

The Claremont City Council held a meeting on Wednesday, January 27, 2016, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Lovett at 6:32 p.m. The non-meeting prior to the Council meeting ran over a couple of minutes.

Members of the Council present were:

Ward I Councilor Carolyn Towle
Ward II Councilor Scott Pope
At-Large Councilor Keith Raymond
Assistant Mayor Victor Bergeron
Mayor Charlene Lovett
At-Large Councilor Allen Damren
At-Large Councilor Bruce Temple
Ward III Councilor Nicholas Koloski
At-Large Councilor John Simonds

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Mayor Lovett said the deliberative session for the school budget will be next Wednesday at 6:30 p.m. at the Sugar River Valley Regional Technical Center.

Mayor Lovett said Governor Kasich will be back in Claremont February 2nd, 12:30 p.m. to 1:30 p.m. at the Common Man.

Mayor Lovett passed out a copy of a letter to the Council from Mr. St. Pierre regarding a sewer backup for Council's information.

Mayor Lovett asked Council to move up Fire Department Overtime on the agenda to after Finalize Annual Review of Strategic Plan. There was consensus.

Ms. Towle thanked the Greater Claremont Chamber of Commerce for hosting events for networking.

Mr. Koloski said he will forward his list of ideas for the downtown to the Council after he has had a chance to discuss them with the downtown merchants.

APPOINTMENT TO BOARDS AND COMMITTEES

Councilor Seats on Boards and Commissions.

Mayor Lovett said her goal is that Councilors should sit on at least one City board.

Ms. Taylor asked Councilors to fill out an application and give it to the Planning and Development office.

Airport Advisory Board

Mr. Raymond volunteered to continue on the Airport Advisory Board. Consensus of the Council.

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

Allen Damren volunteered for the Claremont Community Television, Inc. (CCTV) Board of Directors. Consensus of the Council.

Claremont Planning Board

Mr. Bergeron volunteered for the Claremont Planning Board. Consensus of the Council.

Mr. Koloski volunteered to be an Alternate on the Claremont Planning Board. Consensus of the Council.

Conservation Commission

Mayor Lovett said having a Councilor on the Conservation Commission is optional.

Mr. Koloski said he is not able to be at all the meetings, but since no one else volunteered, he did. Consensus of the Council.

Historic District Commission

Mr. Pope volunteered to sit on the Historic District Commission. Consensus of the Council.

Zoning Board of Adjustment

Ms. Towle currently sits on the Zoning Board of Adjustment as a citizen and will continue to do so.

Personnel Advisory Board

Mayor Lovett said Council needs to appoint an individual to the Personnel Advisory Board. There was a discussion about whether or not there is a Council appointee on that board. Ms. Taylor will look into that.

Licensing Board

Mayor Lovett said the Licensing Board needs a person and she asked the public for volunteers.

Police Chief Alex Scott explained the Licensing Board issues permits for the motion picture theatre, speedway, alcohol service on public property, etc. The board meets as needed.

Mr. Koloski said he is the Council representative for the Master Plan Steering Committee.

CITIZEN'S FORUM

Bernie Folta, Ward 3, talked about the Council non-meeting with legal counsel. He suggested future non-meetings be announced.

Jim Feleen, Ward 2, talked about an issue that has been unresolved since 2003. There is a 7.2 acre piece of City-owned land surrounded by farm land owned by Mr. MacGlaflin. There was supposed to be a land swap of the 7.2 acres City-owned property with 6.4 acres owned by Mr. MacGlaflin, but Mr. MacGlaflin backed out of the deal. Mr. Feleen urged doing something with this.

Mayor Lovett asked Ms. Taylor about the requirements for non-meetings to be on the agenda. Ms. Taylor said consultation with legal counsel does not have to be posted, however a non-public meeting does require public notice. Mayor Lovett said she announced tonight's non-meeting at the January 13th Council meeting.

OLD BUSINESS

City Fee Schedule – Public Hearing

Mayor Lovett opened the public hearing.

Jeff Coburn, Ward 3 resident and Chair of the Parks and Recreation Committee, read the letter submitted by the Committee regarding its recommendation to not increase the Claremont Savings Bank Community Center (CSBCC) membership fees.

Mr. Bergeron said part of the discussion was for the CSBCC to get the public to pay as little as possible for it.

Mayor Lovett closed the public hearing.

Mayor Lovett pointed out to Mr. Santagate that not all departments had the same copying fees. Mr. Santagate will review.

Assessing.

Ms. Taylor explained that charges were lowered to be what it costs. Claremont talked to other municipalities and we are lower than a lot of others.

Cemetery.

Public Works Director Scott Sweet explained the addition of the holiday fees was to cover overtime costs.

City Manager's Office.

There was discussion about the addition of **City Manager may waive fees for Not-for-Profit organizations* in the City Manager's fees, but only a reduction in the fees for Parks and Recreation. Ms. Taylor said these are different jurisdictions and different sections of the Code applies. Consensus of the Council to leave it alone.

Finance.

Mayor Lovett said this is one of the departments with inconsistent copying fees.

Fire.

There was a discussion about the increase from \$25 to \$50 per no show for Fire Safety /Life Safety Code Inspections Owner/Manager/Landlord Appointment No Show.

Fire Chief Rick Bergeron explained the \$25 was not a deterrent and doesn't cover the cost of the staff and vehicle to go to the appointment. For the City Treasurer to pursue non-payment of the fee in small claims court, it has to be \$75 or more, so the Finance Department thinks the fee should be raised to \$100. He said his department sends out reminder letters by certified mail, but addressees don't always pick them up. He said he doesn't want to be punitive to those who are genuinely missing the meeting. Ms. Towle said she wanted the fee raised to \$100.

Mr. Temple asked if the increase is to penalize people or cover costs. He thinks \$50 is enough to cover the costs.

A motion was made by Mr. Damren and seconded by Ms. Towle to change the Fire Safety /Life Safety Code Inspections Owner/Manager/Landlord Appointment No Show fee from the requested \$50.00 per no show to \$100.

Roll call vote: motion carried 7-2 with Messrs. Raymond and Temple voting no.

Library.

Mayor Lovett pointed out the Library Printing Fees are 10 cents per page.

Parks and Recreation Department.

When asked about the Independent Contractor Personal Training Fee of \$300 a month, Parks and Recreation Director Mark Brislin explained the fee is for personal training and covers the use of equipment, pool, track, etc. It is based on an average of \$15 per visit for 5 visits per month. The trainer will provide the service and their own insurance. The number of classes will be determined by the trainer and client.

Mr. Raymond noted in the letter of explanation from Mr. Brislin that the personal trainer and client have to be members or they have to purchase a day pass.

Public Works.

Mayor Lovett said Public Works Director Scott Sweet and Mr. Santagate met with the Transfer Station Ad Hoc Committee. Mr. Sweet submitted the Committee's recommended changes to the Council with the understanding there may be changes based on Mr. Sweet's future research.

Mr. Temple asked if the recommended changes would have a significant impact on the Transfer Station's deficit. He asked about decreasing the price for a 13-gallon bag of rubbish to \$2 while leaving the 30-gallon bag price at \$3 when the facility is running a deficit. Mayor Lovett said the Ad Hoc Committee suggested Mr. Sweet further categorize some items. More data will be available by the time the budget is presented.

Mr. Koloski was concerned that the increased fees will result in dumping along some of the City roads.

Mr. Sweet said his department is trying to create a balance to offset labor fees and the decrease in scrap revenues.

Mr. Bergeron thinks we need to stop worrying about the trash dumping and focus on getting the Transfer Station to as close to breakeven as possible.

There was a brief discussion about the need to weigh bags and charging for trash by weight which would involve getting a scale, money handling, etc.

A motion was made by Mr. Pope and seconded by Mr. Damren to adopt the City Fee Schedule as amended.

Roll call vote: motion carried 9-0.

Finalize Annual Review of Strategic Plan

Mayor Lovett said she gathered information from the Councilor requests from the last meeting and put it all together into the working papers she passed out to the Council. This will be used for the City Manager's "report card." She asked Councilors to review and to forward any requests for changes to Council Clerk Russell by February 3rd. A final motion will be made at the February 10th Council meeting.

Fire Department Overtime

Fire Chief Rick Bergeron talked about Fire Department injuries and sick time usage. Since July, five of his people have been out for certain periods of time on long-term sick leave. All are non-work related injuries. This has affected the overtime line item. The budget for overtime is \$70,000, but it has been expended in seven months. There is still five months left in this fiscal year, so he may require another \$50,000 before the end of the budget year. Some long-term employees have left and the positions were not filled right away, so there is a savings of about \$10,000-\$15,000 which can be used. He is hopeful some of the injured employees will return to work shortly. The number of fire calls is running about average this year. He's not asking for anything tonight, just letting the Council know his department is operating in the red.

Council asked Mr. Santagate to have Chief Bergeron include an update in the Fire Department's monthly report to the Council.

Mr. Temple thought it was important for the viewing public to understand that if someone is out for a non-work related injury, they can't come back until they are 100%.

Discussion for Creation of Policy and Finance Committees

Mayor Lovett said one of the Council's primary responsibilities is to review the ordinances every five years and some haven't been done in quite some time.

A motion was made by Mr. Koloski and seconded by Mr. Pope to create a policy committee comprised of 3-5 individuals with an appointed Councilor as chair to review the ordinances in accordance with the Charter and that the committee will provide recommendations to the Council for approval.

Mayor Lovett said Council will identify those ordinances needing review that directly relate to economic development or public health & safety. Council will prioritize them and then send them to the policy committee for review. Then the committee will report back to the Council.

Mr. Koloski asked how many seats will be on the committee and who will appoint them. Mayor Lovett would like to have the person appointed to the committee by the Council to head that

committee and to give some thought to that and to come back to the Council with recommendations.

Mr. Koloski would like to have it defined now. He said five members would be sufficient with applicants being appointed by the Council.

Mayor Lovett will recommend three to five members. She said the committee could begin with three, but five would be great.

Ms. Taylor said the Charter provision referred to by Mayor Lovett says Council or designee and that designee implies individual. She asked if the committee will be made up of Councilors or a designee which is one person. Mayor Lovett asked if it has to be a committee of all Councilors because a designee could be a body/entity. Ms. Taylor said it is Council's choice. Ms. Taylor questioned whether a designee would mean a member of City staff or an outside individual. Mayor Lovett said a designee could be a committee.

Mr. Pope said the intent of that Charter provision was that the Council have a group of people from the Council or public and at least one person from the City offices, not just one single person looking over the ordinances for things that are out of date, things that no longer apply and looking for conflicts. He believes the intent was to look at this in a timely manner. He doesn't think the designee was meant to be one person. He thinks five years is a very tight timeframe to go through this.

Mayor Lovett said this will be a three to five person committee with a Councilor in charge. There were no objections from the Council.

Bernie Folta, Ward 3, asked if there was any guidance from the 2003 Charter Commission minutes regarding this.

Ms. Taylor said she believes Mr. Folta asked for and received the 2003 Charter Commission minutes, but not all of the minutes to those meetings are in existence.

Voice vote: motion carried 9-0.

Mayor Lovett clarified that it is not the intent to interfere with the City Manager's duties. She suggested naming this the finance/audit advisory committee.

Mr. Damren said it is not the mission/goal to take over or interfere with anyone's job. The committee will meet a minimum of four times a year. To get a deeper understanding of accounts, they would meet with the City Manager and Finance Director. He thinks the ability of the audit committee to meet privately with the auditor is important. He agreed with Ms. Taylor that these are advisory committees to the City Council.

Mr. Bergeron said in November some heard from the public that Council should have more oversight.

Mr. Koloski said he was a little leery of this one. He is more okay with the audit side rather than the finance side. During the Charter Commission he was vocal about being against this one. In addition to the department head, City Manager and Council, he said he didn't see there was enough time for another group to review the budget. During the Charter Commission he noted there were a number of open seats on boards that we currently have. He asked what happens if there aren't enough people available to have a meeting.

Ms. Taylor said on the audit side she has a concern because state law requires a completely independent audit. The auditors don't consult with City staff about what goes into the audit. If the Council wants to give input before the audit, that may jeopardize it. She consulted with other cities, Manchester and Nashua, and they hired an internal auditor. She said the mayor appoints an internal auditor under the legal department who conducts the audits and makes recommendations to the Council. The alderman set policy for the auditors through the budget. They can't tell the mayor he has to change something. She has a real concern about discussions with the auditors. Regarding finance committees in cities, they are under the same budget timelines that we are under. By statute and case law, it is the City Manager who submits his budget to the Council. In the other cities, they refer that budget to the finance committee. The finance committee reviews and makes recommendations to the city council and that is done within a similar timeframe.

Mr. Simonds said he has a concern with this type of committee. The City Manager sits and discusses the budget with the department heads many times. The public has input during public hearings. For oversight, the Council asks questions of department heads.

Mr. Koloski pointed out that Council sees what the departments asked for and what the City Manager recommends in the budgets.

Bernie Folta, Ward 3, suggested there is a need for a finance committee. He said Claremont needs a new accounting system. When asked for specifics, he said a finance committee should define the requirements of a modern accounting system.

Mr. Damren said the work of the finance committee doesn't start and stop at budget time. It also asks questions about budget development and receives information about performance against budgets. He doesn't think there is justification for having an internal auditor. He suggested it might be good to submit the budget to an audit committee first.

Mr. Pope said the duties, mission and boundaries of the finance committee have to be defined.

Mr. Raymond agreed with Mr. Koloski. The Council is a committee of nine that goes over the budget. He said the audit committee may be a good idea.

Mr. Bergeron would like to increase the amount of time Claremont spends discussing the budget.

Mr. Temple said regarding the City's accounting, the Munismart software is state of the art and we pay a lot of money to keep it up to date.

Mayor Lovett asked Councilors to map out their ideas for an audit committee and to forward them to Ms. Russell no later than February 3rd.

Mr. Bergeron volunteered to be the Chair of the Policy Committee. Consensus of the Council. Mayor Lovett invited the public to apply for this committee. Ms. Taylor will talk to deForest Bearnse, Planning and Development, to post a notice.

NEW BUSINESS

Discuss Council Rules

Mr. Pope would like to move the City Manager's Report to earlier in the meeting (before the Appointments to Boards and Committees and before Citizen's Forum. He suggested it be item #5.

Mayor Lovett agreed with Mr. Pope. She also wanted to add Agenda after Roll Call to ask if Councilors wanted to change the order of the agenda.

Mr. Simonds asked to have Department Reports Questions and Answers added and suggested it be between Old and New Business. Mayor Lovett suggested putting it after the City Manager's Report. Mr. Santagate said that would be fine. He asked how often they want that. Mayor Lovett said the first meeting each month. Mr. Simonds questioned whether it was needed every month, but if there were questions, it should have a specific place on the agenda.

Ms. Taylor suggested that if questions arise, Council should let the City Manager know and he could make sure the director(s) would be presented. Mayor Lovett said if there is no question for that director, they don't need to be here.

There was a discussion about who to make the request for information to.

Ms. Taylor said that if the information requested is available to the public, then Councilors can ask the department head. If the information requested would be useful to the entire Council and may be used to help make a decision by the Council, then the request should probably go through the City Manager.

Mayor Lovett said she and the Assistant Mayor will meet with the City Manager on the Tuesday before the Council meetings. If Councilors have questions pertaining to the Department Reports that are in the packet, send the questions to the City Manager and they will talk about it on Tuesday morning and he'll make arrangements to have the department head at the meeting.

Mr. Temple suggested directing questions through the City Manager. The City Manager will get the answer and then share it with the whole Council.

Mr. Pope agreed with Mr. Temple.

Mr. Koloski would like to change Rule #10 which states the City Clerk shall be ex officio Clerk of the Council. Ms. Taylor said that Council Clerk Russell is an Assistant City Clerk. She suggested leaving it as is.

Mayor Lovett suggested adding “either the City Clerk or the Assistant City Clerk shall be...”

Mayor Lovett said these will be in the packet for the next meeting so they can be voted on at the following meeting.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Pope wants information about the TIFD (Tax Increment Finance District).

Ms. Towle wants an update on the Rail Trail.

Ms. Taylor said she received an email from Mr. Watson a couple of weeks ago. She responded and hasn't heard from him since. Mayor Lovett asked to include that information in the City Manager's Report.

Mr. Bergeron talked about an article in the Valley News that someone from NH Department of Transportation was going to give a report to the Council, but they never showed.

Mr. Bergeron had previously asked about getting a computer for each Councilor to get rid of some paper. Ms. Taylor said she thinks it is a budget issue. If Council goes that route, to keep personal information safe from 91-A requests, those devices would have to be used solely for Council work. Ms. Taylor said she can talk with the Finance Director to see about getting a cost estimate. Ms. Taylor said the City is required to keep a paper copy of documents with a retention requirement of 10 years or more.

Mr. Damren said at the NHMA Conference there was talk about the dangers of computer security and hacking. An example was given that a recent police department had been hacked. He would like to know who, in Claremont, is in charge of computer security; what they do; and how often the system is checked.

Mr. Bergeron talked about the NH Municipal Association's 75th conference. He suggested all Councilors attend.

Mr. Koloski asked for clarification on how Councilors can get information from departments. He agreed with Mr. Temple.

Mr. Simonds said the City's IT person is Chris Burgess and he is well respected throughout the region.

Mr. Simonds said that NHMA will come to put on training for the Council. He would like to have this put on an agenda for discussion.

Mayor Lovett asked Mr. Santagate to include in the City Manager's Report the efforts to date regarding the Charter as it applies to the Public Works Director. She asked to put in the City Manager's Report a timeline for the budget and to expand the timeline longer than a month. For the February 24th Council meeting, she asked for a water/sewer presentation. She also asked for a follow-up to the Transfer Station fees.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 9:41 p.m., a motion was made by Mr. Simonds and seconded by Mr. Bergeron to adjourn.

Voice vote: motion carried 9-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council