due to Council rule change, there needs to be public input on this agenda item.

Mr. Roark will support a motion to reconsider to include his appointment. Mayor Pope said reconsideration is a stand-alone motion. Ms. Taylor said we would need a separate motion to reconsider Mr. Roark's vote. Mr. LaCasse said he didn't agree with the process.

Mr. Austin said they are still trying to bring in personalities. The procedure is the problem and if the Mayor doesn't take a firm stand, Mr. Austin said he didn't feel he belonged on this board.

Ms. Cutts said she appreciates Mr. Austin's support, however they were elected and have a term to serve and they should help the new people. She hopes the Mayor takes a firm stand tonight. Ms. Cutts does not see a down side to voting in favor of the motion.

Mr. Picard asked Mayor Pope if he feels he's being blackmailed.

Mayor Pope said he didn't appreciate the tone and then he opened the floor to the public.

Bernie Folta, Ward 3, said democracy is not pretty, but he thinks it is good, good, good.

Christine Corey, Ward 1, said she believes in Claremont, but what is going on tonight is deplorable. She said Mayor Pope set the ground rules, but they are not being followed by a few individuals at the meeting.

Mayor Pope said at that point he did not believe he could effectively run the meeting anymore, so he asked the Council to accept his resignation. Then he left the meeting.

Assistant Mayor Cutts looked to Ms. Taylor to determine how to continue the meeting.

Ms. Taylor suggested that Assistant Mayor Deborah Cutts could table the motion to reconsider and continue it to the next meeting.

Ms. Cutts stated she did not accept Mayor Pope's resignation for the same reason she would not accept Mr. Austin's resignation. Mr. Picard agreed. Ms. Taylor said procedurally it would be appropriate to ask for a motion to table this discussion until the next meeting. Tabling the motion keeps it active until it is taken off the table.

A motion was made by Ms. Cutts and seconded by Mr. Austin to table the motion until the January 30th meeting.

Mr. LaCasse made a motion to adjourn. Ms. Cutts did not recognize his motion as a motion was already pending before the Council.

Mr. Picard said he won't resign. We've got to work together or it will be a long two years ahead.

Ms. Messier would like tone to stay moderate. This is not personal issue.

Roll Call Vote to Table the Motion: Motion carried 6-2 with Ms. Messier and Mr. LaCasse voting no.

Ms. Cutts requested the Mayor reconsider his resignation and that she doesn't accept his resignation. Mr. Picard agreed.

ADJOURNMENT/CONSULTATION WITH LEGAL COUNSEL

At 10:04 p.m., a motion was made by Mr. Batchelder and seconded by Mr. Dietz to adjourn to consult with legal counsel.

Motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council