

The Claremont City Council held a meeting on Wednesday, April 9, 2008, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Cutts at 6:31 p.m.

Members of the Council present were:

At-Large Councilor Thomas (Toby) Batchelder, III  
At-Large Councilor Robert Picard  
At-Large Councilor Keith Raymond  
Assistant Mayor Andrew Austin  
Mayor Deborah Cutts  
Ward II Councilor Paul LaCasse  
At-Large Councilor Kyle Messier  
Ward I Councilor David Roark  
Ward III Councilor Jeffrey Goff

Also present were:

Guy Santagate, City Manager  
Jane Taylor, City Solicitor

#### **MAYOR'S NOTES**

Mayor Cutts noted there will be a Forestry Management Program at the Sugar River Valley Regional Technical Center on April 10<sup>th</sup> at 6:30 p.m.

#### **REPORT OF THE SECRETARY**

**A motion was made by Mr. Picard and seconded by Mr. Austin to accept the minutes of the March 5 and 12, 2008, City Council meetings.**

Councilors Goff, Batchelder and Raymond abstained because they were not here on March 12<sup>th</sup>.

**Roll Call Vote: Motion carried 6-0 with 3 abstentions (Councilors Goff, Batchelder and Raymond)**

#### **APPOINTMENT TO BOARDS AND COMMITTEES**

Mayor Cutts talked about the Planning Board membership issue. There were questions about people who sit on the Planning Board and how they get there.

Currently Councilor LaCasse sits on the Planning Board and Mayor Cutts suggested to the Council that it stay that way. The Council needs to decide which process to follow.

Option 1

Under RSA 673:2, I (past practice), the planning board has consisted of the following members:

1. The mayor, or with the approval of the Council, the mayor's designee, who shall be an ex officio member;
2. An administrative official of the City selected by the mayor, who shall be an ex officio member (which has been a Claremont City employee);
3. A member of the City council selected by the Council, who shall be an ex officio member; and
4. Six persons appointed by the mayor, or such other method as may be provided for by the Council or the City Charter (another method has not been adopted in Claremont).

Option 2

Under RSA 673:2, I-a, which the City of Claremont has not adopted, the planning board still consists of 9 members, but:

1. The city manager, or his designee, serves as an ex officio member *instead of* the mayor;
2. There is no City employee member;
3. Seven members, instead of six, are appointed by the Mayor.

Ms. Taylor said Option 1 has been followed since 1961 as far as she can tell. There is no action required if the Council would like to continue with it although the Council can reaffirm it with a statement. If the Council wants to change, she recommended a formal vote.

Mr. Austin would like to continue with past practice. He would like to keep Mr. LaCasse on the Planning Board, and Mr. Roark should be considered, because he was the alternate at that time, just to make this clean.

Mr. Roark said he would like to continue with past practice. He feels honored to be considered for an alternate seat, but would like to continue as we are.

Mr. Goff asked if the vote in January changed how the Council operated. Ms. Taylor said no and we are not sure if that was the intent of that Council or not as there was a great deal of confusion over the process at that meeting, so she wanted to make it clear in the records.

Mr. Batchelder would like to continue with past practice and keep Mr. LaCasse in place.

Ms. Messier would like to continue with past practice.

Mr. LaCasse said for past practice, the Planning Board-elect had been elected by the Council. Ms. Taylor said "selected" was used in the statute, but it is not really defined anywhere. In the minutes, the Council concurred with whoever's name was brought forth, but there were a variety of words used. As long as everyone agrees, whether it is called an election or nomination, it is very clear in the statute that the Council Representative must be supported by a majority of the Council which indicates there has to be a vote.

Mayor Cutts said the process that was followed: A motion was made by Mr. Picard to appoint Mr. LaCasse to the Planning Board and it was seconded. A majority of the Council voted in favor of Mr. LaCasse sitting on the Planning Board. By choosing past practice, the event selecting Mr. LaCasse is the process that will be used. There were no objections from the Council.

Ms. Taylor recommended the Council state that Planning Board members will be determined under RSA 673:2, I.

**Mayor Cutts repeated that the Council has chosen, as a process to select the Council member for the Planning Board, to follow RSA 673:2, I.**

**Roll Call Vote: Carried 9-0.**

Mayor Cutts stated for Board and Commissions that she will accept nominations and that no second is required, but appreciated.

Board of Appeals/Code Review

**A nomination was made by Mr. LaCasse and seconded by Mr. Raymond to reappoint Robert Woodman to seat #4 of the Board of Appeals/Code Review.**

**Roll Call Vote: Carried 9-0.**

Claremont Community Television, Inc. (CCTV) Board of Directors

**A nomination was made by Mr. Picard and seconded by Mr. LaCasse to appoint Nick Maynes to seat #2 of the Claremont Community Television, Inc. (CCTV) Board of Directors.**

**Roll Call Vote: Carried 9-0.**

Conservation Commission

**A nomination was made by Mr. Batchelder and seconded by Mr. LaCasse to appoint Dianne M. Raymond to seat #1, Russell Fowler to seat #5 and Dennis Osgood to seat #3, of the Conservation Commission.**

**Roll Call Vote: Carried 9-0.**

Historic District Commission

**A nomination was made by Mr. Roark and seconded by Mr. Goff to reappoint Trinity Dix to seat #8A of the Historic District Commission.**

**Roll Call Vote: Carried 9-0.**

Mayor Cutts said we have received increased interest in serving on the Zoning Board of Adjustment (ZBA). She held the Planning Board applications until the Council worked through the previously stated process and they will be heard at the next meeting.

Mr. LaCasse asked if we should nominate at least one of the applicants to the ZBA. He said he went to one of their meetings and it looked like they were struggling to do their business. Mayor Cutts said there was one application for business in front of the ZBA. The Council does not have any applications for the ZBA in front of it. She has made a pitch in the community to increase the desire to participate in zoning, planning and conservation and we are getting interest. The ZBA was able to function with its current members. There is no risk to wait. Mr. LaCasse asked for a deadline and Mayor Cutts said the Council will vote on nominations for the ZBA at the May meeting.

**OLD BUSINESS**

Ordinance 494 Amend Section 19-96 Municipal Parking – Second Reading – Public Hearing

Allan Britton, Planning and Development Director, said four city-owned lots are being made into parking lots for a total of 30 spaces.

Ms. Taylor said she has reviewed titles for these four city-owned parcels. Two of the parcels are on Tremont Street and two are on Lower Cul de Sac Place which is a private way beyond the intersection off North Street. Public Works will prepare them for parking this spring. This is part of the effort to assure 400 additional parking spaces in the city which was the goal put forward last year. These will be all day parking subject to overnight restrictions.

Mr. LaCasse asked if any of these will be designated spaces. Mr. Santagate said there will be 250 parking spaces in the Sawtooth parking garage (25 % public, 75% designated: each condo at the Peterson gets 2 spaces per unit). We have identified 150 parking spaces on city-owned lots. This is the first step to designate them as parking spaces. Most will be within 3 blocks of the downtown area. This will alleviate some issues and continue to improve parking so we can do development in a smart way. Mr. LaCasse asked if there are any fees attached to the designated parking spaces. Mr. Santagate said the fees are related to maintaining and striping the spaces. We can come back at the next meeting with how much the fees are.

Mr. Picard said there are rumors that the mill project has not gotten financing in place. Mr. Santagate said the financing package is complicated. It includes three developers, city, state, federal and historic preservation funds. He has been working on it for three years. We have been working with Coastal Development Corporation out of Portland, Maine, because they understand new market tax credits (we are the first place in the state to use new market tax credits). It is no surprise that these take time. In his opinion, it is going extremely well, but he won't celebrate until he cuts a ribbon. We spent money on Water Street and because some of it

was related to the mill project, we received \$1 million from HUD (U.S. Department of Housing and Urban Development). As far as spending money on the Sawtooth, we won't begin until they begin construction on the mills. It has gone out for bid and we have included in the bid package that we have six months to award the bid in case of delays. The project is imminent. We are very close to closing that loop.

Mr. Roark asked for a clarification on the number of parking spaces. Ms. Taylor said we won't be sure of the final numbers until the grading is done. The Council is not voting on the number of spaces, but the designation of parcels.

Mr. Roark asked if the roadway below the Visitor's Center should have a street name for 911 purposes. Ms. Taylor said with a designation, it will have a sign calling it Lower Cul de Sac Place and a Place can have two addresses on it. This will only have one and will therefore be in compliance.

Mr. LaCasse asked if the mill district work will start next week. Mr. Santagate doubted it, but optimistically it could start in 3-4 weeks assuming the financial part closes. Mr. LaCasse asked if the developers have rented space uptown. Mr. Santagate said yes. When recorded at the Registry of Deeds, we'll notify the Council.

**A motion was made by Mr. Austin and seconded by Mr. Batchelder to adopt Ordinance 494 Amend Section 19-96 Municipal Parking.**

Mr. Picard asked for a confirmation that no money will be spent until we get a commitment. Mr. Santagate said the Water Street money that was spent reflects on the development, but the city had to do it anyway. The \$1 million cleanup for the parking garage was needed anyway. We got brownfields money for that. The contract for the parking garage will not be awarded until construction on the mills begins.

Ms. Messier thanked the staff for moving forward with parking and she asked what the hours will be for parking. Ms. Taylor said they will be subject to the same restrictions (i.e. no parking midnight to 6 a.m.) and they are intended to be all day.

Mayor Cutts read the ordinance into the record.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

**Roll Call Vote: Motion carried 9-0.**

Council Clarification of Wheelabrator Agreement

Mayor Cutts gave some background of the agreement. The Council voted to take eminent domain action against Wheelabrator. Wheelabrator fought the City over it, but before that action was complete, an agreement was reached. The Council endorsed the agreement. There was a petition submitted to the Council as well as phone calls and visits from constituents. Because of

that, the Council concluded a clarification would be a good thing. The Council had agreed to meet with counsel about this policy statement. Council agreed to collaborate with members of the community that were passionate about this issue through Attorney Tom Connair. She noted there was a delay which was not a desire to stall. The statement is as a result of collaboration with Tom Connair.

Mayor Cutts read the Policy Statement into the record.

Policy Statement:

“After consultation with legal counsel, the Claremont City Council affirms its confidence in the Settlement Agreement between Wheelabrator and the City, as approved by Merrimack County Superior Court, dated September 6, 2007, (and the related Council votes), and the effect thereof.

The City of Claremont has not nor shall it ever waive any of its inherent and statutory rights and responsibilities as a governmental unit to protect and promote the public health, welfare and safety of the community and its citizens, and to protect and preserve their rights and interests. It is the City’s policy that it has always and will continue to take all actions within its power, as authorized by the State of New Hampshire, to protect the health and safety of its citizens and will enforce, to the fullest extent permitted, all laws and regulations over which it has jurisdiction on an equal basis, without exception.”

Mayor Cutts reminded everyone that the previous Council took a very strong action prior to the agreement and tax settlement and that was in the form of significant zoning changes in the industrial area resulting in stricter guidelines.

Tom Connair, Ward 2, said this is a major issue; it affects economic development, schools, health safety and is one of the most significant issues the Council will deal with. It is a complicated issue. His letter of September was not to criticize, but a request to tighten up the agreement. His major concerns were that Wheelabrator would change or expand its use and that we had waived the right to object. The U. S. Supreme Court has made it clear that even though it is a federal and state call, the input of the municipality is paramount and must be taken into account when making those decisions. This policy statement is a powerful statement about what the City Council intended at that time. He was not aware of the zoning ordinance (#477) referenced by Mayor Cutts until yesterday which existed before the Wheelabrator agreement. It is very strong and he thinks it gives the city a lot of clout that Wheelabrator has to abide by it. It is strong in terms of expansion of uses that could impact the health of Claremont. That in combination with the policy statement, he feels comfortable there is an adequate safety net for Claremont. It is a statement that we are not going to trade rights for land. It could be made stronger but that might involve going back to court. Legally we would be in good position, but there is cost and time involved. He wouldn’t preclude going forward tonight. We may be in for a fight later on. He appreciates being consulted. He has publicly stated that he finds it heartening that citizens put forth the time effort for the benefit and safety of Claremont. It is a powerful and forceful statement. He said we may want to adopt the petition.

Mayor Cutts said we consulted with Mr. Connair as a seasoned member of the community and we can learn from his experience.

Mr. Austin thanked Mr. Connair for wording that we can all live with.

Mr. Santagate thanked the Council for taking the time to listen to the residents and to come up with language that was acceptable to the residents and city. The zoning ordinance was approved in 2006 and it had a lot of resident input. He is pleased the process worked so well. He respects Mr. Connair and is pleased he was able to help.

Mayor Cutts thanked the previous Council for its great foresight.

Mayor Cutts invited the public to speak.

Cornelia Sargent, Ward 2, said she had not heard the policy statement before tonight, but it sounds like it incorporates some of the language from the petition. She feels it is indicative and goes to the root of the issue which is to protect the city and trying to make this a more open process. She is concerned about "secret dealings" behind closed doors that might leave the City and Council vulnerable to intimidation tactics. She feels there needs to be more immediate disclosure of decisions reached and an explanation of the process. She would feel awkward signing off on this tonight, because she had no previous knowledge of it and she asked when the Council was notified of the language. Mayor Cutts said in December, the Council voted to meet with Attorney Morris to discuss, among other things, a clarification. The document was originally presented by Mayor Pope. The document read today was presented today. Final revisions were made this afternoon. Ms. Sargent asked to read into the record the entire petition. Mayor Cutts said the intent was to follow the wishes of the last two Councils. She wanted to make sure the final record clearly reflects one position which is the Policy Statement. She will include the petition in the Council packet. Ms. Sargent said nothing precludes the Council from voting on both. It confirms and aligns with the Policy Statement. Mayor Cutts said the Council would not be voting tonight. The Council voted for the Policy Statement months ago and this is the result. Her concern is not conflict, but confusion. Mayor Cutts asked for the Council's opinion. Ms. Sargent thanked the people who signed the petition.

Mr. LaCasse doesn't think the Council should vote on it tonight, but should vote next month after the public looks at the Policy Statement. Mayor Cutts said this is not a vote for the Council to take. This is the product of a previous Council vote. Her intention is to close on this tonight. The Council voted to have a Policy Statement and to get Attorney Connair's opinion and that was done. She is asking if the Council wants an additional policy statement read into the record.

Ms. Messier agreed we should keep it to one policy. Mr. Roark does not mind having the petition read into the record for testimony sake. Mr. Batchelder agreed with Ms. Messier. Mr. Goff had no opinion either way. However, he did have a problem not acknowledging acceptance or recognition of 180 constituents. Mr. Austin would like to think the Policy Statement would be accepted by the 180 signers of the petition. He would like to leave it the way it is for this

evening and if they don't agree, to bring it back to the Council. Mr. Raymond respects the signers, and we should move forward with this.

Rebecca MacKenzie, Ward 2, is thankful for the clarification statement. She hopes citizens are encouraged to stand up for the health, welfare and safety of our community. She looks forward to seeing more collaborative relationships on things that are important to the community.

Mayor Cutts invited Katie Lajoie of Charlestown to speak. Ms. Lajoie appreciates the clarification and hopes the Council looks at the petition. She shares concerns about the process and wants it to be more open.

Mayor Cutts closed the public hearing.

Mr. LaCasse asked where the document will be stored. Ms. Taylor said it applies to everyone, not just Wheelabrator. She will look at the City Code to see if it can be placed in the Code.

Mayor Cutts said the petition will be part of the permanent record. She thanked Mr. Connair for his help.

Mr. LaCasse asked if a copy should be in the Wheelabrator file. Ms. Taylor said there is no issue putting it in the Wheelabrator file. She will see about putting it in a more easily located area (i.e. City Code).

## **CITIZEN'S FORUM**

Cheryl Jones, Ward 2, talked about the property revaluation and that she had heard it will be done internally. She asked that that not happen because she speaks out at Council meetings that she will not be assessed fairly. She said we have the second highest tax burden in the state of New Hampshire and "Claremont ain't worth it." We don't have the industry or the income. She didn't like what happened to Mr. Dietz. She was hoping two other people on the Council (Messrs. LaCasse and Picard) will not be targeted because people in City Hall don't like them. To the new Councilors, she wished them good luck; it's a hard job.

Rebecca MacKenzie, Ward 2, said last summer she spoke about a collaborative effort on the issues of recycling, residual management, household hazardous waste and creating a reuse opportunity for construction materials. It is important to open discussion and develop policy statements and direction for the community. She asked the Council to consider it.

Nelia Sargent, Ward 2, echoed Ms. MacKenzie's comments. If the public can be brought in earlier, it serves the public interest to help protect the city. It is important to utilize residents of the community. She would like to serve on the recycling committee.

Mr. Santagate said there was a very important New Hampshire/Vermont Solid Waste Project (Project) meeting held tonight related to the tax appeal of fiscal years 2004 and 2005 and another

suit was filed for 2006. Two Project members, Bob Woodman and Jackie Elliott attended that meeting and he asked the Council to allow them to speak.

Jacqueline Elliott, Ward 1, said she was at the Executive Committee meeting of the Project and the good news is that the punch list of to dos to finalize the “divorce” between New Hampshire and Vermont is completed. The other really good piece was that the Executive Committee voted to not appeal the court ruling in favor of the City tax case. They decided to withdraw the case for the 2006 tax abatement as well. Her personal hope is with the Policy Statement and these pieces that Claremont has entered a new day around this issue; a day of a little more strength for when we have to negotiate with Wheelabrator again. She is very pleased with the judge’s decision about the tax case. It verifies that the property and incinerator has quite a substantial monetary value and she hopes that when the PILOT piece of the Wheelabrator Settlement is completed in five years, the City will have a little more leverage for negotiating.

## **NEW BUSINESS**

### Resolution 2008-12 Supplemental Appropriation for CCTV Budget Approved by Council – Public Hearing

Mary Walter, Finance Director, said in November 2007 we put forth the 2008 budget. CCTV (Claremont Community Television) is a passthrough and she put in \$100,000, because CCTV had not presented a budget. In February they presented a budget for \$110,000 which was approved by the Council. This resolution is housekeeping to appropriate the other \$10,000 to come from offsetting revenue.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

**A motion was made by Ms. Messier and seconded by Mr. Austin to adopt Resolution 2008-12 Supplemental Appropriation for CCTV Budget Approved by Council.**

Mayor Cutts read the resolution into the record.

**Roll Call Vote: Motion carried 9-0.**

### Approval of Multi-Year Lease Agreement for Computer Replacement Plan

Ms. Walter said we are on a four-year plan for lease agreements. This is actually the fifth year because the Police Department had gotten grants four years ago for a lot of their computers. We are replacing them this year. Dell Computer was the low bidder. There are some other computers and if we have enough money left over from what was budgeted, we won’t lease them, we will buy them outright because the smaller order has a higher interest rate. Dell’s interest rate is 8%. Mr. LaCasse asked what the budgeted amount is. Ms. Walter said \$16,000. It’s a total of \$63,000 and that is in the General Services Fund. We have over 90 computers and 9 servers and we try to rotate them out. Mr. Goff asked about leasing versus purchasing. Ms.

Walter said we don't have the upfront money. It is a \$1 buyout. We clean the drives and donate the computers to the schools.

**A motion was made by Mr. LaCasse and seconded by Mr. Raymond to authorize the City Manager or his designee to enter into a multi-year agreement for the lease of computer hardware and related equipment for City administrative offices. The proposed lease agreement contains a termination clause in the event of non-appropriation of sufficient funds for the second, third and fourth years of the agreement; such funds required to be expended in the first year of the agreement having been raised and appropriated in the 2008 City Budget.**

**Roll Call Vote: Motion carried 9-0.**

Acceptance of \$3,229 Grant from DRED for Planning & Development Marketing Campaign

Allan Britton, Planning and Development Director, said this is a matching grant for advertising to people outside of New Hampshire. It was awarded last week. Mr. LaCasse asked about the flying turtle logo. Mr. Britton said it will be in one ad. Mr. Goff said he likes the turtle and that he has a marketing background. He asked for specifics. Mr. Britton said the bulk of this is for a radio ad with WGIR; 1/3 of the listeners are in Massachusetts which qualifies for the match. There will be ads in Business New Hampshire, New Hampshire Business Review, Vermont Business Journal, Valley Business Review and New England Real Estate Review; portions will qualify.

**A motion was made by Mr. Batchelder and seconded by Mr. Austin to authorize the City Manager or his designees, to take such actions as may be necessary to accept a New Hampshire Division of Economic Development Matching Grant in the amount of \$3,229 to support the City's marketing program to enhance the image of Claremont and to encourage both new and expansion commercial and industrial projects in the City.**

**Roll Call Vote: Motion carried 9-0.**

Department Transfer for Human Resources

Ms. Walter said in 2007, the Human Resources Coordinator was moved to the Planning and Development Department. With the hiring of the Planning and Development Director, there is no more room over there, so Human Resources was moved back to City Hall. The budget needs to move back to the Finance Department. Funds are already in the 2008 budget.

**A motion was made by Mr. Goff and seconded by Mr. Raymond to authorize the City Manager or his designee to transfer the sum of \$67,910 from the Planning & Development budget (416) to the City Administration budget (412) to account for the Human Resources function moving from the office of Planning & Development back to City Administration, such funds having been raised and appropriated in the 2008 City budget.**

<b><u>H/R from 416 to 412</u></b>		
<b>Salary &amp; Benefits</b>	<b>\$</b>	<b>64,205.00</b>
<b>Education/Seminar/Memberships</b>	<b>\$</b>	<b>3,705.00</b>
<b>To be transferred</b>	<b>\$</b>	<b>67,910.00</b>

**Roll Call Vote: Motion carried 9-0.**

Ordinance 497 Amending the Non-Union Employee Classification Plan – First Reading

Withdrawn.

Ordinance 495 Twenty Cent Water Rate Increase – First Reading

Ms. Walter said when we do SRF (State Revolving Fund) funding there is a certain percentage of forgiveness that the state gives us back. We are not qualified until we increase our water rates. Water rates have not been increased since 2000. To get back over \$400,000, the increase will be twenty cents from \$2.50 to \$2.70 per cubic foot which is an average of \$20 per account per year. The original loan amount for loan #2 was \$3.2 million; we expect that to close out in 2008. We anticipate borrowing a total of \$2.75 million for loan #2. If this ordinance is passed, we expect to pay back \$2.337 million. The savings will be \$412,500.

Mr. Austin asked how many water users there are. Ms. Walter said 4,400; they are flat rate, commercial and residential users.

Mr. Picard asked about the savings on the tax rate. Ms. Walter said about every \$720,000 on the tax rate equals \$1 in the General Fund. Water and sewer are separate enterprises. They will lose this money if we do not make this small increase. We have some piping dating to the 1900s. The plant life is generally 25 years. The whole idea behind the rates is to afford the yearly expenses and put some aside for capital reinvestment in the facilities. We have been approved to borrow \$12 million, but we're not going to borrow it all because we don't have the reserve set aside to pay for it, so we will have to scale back on projects. It will be an issue going forward because we have combined sewer and drainage issues. DES (Department of Environmental Services) has given us warnings and we are working on corrective actions. At some point we will be back to you after a rate analysis is done which will take into account the sewer and water evaluation studies that have been done to figure out what we are going to do going forward. This 20 cents is a stop gap measure at best.

Mr. LaCasse asked about adding heavy users. Ms. Walter said we will have contributors (Ice River Springs, the mill developments and restaurants).

Mr. Picard asked about a state loan. Ms. Walter said this has to be in place before we sign the final loan papers, which we have to close out July 1<sup>st</sup>. We've been using this money since 2004.

Mayor Cutts read the explanation of proposed action.

**A motion was made by Mr. Austin and seconded by Ms. Messier to adopt Ordinance 495 – Twenty Cent Water Rate Increase.**

**Roll Call Vote: Motion carried 9-0.**

Mr. LaCasse asked about the fire alarm system. Ms. Walter said at one point the budget was cut, but health insurance came in at a lower price and \$20,000 for the fire alarm was added back in. Mr. LaCasse said since the money is already in the budget, we don't need to draw from Fund Balance. Ms. Walter said yes however, the estimate of \$22,000 was to replace what was currently there. The Fire Chief said we need to upgrade to current standards which would cost another \$6,800, but it had to be done. There are another 19 things that need to be done and we need to have a corrective action plan for those. Even though she had not planned to take the money from Fund Balance, there is not enough in the budget to cover that. So we will have to take some to cover this expense. Right now we have a temporary permit for the Opera House to operate until sometime in May until we get to round two which will cost another \$6,800. Mr. LaCasse suggested putting the \$20,000 from the budget back into the Fund Balance. Ms. Walter said we have already paid almost \$22,000 and when the \$6,800 bill comes it will be paid out of Fund Balance. Mayor Cutts asked Ms. Walter to come back with an explanation of expenditures. Ms. Walter said the money will not be spent unless it is needed and the unused money will go back into Fund Balance.

Ms. Taylor said if a resolution authorizes to spend up to \$20,000, it only authorizes the City to spend the actual amount needed.

Ordinance 496 Street Direction and Permitted Turns at Intersection of Water, Broad and Meadow Streets – First Reading

Withdrawn.

Charter Amendment Process

Ms. Taylor said to change the Charter requires a public vote. The options are to amend or revise. You can amend for housekeeping items (i.e. number of meetings) and it can only be one topic at a time. If it is more substantive (i.e. 11 councilors instead of 9), that is addressing the actual form of government and that is a more complex process. Under that process, you set up a charter commission. They are elected and have strict time limits set in statute. This is complex, lengthy and there is a cost. She recommended further discussion to see what topics the Council wanted to discuss.

Mr. Santagate said this was in response to Mr. Picard's request. If you take one or two items, that is one issue. If you want to do this in detail, that is an enormous amount of work. If you do a Charter review in detail to resolve some of the conflicts between the Charter and the City

Codes, you'll need a working group that reports back to the Council or to the commission (elected people). You need to give thought to how it would be structured.

Mr. Picard asked how much it costs to have the schools and the City as different governments. Mr. Santagate said there is no formal relationship or input between the schools and the City which surprised him, because he had never seen that before. He could address that objectively especially if you want to look at coming under one umbrella. To look at the structure is a big job.

Mr. Picard said the citizens can vote on the school budget, but only nine people vote on the City's budget and he doesn't think that is right.

Mr. Picard asked if the Capital Reserve Fund could go toward the start up cost for this. Mr. Santagate said to look at this, there would have to be some kind of budget to be expended on this one time event. If the Council voted for it we would have to find money to fund that kind of an effort. He doesn't know what the school's feelings on this would be. He has been reluctant to discuss this publicly, because he doesn't want it to look like he needs more work to do. The argument that the school is like a town meeting and the people vote on the budget but that it is not true on the City's side because the Council is elected and citizens don't vote directly is not accurate. He would suggest that we are a democracy and because of state law, the schools have a default budget that can overrule the voters. He is not accustomed to a fractured government. To make this work, the schools would have to be in the middle and it would take a lot of work and effort.

Mr. Austin said the first time they revised the Charter eight or nine years ago, he did a lot of research, but it didn't go anywhere because there were too many complications and mandated things the school had to do. Mr. Picard said the bottom line is it is a taxpayer thing and by the way things are being run, it is costing the taxpayers hundreds of thousands of dollars. He thinks it needs to be looked at.

Mayor Cutts said the Charter is the bylaws of the governing body and City. It is critical that the bylaws be consistent and stable. Claremont is trying to stabilize and we are doing a good job. We do not have a lot of City staff turn over and that says they find value here. To upset the Staff work by adding something so big, the Council would have to consider the risk and benefits. There are two ways to change the Charter: amendments (one item at a time) or charter commission. Either one would require a public hearing and a majority vote of the Council. She doesn't believe we need to look at a Charter revision at this time.

Mr. Goff asked Mr. Picard to substantiate where the hundreds of thousands of dollars would come from that he mentioned earlier. Mr. Picard said personnel, purchasing and just about any part of running a business. That dollar figure is an estimate on his part and if it was done professionally, you might see a half a million dollars in savings. He thinks it is a taxpayer issue and we owe it to the taxpayers to do a survey to see if they think it is worthwhile. Mr. Goff suggested being careful about throwing out estimates as part of the public record and if we did decide to go down this road, he would like to see firm numbers.

Mr. Austin asked if a joint meeting between the City and school is something that is still envisioned. Mayor Cutts asked Mr. Santagate to schedule the meeting in July. Her desire is to stabilize, finish the projects we are working on and then take on new projects.

**Mr. Picard made a motion to send out a survey to the public to get its opinion about the Charter revision.** There was no second.

Mayor Cutts said we do not have a mechanism to send out a survey. The City would have to do research to see who would do it, how much it would cost and then bring it back to the Council. Mayor Cutts asked Ms. Walter through the City Manager to do that. Ms. Messier asked for a clarification. Ms. Walter noted the associated cost of a special election is not budgeted. Mr. LaCasse asked for a vote on the survey. Mayor Cutts asked for consensus from the Council of the request to Ms. Walter. There were no objections. Mayor Cutts clarified that the mandatory work load takes priority.

#### **CITY MANAGER REPORT**

Ms. Walter talked about the 2006 audit. Our scheduled audit time is usually late April. They are usually here for 12-15 days spread over a couple of months. Field work is normally finished in early July and we get our draft in October. The final report usually gets to her in mid-November and Council receives it at the January meeting because December is so busy with year-end and encumbrance reports. Because our audit firm has so many clients, a change in the schedule will cause delays. In 2007 she was out for six weeks for shoulder surgery and there was a delay in getting us rescheduled. Our new Treasurer started November 2006 and there was a learning curve for what she needed to do to get ready for the audit. We also needed a single audit because we receive over \$500,000 in grants which is more restrictive reporting that we have to do. They still don't have the 2006 audit done. This is the last year of this audit contract with them and they told us we should look for another audit firm because they have such a heavy work load and a lot of staff turnover. She asked for them to provide something in writing about the delay. We did bid openings for an RFP (Request for Proposal) today. Our current audit firm gave us a rough estimate of what they would charge if they had time and it is almost double what they charge now. One audit firm came in with a not-to-exceed bid which is what was budgeted. Some firms would not put in an RFP since we are not GASB (Governmental Accounting Standards Board) compliant. This firm will help us be GASB compliant and they won't charge us for it. We will have to come back to the Council for approval to use this audit firm. We are still waiting for the 2006 audit and we hope to have a draft by the end of the week.

Mr. Santagate said he has served on the advisory board at the Community Technical College for a couple of years. He has a desire for the Community College to be more active in Claremont and maybe have a physical presence downtown. He has been working with Steven Budd, President of the College, and he addressed the Board of Trustees. He showed them some Want Ads of which 50% are of the medical profession and they are doing a good job there. He has talked to manufacturers and they say they can't get workers to fill the slots and then he talks to people in minimum wage jobs and they say they can't get good paying jobs. There is a

disconnect somewhere. The College offers a two-year certificate, but students might not need that many courses to get a good manufacturing job so there needs to be some adjustment. He told the Board of Trustees that the role of a Community College should be to help fill the gap between job openings and offer courses that do that. For potential companies, the top three things they look for are good schools, skilled workforce and choice of housing. He's working with the Community College to get the skilled workforce. He has been asked by Mr. Budd to head up a focus group locally to get opinions on how the school can get connected to the community. If anyone is interested in giving opinions, let him know 542-7002.

### **FUTURE AGENDA ITEMS AND DIRECTIVES**

Mr. Roark would like to invite the County Delegation and Commissioners to come to the Council to discuss what they are working on now and for the future. Mayor Cutts asked Mr. Santagate if that can be done within the next four months. Mr. Santagate said yes.

Mr. LaCasse would like to look into a board of assessors. Mayor Cutts asked Mr. Santagate to bring the concept of developing a board of assessors and what it entails back to the Council in August.

Mr. LaCasse asked about a tour of the city for Councilors. Mr. Santagate said it can be done on a Saturday morning as a regular meeting and the public is invited. Meeting will be Saturday, June 14<sup>th</sup>. Mr. Batchelder will not be available, but can go separately. Mayor Cutts will send out a confirmation message.

Mr. Batchelder would like to do a recognition for Scott Pope.

Mayor Cutts asked Mr. Santagate about having a joint city/school meeting by July.

Mr. Goff said he got some positive feedback about having Council meetings in different areas. Mayor Cutts said she did as well. He asked if Mr. Santagate could check with CCTV (Claremont Community Television) about the feasibility of doing that.

Mr. LaCasse asked about having joint meetings with the Planning Board and the Council and the Zoning Board and the Council. Mayor Cutts asked for more information about others that do that and what their goals are and how that works out for them.

### **COMMITTEE REPORTS**

#### Open Space Ordinance Committee

None

#### Master Plan Committee

None

School Reinvestment Committee

None

**CONSULTATION WITH LEGAL COUNSEL**

None

**ADJOURNMENT**

**At 10:25 p.m., a motion was made by Mr. Picard and seconded by Mr. LaCasse to adjourn.**

**Motion carried 9-0.**

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council