

Council Meeting

January 2, 2019

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The Claremont City Council held a meeting on Wednesday, January 2, 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 Abigail Kier  
At-Large Councilor Nicholas Koloski  
Ward II Councilor Scott Pope

Also present:

Ryan McNutt, City Manager

**CITIZEN’S FORUM**

Joe Osgood, Ward 1, said he hasn’t heard anything regarding Topstone. Also, he said he is concerned about the City of Claremont taking on the responsibility of two buildings, that are married together and that are owned by private individuals. [He was referring to 139 and 147 Main Street] He sees this as civil issue between two individuals. He doesn’t want to start a precedent.

David Putnam, Ward 2, said he heard the Council will meet to ask the City Manager for his resignation or to leave. He was concerned how this would affect projects the City is working on. To ask the City Manager, who is in charge of all department heads, to do this “cold turkey” he thinks is risky; it doesn’t make for a good image of Claremont. This year, the City has lost its City Planner and the Public Works Director, who were highly respected people. He said he spoke with them about their reasons for leaving and he said it is about developing trust and faith, and working with the Council and a level of communication that seemed to be challenged by how some Councilors conducted themselves, personally, with those folks.

**NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3, II(a) – PERSONNEL**

**At 6:33 p.m., a motion was made by Mr. Zullo and seconded by Mr. Stone to enter the Non-Public Session pursuant to RSA 91-A:3, II(a) – Personnel and to invite Attorney Mark Broth by phone and Ryan McNutt into the session.**

Council reopened Citizen's Forum.

Richard Wahrlich, Ward 3, said he is concerned regarding the vote for the City Manager. He said he is concerned there are quite a few vacancies in the City's structure. He doesn't think this is a good one to happen. He is concerned the Council and City Manager can't come to some form of conversation.

**Roll call vote:**

**Lessard - yes**

**O'Hearne - yes**

**Stone - yes**

**Damren - yes**

**Zullo - yes**

**Kier - yes**

**Koloski - yes**

**Pope - yes**

**Lovett - yes**

**Motion carried 9-0.**

**A motion was made by Mr. Damren and seconded by Mr. Stone that**

**CLAREMONT CITY COUNCIL**

**January 2, 2019**

**1. Resolved,**

**Ryan W. McNutt has been employed by the City of Claremont as its City Manager since February 1, 2017, under the terms of an Employment Agreement ("Agreement") dated February 1, 2017. Section 3 of the Agreement provides that the City Manager may be terminated by a majority vote of the City Council, with or without cause. The City Council has had the opportunity to review and assess Mr. McNutt's performance as City Manager since his date of hire. The City Council is not satisfied with Mr. McNutt's job performance and conduct as City Manager. The City Council has informed Mr. McNutt of its dissatisfaction in the following areas:**

- 1. Failure to keep the City Council informed as to matters effecting the City.**
- 2. Failure to provide the City Council with advance notice of issues that are or that are likely to be of concern to the public.**
- 3. Failure to communicate with the public and with members of the City Council in a respectful and courteous manner.**
- 4. Failure to demonstrate improvement in these areas, despite having been given the guidance, time and opportunity to do so.**
- 5. Failure to demonstrate a commitment to improvement in these areas.**

6. **These deficiencies have caused the City Council to lose confidence in the City Manager's ability to work collaboratively with the City Council in furtherance of the best interests of the City**

**While no legal cause is necessary to terminate Mr. McNutt's employment, the City Council has determined that these performance and conduct issues are detrimental to the effective operation of City government and that they constitute good and sufficient reasons for termination.**

**Therefore, by majority vote, the City Council hereby notifies Mr. McNutt that his employment as City Manager shall terminate effective on the thirtieth (30<sup>th</sup>) day following his receipt of this resolution. Pursuant to his Employment Agreement and the City Charter, Mr. McNutt may, within ten (10) days of his receipt of this Notice demand a public hearing to discuss the matters set forth herein.**

**Roll call vote:**

**Lessard - yes**

**O'Hearne - yes**

**Stone - yes**

**Damren - yes**

**Zullo - yes**

**Kier - yes**

**Koloski - no**

**Pope - yes**

**Lovett - yes**

**Motion carried 8-1.**

**A motion was made by Mr. Damren and seconded by Mr. Stone that**

**CLAREMONT CITY COUNCIL**

**January 2, 2019**

2. **Resolved,**

**That having voted this date to notify the City Manager of the City Council's intent to terminate his employment, the City Council, in accordance with the City Manager's Employment Agreement and the City Charter, hereby places him on paid administrative leave, effective immediately. The City Council hereby appoints Mark Chase to serve as Acting City Manager for the day of January 3 only and beginning on January 4, John MacLean, former Keene City Manager will be the Acting City Manager.**

**Roll call vote:**

**Lessard - yes**

**O'Hearne - yes**

Stone - yes  
Damren - yes  
Zullo - yes  
Kier - yes  
Koloski - no  
Pope - yes  
Lovett - yes  
Motion carried 8-1.

At 8:24 p.m., a motion was made by Mr. Stone and seconded by Ms. Kier to exit the Non-Public Session.

Roll call vote:  
Lessard - yes  
O’Hearne - yes  
Stone - yes  
Damren - yes  
Zullo - yes  
Kier - yes  
Koloski - yes  
Pope - yes  
Lovett - yes  
Motion carried 9-0.

Non-Public Session minutes recorded by Mayor Lovett.

A motion was made by Mr. Damren and seconded by Mr. Stone that

**CLAREMONT CITY COUNCIL**  
**January 2, 2019**

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- 1. Failure to keep the City Council informed as to matters effecting the City.**

2. **Failure to provide the City Council with advance notice of issues that are or that are likely to be of concern to the public.**
3. **Failure to communicate with the public and with members of the City Council in a respectful and courteous manner.**
4. **Failure to demonstrate improvement in these areas, despite having been given the guidance, time and opportunity to do so.**
5. **Failure to demonstrate a commitment to improvement in these areas.**
6. **These deficiencies have caused the City Council to lose confidence in the City Manager's ability to work collaboratively with the City Council in furtherance of the best interests of the City**

**While no legal cause is necessary to terminate Mr. McNutt's employment, the City Council has determined that these performance and conduct issues are detrimental to the effective operation of City government and that they constitute good and sufficient reasons for termination.**

**Therefore, by majority vote, the City Council hereby notifies Mr. McNutt that his employment as City Manager shall terminate effective on the thirtieth (30<sup>th</sup>) day following his receipt of this resolution. Pursuant to his Employment Agreement and the City Charter, Mr. McNutt may, within ten (10) days of his receipt of this Notice demand a public hearing to discuss the matters set forth herein.**

Mr. Koloski said he will vote no. He doesn't agree with all the reasons listed and he doesn't believe in spending taxpayer money to bring in a consultant to improve communication and then not wait for measured results. He has seen some improvement.

**Roll call vote:**

**Lessard - no**

**O'Hearne - yes**

**Stone - yes**

**Damren - yes**

**Zullo - yes**

**Kier - yes**

**Koloski - no**

**Pope - yes**

**Lovett - yes**

**Motion carried 7-2.**

**A motion was made by Mr. Damren and seconded by Mr. Stone that**

**CLAREMONT CITY COUNCIL**

**January 2, 2019**

**2. Resolved,**

**That having voted this date to notify the City Manager of the City Council's intent to terminate his employment, the City Council, in accordance with the City Manager's Employment Agreement and the City Charter, hereby places him on paid administrative leave, effective immediately. The City Council hereby appoints Mark Chase to serve as Acting City Manager for the day of January 3 only and beginning on January 4, John MacLean, former Keene City Manager will be the Acting City Manager.**

**Roll call vote:**

**Lessard - no**

**O'Hearne - yes**

**Stone - yes**

**Damren - yes**

**Zullo - yes**

**Kier - yes**

**Koloski - no**

**Pope - no**

**Lovett - yes**

**Motion carried 6-3.**

**FUTURE AGENDA ITEMS AND DIRECTIVES**

Mayor Lovett requested Council begin the process of looking at a policy regarding the nativity scene in Broad Street Park and to send this to the Policy Committee. Mr. Damren agreed that would be wise.

**CONSULTATION WITH LEGAL COUNSEL**

None

**ADJOURNMENT**

**At 8:31 p.m., a motion was made by Mr. O'Hearne and seconded by Mr. Zullo to adjourn.**

**Voice vote: motion carried 9-0.**

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council