

The Claremont City Council held a special meeting on Monday, September 22, 2008, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Cutts at 6:00 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 Christopher Lewis
Ward III Councilor Jeffrey Goff

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Mayor Cutts reminded everyone about the October 4th Chili Cook-off. Council will have a table and will be dishing up chili. This will be a publicly noticed meeting and the public is invited to stop by to talk.

Mr. Austin said the Touch-a-Truck event for the Stevens High School Class of 2009 was a success. Nearly \$3,000 was raised.

Mr. Goff said when he took the position of City Councilor, he knew he was giving up some privacy and he opened himself up to criticism which he accepted as part of the job. When he became an active participant in this community, he was made aware that he, along with past and present Council members, would be talked about on a website called "The Sullivan Report." The site is run by former Councilor and Claremont resident Jim Sullivan. Recently, Mr. Sullivan crossed the line of decency. He attacked Mr. Goff's character and integrity. He attacked Mr. Goff's colleagues, employer and his family. Some accusations are that Mr. Goff has granted shady and risky Claremont Development loans; he has personally profited on behalf of the New Community Center; engineered the removal of a City Councilor so Mr. Goff could take his seat; paid another Councilor huge sums of taxpayer money which forced him to resign his seat just so Mr. Goff could fill the seat with someone he agreed with; supports changes in housing densities so his employer would profit; is willing to say or do anything to forward his personal agenda including violating any rules or regulations that get in his way. These are serious accusations

and he said that if Mr. Sullivan is aware of any impropriety, Mr. Sullivan should take the evidence to the Attorney General. In 2003, Mr. Sullivan lost his re-election bid by a 3-1 margin to Mike Prozzo. Since that time, Mr. Sullivan has dedicated his life “to provide the taxpayers with transparency to city government.” He claims to be a watchdog, but in reality he seeks to destroy and ridicule any progress made by the City. Mr. Sullivan does not attend Council or municipal board meetings nor is he a member of any civic or social service organization. He does not publicly engage anyone he seeks to smear, but rather hides behind his website and his mountains of right-to-know requests. He is not held to the same transparency or accountability standards that he pretends to so fervently cherish. The predictions Mr. Sullivan has put on his website are wrong. People don’t want to get involved on City boards because they do not to be a part of his folly. He claims to be a financial manager and he criticizes the City on how it runs its finances. There are two ironies: 1) While Mr. Sullivan was on the Council, the City was near bankruptcy and 2) Mr. Sullivan has filed personal bankruptcy three times. Mr. Goff does not expect this statement to motivate Mr. Sullivan to show up and discuss his concerns. Mr. Goff encouraged anyone who has worked to try to improve the City to ignore Mr. Sullivan’s effort to tear down their accomplishments. He stated Mr. Sullivan represents no one but himself. Mr. Goff said people have a vision for the City and will work tirelessly for it. Mr. Sullivan is not relevant to the task at hand.

Ms. Messier said Mr. Goff’s statements rang true for her. Mr. Sullivan first attacked her while she was the Chair of Main Street. He said Main Street should be investigated for a crime. His accusations were unfounded. She is now being attacked for her work on the dental center. The dental center is needed in Claremont. His attacks hurt families that would benefit from the dental center.

Mr. Santagate commended Mr. Goff and said he hit the nail on head. It’s about time people with integrity step forward and Mr. Goff said it right. When Mr. Sullivan makes recommendations to Mr. Santagate about finance, he just “flushes them down the tube.”

Mayor Cutts reminded the public that there are a number of seats available on boards and committees for all age groups. We want Claremont to grow and to be healthy.

NEW BUSINESS

To consider Unsealing Minutes of Non-Public Council Meetings of August 28, and September 10, 2008

Ms. Taylor said she was asked to research the issue of unsealing non-public minutes in the context of the City Manager’s evaluation. The motion to seal the minutes was phrased slightly different from prior years. Prior years phrasing was that the minutes were sealed until the City Manager chose to unseal them. This year the Council voted to seal the minutes until it voted to unseal the minutes. The minutes can be unsealed by a majority vote. The critical issue is what the affect of unsealing minutes if you choose to unseal them. Unsealing minutes does not release the information related to specific conversations or documents discussed. The law only permits non-public for express reasons, including the City Manager’s appraisal. Another section of RSA

91-A has some exemptions. Certain records are not within the definition of public records that can be discussed. They pertain to internal personnel practices, personnel and other files whose disclosure would constitute an invasion of privacy. This means that details related to performance evaluations related to the City Manager may not be discussed publicly. They can not be discussed as part of the unsealing of the minutes. Only the City Manager has the power to discuss his personnel matters. The punishment for violation of this law is very severe. There is a potential for legal action against an individual Councilor as an individual and could lead to a dismissal. The minutes are summaries or a brief description and are not intended to be word-for-word. The minutes of the City Manager's evaluation are sealed and the Council has to vote to unseal them.

Mayor Cutts said the take home message is that Staff members' personnel files are confidential and even when the minutes are unsealed and the City Manager gives the information to the paper, the Council cannot participate in that activity.

Ms. Taylor said Councilors are entitled to talk about their opinion of the process, but not things that are specific to the individual. Mr. Santagate can talk about his evaluation to whoever he wants.

A motion was made by Mr. Raymond and seconded by Mr. Lewis to unseal the minutes of the non-public Council meetings of August 28, and September 10, 2008, pertaining to the City Manager's performance evaluation.

Roll Call Vote: Motion carried 9-0.

ADJOURNMENT

At 6:33 p.m., a motion was made by Ms. Messier and seconded by Mr. Raymond to adjourn.

Motion carried 9-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council