

The Claremont City Council held a meeting on Wednesday, March 12, 2014, in the Council Chambers of City Hall.

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

Members of the Council present were:

At-Large Councilor Keith Raymond (late)
Ward III Councilor Nicholas Koloski
Assistant Mayor Victor Bergeron
Mayor James Neilsen, IV
At-Large Councilor James Reed
Ward II Councilor Charlene Lovett
At-Large Councilor Kyle Messier
At-Large Councilor John Simonds

Absent:

Ward I Councilor Carolyn Towle

Also present were:

Guy Santagate, City Manager

OATH OF OFFICE FOR WARD I COUNCILOR

Absent

MAYOR'S NOTES

Mr. Koloski said Joss Whedon's movie, *In Your Eyes*, which was partially filmed in Claremont, will premiere at the Tribeca Film Festival in New York, in April.

Ms. Messier said she would not be able to attend the April 3rd Council meeting and asked to change the date. After some discussion, Council agreed to meet on Monday, March 31st.

Ms. Messier talked about having an agenda for that meeting (i.e. goal setting or visioning and the second part would be to review the City Manager's job performance, which would be nonpublic). Mayor Neilsen said the previously used evaluation form will be sent to Councilors.

At 6:40 p.m. Councilor Raymond arrived.

Ms. Messier suggested the goal setting meeting be in four parts: 1) review of current goals; 2) visioning (ask each Councilor for their vision for the City); 3) create new goals; and 4) adopt new goals.

Mr. Bergeron said he was the one that had asked for this meeting and that it was not to be a goal setting meeting. He talked about having a strategy session, setting a path for the City Manager and then Council sets goals.

Mayor Neilsen agreed that could be done at the start of that meeting. Ms. Messier said that is the visioning.

Claremont 250th Anniversary Committee

William Carpenter, Ward 3, Co-Chair of the Claremont 250th Anniversary Committee, said they have just completed the calendar of events which will include: retro ball, alumni parade, ourhandsthenandnow sculpture lighting ceremony, September 20 birthday celebration downtown in conjunction with Kiwanis beerfest, Civil War statue lighting ceremony, etc. They have been raising money, but they need more. License plates are available for purchase at Central Collections. He said the sculpture will change the way Claremont is perceived. He said when the statue is up, a plan needs to be developed for when people come to see it. It will be a working sundial and it will be a piece of art. The Committee expires December 31, 2014.

Mr. Koloski said there are openings on the Committee. They meet every other week and the public is invited to attend. The website is Claremont250.com

A motion was made by Ms. Lovett and seconded by Ms. Messier to suspend Council Rules to introduce a topic that requires a vote.

Voice vote: motion carried 8-0.

Ms. Lovett stepped down from the Council table to talk on behalf of Kim Chewning, who used to live in Claremont and now lives in Lebanon. Ms. Chewning wants to add her uncle's name to the monument in Broad Street Park that incorporates the names of veterans that died in Vietnam. He died after his second tour in Vietnam from cancer due to Agent Orange. His name is James Peter Mozden; 1960 graduate of Stevens High School; graduated in 1964 from West Point; went to Vietnam in 1966 and again in 1969; was diagnosed with cancer in 1970; he died January 25, 1973. The request is that his name be placed on the memorial under Vietnam. His name cannot be placed on the Vietnam Wall Memorial in Washington, D.C. because he did not die in Vietnam. A memorial for him is scheduled March 17, and if approved tonight, there may be time to put his name on the monument before then.

Mr. Bergeron asked if there are any guidelines for this set by the City. Ms. Lovett said she contacted Don Limoges who headed the committee to get the monument built in the 1960s. She said he can't recall any criteria for whose name can go on it. She said there is precedent on the Civil War monument. The name of Samuel S. Carlton is at the end of the bronze plate, which is

out of order, because he died from wounds sustained in battle two years after the Civil War ended.

Mr. Koloski asked if there is a line item for this expense. Ms. Lovett said that Mr. Limoges remembers money being left over from that monument for upkeep of the monument. Mayor Neilsen asked about the cost. Ms. Lovett said that is unknown. She said the family is willing to pay the cost to inscribe the name, but she doesn't think they should.

Ms. Lovett said the name of Robert Edward Finan, who died in Vietnam in 1969, was omitted from the monument. It is possible that he died after the monument was inscribed.

Mary Walter, Finance Director, said every year the City gives the American Legion \$1,100 each year for flags to be placed on graves. She wondered if all of the money is used and suggested talking to them to see if they can get the names placed on the monument.

A motion was made by Mr. Bergeron and seconded by Mr. Reed to allow going forward with placing both names (James Peter Mozden and Robert Edward Finan) on the monument and to review others at a later date.

Voice vote: motion carried 8-0.

REPORT OF THE SECRETARY

A motion was made by Mr. Bergeron and seconded by Ms. Lovett to accept the minutes of the February 12, 2014, City Council meeting.

Ms. Lovett said there is an error on page 13, Future Agenda Items and Directives. She said the minutes state "Ms. Lovett wants to have three goals from each Councilor." It should state that we should develop, as a Council, three goals.

Voice vote: motion carried 7-0 with one abstention by Mr. Simonds as he was not there.

APPOINTMENT TO BOARDS AND COMMITTEES

Zoning Board of Adjustment

A motion was made by Mr. Bergeron and seconded by Mr. Raymond to re-appoint Todd Russel to seat #5 of the Zoning Board of Adjustment.

Voice vote: motion carried 8-0.

A motion was made by Ms. Lovett and seconded by Mr. Raymond to re-appoint Daniel Worcester to seat #7A of the Zoning Board of Adjustment.

There was a discussion about putting Mr. Worcester in the vacant seat #4, but Council decided without knowing his preference, they would re-appoint him to his current seat.

Ms. Lovett pointed out that there was no biography or resume included. After discussion, Council agreed since this was a re-appointment to go forward with this application. Council agreed it should be clarified whether or not an application can be accepted without those blanks being filled if it is a re-appointment.

Voice vote: motion carried 8-0.

CITIZEN'S FORUM

Bernie Folta, Ward 3, said there has been lot of input to the Charter Commission referencing the City Council. He hoped that it is not ignored. He said the information can be used to improve the city.

OLD BUSINESS

New Community Center Update

Mark Brislin, Parks and Recreation Director, showed a PowerPoint presentation, Claremont Community Center March 2014 Report, which included programming February-March 11th; 5,680 Members, \$586,151 Membership Sales for the year, 11,683 Guest Passes for the year, \$52,240 Guest Pass sales for the year, \$638,391 Gross Revenue; \$0.26 Cost Recovery Prior to Opening and \$0.65 Cost Recovery of New Facility.

Mr. Simonds asked about the renewals from original memberships. Mr. Brislin said there are 720 renewals to date.

Mr. Koloski talked about Facebook and said that Mr. Brislin has experience with it. Mr. Santagate said he has legal concerns about freedom of speech. He wants to be sure we know the risk involved. He knows communities that had a Facebook page and then taken it down.

Mayor Neilsen suggested there might be a conservative baby step that can be taken. Mr. Santagate said to make it outgoing only would be okay. He will talk with Mr. Brislin.

Mr. Bergeron asked about a new fee schedule for the Community Center. Mr. Santagate said Council will see that no later than May 2nd in the budget process.

Bernie Folta, Ward 3, said there was no expiration date on his CSB Community Center card and asked how he would be notified of the renewal. Mr. Brislin said the CSBCC has been notifying users by e-mail and to make sure they have his correct e-mail address.

No Smoking Ban in City Parks Update

Mr. Santagate said that Ms. Lovett had asked about the Smoking Ban and that City Solicitor Jane Taylor was working on this with Scott Hausler, former Parks and Recreation Director, before he left and she has been talking with Mr. Brislin about this recently. Some items that need to be clarified are: Can people smoke in their vehicle in the parking area? Can they smoke with the windows closed/open? The issue is enforcement. Will there be a fine? Which parks? He asked for input on those items.

Mr. Koloski would like to see something in the parks, excluding Moody Park.

Ms. Lovett agreed with Mr. Koloski and said she would like to have a resolution on this.

Police Chief Alex Scott said he would have to look at the enforcement by Parking Enforcement or the Park Ranger.

Mr. Bergeron said it would be going too far if you can't smoke in open areas with no one around. He asked if No Smoking can be made in specific areas. Chief Scott thinks it should be an outright ban, but that needs to be determined before this is written up.

Mr. Raymond agreed it should be banned completely.

Mr. Koloski asked about the Visitors Center green. Chief Scott said that is not a park, so it is not the same.

Ms. Messier said if it is banned in one park, it should be banned in all parks. Cigarette litter is costly to pick up and it is not healthy for our children.

Mr. Simonds suggested researching how other municipalities handle the enforcement.

Mr. Reed thinks it should be banned from the parks.

Chief Scott said in reference to enforcement, they start with engineering, education and then enforcement.

Steve Raymond, Ward 1, talked about senior citizen homes and that residents are not allowed to smoke on the premises and they smoke on the sidewalks. He said there is a lot more to it. Sometimes restrictions are taken a little too far. He said you are not hurting anyone if you smoke in your own car. He agreed with the park restriction.

Ms. Messier asked if your car windows are up, is it private property. She was in favor of having No Smoking at all in the parks.

Mr. Koloski asked for Mr. Brislin's opinion. Mr. Brislin said in Essex Junction, Vermont (where he used to work), there was no smoking allowed in the parks. Enforcement was an issue. He is comfortable moving forward with this. Signage is important.

Ms. Lovett asked if this can be on next month's agenda. Mr. Santagate said he will do research and then bring it forward.

There was discussion about getting public input before creating an ordinance. There was discussion about keeping this and other Council requests on a list so things don't "fall through the crack."

Mr. Santagate said he wants to communicate with the Council and that there has been some research on this subject, but sometimes timeliness doesn't happen.

Mr. Koloski asked to have a page of Council requests added to the Department Reports. Mr. Santagate said we can take the information from the minutes.

Mr. Santagate suggested that as each Councilor asks for things, Council should make a voice vote for Council approval.

Mr. Reed asked about the Goodwin Community Center (GCC) buildings and the Boston Post Cane. Mr. Santagate said we gave the GCC update and that was that the City has filed a Cy Pres petition and a hearing date is set for April 9th to determine if we can sell the buildings and if we do, can the money go to the new community center. For the Boston Post Cane, we have been talking about the process to get it awarded.

Bernie Folta, Ward 3, liked the idea of getting citizen input before the No Smoking process gets too far along. He agreed with Mr. Santagate that process takes time. He said that No Smoking is removing a right that people have to smoke in a public place.

Mr. Santagate talked about the directive from the Council to demolish the pool, and then Councilors said they never voted on it after the City had started to move forward with it. He said that's why he wants to be clear about what the Council wants and what they want to be a priority. Mayor Neilsen agreed, but he said Councilors want to partner with the success of the administration. The challenge is how to facilitate the involvement and comments and coordinate them with the City Manager. He said the Council's job is to set goals, set the process to do that and then the City Manager comes back to Council with what it will take (i.e. time and resources) and then Council makes the decision.

Starting Blocks for Indoor Pool Update

Mr. Brislin said toward the end of the CSB Community Center project, in order to stay on budget, some things were put on hold and some furniture and equipment was brought over from the old building. Some items, such as the starting blocks, have been placed on the CIP (Capital Improvements Plan) for 2014/2015. When the pool was built, anchors were put in place for the

starting blocks. They have received donations for two starting blocks at a cost of \$1,500 each. He has talked to some swim team parents about additional fundraising. They are looking at putting the starting blocks in the budget.

Ms. Lovett talked about having swim meets at the Community Center. She said it would save money to be able to hold the swim meets here instead of having to travel for them.

Mr. Bergeron said it is up to Mr. Brislin to decide where the money needs to go instead of where people want it to go. If it is important to the high school, maybe they can come up with the money out of their budget.

Sale of City-Owned Property Update

Ms. Walter said some of the tax-deeded properties were not sold, so we have put them out to bid again with no minimum bid, but the City reserves the right to reject any and all bids. The bids are due March 21st. Mayor Neilsen said the ad was posted in the e-Ticker News. Ms. Walter said it was also posted in the Eagle Times and on the website.

39 Central Street

Police Chief Alex Scott said the project completion is scheduled for August. The costs for demolition and disposal of the hazardous materials will probably not be recovered. Mayor Neilsen asked Mr. Santagate if there will be funds in the budget for demolition. Mr. Santagate said yes.

Ms. Messier asked if the brick and the wood sections would be demolished. Mr. Santagate said we will have to clarify that.

157 Pleasant Street Update

Chief Scott said after the February 20th Council meeting, he filed with the Registry of Deeds and the 5th Circuit Court re: the City's intent to raise and remove the building at 157 Pleasant Street. On the same date, a letter was sent certified mail to the property owner with copies of both documents. The letter was delivered February 24th. A response is due March 14th. If there is no response, we will file with the Court to enter property to get cost estimates to tear it down.

Mr. Bergeron stated we will eventually have to spend money to take down other abandoned buildings for safety reasons. It is Council's responsibility to make sure these are mitigated. Chief Scott said each property is different and the plan of action is based on the best interest of the City.

Resolution 2014-1 Establishment of Special Revenue Fund for City Recreational Program and Membership Scholarships – Second Reading – Public Hearing

Ms. Walter said this is the second reading for establishing a Special Revenue Fund to fund scholarships.

Ms. Messier read the resolution into the record.

A motion was made by Ms. Messier and seconded by Mr. Raymond to adopt Resolution 2014-1 Establishment of Special Revenue Fund for City Recreational Program and Membership Scholarships.

Mayor Neilsen opened the public hearing.

Bernie Folta, Ward 3, questioned if this was identical to the resolution that was tabled at the last meeting. Ms. Walter said she did not make any changes from the last meeting.

Mayor Neilsen closed the public hearing.

Roll Call vote: motion carried 8-0.

Ordinance 534 Hawkers & Peddlers – Second Reading – Public Hearing
Explanation of Proposed Action

The purpose of this proposal is to replace and readopt the provisions of the Claremont City Code related to local permitting of hawkers, peddlers and itinerant vendors. The existing provisions in the City Code do not reflect and are significantly out of compliance with current state law. The proposed changes will align the local permitting process with state requirements.

Enactment of this Ordinance will update the City's permitting process for hawkers and peddlers and itinerant vendors and will bring the City into compliance with state requirements.

Chief Scott said the purpose of this ordinance is self explanatory. It is to bring this portion of the Code into compliance with state statute.

A motion was made by Mr. Raymond and seconded by Mr. Simonds to adopt Ordinance 534 Hawkers & Peddlers.

Mr. Raymond read the explanation of proposed action into the record.

Mayor Neilsen opened the public hearing. No one spoke. He closed it.

Roll call vote: motion carried 8-0.

NEW BUSINESS

Amendment to Council Rule 22

Current Council Rule 22:

22. - Order of Business.

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present shall suspend the rules and change the order:

1. Pledge of Allegiance
2. Roll Call of Council Members
3. Mayor's Notes
4. Report of Secretary
5. Appointments to Boards and Committees
6. Old Business
7. Citizen's Forum—Non Agenda Items (Note: Citizens will be allowed to speak on agenda items when they are discussed by the City Council)
8. New Business
9. City Manager's Report
10. Future Agenda Items and Directives
11. Committee Reports
12. Adjournment

During the Citizen Forum portion of the Council meeting, citizens in attendance may speak on non-agenda items for a five-minute period.

The Mayor or Assistant Mayor, in the absence of the Mayor, may invite citizens in attendance to speak on individual agenda items, with the exception of first reading of proposed ordinances. Each citizen so recognized may not speak more than once on any one subject and for no more than five (5) minutes without leave of Council. Questions and answers by both citizens and members of the Council shall be at the discretion of the Mayor or Assistant Mayor, in the absence of the Mayor, and shall follow proper procedure for order.

The following is an excerpt of a proposed amendment to Council Rule 22 from the May 8, 2013, Council meeting minutes and was included in this month's Council packet.

Mayor Neilsen submitted (in writing) a proposal to change Council Rule #22:

22: Order of Business

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present shall suspend the rules to change the order:

- 1. Pledge of Allegiance*
- 2. Roll Call of Council Members*
- 3. Mayor's Notes*
- 4. Citizen's Forum*
- 5. Report of Secretary*
- 6. Appointments to Boards and Committees*
- 7. Old Business*
- 8. New Business*
- 9. City Manager's Report*
- 10. Future Agenda Items and Directives*
- 11. Committee Reports*
- 12. Adjournment*

During the Citizen's Forum portion of the Council Meeting, citizens in attendance may speak on both agenda and non-agenda items, with the exception of agenda items with a previously-noticed public hearing and on the first reading of proposed ordinances. Each citizen so recognized may speak not more than once and for not more than five (5) minutes.

I am requesting this change to allow for citizens to be able to speak to agenda items at the beginning of the meeting under Citizen's Forum which currently is not allowed. I think this will allow for a better flow of the meeting while allowing input from the citizens.

Respectfully submitted,

Mayor Jim Neilsen

Mayor Neilsen said the right to know is not the right to speak. If Citizens Forum were open to agenda and non-agenda items, then the only other time citizens would speak would be during public hearings.

After a few minutes of discussion, it was brought up that Council does not have to recognize citizens to speak. The Rule says Council may invite citizens to speak, it doesn't say will.

Mayor Neilsen said he would like everyone to make comments at the beginning of the meeting.

After more discussion, Mayor Neilsen withdrew his request for consideration of Council Rule 22.

Mayor Neilsen said there is a conflict in the Council Rules “During the Citizen Forum portion of the Council meeting, citizens in attendance may speak on non-agenda items for a five-minute period. The Mayor or Assistant Mayor, in the absence of the Mayor, may invite citizens in attendance to speak on individual agenda items, with the exception of first reading of proposed ordinances. Each citizen so recognized may not speak more than once on any one subject and for no more than five (5) minutes without leave of Council. Questions and answers by both citizens and members of the Council shall be at the discretion of the Mayor or Assistant Mayor, in the absence of the Mayor, and shall follow proper procedure for order.” With citizens not able to speak on agenda items during Citizen’s Forum, he feels compelled to open each agenda item to public comment. He would prefer to allow public comment at the beginning of the meeting for agenda and non-agenda items. Then at the agenda item, if a citizen wishes to speak, Council may or may not choose to allow the citizen to speak at that time. He asked for consent to change Council Rule 22 this evening.

There was discussion of Mayor Neilsen’s proposal.

Mr. Bergeron said the Council’s purpose is to get as much information as it can and to be able to ask questions.

Ms. Messier said not all discussions have to occur in public, Councilors are available in other ways.

Bernie Folta, Ward 3, said citizens would like more opportunity to speak. Citizens can submit opinions in writing or directly to Councilors. He suggested correspondence should be read into the record and made available. He suggested including “without leave of the Council.”

There was discussion about changing the time limit to 3 minutes.

A motion was made by Ms. Lovett and seconded by Mr. Bergeron for discussion that citizens can speak for a maximum of three minutes on agenda and non-agenda items during Citizen’s Forum. If they wish to speak on agenda items during the time of the agenda item, they must notify the Mayor during Citizen’s Forum.

Mayor Neilsen asked about the conflict of 3 minutes with Council Rule 48 which is 5 minutes.

Chief Scott said this is a business meeting. There are four items on tonight’s agenda that include a public hearing. Under Council Rules, those are the only items that require public input. If citizens want to speak to an item that does not have a public hearing, they can do so under Citizen’s Forum. Council is not required to open each item unless it is noticed as a public hearing. Opening every item, even updates, to the public creates a long discussion and significant delays in the meeting. He suggested sticking to the agenda and the Rules we have.

Mr. Raymond had asked how Council meetings are run in Lebanon and was told they run them as Chief Scott suggested.

Mr. Koloski, Mr. Raymond and Ms. Messier agreed with Chief Scott and they'll vote no. Mr. Bergeron agreed if Council sticks with it.

Ms. Lovett withdrew her motion. Mr. Bergeron withdrew his second.

PSNH Municipal Rebate

Withdrawn.

Resolution 2014-2 to Accept and Expend \$2,500 EMPG Grant from NH Department of Safety for Emergency Operations Plan – Public Hearing

Fire Chief Rick Bergeron said this is a follow-up from last month to accept and expend a \$2,500 grant to redo the City's Emergency Operations Plan.

A motion was made by Ms. Messier and seconded by Mr. Koloski to adopt Resolution 2014-2 to Accept and Expend \$2,500 EMPG Grant from NH Department of Safety for Emergency Operations Plan.

Ms. Messier read the resolution into the record.

Mayor Neilsen opened the public hearing. No one spoke. He closed it.

Roll call voice vote: motion carried 8-0.

Capital Improvements Plan

Ms. Walter said the Capital Improvements Plan (CIP) was approved by the Planning Board. It is a working document and is not set in stone. We do not have the money to fund all these items. We try to keep the debt around \$3 per thousand. This is not just bonded debt. Quite a bit is pay-as-you-go. There is \$60,000 in the Assessing Department's current budget and \$250,000 in next year's budget because we are not sure if we can do a statistical update or if we have to do a full revaluation.

Mayor Neilsen said the \$3 per thousand is not an increase to the tax rate. It just means that \$3 from the taxes that are collected are spent on this function.

Ms. Messier watched the process as it went through the Planning Board process and she thinks this is an excellent document. She suggested citizens should read through it.

Mr. Bergeron asked if this is approved tonight, does it also approve spending the money. Ms. Walter said no. This just approves that you have this plan.

A motion was made by Mr. Koloski and seconded by Ms. Lovett that whereas the Claremont Planning Board, pursuant to RSA 674:7, has prepared and approved a Capital Improvement Plan for fiscal years 2015-2020, and now desires to submit its recommendations to the Mayor and City Council for consideration as part of the Council's future annual budget review process, the Claremont City Council hereby accepts the fiscal year 2015-2020 Capital Improvement Plan as approved on February 24, 2014 by the Claremont Planning Board. The Claremont City Council hereby authorizes the City Manager or his designees to undertake all such actions as may be required to incorporate the recommendations contained in the fiscal year 2015-2020 Capital Improvement Plan into the annual budget review process for each year of the Plan and to provide updates to the Capital Improvement Plan and recommended adjustments, if necessary on an annual basis, to maintain and improve the City's credit rating and fiscal health.

Voice vote: motion carried 8-0.

Resolution 2014-3 Updating the Merit Plan – Public Hearing

Ms. Walter showed a PowerPoint presentation of the Merit Plan.

- Merit Plan
- City Charter
 - 51. – Rules and Regulations.
- City Code – Appendix B
 - Appendix B, Attachment A
- Employee Make-up (Total of All Employees)
 - Merit Plan (Non-Union) 50%
- Employee Make-up (Those on Health Plan)
 - Merit Plan (Non-Union) 32%
- Merit Plan Compared to Union
 - There are Merit Plan employees in each department
 - After paying out what was required of the reimbursement from LGC, the remaining money will be used and any excess at year end will be used to help fund the year 2 increases as much as possible.

In the Retirement section page 14, section C it starts out “After 10 years of service...” it should state “After 20 years of service...” which is our current practice and is in all the contracts. That information was included in the amended Resolution.

Ms. Lovett talked about the Personnel Advisory Board (PAB) which is made up of three people; one seat is vacant and is supposed to be appointed by City Council. She wasn't sure the PAB was given enough time to digest the information. She spent 16 hours going over the information. She said she wasn't sure the benefits are sustainable.

Mr. Koloski said he is a Call Firefighter and asked if it was okay for him to stay at the Council table to discuss this. Council agreed there was no problem. Mr. Koloski agreed with Ms. Lovett about the PAB. He has not had enough time to digest this.

Mr. Santagate said we bring forward our best recommendation. We don't try to influence or dictate to the Council how much time they need. The Council appoints the vacant seat. If we had an application, we would forward it to the Council. It is tough to get people to serve on boards.

Ms. Walter said the Merit Plan is not new. The red-lined information is the new information. There is a lot of red-lined information, but it's to clean up language and to make the Plan compliant with federal law. Money related items are the longevity which is in compliance with the unions and the health insurance which is a give back.

Mr. Raymond asked if the Merit Plan people get raises as the unions do. Ms. Walter said the Merit Plan is not a union. Mr. Santagate said the Merit Plan gets the best health insurance plan which is the Fire Department's. Ms. Walter said the health insurance mirrors the union contract.

Mr. Reed said he asked "Who gets raises, all department heads and the Merit employees?" Ms. Walter said that she doesn't make the decision; normally Mr. Santagate makes the final decision.

Mayor Neilsen asked about the new grading system. Ms. Walter said the classification pay scale has not been changed since 2007, so we are way behind. To set it, she looked at the CPI Index and over the past 6 or 7 years, the CPI has been 1.9% per year and this pay scale represents 1.77% per year. Raises are based on merit.

Mr. Santagate talked about inequities and said that we look at comps outside the City. We don't want to lose people so if their salaries are way out of line, we have to fix it between pay raises. Merit Plan employees will begin to pay toward health insurance.

Mr. Koloski said he doesn't think the PAB structure is legitimate and he would like to fix it as soon as possible.

Ms. Walter said unless Council disagrees, the Merit Plan goes into effect in 30 days.

Mr. Bergeron said he had a hard time deciphering this. He thinks the information should be given to them sooner than four days before the meeting. Ms. Walter said you can't do the Merit Plan until the unions are done. Mr. Santagate said if Council wants to, it can change it.

Mr. Koloski asked about the disciplinary action/at-will. Mayor Neilsen said NH is an at-will state.

Mayor Neilsen said this is a boiler plate Merit Plan. The changes were wording changes, not money. He said the PAB was not correctly formed. We are getting concession on the health cost. He thinks we need to move forward to accept the Merit Plan to get the savings on the

health insurance side. During the next cycle we can get the PAB in order and get people to look through the Merit Plan. If you delay tonight, it sends a bad message to the Merit Plan employees. It is not their fault.

Ms. Lovett asked when Council can start addressing these issues. Ms. Walter said Council may want to look at filling the vacant seat on the PAB and she suggested Council may want to meet with PAB to get their recommendations.

Mr. Simonds said that multiple Merit Plan employees have come to him and asked who is looking out for them. He would like to hear from the PAB why they voted for this.

Ms. Lovett said the grievance process involves the PAB and there is no PAB to speak of, so this needs to be addressed. She thinks this is a high priority item.

Mr. Santagate said the PAB is advisory.

Mr. Bergeron said this has to be fixed.

Ms. Messier agreed we should work on the process and that we have to find someone to fill the PAB position.

Mayor Neilsen would like Council to meet with the PAB and go through the Merit Plan.

Mr. Raymond said Council needs to move forward with the Merit Plan.

A motion was made by Ms. Lovett and seconded by Mr. Koloski, for discussion, to adopt Resolution 2014-3 Updating the Merit Plan.

Ms. Lovett read the resolution into the record.

Mayor Neilsen opened the public hearing.

Bernie Folta, Ward 3, liked the Council being involved.

Chief Scott said the language under Disciplinary Action obviates everything that comes after it (paragraph a-g). It is a significant change from past practice and that causes him concern. The other things are cleaning up language.

Ms. Walter said the change about "at-will" was put in by the City Solicitor and Council can strike that if it so wishes.

Andrew O'Hearne, Ward 1, said some directors in the last year received significant raises. If this is passed tonight, some employees will feel forgotten. There is no one speaking for them.

Mr. Santagate asked who should look after them. They are individual employees. Changes were made because their salaries were out of line. The grades were re-pointed and we went out to comparable communities.

Mr. O’Hearne compared how long it took for the unions to come to a decision to the short amount of time to change the Merit Plan. He said he wants to do what is fair and right, so he thinks it should be brought back next month.

Bernie Folta, Ward 3, said he is not advocating a union, but if a union came in, how many employees would qualify for it. Ms. Walter said the City Manager would be exempt and a management union could have everyone else in it.

Mayor Neilsen closed the public hearing.

Mr. Koloski would prefer not to act on this tonight. Mr. Simonds said without Council action, it will be enacted within 30 days. Mr. Koloski asked if there is any recourse for City employees since there is no PAB; can someone come forward with a claim that we did not follow the proper procedure. Ms. Walter said Ms. Taylor was at the PAB.

Mr. Bergeron said he has issues, but won’t hold up the approval of this. He asked what gives the City Attorney authority to change an approved City Charter in reference to how the PAB members are selected.

Mayor Neilsen said Council can vote no and then it will be enacted in 30 days or approve this and then go forward with changes.

Mr. Koloski said he would like to see the “All Merit Plan employees are employees at-will and may be terminated with or without cause.” statement stricken. Ms. Walter said Council can make an amendment.

Ms. Lovett amended her motion, agreed to by Mr. Koloski as second, to adopt Resolution 2014-3 Updating the Merit Plan with one change, to strike the first sentence of Section 11, subparagraph A. which reads “All Merit Plan employees are employees at-will and may be terminated with or without cause.” and to remove However.

Roll call vote: motion carried 8-0.

Ordinance 535 Amending the Non-Union Employee Classification Plan – First Reading

The purpose of this proposed change is to align various changes to the listing of job classifications adopted by amendment to the Merit Plan since February 2013, pursuant to Section 51 of the Claremont City Charter and Section 2 of the Merit Plan, and to enact a new 2014 Non-Union Employee Pay Schedule, replacing the Pay Schedule adopted April 11, 2007. The proposal also moves the position of Superintendent Parks & Facilities from Grade 8 to Grade 9, Superintendent of Recreation Programs and Part Time Police Accreditation Coordinator from

Grade 7 to Grade 8 as a result of the re-pointing process which showed increased job duties for these positions. The Personnel Advisory Board has reviewed and approved the proposed changes.

Enactment of this Ordinance will: 1) update the non-union employee classification schedule and 2) adopt a new Pay Schedule for non-union City employees, pursuant to Section 25 of the City Charter, which will permit all non-union city employees to become eligible for a merit pay increase in calendar year 2014, as approved by prior budget action of the City Council.

A motion was made by Ms. Lovett and seconded by Mr. Bergeron to adopt Ordinance 535 Amending the Non-Union Employee Classification Plan on first reading.

Ms. Lovett read the explanation of the proposed action into the record.

Voice vote: motion carried 8-0.

Discussion of Notification of City Council of Important Events

Mayor Neilsen asked when important events or people come into the City why isn't the Council being notified (i.e. Senator Ayotte came in, but Councilors were not notified she was coming).

Chief Scott said in reference to Senator Ayotte that the Police Department had advance notice, but it was not a done deal at the time and the Police Department was told her people would make notifications.

Mr. Santagate said when the call went to the Community Center asking for an available date or two and they were told it was a possibility there would be a town meeting in Claremont, Mr. Santagate told them to lock in the whole date. The Monday following his call was a holiday. He went on vacation Tuesday. The notice came in to Dorée Russell, Executive Assistant/Clerk to the Council, on Tuesday. The notice was posted on the bulletin board. The event was Wednesday. When he got back from vacation, he contacted Sen. Ayotte's people and told them that we don't make notifications unless we are asked to. He was told that there was some confusion about whether she would make the event. If they tell us to send the information to the Council, then we send it to the Council. Our policy in the past has not been confusing, we do what they ask us to. We try to let Council know when elected officials are coming in to the City. This was very little notice.

Mr. Koloski said he and Ms. Lovett went to Sen. Ayotte's event. He would like to know about events where Council can advocate for the City.

CITY MANAGER'S REPORT

Mr. Santagate said included in the Council packet was about 60 pages of information that was distributed to the public for the forestry plan.

He said we have put out an RFQ (Request for Qualification) to look at City-owned property on Robert Easter Way to tell us if it feasible to make more parking.

He thanked the school and Parks and Recreation for parking somewhere else besides at the Claremont Middle School during the voting on Tuesday.

He talked about the affect the winter has had on the Public Works budget that was put together 15 months ago. He looked at overtime which was budgeted for \$130,000 and we have spent \$99,000 which is 76% and we have 3 months left to go. We are okay if we don't get too many more storms. Gas and fuel were budgeted at \$143,000 and we have spent \$107,000 which is 75%. Winter Maintenance (salt, sand, etc.) was budgeted at \$330,000 and we have spent \$278,000 which is 85%. He said we are in line with the budget and that is due to the great management by Bruce Temple, Public Works Director. Overall for those three items we budgeted \$603,000 and we have spent \$484,000 which is 80%; we should be okay.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Bergeron thanked Mr. Temple and his crew for the job they've done this winter.

Mr. Simonds would like to see the Merit Plan on the agenda and would like to speak to the PAB.

Mr. Simonds said the Department of Motor Vehicles on Water Street is losing its lease and they have to move. He suggested they may be able to use the Visitors Center. He would like that on the agenda.

Mr. Bergeron asked for clarification from Nancy Merrill, Planning and Development Director, about what needs to be filled out on Boards and Commission applications for new applicants and for re-appointments.

Mr. Bergeron asked for Council permission for him and Mr. Koloski to find out how standing committees (i.e. public safety, public works, etc.) were formed and how they operated. Ms. Lovett suggested looking at how other towns have done it. She will share the research she has. Mr. Bergeron will report back to the Council in April. Council agreed with this request.

Mr. Koloski asked for the Chamber of Commerce to give a business update.

Mr. Koloski would like an advisory committee under the Council that reports on business conditions in the City that is made up of local business owners and that would report about things that aren't working and things that could be done better.

Mr. Koloski asked about adding the Sawtooth to the economic revitalization zone. Mr. Santagate said that is done by census tracts and needs to be at certain income levels. Mr. Koloski asked about adding the bottled water plant. Mr. Santagate said he would check on these.

Mr. Koloski asked for an update of the discussion with the state for having motorized vehicles on the trail. Mr. Santagate said he met with reps from DES (Department of Environmental Services) and things got complicated. They had to go back to do some research. He will call to see where they are at.

Mr. Raymond asked Councilors to bring names to the April Council meeting for potential PAB applicants. Ms. Lovett said the applicant cannot hold another political position.

COMMITTEE REPORTS

Business Corridor – Steering Committee

None

NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3,II(d) - Real Estate

None

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 12:08 a.m., a motion was made by Ms. Messier and seconded by Ms. Lovett to adjourn.

Voice vote: motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council