

Council Meeting  
January 23, 2019  
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The Claremont City Council held a meeting on Wednesday, January 23, 2019, in the Council Chambers of City Hall.

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

Members of the Council present were:

At-Large Councilor Claire Lessard  
Ward I Councilor Andrew O’Hearne  
Ward III Councilor Jonathan Stone  
Assistant Mayor Allen Damren  
Mayor Charlene Lovett  
At-Large Councilor Jeremy Zullo  
At-Large Councilor Nicholas Koloski  
Ward II Councilor Scott Pope

Absent:

At-Large Councilor Abigail Kier

Also present:

John MacLean, Interim City Manager

### **AGENDA CHANGES**

Mayor Lovett said that Ordinance 565 Establish Board of Assessors would be removed from tonight’s agenda as it was not ready. Council agreed.

Mayor Lovett said there would be a non-meeting of the Council after this meeting adjourns in order to discuss collective bargaining.

### **MAYOR’S NOTES**

- Ribbon cutting for 603 Metalworks and Collision
- Groundbreaking for Goddard Block Project; developer investing \$11 million into the project; Senator Hassan, Congresswoman Kuster, former Executive Councilor Kenney, Representative Merchant, Councilor O’Hearne and Councilor Koloski attended
- Thanked the Racial Healing Working Group for the Martin Luther King Day event at the Trinity Episcopal Church
- Thanked everyone who attended the joint meeting of the Council and School Board; unfortunately, it was not recorded

- January 30 Planning & Development Department is hosting Let's Rethink Pleasant Street; public input sessions will be 12 noon to 2 p.m. in Council Chambers and 6 p.m. to 8 p.m. at the Claremont Savings Bank
- January 31, 6:30 p.m., in Council Chambers, Council has been invited by the Historic District Commission to learn more about Heritage Commissions and the Certified Local Government Program

## **CITY MANAGER'S REPORT**

Mr. MacLean said that he has been received very well by staff. He noted that Bill Barrette, from Public Works, will retire on January 31<sup>st</sup>.

### 139 Main Street Update

Mr. MacLean said that because of the bad weather and the information received in the engineer's report, it became important to evacuate residents from 147 Main Street, as 139 Main Street shares a common wall with 147 Main. The City has determined that 139 Main needs to be demolished. He thanked all the City departments that worked together to get those residents out. He met with the owner of 147 Main and discussed the options going forward.

Nancy Merrill, Planning and Development Director, showed a PowerPoint presentation.

- Master Plan Vision
  - Claremont will be a vibrant, cohesive community with a strong economic base that has preserved its historic character and natural resources.
- Housing Chapter – Master Plan
  - Goal 1. Develop a comprehensive approach to improving existing housing stock and retaining the community character.
  - Object 1.1. Enhance municipal advocacy for good quality housing.
  - 1. Enforce the City Code.
- Notices of Violation and Orders to Vacate
  - 13 properties were vacated November 2014 to November 2018 for various reasons
  - This is not something the City does lightly. The City tries to work with landlords to get things cleaned up.
- Demolition
  - Tax deeded properties
    - 225 Hanover Street
    - 30 West Pleasant Street
    - 20 Goulet
  - Other properties
    - 28 East
    - 25 Chestnut
    - 398 Main
    - When the City steps in, there is a lien placed on the property

- Claremont 155-B Actions
  - 39 Central Street
  - 157 Pleasant
  - 139 Main Street
    - There are public safety issues and we have to deal with them
    - Note, on 155-B actions, we can lien all properties of the owner in the state of NH

Mr. MacLean said the City will provide Council with updates as the process goes along.

Termination of Lease Agreement Map 117 Lot 16-003

Lease between the City of Claremont and Neil H. Daniels, Inc., dated March 24, 1989, Map 117 Lot 16-003.

Mr. MacLean said this has been an ongoing issue since 1990. It pertains to a structure at the end of the airport runway that does not meet FAA requirements. This is a 50-year lease. Neil H. Daniels, Inc., has not been able to complete the project, however, there are some structures in place. They've been paying \$5,000/year lease payments. In 2016, there was a discussion with former City Manager Guy Santagate, former City Attorney Jane Taylor and Daniels about an agreement to remove some of the structures that have been put in place in exchange for terminating the lease. With Mr. Santagate and Ms. Taylor leaving, this agreement was not completed. However, an agreement between Daniels and the City has now been reached where Daniels will remove the agreed-upon structures and the City will forgive three years of lease payments. It basically comes out as a "wash" between the two; the value is the same. The City needs Council approval to execute the Lease Termination Agreement. There are 20 years remaining on this lease.

Fire Chief Bryan Burr, said the Great Lakes property continues to grow brush and trees in the airport safety zone, which the City will eventually have to deal with. Now, with the site cleaned up, the City may be able to utilize the level area for events, parking, etc. The proposed construction of the terminal building is going out to bid tomorrow. Now, the Great Lakes structure will not detract from the terminal building.

Mr. Koloski asked for clarification. Mr. MacLean said that it is City property and the City would release Daniels from the lease and the property would revert back to the City for its use. Daniels agreed to the removal of the structures, which is part of the lease termination agreement, and that would be equal to the value of the remaining lease payments. As a result, the City would like to terminate this lease agreement.

**A motion was made by Mr. Damren and seconded by Mr. O'Hearne to have the Council approve the termination of the lease agreement [between the City of Claremont and Neil H. Daniels, Inc., dated March 24, 1989] for Map 117 Lot 16-003 and to authorize the City Manager to sign any of the needed paperwork and agreements to execute such agreement.**

**Voice vote: motion carried 8-0.**

## **CITIZEN'S FORUM**

Jack Hurley, Ward 2, said he has been a Claremont resident for three years. Before he moved to Claremont, he spoke with people who knew Claremont and was told that Claremont was down and out, but it is now up and coming. Generally, he is happy with living in Claremont. He called it a fiasco that the School Board let the Superintendent go and also that the Council let City Manager Ryan McNutt go. He said that Mr. McNutt was bringing vitality into the City. Both these actions raise doubt as to whether Claremont is a place to relocate. He said he is not sure of that right now. He thinks the Council is creating instability and uncertainty. He asked about the cost of firing Mr. McNutt and the cost to hire a new City Manager. As a taxpayer, he resents it and that our tax dollars are being wasted. He asked Council to think deeply about the decision and about what's best for Claremont. He suggested the Council rehire Mr. McNutt.

Joe Osgood, Ward 1, said the Council did the right thing terminating Mr. McNutt. Mr. Osgood said he's been in Claremont for 65 years. He was not satisfied with the way Mr. McNutt worked with the Council. Regarding 139 Main Street, property owner Twin State Properties Management, LLC, has multiple properties. They just sold a property within the last couple weeks for \$10,000. Mr. Osgood thinks that the \$10,000 could be attached by the City. He said the City is starting to spend money on 139 Main and the City should do its best to attach the other properties owned by Twin State Properties in order to recover expenses.

Meg Hurley, Ward 2, said two weeks ago that she had asked the Council why Mr. McNutt was fired. She said no one from the Council has spoken up. She said the Mayor's duties are to preside at Council meetings and over the Council's three duties: pass the budget, set policy, and hire/fire the City Manager. The Mayor's duties do not include digging around in departmental business or micromanaging the City Manager. She said the Council held 11 closed door meetings in 2018, some of which Mr. McNutt was not allowed to participate. She said Mr. McNutt was not the City's problem. She urged the Council to rehire him so that he could continue working to revitalize the City.

Andy Lefreniere, Ward 3, spoke as a concerned citizen and business owner. He was concerned about the firing of the City Manager, who was responsible for working to get the Goddard Block renovated, increasing the bond rating, etc., for unspecified communication issues. He has had the opportunity to observe Mr. McNutt and never found him unwilling or uncommunicative. The action of the Council doesn't seem to match the qualities of Mr. McNutt. This sends the wrong message to residents and those outside the community. He urged the Council to reconsider and to allow Mr. McNutt to work collaboratively with the Council in order to achieve what's best for the community.

Rebecca Mackenzie, Ward 2, said she really appreciated the work of Mr. McNutt and working with him as a citizen. She expressed gratitude that the Council is looking at 100% renewable

energy options. She talked about a green energy newsletter that is available around the City and encouraged people to read it.

David Putnam, Ward 2, said in front of the Post Office, on Broad Street, there is no lighting and at this time of year, it gets dark early. Last year his wife tripped and fell. He asked if a street light could be placed there. He said he liked Mr. McNutt and believed he was doing an appropriate job. The communication issue is not helping the City's image. This issue with Mr. McNutt and the School Superintendent pushes Claremont backward. He heard comments that are not favorable regarding the reasons City Planner Mike McCrory and Public Works Director Scott Sweet resigned and that both felt micromanaged by the Mayor. Mr. Putnam hoped the Mayor could let City Staff do the jobs they were hired for.

## **OLD BUSINESS**

### Ordinance 564 - Renewable Energy – First Reading

The purpose of this proposed change is to adopt property tax exemptions for Solar, Wind-Powered and Woodheating Energy Systems in accordance with state law.

Enactment of this Ordinance will allow a property tax exemption for certain qualifying renewable energy systems up to the assessed value of the system. This ordinance was requested by the Council and the Council forwarded it to the Energy Advisory Committee for its review.

Mayor Lovett reviewed the timeline for bringing this forward. She talked about the Energy Chapter of the Master Plan during the July Council meeting. She said the Council has to go through the process to adopt RSA 72:62 (Solar Energy Systems), RSA 72:66 (Wind-Powered Energy Systems), and RSA 72:69 (Woodheating Energy Systems). This ordinance had input from Interim Assessor Joe Lessard.

Ms. Merrill said the ordinance went back to legal counsel because Council wanted to be clear that this would not apply to electrical generation businesses, so language was added to clarify. She said she spoke with the current Interim Assessor and he agreed that the last sentence in Section 18-63B was not needed. He said he's not going to count the number of days. Ms. Merrill recommended deleting, "The exemption amount shall be pro-rated based on the number of days the renewable energy system is capable of operation in any tax year."

### **A motion was made by Mr. Pope and seconded by Mr. Damren to adopt Ordinance 564 - Renewable Energy.**

Mr. Pope read the explanation of proposed action. Mayor Lovett said the ordinance was requested by Council and reviewed by the Energy Advisory Committee. She asked that that be changed in the explanation of proposed action. Mr. Pope read the ordinance into the record. He did not read the last sentence in Section 18-63B.

Mr. Koloski was concerned about excluding residents who use solar panels, but sell their excess energy back to the grid.

Ms. Merrill said the power that is generated has to be for the use of a structure on the site. The primary use of the property has to be the structure. Energy production would be a secondary use in order to qualify. Energy production cannot be the primary use of the lot.

Mayor Lovett said the purpose of these RSAs is to encourage people to use renewable energy, which would increase the value of the property, but we don't want to increase their taxes because of it. Net metering is different.

Ms. Merrill said a bill has been submitted that would expand the definition of solar.

**Voice vote: motion carried 8-0.**

## **NEW BUSINESS**

### Ordinance 565 Establish Board of Assessors – First Reading

Moved to February meeting.

### City Manager Search Discussion

Mayor Lovett said there are two ways of bringing on a new City Manager: hiring from within the organization and hiring externally using three approaches:

- A. City Administration would be entirely responsible for conducting the search
- B. Hybrid approach – City Administration conducts the search utilizing the current Interim City Manager and MRI as resources. MRI would conduct background checks, etc.
- C. Hire a company to conduct the search, much like the process used to hire Mr. McNutt.

She had heard from Ms. Kier that she is in favor of a company being involved that could broaden our net.

There was a discussion about which approach to take.

Ms. Lessard said from what she knows about Mr. McNutt and the statements received from citizens, she would like to rehire him and save grief and money.

Mayor Lovett said the majority of Councilors want an RFQ using the hybrid approach, but will be able to better determine that after receiving the responses to the RFQ.

Patrick Adrian, Ward 1, said he has no opinion regarding hiring a professional to do the search, but would recommend that a search committee include members of the public, but not the Council, so people feel that the process is more transparent.

Joe Osgood, Ward 1, suggested prior to the final selection of the City Manager, that the Council go through training to learn the authority of the Council and the City Manager.

Mayor Lovett said she assumed the Council wants her to take the lead. There were no objections.

Mayor Lovett said the current MRI contract ends February 4. She asked how the Council wished to proceed with Mr. MacLean's contract.

**A motion was made by Mr. Damren and seconded by Mr. Pope for discussion to authorize the City to contract with MRI (Municipal Resources Inc) for continuation of Mr. MacLean's services as Interim City Manager under the same terms and conditions, but with an increase to three days per week and to have the agreement drawn for February and March 2019.**

There was a discussion about extending the end date, but the majority of the Council agreed to leave it as March 2019. Ms. Lessard and Mr. Pope wanted it through May.

**Voice vote: motion carried 7-1 with Mr. Pope voting no.**

Council agreed the target date to have a new City Manager on board would be July 1. Mayor Lovett said an offer would have to be extended in May.

Mayor Lovett and Mr. Damren will work on the RFQ. Mayor Lovett will contact MRI for Mr. MacLean's contract.

## **FUTURE AGENDA ITEMS AND DIRECTIVES**

Mayor Lovett said Council needs to discuss tax exemptions for elderly and veterans. Mr. Pope said that needs to happen before the budget. He suggested the second meeting in February. The RSA changed, especially for disabled veterans and he would like to know what that might cost the City.

Mayor Lovett said on February 13, there will be a first reading of the Board of Assessors ordinance and second reading of the renewable energy ordinance. She said to put under Old Business a standing item, City Manager Search Update.

Mr. Pope would like to talk with NHMA about Council/City Manager boundaries.

Mr. Stone wants to discuss the JSL building. He would like to tour the building first and then discuss it. Mr. MacLean has been discussing a tour with Nancy Merrill, Planning and Development Director. He will come back to the Council with information.

Mr. Koloski would like to discuss the lighting in front of the Post Office. Mr. MacLean will look into that.

**CONSULTATION WITH LEGAL COUNSEL**

None

**ADJOURNMENT**

**At 8:05 p.m., a motion was made by Mr. O’Hearne and seconded by Mr. Stone to adjourn.**

**Voice vote: motion carried 8-0.**

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council