

The Claremont City Council held a meeting on Wednesday, July 11, 2012, in the Council Chambers of City Hall.

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

Members of the Council present were:

At-Large Councilor Keith Raymond
Ward I Councilor Victor Bergeron
Ward III Councilor Nicholas Koloski
Assistant Mayor Andrew Austin
At-Large Councilor Kyle Messier
At-Large Councilor Thomas Burnham

Absent:

Mayor James Neilsen, IV
At-Large Councilor Christopher Irish
Ward II Councilor Roger Formidoni

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Stevens High School Student Council Update

None

Councilor Kyle Messier Report on Previous E-mails to Council Members

Ms. Messier said she would answer the serious charges leveled by Mayor Neilsen and Councilor Irish that she violated RSA 91-A. She said she believed they engaged in the same behavior. She received an e-mail from Mayor Neilsen to postpone a City agenda item. She said Council was not aware that he would be on vacation. She said she would read her e-mails.

Mr. Koloski felt that all the e-mails (including those from Mayor Neilsen and Mr. Irish) should be read into the record. Mr. Burnham disagreed because they were not at the meeting; Mayor Neilsen's and Mr. Irish's e-mails could be read at the next meeting.

Ms. Messier said Council Rules states the member making distribution must report on it at the next meeting. The first e-mail dated July 2, 2012, 11:44 a.m. was sent to all City Councilors, Dorée Russell and Guy Santagate:

Jim:

Please understand that this email is not intended to circumvent [RSA]91-A and I would appreciate it if you would make this public, as I do not believe these discussions should be taking place out of public view.

First, I want to address your concerns that the preliminary agenda was not forwarded to you. All you had to do was to pick up the phone to learn why Doree did not send you a copy of the preliminary agenda. It took me one minute to learn that she was out on vacation last week, and therefore would probably not be sending anything out until her return to work today. She is very efficient and certainly did not drop the ball.

To your concerns relative to the fiscal year change: it took only a quick phone call to learn that the fiscal year change is NOT on the agenda because you specifically asked that it not be put on the agenda. In fact, Mr. Santagate did not include it on the agenda because you told him that you were going to be away on vacation. Strangely, for some reason, you told him you wanted to hold off notifying anyone of your vacation. My question to you is, when did you plan on publically notifying everyone that you would be absent from the July meeting? Further, since you will not be participating in this meeting, why are you worrying yourself with all of the specifics of the agenda? I assume that you have notified Mr. Austin, who should be working with the administration on setting the agenda, since, in all likelihood, he will be running the meeting. Further, it is my understanding that the agenda can change up until 48 hours prior to the actual meeting, depending on the needs of the city. So, despite everyone's diligent planning, it could change slightly before we meet anyway.

Also, you expressed a concern relative to the agenda item: Enter into a multi-year lease/purchase agreement for equipment for the parks and rec department. Again, this is not complicated. The council already voted on a bond that appropriated \$380,000 for equipment. An RFP has gone out to begin the process of lease/purchasing this equipment in the amount of \$350,000, presumably withholding \$30,000 for any unforeseen issues. After leasing for 3 years, the city will own the equipment which is the most cost effective way to purchase this equipment. It is my understanding that the community center will need equipment before it can open. As with any multi-year contract, before the money is expended, it must come back to the council for final approval, because of the non-appropriation clause. You also surely know that this is still up to the council. In other words, the council could still vote NO on approving this expenditure. Have you taken a public position on this expenditure? I know you want to participate fully in the decision making. Do you plan on making arrangements to call in and cast your vote?

So, not to worry, Jim. Please enjoy your vacation and know that your counterparts on the council will take care of business in a most responsible manner. I missed a few meetings while undergoing chemotherapy and understand the feelings of being disconnected from the proceedings. Please feel free to contact me at any time.

FYI: in the interest of full disclosure, I will be reading our email exchange into the record at our next city council meeting.

The second e-mail dated July 2, 2012, 6:25 p.m. was in response to Mayor Neilsen's call for Councilor Messier's resignation. It was sent to all Councilors, Ms. Russell, Mr. Santagate and Matt Camara, Eagle Times.

Dear Mayor Nielsen:

I have just finished reading the council rules, specifically rule number 49. Help me understand where you are coming from. I would have to say that you either have not read the rules yourself or that you need a refresher on how to interpret them. Your call for my resignation is nothing short of ludicrous. You apparently do not understand your role, your responsibility, nor your authority. With your call for my resignation in mind, I would say that you are the one that is way out of line, not I.

My email was in response to your email, which you sent out to the entire council. As it spoke to the issue of the upcoming meeting agenda, which is allowed, I responded to the email with the proviso that my communiqué was not intended to violate RSA 91A in any way and that I would be making my statements public. In addition, I closed my email stating my intention to read our emails into the record at our next meeting, which I still intend to do.

Just so you know, it is my belief that city business should not come to a screeching halt just because one of us on the council goes on vacation, the mayor included. We have an assistant mayor, duly elected by the people, just for this reason.

Most importantly, I am offended by your outrageous accusations and I look forward to setting the record straight at the next meeting. You apparently believe that you have sufficient grounds to call for my resignation, and take this extraordinary action. When you go so far as to accuse an elected official of illegal behavior, then the resulting response and outcome must be aired and dealt with in public. I take your accusations seriously and I am prepared to answer your charges in public at the next meeting.

Again, so that I am crystal clear, I intend to read these latest statements contained herein, into the record at the next city council meeting.

Kyle Messier

Ms. Messier said that Mayor Neilsen said she violated RSA 91-A and he somehow has acquired the authority to execute the punishment. She said he was trying to threaten, bully and intimidate her off the Council. He grossly overestimated his authority. She pointed out that Mayor Neilsen did not call for Mr. Irish's resignation for responding to Ms. Messier's e-mails by sending them

to the entire Council. She calls this a “witch hunt.” She said Mr. Irish asked the Local Government Center for a legal opinion about her e-mails, but did not include his own.

Mr. Bergeron asked to stop the discussion and to have all the e-mails read into the record at the special meeting on July 25th. Mr. Austin didn't agree; he said everyone showed up to hear this tonight. He said if he were involved, he would have shown up and it is not the rest of the Council's fault that the other two are not here. Mr. Koloski agreed with Mr. Bergeron. Three Councilors are in the wrong and he doesn't think it is proper to continue without the other two. Councilors discussed Ms. Messier's narration.

Ms. Messier said she is raising the issue under personal privilege and needs to answer the charges of misconduct immediately.

Mr. Koloski asked for a ruling from Ms. Taylor. Ms. Messier quoted Council Rule 11, Council may at any time call upon the City Solicitor for an oral or written opinion to decide any question of law, but not decide upon any parliamentary rules.

Ms. Messier said that Mr. Irish did not include his own e-mails in the inquiry to the Local Government Center (LGC). She read the e-mail from Attorney Michael Williams, NH LGC:

Dear Councilor Messier,

Below is the e-mail response I provided Councilor Irish.

Good afternoon Chris,

I have reviewed the selected emails you sent to me and we have discussed this matter over the phone in which you provided some context.

- 1) **RSA 91-A:2, I reads, “a "meeting" means the convening of a quorum of the membership of a public body...whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously... for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.” Accordingly, it appears that the emails in question constituted a meeting. Additionally, RSA 91-A:3, III(c) reads in part, No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.” It is probable that the email exchange in question did violate RSA 91-A.**
- 2) **If a violation or suspected violation has occurred, then the correction is to acknowledge the violation at the next public meeting, release as much information as possible to attain the greatest amount of transparency, and promise to never do it again. Finally, avoid similar violations in the future!**

I hope this answers your question.

**Thanks,
Mike**

Ms. Messier read the e-mail from herself to Mr. Williams:

Dear Mr. Williams,

In reference to the comment below, sent to Councilor Irish "I have reviewed the selected emails that you sent to me," it is unclear what emails you have reviewed. To provide clarity, please provide the selected emails that you are referring to.

Thank you for your attention to this matter.

Councilor Kyle Messier

Mr. Williams wrote back to Ms. Messier:

Good morning Councilor Messier,

Unfortunately I cannot forward those emails to you because I deleted them. However, I will describe them to you.

There were three emails:

- 1) An email from the Mayor where he writes about the agenda item concerning leasing furniture for the community building.
- 2) Your reply to the Mayor's email discussing agenda changes.
- 3) The Mayor's reply to your email alleging a violation of the city charter and requesting a resignation.

Please let me know if I can be of further assistance.

Thanks,
Mike

E-mail from Ms. Messier to Mr. Williams:

Thank you Mr. Williams for your prompt reply. It is unfortunate that the emails were deleted, there were several emails sent relating to this topic. To provide clarity, I am going to forward a few emails, please confirm if these emails were in the mix of the emails reviewed. I am forwarding three emails.

Thank you for your attention to this matter.
Councilor Kyle Messier

E-mail from Mr. Williams to Ms. Messier

No, I have not seen those emails before.
Michael R. Williams

Ms. Messier said Mr. Irish never admitted his role in the chain of events. He then e-mailed a copy of the legal opinion to the Council yesterday.

Mr. Burnham said Councilor Messier's report was done appropriately. It should be continued to the next meeting.

Mr. Koloski apologized to the public that there was not a full Council. He returned from vacation in Cape Cod to be at the meeting. Nine people were elected, but only six were represented.

David Messier, Ward 1, disclosed an e-mail that was sent to his wife, Councilor Kyle Messier, from Bernie Folta (Mr. Folta is aware Mrs. Messier has been battling breast cancer for the last year). It said, "Bad government is like a cancer. It's quite hard to eradicate and there is always the continuing risk of relapse." Mr. Messier said he was appalled and upset when the e-mail arrived. He hopes people will consider the true character and motivations of someone that would send such a hurtful e-mail.

Bernie Folta, Ward 3, said he believes Ms. Messier violated the spirit of RSA 91-A by sending the e-mail to the entire Council. He sent an e-mail to Councilor Messier. In regard to Ms. Messier's e-mail, he used a metaphor that he knew would have an impact on her. He used rhetoric with a personal twist to get her attention about bad governance in Claremont.

Jerome Goggin, Ward 1, said he was stunned to read in the newspapers that the Mayor ordered the resignation of Councilor Messier, the accusations that Ms. Messier colluded with City employees to undercut the Mayor's authority, the City's playing shell games, etc. Regarding Assistant Mayor Austin's reinstatement of the proposal to purchase furniture and fixtures for the New Community Center when the Mayor was out of town, and the claim that it was illegal, he referred to RSA 45 Mayors of Cities regarding the authority of the Assistant Mayor. He talked about Mr. Irish's claim that this would be an illegal meeting, however he saw no police. He listed some of Ms. Messier's accomplishments and volunteer efforts. He said her e-mails did not rise to reprehensible, but that they (Mayor Neilsen and Councilor Irish) are reprehensible.

Alison Raymond, Ward 2, said she is concerned for the City's reputation and future. Lately we seem to be going backward. She is angry with Mayor Neilsen and Mr. Irish for saying the City's finances are in a mess and calling for Ms. Messier's resignation. They were asking for Ms. Messier's resignation because of the e-mails she sent to other Councilors while they were doing the same thing. There are no grounds for removal and Mayor Neilsen had no authority to order it. She referenced recent news articles that are damaging the image and reputation of the City.

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Francis Gauthier, Ward 2, said what comes out of this is the opportunity to do better. He sent 91-A Supreme Court cases to Councilors. He said all 91-As should go onto the website. He talked about the Council minutes being posted in timely manner. He talked about getting 91-A information from the City Attorney.

Carolyn Towle, Ward 1, said she sits on Zoning Board of Adjustment and the Goodwin Community Center Commission and that she is proud of Claremont. This cannot continue. She asked Council to decide how to proceed. The negativity and unprofessionalism has to stop. The productivity in Claremont is wonderful.

Arnold Craigue, Ward 3, talked about repairs for Barnes Park versus spending money on the New Community Center. He thinks things have gone wrong.

Richard Madigan, candidate for State Representative and Ward 3 resident, talked about leasing equipment versus buying the equipment. He asked the Council when it was going to start doing the business it was elected to do.

Paul Bonneau, Ward 1, said the City can't continue like this. This is not helping the City. He would like to see economic development coming into the City. He talked about the lack of interest by citizens to run for Council seats. He referenced Wheelabrator. He suggested bringing in the Secretary of State to go over right-to-know and e-mail laws.

Scott Pope, Ward 2 resident and former Mayor, talked about Councilors meeting with the City Manager, e-mails, and the need for a third party to come in to hash this out. As a citizen, he requested to keep politics out of this. Council policies are starting to get lax and they should be reviewed with a third party.

Steve Raymond, Ward 1, said he doesn't feel Ms. Messier has done anything wrong. He supports the Councilors. He hopes the Council supports her. Citizens need to come out and support the Council as it's the only way to move the City forward.

Heather Irish, Ward 3, said Councilor Irish couldn't be here because he was working. She felt that all the e-mails should have been read into the record. She talked about principles above personalities and that sometimes people speak before they think. The biggest issue is lack of respect for the positions. Council was elected by the citizens and she would like to see them get on with the business of the City.

Jeff Goff, Ward 3, spoke as a former City Councilor, stated this Council is distracted which is eroding the progress former Councils have made. Claremont needs councilors to find a common ground. He served with Ms. Messier and she is dedicated and hard working. Mayor Neilsen and Councilor Irish do not have the authority to ask her to step down. This is a personal attack. She is owed an apology by Mayor Neilsen and Mr. Irish and then the Council needs to get back to work.

Deborah Cutts, Ward 1 resident and former Mayor, said over the past few years Claremont has worked hard to reverse its negative image. The improvements have had a direct positive impact on economic development which is critical to stabilize our tax base. The negative attention by the press is causing damage to the City's reputation. She would like the Council to take care of the business of growing our City.

Steven Kangas, Ward 3, talked about teams should work together.

Ed Belliveau, Ward 2, talked about the City's Master Plan showing a steady decline in population since the 1990s which indicates that people do not want to move here. He said things are out of control and it's time to bring it back in.

Mr. Bergeron wanted to disclose that Councilors had received \$5 Dunkin' Donuts gift cards in the mail from an anonymous person.

Mr. Bergeron said he is not happy with the way things are going. It will be handled at the next meeting. He ran for election on doing the good of the City. He respects the Mayor and Mr. Irish, but when they are wrong, they need to be told. We need to get the City moving again.

Mr. Burnham said we are five months into the year. When someone wants to up-end the process, it's not hard to do. This situation will be corrected. We are here to represent the entire City.

Ms. Messier thanked the public for all the comments and urged them to engage in the future.

Councilors thanked the citizens for coming out and giving their feedback.

REPORT OF THE SECRETARY

A motion was made by Mr. Raymond and seconded by Mr. Koloski to accept the minutes of the June 13, 2012, City Council meeting.

Mr. Bergeron said he would abstain as he was not at the meeting.

Roll Call Vote: Motion carried 5-0 with 1 abstain (Mr. Bergeron).

APPOINTMENT TO BOARDS AND COMMITTEES

Parks and Recreation Commission

Mr. Raymond nominated Jeffrey Coburn to seat 7 – Ward III of the Parks and Recreation Commission. Ms. Messier seconded.

Ms. Messier said Mr. Coburn's name had been in the paper recently. He has apologized for what happened and she would like us to move on in a positive way.

Roll call vote: motion carried 6-0.

CITIZEN'S FORUM

Bernie Folta, Ward 3, said he is a senior citizen and there ought to be a way for citizens to participate in meetings through electronic methods without having to come to Council Chambers. He said that effective Tuesday, September 4, 2012, he would resign as Commissioner on the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC); the seat expires in March 2013. He will continue to follow the updating of the regional plans in the state. He will continue his civic political life. He talked about good governance and his interest in right-to-know.

Francis Gauthier, Ward 2, talked about Claremont's shrinking population. He is an apartment owner. He talked about nonconforming lots and when a building is destroyed, maybe having to take the City to court to be able to rebuild on the same lot.

Scott Pope, Ward 2, talked about in 2001 when Chris Shaban was Mayor on a hostile Council. He talked about the law and to be aware of the spirit and intent of the law.

OLD BUSINESS

New Community Center Update

Scott Hausler, Parks and Recreation Director, showed a New Community Center Project update PowerPoint.

- Project Update
 - Pools near completion
 - Concrete flooring on main level complete
 - Roofing contractor install roof
 - Plumbing and electrical contractors continue working on site
- Showed pictures of drainage in roof system, pool shotcreted, walls in bathrooms, exterior panels being installed, elevated walking/jogging area, pool plumbing, roof system being installed, pouring floors in bathrooms, roof trusses in place.

Mr. Hausler suggested there would be another tour of the building since the changes are occurring so rapidly.

Mr. Bergeron asked if the project is on track. Mr. Hausler said yes. There are no stumbling blocks related to construction.

Mr. Austin asked about the inside track material. Mr. Hausler said the surfacing is similar to the gymnasium. It will have 3 3-foot lanes and will be 13 feet wide. It will be separated from the exercise area.

Mr. Koloski asked about a completion date. Mr. Hausler said around the first of the year. Mr. Koloski asked when they can discuss the fate of the old community center. Mr. Santagate said we have taken preliminary looks at it. It will have to be on the agenda soon. It is a good location in the downtown. We need to identify uses for the property.

Ms. Messier asked how the budget is running. Mr. Hausler said it is on target.

Mr. Bergeron said Council voted to close the outdoor pool; he asked about the cost to remove it. Mr. Hausler suggested he might have details at the next Council meeting about the closing/removal and options for a water activity.

Claremont City Center Project Update

David Putnam, committee chair, said there will be a Design Charette on July 21, 8 a.m.-12 noon. There will be an open studio July 16-20, 3-6 p.m., at 65 Pleasant Street, where people can look at the information and add their input. For the last year and a half, the steering committee has met and they are now entering the last 6 months of work. They have worked with NH Cooperative Extension, Mike McCrory of UVLSRPC, City Planning Director. Four students and two professors from the Nelson Rockefeller Center at Dartmouth presented a workshop on housing stock surveys. This project covers approximately 50% of the residents in Claremont. The survey covered all the components that are on the street (types of housing, sidewalks, utility locations, abandoned cars, etc.) to understand the kind of zoning changes that are needed. Zoning has a huge impact on growth in a community. There was an online survey, two public forums and five focus groups. High school students have been working on a 3-D model of the City center with Tracey Hutton, City Planner. He talked about the July 21st design charette and that input will be used for land use regulations. This was funded by a HUD grant. There were 12 members on the committee. Councilors Raymond and Bergeron are members of the committee

Mr. Raymond, who serves on the committee, said the presentation needs input from the community.

Mr. Bergeron is the assistant chair of the committee. The committee and staff have done a lot of work and it encompasses a lot of the City. Citizen input is necessary.

Ms. Messier asked how long ago the process started. Mr. Putnam said two years ago. Ms. Messier said a lot of work has gone into this and it is important to gather information; it is time for the community to make comments.

Mr. Austin asked how this will affect the historical buildings. Mr. Putnam said the historic district has rules and regulations that supersede municipal zoning. They are just collecting data and information at this time and he is not sure how it will fit together. Mr. Austin asked about property tax structure change. Mr. Putnam said that is not the responsibility of this committee. The City center has 9 zones; change it, improve business and the property tax revenue will go up. Mr. Santagate said that zoning is a big part of the highest and best use of a property. The City's

architecture is an asset to the City. The infrastructure capability is enormous. We want to develop along the utilities. We ought to encourage revitalization in existing structure through zoning. He believes this will be driven by economics. Mr. Putnam said the permitting process needs to say what can be done versus what can't be done. Mr. Santagate talked about sustaining the systems that are in place. Our systems can sustain double the population.

Mr. Putnam noted that all documents generated by the committee so far have been reviewed by HUD and there have been no negative comments.

Bernie Folta, Ward 3, said he is not on the committee, but he has attended every meeting. This process is excellent. He knows the product will be great. He said the grant period is 18 months. Mr. Putnam said they have an extension.

Carolyn Towle said that citizens need to participate and that there needs to be more media attention and publicity.

Mr. Koloski said the affected area extends to Chestnut Street, the Bluff, right before Wal-Mart and other areas of the City. He asked about the level of buy-in from downtown businesses and property owners. Mr. Putnam said it is not as much as he would like. This will change the zoning future of Claremont. He recommended revisiting this in 10 years.

Francis Gauthier, Ward 2, said this has relieved some anxiety. He asked when the new ordinance will be available for review. Mr. Putnam said the committee's responsibility ends in six months and by then they will have a proposal ready to go the Planning Board. After that it will go to the Council.

Ms. Messier asked about the \$40,000 for a consultant. Mr. Putnam said it was paid by the grant. Ms. Messier said this grant is about trying to address the redundancies. Mr. Putnam said this grant provides avenues for the Steering Committee to make recommendations to address those problems. Nancy Merrill, Planning and Development Director, said to anticipate the zoning ordinance recommendations to be before the Council before the end of the year. Mr. Putnam said the times of the open studio are July 16-20, 3-6 p.m. and Saturday, July 21 is the design charette.

Motion to Authorize Sale of City-Owned Property, Map 120-31

Ms. Merrill said Eugene Lattuga would like to purchase a sliver of City-owned land to improve his site on Main Street. It has been surveyed and is 1,344 feet total. The old right-of-way will be extinguished as it is no longer needed. There will be easements in place for the City to maintain the fence, retaining wall, footings, etc.

Eugene Lattuga said his plan is to renovate the old Ranney residence and to build a new Stone Arch Bakery and Restaurant. His request is to purchase the strip of land and to give the City a new right-of-way which will be more accessible than the current one. They have gotten historic preservation okay. They have gone to the Zoning Board for a variance on the property line.

They will meet with the Planning Board in a couple of weeks. If approved, they will start construction this fall and be open next spring.

Mr. Raymond complimented all that worked on this. It's a great use to improve the area.

Mr. Lattuga said the building has a lot of classic features.

A motion was made by Mr. Raymond and seconded by Mr. Burnham that the Claremont City Council hereby authorizes the City Manager or his designee to negotiate, execute and undertake all such actions as may be required to convey approximately 1,344 square feet of City-owned land, being a portion of Tax Map 119, Lot 348 (44 Main Street), to New Branch Properties, LLC and to release all of the City's rights, title and interest to certain rights-of-way over the northwesterly portion of New Branch property located at 40 Main Street (Tax Map 120, Lot 31) and, as consideration therefore, accept easements over and upon said New Branch property located at 40 Main Street for access to 44 Main Street and maintenance of City-owned property.

Ms. Messier echoed Mr. Raymond's comments. She thanked Mr. Lattuga for recognizing the historic value of the building.

Mr. Koloski asked about money exchanging hands. Mr. Santagate said there will be consideration of \$1 plus the easements. With this project, the City gets easements, jobs will be created and it cleans up an eyesore. It is only a sliver of land. Mr. Koloski asked if the City would have any timeline restriction. Ms. Merrill said the timeline will be negotiated into the agreement.

Ms. Taylor said the deeds are still in their early draft and that is why the word negotiate is in the motion.

Mr. Lattuga thanked Ms. Merrill and her staff.

Roll call vote: motion carried 6-0.

Ordinance 527 Adopt Fire Code Administrative Rules – Second Reading – Public Hearing

The purpose of this proposed change is to adopt the Claremont Fire Department's Sprinkler & Fire Alarm Rules and Regulations, as required by the State Fire Code.

Enactment of this Ordinance will update the Claremont City Code and bring it into compliance with state law and regulation.

Fire Chief Rick Bergeron said this is for a second reading and adoption of the ordinance. It supports and mirrors the state fire code and the NFPA (National Fire Protection Association)

code. It converts the code to plain English. We have been using these rules for 6-7 years now and there have been no serious problems with them.

Mr. Burnham talked about four clubs that have been issued letters to install sprinklers. He asked where the requirement came from. Chief Bergeron said the letters went out because a change in the code requires that a nightclub/dance hall with the capacity for more than 100 people, serving liquor and having live entertainment, has to be sprinklered. They have six months to go to the fire department with a proposal of a corrective action plan. The buildings don't have to be sprinklered if all three items are not met. This is a state law.

Mr. Koloski disclosed that he owns a restaurant and his building is already sprinklered

A motion was made by Mr. Koloski and seconded by Mr. Raymond to adopt Ordinance 527 Adopt Fire Code Administrative Rules.

Mr. Koloski read the ordinance into the record.

Assistant Mayor Austin opened to the public hearing. No one spoke. He closed it.

Roll call vote: motion carried 6-0.

CALEA Assessment Update

Police Captain Mark Chase said the Police Department is close to being accredited. There will be a CALEA (Commission on Accreditation for Law Enforcement) assessment team on-site inspection to review the Police Department policies, practices and methods. On July 24th, there will be a public hearing at 7 p.m. in Council Chambers to talk about the CALEA assessment process. Citizens can call in 1 p.m. to 3 p.m. on the 24th at 558-1881. Once the assessment is complete, a recommendation will be provided to the board for review and hopefully the Police Department will be certified.

Mr. Koloski asked what the accreditation means to the department. Capt. Chase said there is a national standard for how police departments operate. This will prove that Claremont meets these standards.

Ms. Messier asked if there is more to attain after this. Capt. Chase said this is what we want to attain and then we need to maintain that level. It is good for 3 years and is then reviewed to see if the Police Department is maintaining its standards.

Mr. Koloski thanked the police for all they do.

Mr. Santagate said he puts a great value on national certification. He commended the Police Department for going through that process. He recommended people call in or attend the meeting.

Mr. Santagate congratulated Captain Mark Chase for completing 10 weeks of FBI (Federal Bureau of Investigation) training at Quantico, Virginia.

Bernie Folta, Ward 3, wondered if this may lower the crime loss component to homeowner insurance. Capt. Chase said he didn't know.

Francis Gauthier, Ward 2, said when he moved here, he bought four pieces of properties. They were trespassed on and he worked with the Police Department and things have changed for the better.

Mr. Austin said that attaining the standards makes things safer for the Police Department and for the City.

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Capt. Chase said that contact has been made with the property owner and things are moving forward.

Mr. Bergeron asked if the court action is still underway. Mr. Santagate said the Historic District Commission has looked at the building and there are some questions that have to be answered. Court action has begun, but the owner needs to take some action. If not, then there would be a 106 process. Ms. Taylor said we have up to a year to take further action. Because of the contact with the owner, that has been put on hold to see if the owner will take responsibility. Mr. Santagate said we will keep this on the agenda and will report every month.

NEW BUSINESS

Purchase of Parks and Recreation New Community Center Equipment

Mr. Santagate said he likes the lease because if there is a problem with the equipment during the lease period, we have more leverage with the company. We lease all the Public Works vehicles, police cruisers, fire equipment, copiers and some of the equipment at Parks and Recreation. When the bond was approved, that gave him the authority to purchase the equipment, so to not delay this action, we put it on the agenda to buy. We put it on the agenda as a purchase so it wouldn't look like we were trying to circumvent the Council.

Jeff Coburn, Ward 3, apologized for the e-mail he sent about putting the leasing of the equipment back on the agenda. He thought it would be a simple issue.

Fire Chief Rick Bergeron explained how a lease/purchase works and how this has benefitted the Fire Department. Mr. Santagate confirmed that at the end of the three-year period the City would own the equipment.

Mr. Koloski asked if the state RSA overrides Council Rules that the hour (meaning this meeting) is when the assistant Mayor takes over as Mayor. Mr. Santagate said this can wait until the next

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Council meeting when the Mayor is present. Mr. Santagate said he has the authority to purchase this equipment outright because the funds were approved as part of the bond. Mr. Koloski said he wanted this on the agenda and he takes offense when the Mayor doesn't think the rest of the Council can conduct business in his absence. Mr. Koloski asked about the legalities of discussing leasing when that is not on the agenda. Mr. Santagate said we have the right to purchase it, but not to enter into a multi-year lease agreement without Council's approval. Mr. Koloski said he would like to see it dealt with tonight. Mr. Santagate said the purpose is not to go ahead without the Mayor. His recommendation is to not to act on this tonight, but put it on the next meeting.

Ms. Messier asked for a ruling on when the Assistant Mayor takes over as Mayor. She felt the lease could be talked about because it is a ramification of whether we lease or buy.

Mr. Bergeron said most people he has heard from don't want leasing. The money was bonded. He asked what would be done with the money if we lease the equipment. Mr. Santagate said we have been leasing for years.

Ms. Walter said we bonded \$380,000 for furniture, fixtures and equipment. We have three years to use the bonding money. This is a tight budget. She is in favor of leasing because we lease all the time. This will have a replacement schedule just like all the other things we lease. This was the plan. If we don't need any other furniture and equipment, that is good as we can pay it off early without a penalty. If something comes up with the project later, we will still have a cushion (\$30,000) to take care of it. The interest rate is 2.9%. We have to order the equipment. The intent has always been to lease and then we own it after three years.

Ms. Messier asked what happens if we wait two more weeks. Ms. Walter said the 2.9% rate is good until July 27th.

Mr. Raymond asked about the timeline for the equipment. Mr. Hausler said the price is good for 30 days.

Mr. Koloski apologized to Parks and Recreation as it is not their fault. He is offended that it was removed from the agenda in the first place. He would like to discuss lease versus buy on the 25th.

Mr. Bergeron asked what the payment would be on the lease. Ms. Walter said \$120,000. The money will stay in the bond funding. Mr. Bergeron said people don't want to go ahead and lease the equipment and then the City comes back to ask for more money.

Mr. Santagate recommended pushing this off until the 25th. In addition, he would like to discuss the CIP (Capital Improvement Program) at the same time.

Bernie Folta, Ward 3, thinks it is savvier to have people more knowledgeable (i.e. Mr. Formidoni who has an accounting background and Mayor Neilsen who is in the finance industry) in on the deliberation. He agreed this should be postponed. He talked about lease versus bond and that people perceive double dipping.

Mr. Santagate talked about previous bonding for items that were not legal to bond in the 1990s. He would like to talk about bonding versus leasing on the next agenda.

Steve Raymond, Ward 1, agreed with Mr. Bergeron. He asked why add interest to the payments.

Carolyn Towle asked at what point the Mayor is considered not available. She agreed this should be opened at the next meeting. She would like the Council to word the agenda item for the 25th.

Mr. Burnham made a motion to approve the lease of the equipment for the New Community Center. There was no second.

Mr. Bergeron said the lease is not on the agenda; we are supposed to discuss purchase of the equipment.

A motion was made by Mr. Burnham and seconded by Mr. Bergeron (for discussion) to purchase the equipment.

Mr. Raymond said he is in favor of the lease, so will vote no on the motion.

Mr. Koloski said he will vote no because the lease should have been on the agenda.

Mr. Burnham said it is advantageous to do a lease/purchase so we can get the equipment replaced if it breaks down during the lease period.

Ms. Messier echoed Mr. Koloski's comments that they are not talking about the leasing today, so she will vote no. It will be discussed at the July 25th meeting.

Mr. Bergeron said he will vote yes because he is angry about how this happened. This is going back to what was on the revised agenda.

Francis Gauthier, Ward 2, said that lease/purchase is a complicated issue. He suggested putting in writing to the public about how it is better to lease.

Jeff Coburn, Parks and Recreation Committee, said he is not in favor of purchasing the equipment as technology changes so quickly.

Roll call vote: motion failed 2-4 with Mr. Raymond, Mr. Koloski, Mr. Austin, Ms. Messier voting no.

Proposed Change to Council Rule 34

Proposed Item 34. (Council Rules):

Conflict of Interest:

Conflict of Interest – If a potential for Conflict of Interest is identified, it should be brought to the attention of the entire Council as soon as possible. Any member of the Council who might be shown to have clearly prejudged an issue or have a conflict of interest on an issue before the Council, places that issue in doubt and the City at great legal risk, therefore he or she should not take part in discussion or voting on the issue. He or she may, however, participate in the public hearing as a private citizen.

If anyone, on or off the Council, raises the question of prejudgment or conflict of interest on the part of any member and that member is unwilling to voluntarily step down, the remaining members of the Council shall hear any evidence the challenger and the challenged may have; subsequently, the Council, by two-thirds vote, shall decide whether the challenged member may sit. If there is substantial evidence of prejudgment or direct financial interest, the vote should be to require the challenged member to step down. Any two (2) members of the Council may request that the chair or the city manager secure a written opinion as to the potential conflict of interest of any Council member.

Recusal:

If a member recuses himself on an issue, he or she becomes a member of the public for purposes of that matter. A recused Councilor shall always step away from the Council table.

When the Council is in a public session, the recused member should either sit with the public or leave the room, as they choose. Of course, if the recused member is a party in the matter, he or she may also have specific rights or particular role to play in the matter, and should do so as appropriate.

When the Council is in a non-public session, the situation is different. The only people with a right to attend a non-public session are the Councilors themselves and other invited attendees. A recused member is not acting as a Councilor for that matter and thus does not have any more right to attend a non-public session than any other member of the public. Therefore, when a Councilor recuses himself or herself from a matter in a non-public session, he or she should leave the meeting room immediately and return when the discussion and/or action on that matter have ended.

Mr. Burnham said there had been no explanation about this item. There was discussion about this being different than what they had seen previously.

A motion was made by Mr. Burnham and seconded by Mr. Raymond to table this until the next regular meeting.

Roll call vote: motion carried 6-0.

CITY MANAGER'S REPORT

Mr. Santagate talked about the paving program and that the line striping is taking place. Drapers Corner project is out to bid; they expect to mobilize mid to late August. The design charrette is an important item. Senator Shaheen has renewed the lease for her office in the Farwell Building. He talked about renovations of the Union Block and Goodfellows Building on Pleasant Street. Yankee Veneer on River Road has purchased the old CSI building.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Koloski requested a copy of the budget and the City Charter on the back shelf.

Mr. Bergeron asked for the next regular meeting to have details of the duties of Mayor and his authority. He congratulated Fire Chief Rick Bergeron for his promotion to Fire Chief which becomes official shortly. Mr. Bergeron asked for an update on the property on Pleasant Street. Mr. Burnham said it is a major concern to the people working around that building.

Ms. Messier would like to schedule another Council tour of the New Community Center. She has had several business owners asking questions about what is happening with the cameras downtown.

Mr. Koloski asked for a legal opinion of when the Assistant Mayor becomes Mayor. He would also like an update on the progress of the City's webpage as he was not able to find out information about the rain date for the fireworks. Mr. Santagate asked Councilors and citizens to give us one community that we can copy. He would like input.

Mr. Burnham asked about the distribution of agendas to the Council. Mr. Santagate explained the distribution process.

COMMITTEE REPORTS

Claremont 250th Anniversary Committee

None

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 10:45 p.m., a motion was made by Ms. Messier and seconded by Mr. Raymond to adjourn.

Voice vote: motion carried 6-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council