

The Claremont City Council held a meeting on Wednesday, January 9, 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:

John MacLean, Acting City Manager

AGENDA CHANGES

Mayor Lovett requested to remove item C. Resolution 2019-16 Accept & Expend \$37,500 NH Clean Diesel Grant Program Air Resources – Public Hearing (Mary Walter, Finance Director, requested this be removed); E. Broad Street Park Holiday Decorations Discussion (at the January 2nd Council meeting, Council agreed this would go to the Policy Committee); and G. Encroachment of Rail Trail Discussion (rescheduled to the second meeting in January).

Mr. Koloski asked if citizens, who arrived close to the time that the Broad Street Park Holiday Decorations were on the agenda, would be allowed to speak. Council concurred.

REPORT OF THE SECRETARY

A motion was made by Ms. Kier and seconded by Mr. Damren to accept the minutes of the December 12, 2018, City Council meeting as amended.

Mayor Lovett said she was not at that meeting, so on page 1, it should state that the meeting was called to order by Mr. Damren. On page 10, Ordinance 564 was requested by the Council and the Council forwarded it to the Energy Advisory Committee for its review.

Voice vote: motion carried 9-0.

A motion was made by Mr. Damren and seconded by Ms. Kier to accept the minutes of the December 20, 2018, City Council meeting.

Voice vote: motion carried 9-0.

MAYOR'S NOTES

- Thanks to the Police Department regarding the recent arrests made. Great Work.
- Pat O'Grady alerted her of an error in an article in Tuesday's Valley News, *Attorney Defends City on Displays*. It stated Mr. McNamara, attorney for Freedom from Religion Foundation, would take legal action against the City, however, he will not take legal action against the City. Correction has been made to the online version of the paper.
- Thanked the community for coming out for the question and answer session regarding the JSL (former Junior Sports League building) proposal.
- She and other Councilors received numerous comments regarding postings on social media by a member of the Council. The question is how to move forward with this body regarding social media. She asked counsel to review the policy that has been in place since 2003.

Ms. Kier gave a shout out to Public Works for the amazing job they are doing on the sidewalks and roads.

Mr. Koloski thanked Public Works, public safety and the line crews that are assisting with restoring power outages in the community and thanked the CARES units for the work on the road closures in the community.

CITY MANAGER'S REPORT

Mayor Lovett introduced Interim City Manager John MacLean.

Mr. MacLean said he is a big fan of the community. He thinks the community is well served. Working with the staff and Council, he hopes to put together some opportunities.

Ms. Kier asked about the LCHIP grant and if it included handicap accessibility. Nancy Merrill, Planning and Development Director, said we did not get the grant in this round. The City will come back to Council in order to resubmit. It does include ADA accessibility.

Mr. Damren noted in the Police Department report that Sonny Lunderville was retiring after 50 years. Congratulations.

APPOINTMENT TO BOARDS AND COMMITTEES

Parks and Recreation Commission

A motion was made by Mr. Damren and seconded by Mr. Pope to appoint Leonard Jay Boulanger to seat 3 of the Parks and Recreation Commission.

Voice vote: motion carried 9-0.

CITIZEN'S FORUM

Spencer Batchelder, Ward 2, said he has lived here 7 months. He talked about civility in our society, but more specifically, our City. He said a member of the Council has confused gays with pedophiles, mocked sexual assault victims, and make racist attacks toward a BLM (Black Lives Matter) activist. He talked about this member and other City employees verbally attacking Sam Killay and his wife regarding Mr. Killay's request to remove the religious Christmas displays from Broad Street Park. He asked the Council to adopt policies against Councilors tarnishing the City's reputation. He said he believes this Councilor should step down. At the very least, he said the Councilor owes a public apology to Mr. and Mrs. Killay and the LGBT community.

Erica Sweetser, Ward 1, talked about a Celebration of Cape Faraday that she experienced near Government Center in Boston. She compared it to the creche and the menorah in Broad Street Park, that it is an opportunity for people to see things that are different and to be able to gain an appreciation for them. She said all people, including City officials could use opportunities to build tolerance.

Trish Killay, Ward, 3, said she no longer feels safe here because of how she has been treated by Mr. Stone and his friends. She said her husband wrote opinion pieces and talked to the Council about the creche and menorah in Broad Street Park. She said she doesn't agree 100% with her husband, but he has the right to have those opinions. She said Mr. Stone shared her pictures from her Facebook account with others. She said Mr. Stone made inappropriate comments regarding women, transgender people and people suffering from mental illness. She said Mr. Stone doesn't deserve to represent Claremont.

Sam Killay, Ward 3, seconded everything his wife said. He doesn't see this as a social media issue. This is about a sitting Councilor promoting harassment against constituents. He thinks Mr. Stone should resign since he "hates " so many people.

Meg Hurley, Ward 2, said she is a three-year resident of Claremont. She spoke about the Council firing of former City Manager Ryan McNutt. She recited a list of some of the things he accomplished including working with the unions for healthcare savings, bringing in new retail on Washington Street, bringing in a new Ford garage to Charlestown Road, working on a \$7.5

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million rehab of the Goddard Building, solar array at the wastewater treatment plant, and weekly meetings with the School Superintendent. She asked what the real reason was for the Council firing him. She doesn't believe it was for poor communication.

John Maynard, Ward 1, said that he is Catholic and that he stood out in Broad Street Park with a sign showing his support for the menorah and the nativity scene. Those two items represent Christmas. He is in support of keeping them.

Walt Stapleton, Ward 3 resident and NH State Representative Sullivan County District 5 representing Ward 3, said he came to Claremont in 1983 and has enjoyed the nice display in Broad Street Park every year. He talked about the 1984 Lynch vs Donnelly Supreme Court case where the creche and menorah were allowed to stand. He thinks the City is in compliance with the law. He said a policy regarding the display would be in order.

Dave Vaniwagen, Ward 3, said that threats against members of the community have no place in Claremont. He said God is at the heart of the government that our founding fathers formed and the Declaration of Independence. He said the religious displays in Broad Street Park are within legal bounds. He said thousands of people enjoy the displays each year. Every person is entitled to their opinion. Some things need to be protected such as the display.

Rebecca Mackenzie, Ward 2, said the group, Healthy Vibrant Claremont is working to improve Claremont's image to people who are considering living and working here. She talked about the firing of School Superintendent Dr. McGoodwin and City Manager Ryan McNutt and the loss of City Planner Mike McCrory. She said the firing of the City Manager was harsh. She thanked Councilors for their hours of service to Claremont. She said to let us lift our expectations to love each other, then the image of Claremont will change.

Jim Contois, Ward 2, said he has lived in Claremont for 14 years. The citizens' number one responsibility is to vote. Regarding the firing of the City Manager, he has faith in the persons he voted for. Regarding the display in Broad Street Park, it is legal. He closed by reciting the Lord's Prayer.

Jeff Barrette, Ward 1 resident and Sullivan County Commissioner, talked about the sober housing. He thanked all who went to last night's meeting. He said he believes the project would breathe new life into the JSL building. The County listened to what the neighbors had to say and then withdrew the proposal. They want to take time to explore all options. He is confident they will find the necessary funding when the project is ready.

Mayor Lovett invited citizens to speak about the JSL building proposal now or later at its designated place on the agenda.

Joe Osgood, Ward 1, talked about the abatement and large tax forgiveness for the Topstone building. He said he will continue to remind Council that answers are needed. He said regarding

social media that it is nothing but a “sewer treatment plant” as far as he is concerned. He said Mr. Stone is not the only Councilor to trash people on social media.

OLD BUSINESS

Ordinance 566 – Amending the Non-Union Employee Classification Plan – Second Reading – Public Hearing

The purpose of this proposed change is to amend and readopt Attachment B to the Non-Union Employee Classification Plan by adding the Legal Assistant and part-time Farmers’ & Artisan Market Coordinator positions.

Enactment of this Ordinance will amend Attachment B of the Non-Union Employee Classification Plan. The cost of the new positions is included in the 2019 Fiscal Year Operating Budget. This change was requested by the City Administration.

A motion was made by Mr. Damren and seconded by Mr. O’Hearne to adopt Ordinance 566 – Amending the Non-Union Employee Classification Plan

Mr. Damren read the ordinance into the record.

Mayor Lovett opened the public hearing. No one spoke. She closed it.

Voice vote: motion carried 8-1 with Ms. Kier voting no.

NEW BUSINESS

Resolution 2019-15 Accept & Expend \$2,500 Retail Standards Grant, US FDA and Association of Food & Drug Officials for Assessment of Food Code Inspection Program – Public Hearing

WHEREAS the City of Claremont has applied for and been awarded a Grant from the Association of Food & Drug Officials, funded by the U.S. Food & Drug Administration, in the amount of \$2,500.00 to support assessment of our internal food inspection and food code enforcement; and

WHEREAS the City would like to accept and expend the grant funds for their intended purpose;

NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes the City Manager or his designees to undertake all actions and execute all documents as may be required to accept and expend the Grant in the amount of \$2,500.00 from the Association of Food & Drug Officials.

Ms. Merrill said in this past year food inspection services have been incorporated into the work of our two building inspectors. Previously, it was contracted out. This grant will help the inspectors become more knowledgeable of the food code.

A motion was made by Ms. Kier and seconded by Mr. Zullo to adopt Resolution 2019-15 Accept & Expend \$2,500 Retail Standards Grant, US FDA and Association of Food & Drug Officials for Assessment of Food Code Inspection Program.

Ms. Kier read the resolution into the record.

Mayor Lovett opened the public hearing. No one spoke. She closed it.

Voice vote: motion carried 9-0.

Sullivan County – Request to Purchase Real Estate, 45 School Street (Junior Sports League Building), for Transitional Housing – Public Hearing

The County has withdrawn its request, but Jeff Barrette, Sullivan County Commissioner, wanted to share some information.

Mr. Barrette gave some background regarding the Sullivan County Department of Corrections TRAILS (Transitional Re-entry and Inmate Life Skills) Program. The County jail has a recidivism rate of under 20%; the State average is 50%. Prior to the TRAILS Program, the County was in the 40% range. Studies done in 2006, 2007 and 2008, show that the jail that was built in 1978, for about 70 people, was running at about 100 and was projected to be at 160 within five years. To build a new jail would be too expensive. Instead, they built the community corrections which is residential grade and the TRAILS Program. He said more than half the jail population comes from Claremont. A number of people returning to Claremont are homeless. They try never to release someone to homelessness. Many people will return to a not-sober environment. This program will put them into a sober environment. They pay to be there. They are required to spend 40 hours a week being productive; they are on probation and parole; have peer coaching 24 hours a day; have a curfew, weekly drug screenings; and this is a structured program. This needs to be in Claremont because of the percentage of people who are from Claremont. They need to be within walking distance of grocery stores, services, etc. This program is 100% voluntary. They have an architect working on drawings for the JSL building, however, the County is looking for other buildings in that area. They will miss the grant window that closes tomorrow, but when they have a fully developed plan, they are confident they will get the funding. The County held a question and answer forum regarding its use of the JSL building last night. Most objections were regarding the location, not the need for this program. When they are ready, there will be another presentation for the public.

Ms. Lessard said she went to the presentation and she thinks the location is not the best. Mr. Barrette said if this is done right, no matter where they are, this will make a positive impact on the neighborhood.

Marie Lozito, Ward 1, said she went to the meeting last night. She started with a negative opinion, but afterward her opinion was changed. If this works, it will be a positive thing. When someone goes through the program, they will come out as a productive citizen.

Francis Gauthier, Ward 1, said he was concerned that some people might be doing community service or education and will not work, so who will pay the rent. He asked if they will go to City Welfare to help pay the rent. Mr. Barrette said no. Mr. Gauthier said other than that, he was impressed.

Erica Sweetser, Ward 1, said she is in favor of transitional housing. She doesn't agree with a children's activity center being in the same location as transitional housing.

Walt Stapleton, Ward 3 resident and NH Representative, said he was at the presentation last night. Businesses have a tremendous need for qualified employees and this is a resource for that. He agreed this program is needed. Parking at the JSL is sparse, but there are a few spaces around the building. He thinks it would be good to have a program in the building instead of letting it deteriorate.

Mr. Damren agreed we cannot let the building disintegrate.

Joe Osgood, Ward 1, said the County made a mistake doing this so fast. He said they need to contact homeowners in the neighborhood to explain the process, first.

Mayor Lovett appreciated the update and said the City needs to be intentional about what neighborhood revitalization looks like and to address the other needs in the community.

Mr. Pope said at one time there was a City Center Committee and that it might be good for Mr. Barrette to talk with some of those members.

Mr. Barrette said this was done very quickly and he thanked the Council for its cooperation.

Mayor Lovett said she and other Councilors had received emails regarding the JSL proposal and was asked that they be read into the record. She recommended to have those emails attached to the minutes. Council agreed. Mayor Lovett will send the ones she received to Ms. Russell.

Resolution 2019-16 Accept & Expend \$37,500 NH Clean Diesel Grant Program Air Resources – Public Hearing

Withdrawn

Resolution 2019-17 Accept & Expend \$476.75 NH Agricultural Promotion Grant for Farmers Market – Public Hearing

WHEREAS the City of Claremont has applied for a NH Agricultural Promotion Mini-Grant and has been awarded a Grant from the NH Department of Agriculture, Markets & Food in the amount of \$476.75 to support the Claremont Farmers and Artisans Market; and

WHEREAS the City would like to accept and expend the grant funds for their intended purpose;

NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes the City Manager or his designees to undertake all actions and execute all documents as may be required to accept the Grant in the amount of \$476.75 from the New Hampshire Department of Agriculture, Markets & Food; and

BE IT FURTHER RESOLVED to raise and appropriate the sum of \$476.75 for the Parks Department (from off-setting grant revenue); and

BE IT FURTHER RESOLVED that the City Manager or his designees are hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution. *(2/3 Vote Required)*

Mark Brislin, Parks and Recreation Director, said this money will help offset advertising and promotional costs for the Farmers Market.

A motion was made by Ms. Kier and seconded by Mr. O’Hearne to adopt Resolution 2019-17 Accept & Expend \$476.75 NH Agricultural Promotion Grant for Farmers Market.

Ms. Kier read the resolution into the record.

Mayor Lovett opened the public hearing. No one spoke. She closed it.

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.

Broad Street Park Holiday Decorations Discussion

At the January 2nd Council meeting, Council agreed this would go to the Policy Committee.

Ordinance 565 Establish Board of Assessors – First Reading

Moved to January 23 meeting.

Ms. Kier said the Policy Committee met to address discrepancies brought forward by legal counsel. The Charter notes members of a Board of Assessors are to be appointed by the City Manager and the Committee wanted them to be appointed by the Council. As that requires an amendment to the Charter, the Committee decided to leave it as is with the City Manager appointing the members, but with a strong suggestion to the Council to amend the Charter. Regarding the duties of the board, they clarified that the board would oversee and approve what the Assessor is doing, not take on the function of the Assessor. They added in the term of the alternate to be a 3-year term. They clarified they wanted a report given to the Council each year.

Mayor Lovett said the Policy Committee will send this to legal counsel and it will go back to first reading on January 23.

Encroachment of Rail Trail Discussion

Move to February 27 meeting.

COMMITTEE REPORTS

Mayor Lovett thanked the Conservation Commission for its annual report that was placed in the Council packet.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. O’Hearne would like to address Joe Osgood’s concern regarding Topstone. Mr. Osgood said he doesn’t believe the Council understands where it stands on Topstone. The Council needs to discuss and vote on it. He said the Council has not approved the deal that was made, so technically, according to BTLA, it’s not a done deal until the governing body approves it.

Mayor Lovett recommended Mr. MacLean review the September 19 Council meeting. The issue Mr. Osgood is talking about is that according to statute, the governing body has the authority to approve abatements with regard to brownfields. What occurred was the Assessor looked at the application, lowered the assessed value and waived a number of years taxes. That was done without Council’s knowledge. The fundamental issue is what was the Council’s role. The concern is the definition of the governing of body. She said the governing body is the Council and the other Councilors agreed.

Mr. Koloski asked for the BTLA letter. Mayor Lovett said she will forward it.

Mr. Osgood asked to meet with Mr. MacLean to present his case.

Mr. Pope said there is a letter stating the case was settled. Mr. Osgood said this was not an abatement, it was a deal.

At 8:40 p.m., Mr. Koloski said in order for the Council to discuss this, he will have to step down. He stepped down from the Council table.

Mr. MacLean said he will listen to Mr. Osgood. He's not sure what the Council wants him to do, but will go from there.

Mayor Lovett said there needs to be a resolution regarding the term governing body.

Nick Koloski, Ward 3 resident, said he agreed there needs to be a resolution to Mr. Osgood's concern. Mr. Koloski is concerned about the money being paid to the Interim City Manager to chase what the Council has received from legal counsel already. He doesn't agree with what occurred at Topstone. He said it would be nice to put this to bed, but at what expense.

At 8:43 p.m. Mr. Koloski returned to the Council table.

Mr. Stone would like to have a training session set up with NH Municipal Association (NHMA) to clarify the term governing body and other issues.

Mr. Pope said he had asked for something like this several months ago. NHMA offers training to new Councilors and updates other Councilors. He has been to four of them and they are very valuable. Mayor Lovett said there is a cost. Mr. Pope said it is worth it.

Councilors agreed they would like the training session here in Claremont.

Mr. O'Hearne said it has been a year since he requested a tour of City facilities. He would like to tour the highway garage, water treatment plant and JSL.

Mr. Koloski said he would like the Council to spend time in the JSL. At the time it was closed, there was black mold and other issues, so he wants the Council to see it.

Mr. Koloski wants a listing of what will be paid out to the former City Manager and the legal fees. He wants to know specifically what the Council has spent.

Mr. Zullo asked if there is any way of getting a written report from Mr. Macqueen. Ms. Walter said the City hasn't received a bill for that work. Ms. Kier agreed she wanted a written report. Mayor Lovett was concerned that a written report would be confidential.

Ms. Kier would like to make it a top priority to look at the Code of Conduct and Council Rules to set guidelines that would remove the Council from liability. Mayor Lovett said she has asked

legal counsel how best to move forward. Mr. Pope asked if the RSAs cover harassment. Mr. O’Hearne suggested contacting other legislative bodies (i.e. Concord or Manchester). Mayor Lovett said the first thing is to determine what the options are and legal counsel can provide those.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 8:52 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

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From: Doree Russell
To: Abigail Kier (laptop); Allen Damren (laptop); Andrew O'Hearne (laptop); Charlene Lovett (laptop); Claire Lessard (laptop); Doree Russell; Jeremy Zullo (laptop); John MacLean; Jonathan Stone (laptop); Nicholas Koloski (laptop); Scott Pope Laptop (laptop); Mary Walter
Subject: FW: Transitional Housing in the JSL Building
Date: Monday, February 11, 2019 1:59:37 PM
Hello All,
Please include this email with the draft January 9 Council minutes.
Thanks,

Dorée
Dorée Russell
Executive Assistant/Clerk to the Council City Manager's Office
58 Opera House Square Claremont, NH 03743
(603)542-7002
drussell@claremontnh.com

NOTE: On advice of the City Attorney, please do not respond to any Councilor regarding this message in order to avoid any potential violation of RSA 91-A.

From: Mary Walter
Sent: Monday, February 11, 2019 1:19 PM
To: Doree Russell <drussell@claremontnh.com>
Cc: John MacLean <jmaclean@claremontnh.com>
Subject: FW: Transitional Housing in the JSL Building
Dorée,

Please send this out to the councilors and ask that they add this email to the draft minutes of the January 9th meeting.

Thanks, Mary

From: Charlene Lovett [mailto:clovett.ccc@gmail.com]
Sent: Monday, February 11, 2019 1:08 PM
To: Doree Russell <drussell@claremontnh.com>
Cc: Allen Damren <adamren.ccc@gmail.com>; John MacLean <jmaclean@claremontnh.com>; Mary Walter <finance@claremontnh.com>
Subject: Fwd: Transitional Housing in the JSL Building

Doree,

This is the email that I received in which the sender requested that it be in the minutes. Rather than read them at the meeting given that the County withdrew its request, I thought you could just add this as an addendum to the minutes.

Charlene Lovett
Mayor, City of Claremont 603-504-6273

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----- Forwarded message -----

From: Cindy Haynes <cindy.haynesrealestate@gmail.com> Date: Wed, Jan 9, 2019 at 2:45 PM

Subject: Transitional Housing in the JSL Building

To: adamren.ccc@gmail.com <adamren.ccc@gmail.com>, akier.ccc@gmail.com <akier.ccc@gmail.com>, aohearne.ccc@gmail.com <aohearne.ccc@gmail.com>, clovett.ccc@gmail.com <clovett.ccc@gmail.com>, jstone.ccc@gmail.com <jstone.ccc@gmail.com>, jzullo.ccc@gmail.com <jzullo.ccc@gmail.com>, nkoloski.ccc@gmail.com <nkoloski.ccc@gmail.com>, spope.ccc@gmail.com <spope.ccc@gmail.com>

Dear Madam Mayor, Assistant Mayor Darren and City Councilor's,

Since I am unable to attend the council meeting tonight, I would like this email read at the meeting and added into the minutes.

I feel strongly that Transitional Housing should NEVER be considered in a Claremont RESIDENTIAL neighborhood. As councilor's representing Claremont citizens and looking out for the best interest of our City, your answer should be ABSOLUTELY NOT!!

As a Real Estate Broker since 1984, I would be devastated to see this be placed in our Beautiful Bluff Residential Neighborhood and I am certain the property values would be reduced drastically!!!

As our voice you must stop allowing Claremont to be the dumping ground for allowing these type of facilities that creat a NEGATIVE IMPACT on our fine City!!!

Kind Regards,

Cindy Haynes, Ward 2

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Prior to discussing your Real Estate needs, please review the link below:

New Hampshire Real Estate Commission Brokerage Relationship Disclosure Form

Cindy & Bob Haynes Haynes Real Estate 67 W. Pleasant St.
Claremont, NH 03743

Phone: 603-543-398

Fax: 603-543-8953