

The Claremont City Council held a special meeting on Wednesday, January 30, 2008, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Cutts at 6:30 p.m.

OATH OF OFFICE FOR MAYOR

Gwen Melcher, City Clerk, administered the oath of office for Mayor to Deborah Cutts for the second time (previously had been done January 28, 2008) to complete the term of office for Scott Pope who resigned January 23, 2008. Term expires December 31, 2009.

Members of the Council present were:

At-Large Councilor Thomas (Toby) Batchelder, III
Ward I Councilor David Roark
Ward III Councilor Richard Dietz
Mayor Deborah Cutts
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

MAYOR'S NOTES

Mayor Cutts thanked community members for coming tonight. She noted the process outline for public input. She thanked former Mayor Scott Pope for his service to the community and on the Council. There will be a special celebration for him in March. She clarified that she and Mr. Pope had several sessions discussing agenda, order of agenda items, and items Councilors would need to be able to make informed decisions. She will schedule a workshop in March. She reminded the Council that the Council Rules and Regulations and Charter will be followed unless there is no reference and then Roberts Rules will be followed.

OLD BUSINESS

Councilor Requests for Information

Mayor Cutts talked about Councilor requests and the impact of not managing those requests is that City Staff and Councilors would not be able to share the knowledge. To keep all Councilors in the loop is the purpose of this topic.

Ms. Messier said the goal should be that all Councilors get the same information at the same time. She proposed a solution: Requests from Councilors go through the Mayor. 1) If the information is needed before the next Council meeting, the Mayor would send it directly to the City Manager who would give the answer at the next meeting. 2) If the question is not urgent, the Mayor can put the request up for discussion at the next Council meeting. If voted through by the Council, then the question could go to the City Manager to answer at the following meeting or at a negotiated timeframe. Mr. Picard liked Ms. Messier's suggestion. The key is to get the information at the same time. He would also like to get, at the same time, the information that the Mayor gets at City Hall. Mr. Batchelder agreed with Ms. Messier and Mr. Picard.

A motion was made by Ms. Messier and seconded by Mr. Austin that Councilor requests for information would be submitted to the Mayor and would be forwarded to the Manager immediately and if the request reflects current agenda items or topics of discussion for the Council or is of an urgent nature, then it will be answered at the next meeting. Those items not falling into those categories will be presented for Council discussion at the next meeting with disposition decided at that time.

Roll Call Vote: Motion carried 8-0.

Citizen's Petition

Mayor Cutts asked Mr. Picard to join the audience, which he did. There are two petitions for the same subject: one has seven names and the other has 13 names and they are dated January 2nd. The petition is that neighbors disapprove of Mr. Picard running his waste disposal business in their neighborhood. They are concerned about odors, varmints, and wildlife. The second document is a letter dated January 3rd signed and delivered to Mr. Santagate. Chris Melcher, 22 Cedar Street, wrote because of his concern for Mr. Picard running his business at 36 Cedar Street. Mr. Melcher feels Mr. Picard should be removed from the City Council and that on December 17, 2007, at a Zoning Board meeting re: Mr. Picard's code violation, Mr. Picard made a threatening comment about a concerned citizen, Mr. Descoteau, ("he needed to get punched in the head"). He feels Mr. Picard needs to show a better attitude and be more positive and listen to other citizens' concerns and obey the City Codes.

Mr. Dietz stated these petitions allege zoning violations and the Council does not have jurisdiction concerning zoning violations. He recommended the petitions be turned over to the zoning administrator for investigation and then Mr. Picard could present facts to the City Solicitor. The Council is a legislative body, not code enforcers.

Mr. Austin agreed with Mr. Dietz on the first issue, but the threat should be referred to the Police Department.

Mr. Roark asked if law enforcement had investigated this. Mayor Cutts was not aware of that.

Mr. LaCasse asked Ms. Taylor for her legal opinion. Ms. Taylor said it was not appropriate for her to give an opinion. It is up to the Council to determine how to dispose of it.

Ms. Messier said a third issue is that the petition requested Mr. Picard to step off the Council and she asked about the procedure. Mayor Cutts pointed to the Charter item #28 which covers criteria and process for removal of the Mayor, Assistant Mayor or Councilor.

Mr. Austin pointed out the Code of Conduct would be worth looking into.

Mr. Batchelder agreed with Mr. Dietz about turning the matter over to the zoning administrator. The investigation of a threat should go to the Police Department. As for the removal; there needs to be more discussion.

Mayor Cutts opened the floor to the public.

Carolyn Towle, Ward 1, said this petition had already come in front of the Zoning Board. Mr. Picard withdrew after a heated discussion.

Heather Irish, Ward 3, was sitting on the Zoning Board at that meeting. She agreed the zoning should be looked at, however it was withdrawn by Mr. Picard. Councilors need to be above reproach. It was a very heated discussion, but it was civil. There were complaints filed by his neighbors on the property. There needs to be an investigation.

Dulcy Melcher, Ward 2, said the petition was to have the garbage containers and garbage trucks removed from the street. At the December 17 Zoning Board meeting, Mr. Picard's demeanor was unprofessional. She read from the City Codes about home occupation. She read the variance requirements. At the 12/17, meeting Mr. Picard admitted that his wife had complained about the odor. Containers are stored on the lawn. She is concerned about fungus and bacteria and said there is an increase in rodents. There is a swamp behind them and .1 miles in front is the Sugar River. A realtor told her if she were to sell, she would not get full value for her home because of the trucks and containers. The trucks are causing excess harm to the streets. Out of nine houses on Cedar Street, seven houses signed a petition. This is a congested area, with an average land area of .17 acres.

George Caccavaro, Ward 2, said the issues on zoning should be taken to the Zoning Board. He suggested the person who was assaulted should be the one to call the police.

Bernie Folta, Ward 3, is a member of the Master Plan Advisory Committee (MPAC). One of the things the committee heard is that there is a desire to encourage tradespeople to have work associated with their homes.

Chris Melcher, Ward 2, is concerned that kids playing on the ground may come in contact with dead rodents.

Darwin Beman, Ward 2, lives across from Mr. Picard and smells are not an issue. He has a diesel truck for his work and noise has not been an issue. Rodents are not an issue for him. All the houses on Mr. Picard's side of the road border a swamp.

Chris Irish, Ward 3, said the question the Council should be asking is is this Councilor violating any city ordinances or codes. If he is breaking the law, that is grounds for removal. He asked if Mr. Picard had been cited for violating any city ordinance.

John Gatto, Ward 2, lives across the street from Mr. Picard and uses Mr. Picard's waste disposal service. He has not noticed any rodents or foul smell.

AJ Marranville, Ward 2, suggested this matter should go through the departments and if there was a criminal threat, the Council has no jurisdiction.

Robert Picard, Ward 2, said the first complaint from Mr. Melcher was dated July 24. The original complaint was that Mr. Picard was running a garbage pickup business out of his home dumpsters. He showed Ms. Taylor tipping slips to prove that his truck was emptied daily. From July 24 to October 5, he heard nothing from the city. On October 5, he said the city called the state and on October 15 they did a complete inspection. The complaint was unfounded. In the process, the city wrote him up for his wife's daycare being incompatible with his business. His attorney said he has a right to have his trucks on his property. For the last 2-3 months, he has only had two dumpsters on his property, one for his cardboard and one for rubbish. He doesn't know what codes he is breaking. He said he doesn't meet the definition for home occupation. If the city decides he is in violation he will attend to it.

James Saucier talked about his background. He said he is disabled and retired from the city since 1986. He offered his support to Councilor LaCasse. Mayor Cutts said this was not the appropriate time to speak on this item. Citizens' Forum would be a better time.

Mr. Austin said based on Mr. Caccavaro's comments, he withdrew his suggestion to take the matter of the threat to the police and suggested the victim contact police.

A motion was made by Mr. Dietz and seconded by Ms. Messier that the petitions be turned over to the city zoning administrator for investigation with a report back to the City Attorney.

Mayor Cutts asked to amend the motion to share the findings with the Council. Mr. Dietz doesn't think it's the Council's jurisdiction. He thinks it is up to the zoning administrator to process it. Mr. Dietz said Mr. Picard has a right to a hearing.

Mr. Austin and Mr. Roark agreed the Council should know the outcome.

Ms. Messier reiterated Mr. Irish's question and asked if Mr. Picard is under any violation at this time. Ms. Taylor said the dialogue was suspended when the petition was received pending the desires of the Council.

Mayor Cutts agreed the Council does not have authority on zoning violations, except the violation of the ordinance and that would fall under the purview of council. To her knowledge, it has not been reported to the Council by staff that Mr. Picard had been cited for a zoning violation. Her understanding was the Council wanted to refer the issue to the appropriate department for a definitive decision. The Council still has an obligation to hear the outcome of the review and if there is a zoning violation, the Council is obliged to act.

Mr. Dietz doesn't believe the Council should get involved with zoning cases. He said he is not in violation. We shouldn't go on a witch hunt. There is a zoning officer and it is his job to make a determination. If he finds a violation, he can turn the facts over to the City Solicitor for prosecution. Mr. Dietz said it is not up to the Council to monitor it.

Mr. Batchelder doesn't view it as monitoring, it is closing the loop. He believes the Council should be advised of the outcome. He will vote no unless the motion is amended.

Mr. Austin agreed the issue belongs with zoning, but because they were served the petition, the Council deserves to know outcome. If there is a violation, it falls under the Code of Conduct.

Mr. LaCasse doesn't see reason to know the outcome of the zoning administrator's decision. He sees no need to amend the motion.

Ms. Messier withdrew her second. She would like to close the loop and hear the outcome.

Mr. LaCasse seconded the motion.

Mayor Cutts clarified that there is a citizen petition. The zoning issues will go to the appropriate staff. Councilor conduct/compliance is clearly delineated in the Code of Conduct and the Charter. She will vote against the motion as is because it is the Council's obligation to allow the appropriate review to take place, have it reported to Mr. Picard and to the Council so that deliberation can take place and close on the petition that was given to the Council.

A motion was made by Mr. LaCasse and seconded by Mr. Dietz to move the question.

Roll Call Vote to Move the Question: Motion carried 7-0.

Roll Call Vote on the Motion (A motion was made by Mr. Dietz and seconded by Mr. LaCasse that the petition be turned over to the city zoning administrator for investigation with a report back to the City Attorney): Motion failed 2-5 with Mr. Batchelder, Mr. Roark, Mr. Austin, Ms. Messier and Ms. Cutts voting no.

A motion was made by Mr. Austin and seconded by Mr. Batchelder that the petition be turned over to the city zoning administrator for investigation with a report back to the City Attorney and a decision presented to the Council.

Ms. Cutts asked to add a date to return. Mr. Austin agreed. Mr. Santagate said the city cannot know exactly when it will be resolved, but when it is resolved, the decision will be presented to the Council at the next meeting.

Roll Call Vote: Motion carried 6-1 with Mr. Dietz voting no.

Mayor Cutts invited Mr. Picard to return to the Council table which he did.

Councilor Responsibilities – Compliance with Charter; Confidential Information

Mayor Cutts said there will be a workshop meeting in March for Councilors to review Council Rules and Regulations and the Charter; to ask questions and get clarification. There was discussion of the dates, but no consensus, so Mayor Cutts will schedule the meeting at a later time.

Mayor Cutts talked about the November 14, 2007, non-public meeting (minutes are now public). This item relates to Mr. Picard. Mayor Cutts asked him to step down again, which he did. Prior to the minutes being made public, there was more than one Councilor and several community member complaints about disclosure of information obtained in that meeting before the minutes became public. She asked for a motion for the topic to be referred to the Attorney General's office, not incident or Councilor specific, but rather a review of the process and to come back to the Council, to explain what the process would be should such a thing occur. She is aware the Attorney General's office won't give a legal ruling.

A motion was made by Mr. Austin and seconded by Mr. Batchelder (for discussion) for the topic to be referred to the Attorney General's office for review of the process.

Mr. Dietz asked for a clarification. Mayor Cutts said at the Council meeting in November, the Council had adjourned to a non-public session. Councilors sworn and not sworn were present. Following the meeting, there were complaints of Mr. Picard sharing information before it was made public. Mr. Dietz asked how she knew Mr. Picard made the statements. She said she received one of the complaints and former Mayor Scott Pope received a complaint and shared that information with her. There were complaints from the community as well. Mr. Dietz said Mayor Cutts is alleging Mr. Picard is guilty. Mayor Cutts said even the allegation of sharing information from a non-public meeting is serious. She preferred to refer the process to the Attorney General's office and ask what happens in a case like that. Mr. Dietz said Mr. Picard deserves a hearing and to be given a chance to rebut. Mayor Cutts said we are not at that stage. She repeated they are asking the Attorney General to explain to the Council the process to follow in the event something like that happened.

Mr. LaCasse thinks the Council is out of line discussing this in public. This is the first he had heard of Mr. Picard leaking anything. This is injuring Mr. Picard's good name. Mayor Cutts said she had reviewed RSA 91-A which speaks to discussions where an individual's integrity or reputation have the potential to be tarnished may not be done in public, except if the person is a

member of the board and she asked Ms. Taylor if this is correct. Ms. Taylor said that is her understanding.

Mr. Roark wished to abstain for reason of things discussed in that meeting.

Mayor Cutts stated that Council Rule 16 requires a specific reason be stated in order to abstain from voting.

Mr. Roark's reason for abstaining was private negotiations.

Mr. LaCasse asked to abstain for some discussions that went on in the meeting and for some things that weren't done in that meeting. He was not specific.

Mayor Cutts accepted both Mr. Roark's and Mr. LaCasse's requests to abstain.

AJ Marranville, Ward 2, said it should be made public who brought forth the accusations. He thinks it should go through the City Attorney before going outside to the Attorney General's office. Not taking due process. He fears tremendous lawsuits.

Chris Irish, Ward 3, said he had a conversation with Mr. Regan after the meeting; also, Mr. Marranville, had posted a letter on the internet about a conversation with Mr. Roark about the contents of that non-public session, so it is not about Mr. Picard. The best thing to do is to find out what happens and then get on with things.

Carolyn Towle, Ward 1, is disturbed about going over past history, but understands it is for protocol. It is important to hear that the Council is going forward and doing the business at hand that Claremont needs. Go by Charter and the law and get to work.

Tom Burnham, Ward 3, asked for Mr. Dietz's resignation for violation of the Charter. Mayor Cutts asked him to limit the conversation to the subject at hand. Mr. Burnham wants both Councilors to resign. He handed out an article titled "Remember the city's image." He said it had been printed in the Eagle Times.

Bernie Folta, Ward 3, cited RSA 91-A, NH Right-to-Know law, and said that it was appropriate to hold this in open session. He would have liked to hear the exact verse for more legal education. Mayor Cutts cited RSA 91-A:3 II (c).

George Cacavarro, Ward 2, is concerned about talk of removing Councilors, they were elected by people in the city and that has to weigh heavily before talk of throwing people off the Council. He agreed that violation of disclosure of non-public information is a serious violation. He would like to know if Mr. Picard had been sworn in before the meeting and if there had been instructions about the rules governing a non-public session. If he was not aware, some leniency should be considered.

Bill Regan, Ward 2, clarified that he had a conversation with Mr. Irish on this subject, but it was last week, about a month after it became public. He agreed with the process. There is no question that everyone in the non-public session was clearly instructed by Ms. Taylor in their duty to not discuss the information.

Heather Irish, Ward 3, said to not take these things personally. Procedurally, the Council needs to know right and wrong. If a Councilor disobeys the rules, then he/she should step down. This is about procedure.

Robert Picard, Ward 2, asked who the accuser is. Mayor Cutts said at the moment, they are taking in information and not having back and forth conversations.

Ralph Swift, Ward 2, said he was at that meeting and recalled that it was pretty clear about what non-public meant. Any reasonable person would know you don't talk about it.

Joe Osgood, Ward 2, is encouraged by seeing Mayor Cutts take the reins. He encouraged Mayor Cutts to stay with what she is doing and to encourage the rest of the Council to get to know the Charter and Code of Ethics.

Norman Lessard, Ward 2, said this Council is affecting themselves and the citizens of Claremont as well as affecting the outside world. He would like to get the city back to where it was and for the Council to cut out the bickering.

Mayor Cutts asked for clarification on the quorum because two Councilors had abstained. Ms. Taylor said with five voting, it would take three to make a quorum.

Mayor Cutts asked Mr. Austin if he would amend his motion to clearly state that the referral to the Attorney General's office was for process review in the event and will not contain incident or name specific information. Mr. Austin agreed and Mr. Batchelder seconded.

Roll Call Vote (A motion was made by Mr. Austin and seconded by Mr. Batchelder, for discussion, for the topic to be referred to the Attorney General's office for review of the process and that the referral to the Attorney General's office was for process review in the event and will not contain incident or name specific information): Motion carried 4-1 and 2 abstentions with Mr. Dietz voting no and Mr. Roark and Mr. LaCasse abstaining.

Mayor Cutts invited Mr. Picard to return to the Council table, which he did.

Mayor Cutts said the second item is a carryover from the December meeting. That is where Mr. Santagate read the e-mails and in those e-mails were two that violate part of the Charter that speaks to non-interference, Charter section #29. Mayor Cutts asked Mr. Dietz to step down from the Council table and he did.

Mayor Cutts said there are two e-mails, one is dated December 16 and the other is December 17, which she read. The December 17 e-mail is from Mr. Dietz to Bruce Temple, Public Works

Director, about erecting a traffic warning sign without going through the Council. Mayor Cutts read the Charter section #29 Non-interference by the Council (part that applies). She also read a December 28 e-mail from Michelle Aiken, Boards and Commissions Coordinator, to Mr. Temple referencing Mr. Dietz's Request for an outline of Ms. Aiken's time spent on various tasks related to her job duties.

Mr. Dietz objected, but Mayor Cutts told him to hold his thoughts to be recognized later then Mayor Cutts opened the floor to Council discussion.

Mr. Austin said reprimanding two Councilors is the hardest thing he's had to do in eight years on the Council. He said he is ashamed to be here because of the last meeting. In the past, the city had mean-spirited politics and we had gone through five city managers in one year. One good thing was to get the best possible City Manager and he pulled the city out of the mess even though it took years. This is not personal. He likes Mr. Dietz, but Councilors cannot run the departments.

There was discussion about the dates being before Mr. Dietz was sworn in. Mr. Santagate said Mr. Dietz was sworn in on December 12 due to Council vacancies.

Ms. Messier said it is a very serious issue. The Council's authority is to set policy, hire and fire the manager, and set a budget. It is important that the Council understand its role and not stray from its responsibility.

Mr. LaCasse asked Ms. Taylor if this included a councilor telling another councilor how to vote referring to Mr. Austin's threat to resign if former Mayor Pope didn't vote his way. Mayor Cutts told him he was out of order.

Mayor Cutts said the Council has an obligation to address the issue. It is one of the few issues the Council is required to act on. State law and the Charter both have a process for removal of a Councilor. Because of the criminal implication, the two options are: the person shall be removed or the Council can vote to refer the issue to the Superior Court which will decide if the conduct resulted in a misdemeanor which would automatically result in Mr. Dietz losing his Council seat.

Mr. Roark asked for the time table if the matter is sent to Superior Court. Ms. Taylor had no idea, but suspects the Superior Court will make a determination as to how it would be handled if it had a petition from the City before it.

A motion was made by Mr. Austin and seconded by Ms. Messier, for discussion, pursuant to Article III, Section 28 of the Claremont City Charter, that it shall, after due notice and public hearing, determine whether there shall be cause for removal for misconduct of Richard Dietz, a Claremont City Council member duly sworn, for having violated said oath of office by violating the provisions of state law, RSA 49-C:19, Non Interference, and provisions of the Claremont City Charter, Article III, Section 29, Non-Interference by the Council.

Ms. Messier said state law is specific about non-interference.

Mayor Cutts opened the floor to the public.

Tom Burnham, Ward 3, asked the two councilors to do the city a favor, to move on and to learn from what they did. He said we are the one section of the state that is progressing and we need to move away from this.

Don LaPlume, Ward 2, thanked Mayor Cutts for taking on the task. He appreciated Mr. Austin's impassioned words. He sees lots of investors looking to relocate. He is very concerned because of what he has seen in the last couple of meetings. Do what is right to move the city forward. Keep the personal stuff out.

Joe Osgood, Ward 2, cautioned about removing someone and accusing them of a crime and not following the process to prove it was a crime. He suggested offering him the opportunity to resign.

Liza Draper, Ward 3, confessed she voted for Mr. Dietz because she thought it was healthy to new voices and new ideas. She is disappointed about the blatant misconduct. She asked the Council to consider the importance of allowing it to stand. We should present the best possible example of city government. She asked Mr. Dietz to move aside to allow the city to prosper.

Bernie Folta, Ward 3, knows Mr. Dietz as a questioner and he relates to that. It's good to know what the questions are. One political perception concerns the rubber stamp nature of the previous council which he thinks means insufficient questioning. There were two e-mails cited. The first e-mail he heard as a suggestion. He didn't see it as an order. The second e-mail seemed more direct. It is a report of what a city employee said she heard from Mr. Dietz. The e-mails may be a bit of overshoot and in spite of the apparent seriousness, he suggested Mr. Dietz be given the benefit of the doubt and we should move on.

Chris Irish, Ward 3, said there was a precedence set previously, but they chose not to prosecute because there was only one month left in the term before elections and that Councilor was defeated. The two options are to remove him or send it to Superior Court. If Superior Court finds him guilty, it is a legal situation. Do what is best for the city. Some developers in the Upper Valley are close to pulling out. Put the city first.

Victor Bergeron, Ward 1, said we have no choice but to move forward. There has been a leakage of non-public information and there is a Councilor accused of breaking rules, so the Council has no choice but to investigate both issues. He suggested going through the City Attorney before going to Superior Court to make sure we're not overstepping our bounds.

Alison Raymond, Ward 2, wants to get going and to get back to wonderful things on the horizon.

Allen Damren, Ward 1, complimented Mayor Cutts for doing a nice job at taking the reins. Councilor words carry more weight than a citizen's. Requests for information and suggestions should go through the City Manager. The Council has only one employee and that is the City Manager. Over his tenure, Mr. Santagate has done good job.

Bill Regan, Ward 2, said Councilors cannot go between the City Manager and the departments. He reiterated the Council has one employee. Councilors are instructed to pass requests on to the City Manager and the City Manager will work with his department heads. Sending this issue to a legal body would cause Mr. Dietz more complications than if it were handled by the Council.

David Messier, Ward 1, said Mr. Dietz ran on a platform that he had experience as a town/city employee and as such, he should have known how his words would be taken. The e-mail was an insult to the Council.

Mayor Cutts closed the floor for public input.

There was a discussion about section 28 versus 29. Mayor Cutts read section 29. Section 29 refers to superior court and 28 speaks to removal.

Mayor Cutts asked Mr. Dietz if he would like to speak. He declined.

Roll Call Vote: Motion carried 6-1 with Mr. LaCasse voting no.

Mayor Cutts invited Mr. Dietz back to the Council table.

Reconsideration of Planning Board Appointment

Mayor Cutts said this item was tabled at the January 23, 2007, meeting

A motion was made by Mr. Austin and seconded by Ms. Messier to take Reconsideration of Planning Board Appointment off the table.

Mayor Cutts did lots of research and wasn't clear about the process. She would ask that if taken off the table, that this be moved for discussion under process and procedure specifically under Appointments to Boards and Commissions with no specific focus on any one person or appointment to any one board up to this point and that would be the workshop in March when this would be discussed. Ms. Taylor explained that to take a motion off the table is to be in the status quo of where you were when you put it on the table, so you need to deal with the reconsideration issue. You can deal with the other issue as an agenda item, but you need to either move forward with the reconsideration or retable the reconsideration to a specific meeting. You can't change the motion that went on the table at this point. Mr. Santagate said in order to push this off to a future meeting to discuss the process of appointments and to do more research, you could lay it on the table to keep it alive.

Mr. Austin has no problem with the outcome of this, but he has a problem with the process. We need to have a procedure in place if more than one person applies for a board appointment.

Mayor Cutts will vote on the motion and then she will ask to follow it with a motion table it until the May meeting. That motion will include the topic of Appointment to Boards and Commissions after the City Attorney has researched the process. That discussion will occur at the workshop meeting in March.

Motion carried 5-3 with Mr. Dietz, Mr. LaCasse and Mr. Picard voting no.

There was a discussion about what is considered a 2/3 vote with Mayor Cutts determining that with five votes in favor, the motion passed.

A motion was made by Mr. LaCasse and seconded by Mr. Dietz on the Right to Appeal under article 14 of the Council Rules.

Mr. LaCasse said you cannot round down a vote, you have to round up. Discussion continued. Mayor Cutts read article 14 of the Council Rules.

Ms. Taylor read from Roberts Rules, Chapter 13, page 388 regarding fractional votes.

Ms. Taylor recommended a vote on the appeal, because it is an appeal to the entire body of the ruling. Mayor Cutts said her ruling stands to take the item off the table.

A motion was made by Mayor Cutts and seconded by Mr. Austin to move to retable the agenda item to the May Council meeting with an interim workshop meeting in March to discuss process and procedures for Appointments to Boards and Commissions.

Mr. Roark asked for clarification of the Council appointment to the Planning Board. Mayor Cutts said that Mr. LaCasse will remain on the Planning Board.

Roll Call Vote: Motion carried 8-0.

CITIZEN'S FORUM

Carolyn Towle, Ward 1, asked of Public Works if there is a pending list of missing street signs. If so, is Case Hill Road on it and when does the list get acted on.

At 9:35 p.m., Mr. Austin left Council chambers and returned at 9:40 p.m.

James Saucier, Ward 2, had several complaints. While working for the City of Claremont, he injured his back. He requested free use of the swimming pool, but was denied by Mr. Santagate. In 2007, while on his daily walk, he stopped at the Police station and requested to use the bathroom inside the police station, but was denied because that is not a public restroom. For the record, he stated his previous employment history and military security clearances believing

those credentials should allow him to enter the Police Department. In 2007, a vehicle ran into a utility pole adjacent to his driveway. He was told he would have to pay \$20 for a copy of the police report. He thinks copies should be free. He talked to his Councilor, William Regan and got the report for free. Mr. Saucier started to recite his resume and then gave a copy to the City Manager.

Bill Regan, Ward 2, said we lost a fine mayor when Scott Pope resigned. He thanked Mayor Pope and his family for his time and encouraged this future board to act with the same dignity.

Cornelia Sargent reminded the Council that there is another citizens' petition that has not been acted on asking for written clarification on the intent of the Wheelabrator settlement. Two attorneys stated land may have been swapped for legal rights. She requested this be placed on the next regularly scheduled Council meeting.

Ralph Swift, Ward 2, said that with the change of the City Charter, there can be a complete turnover of the Council every two years which means there is no continuity. He suggested relooking at the Charter and reconsidering a complete turnover or else he predicts we will have the same problems every two years.

George Cacavarro, Ward 2, has seen cooperation tonight that he hadn't expected. Claremont lost an advocate with the loss of former Mayor Scott Pope and now taxpayers may not be well represented by the remaining Councilors. Open dialogue is essential to effective government. The Council must regain control of the city administration if it is to govern effectively. He requested the Council put personalities aside and go about the peoples' business.

Peter Simoneau, Ward 2, spoke in reference to the New Community Center. The suggestion is to build on a three acre lot and take some houses surrounding it when the National Guard Armory is available which is on five acres of land. The outdoor pool connects to it and is on nine acres of land. Beside that there is an 8.5 acre wooded lot for a total of 22.6 city-owned acres that can be used for the recreation center, skateboard park and the outdoor pool.

Bernie Folta applauded the public input on agenda items. In addition to a Citizen Complaint Form, he would also like to have a Suggestion Form. He read Council rule 11; the City Solicitor does not decide parliamentary rules and he suggested the city needs a parliamentarian. He is happy so many people turned out for this meeting.

Joe Osgood, Ward 2, was on the Charter Commission and he was whole-heartedly for turning over the Council in one vote. The bottom line comes down to vote responsibly.

Don LaPlume, Ward 2, asked for clarification on Section 28b of the Charter.

Claire Lessard, Ward 2, congratulated Mayor Cutts on keeping the meeting going forward. Continue to stay focused and be proud of Claremont.

Larry Converse, Ward 2, agreed with Mr. Simoneau that building by the armory would save tax money.

Chris Irish, Ward 3, echoed Mr. LaPlume's sentiments. His opinion is there is an illegally-sitting councilor.

Carolyn Towle is proud of the Council, Mr. Santagate and Ms. Taylor. She has seen the Democratic procedure in its best form tonight. Some items still need work, but we're going forward. She suggested people who spoke about the recreation center get involved.

At 10:06, a motion was made by Mayor Cutts and seconded by Mr. Batchelder to go to break.

Roll Call Vote: Motion carried 8-0.

Mayor Cutts responded to the concern about the motion for Mr. Dietz. Due process is important. She didn't feel tonight's meeting constituted a public hearing. She will allow the process to move forward so that there is due process and due notice at a formally noticed meeting.

ADJOURNMENT/CONSULTATION WITH LEGAL COUNSEL

At 10:17 p.m., a motion was made by Mr. Austin and seconded by Ms. Messier to adjourn for consultation with legal counsel.

Roll Call Vote: Motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council