

The Claremont City Council held a meeting on Wednesday, November 14, 2007, in the Council Chambers of City Hall.

Members of the Council present were:

Deborah Cutts
Mayor Scott Pope
Andrew Austin
William Regan, III
Ralph Swift

Absent:

Michael Prozzo, Jr.

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

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

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

A motion was made by Ms. Cutts and seconded by Mr. Austin to go into the Non-Public Session Pursuant to RSA 91-A:3 II (d).

Roll Call Vote: Motion carried 5-0.

A motion was made by Mr. Regan and seconded by Ms. Cutts to invite Richard Dietz, Thomas Batchelder, Kyle Messier, Paul LaCasse, Robert Picard, David Roark, Dorée Russell and the presenters into the non-public session.

Roll Call Vote: Motion carried 5-0.

A motion was made by Mr. Regan and seconded by Mr. Swift to seal the minutes until such time as the Council votes to unseal them.

Motion carried 5-0.

At 7:42 p.m., a motion was made by Ms. Cutts and seconded by Mr. Austin to return to the public session.

Motion carried 5-0.

MAYOR'S NOTES

Mayor Pope thanked the voters for participating in the election. He congratulated another Eagle Scout, William Race. Although Mr. Race is from Unity, he is very active in our community. He gave a special commendation to Art Palmer for being recognized as a baseball umpire for 48 years. In honor of Veterans Day, he recognized all the veterans.

REPORT OF THE SECRETARY

A motion was made by Mr. Austin and seconded by Mr. Swift to accept the minutes of the October 10, 2007, City Council meeting.

Motion carried 5-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Fiske Free Library Board of Trustees

A motion was made by Ms. Cutts and seconded by Mr. Austin to appoint Eric Zengota to seat #6 of the Fiske Free Library Board of Trustees.

Motion carried 5-0.

OLD BUSINESS

Ordinance 490 Cross-Connection Control – Second Reading – Public Hearing

Ms. Taylor corrected a typographical error on page 2, Sec. 20-141 b) of the draft ordinance (changed commission to department). This ordinance was done at the request of the state. The state verbiage had changed and ours was out of compliance. It is housekeeping.

Bruce Temple, Public works Director, said this is just a housekeeping/language change and was requested by New Hampshire Department of Environmental Services. The cross-connection service allows no backflow into the potable water, keeping it safe.

A motion was made by Mr. Regan and seconded by Mr. Austin to adopt Ordinance 490 Cross-Connection Control.

Mayor Pope opened the public hearing. No one spoke. He closed the public hearing.

Mayor Pope read the Explanation of Proposed Action into the record then offered the public to speak again. No one spoke.

Roll Call Vote: Motion carried 5-0.

CITIZEN'S FORUM

No one spoke.

NEW BUSINESS

Resolution 2007-22 Overspend Police Budget by \$75,000 to be Offset by Revenues with No Impact on the Tax Rate – Public Hearing

Police Chief Alex Scott said this is for Private Police Work. The budget has been overspent by \$50,595 and the amount will continue to grow until the end of the construction season. This is offset by revenue of \$81,663. The money will be used to offset the overage in the Private Police Work as well as Vehicle Maintenance & Repair Maintenance line items. There is no negative impact to the tax rate.

A motion was made by Mr. Austin and seconded by Mr. Regan to adopt Resolution 2007-22 Overspend Police Budget by \$75,000 to be Offset by Revenues with No Impact on the Tax Rate.

Mayor Pope read the resolution into the record.

Mayor Pope asked what the rate is for outside detail work. Chief Scott said \$44.20 per hour (15% more than paid to the officer).

Ms. Cutts asked about overspending the 2007 budget and the 2008 budget staying the same. Mr. Santagate said if we could count the revenue, we would not have to budget for the expense. In New Hampshire, we have to gross appropriate so you can not count the revenue that will come in. This was anticipated. We are not overspending the bottom line.

Mayor Pope opened the public hearing.

Paul LaCasse, Ward 2, asked what happens to the \$6,000 (difference between revenue and expense). Mr. Santagate said on December 31st, unexpended funds go into Fund Balance (reserve). It is in General Fund now.

Robert Picard, Ward 2, asked about building up the Reserve Fund to \$75,000 or so in order to take it off the tax rate completely. Ms. Walter said the state allows for money to be accrued from Police outside detail and the GCC program revenues, where we would not gross appropriate the expense side and they would live off what they took in for revenue. The problem is they have had three transmissions fail this year. Keeping this money aside would allow Chief Scott to tap into it as needed without coming before the Council. This is one of two areas we are looking to establish for 2008. Chief Scott said there is a new state statute that allows an in and out account so you do not have to gross appropriate for this. Because you bill out more than you pay, the extra money can be used to offset costs of expenses associated with outside details (payroll and vehicle expenses).

Roll Call Vote: Motion carried 5-0

Acceptance of \$547 Bulletproof Vest Partnership Grant for Bulletproof Vests

Chief Scott said this is a recurring grant. Since 1999 we have received over \$11,000 from the federal government to assist in the purchase of bulletproof vests. This is a 50% match. Our side of the 50% match is made up with drug forfeiture funds. Vest replacement is recommended every five years. Bulletproof vests cost \$500-\$600 each including the carrier system that the panels go in. Special Operations Unit tactical vests cost \$3,000-\$4,000 each.

A motion was made by Mr. Regan and seconded by Mr. Swift to accept the \$547 Bulletproof Vest Partnership Grant for bulletproof vests.

Motion carried 5-0.

Resolution 2007-21 \$11,000 Supplemental Appropriation to Public Works for Sidewalks
– Public Hearing

Bruce Temple, Public Works Director, said this goes back to the construction project on Acer Heights. There was \$11,000 left in that account. It normally falls into Fund Balance, but he would like to use the money to finish the sidewalk program this year.

A motion was made by Mr. Regan and seconded by Ms. Cutts to adopt Resolution 2007-21 \$11,000 Supplemental Appropriation to Public Works for Sidewalks.

Mayor Pope asked what the cost is for sidewalk. Mr. Temple said it is \$55-\$60 per square yard (3 foot by 3 foot) or \$5-\$6 per square foot. Mayor Pope asked if we are following the Dufresne Henry report. Mr. Temple said we have completed all but 1-2 projects (raise tank on Maple Avenue and water line on Acer Heights) which, at this time, we will not do.

Mr. Austin asked where the money will be used. Mr. Temple said there are no specific places. There are deficiencies all over the city.

Mayor Pope read the resolution into the record.

Mayor Pope opened the public hearing.

Paul LaCasse, Ward 2, asked for a clarification of the 2/3 vote. Ms. Taylor said the 2/3 vote is of those in attendance at the meeting.

Ms. Cutts noted citizens had expressed dissatisfaction with the sidewalk by Leo's Market. Mr. Temple said it was taken care of this summer.

Roll Call Vote: Motion carried 5-0.

Resolution 2007-20 \$8,000 Supplemental Appropriation for Cemetery Mower – Public Hearing

Mr. Temple had anticipated receiving \$32,000 in cemetery trust funds, but they received \$40,000 and he would like to use the extra \$8,000 to buy a lawn mower. They have two full-time cemetery staff and in the summer there are 3-4 people mowing lawns from the first part of May until he runs out of money which is usually August or September. The lawnmowers run 5 days a week during that timeframe and they wear out. He is working to budget to replace a mower every third year.

A motion was made by Mr. Regan and seconded by Mr. Austin to adopt Resolution 2007-20 \$8,000 Supplemental Appropriation for Cemetery Mower.

Mayor Pope read the resolution into the record.

Mayor Pope opened the public hearing. No one spoke. He closed the public hearing.

Roll Call Vote: Motion carried 5-0.

Resolution 2007-23 Accept and Expend Land and Water Conservation Fund (LWCF) Grant

Mr. Santagate explained this was to accept the grant; we will address expenditure at a future meeting. We need to accept the grant in order to respond to the state to complete the application to accept it. On November 8, 2006, the Council voted 7-0 to endorse a skateboard park at the present location on Washington Street. In March 2007, the Council voted 7-2 to authorize application of the LWCF grant for the skateboard park at Map 108 Lot 125 on Washington Street. The choices are to accept the grant, not accept the grant or to try to amend the site which could endanger the grant. Ms. Taylor explained the Council is to vote on a motion to accept the grant, not the resolution.

Mr. Regan asked for the amount. Mary Walter, Finance Director, said it was approximately \$19,000. Tim Herson, Aquatics Director for Parks and Recreation, said a group of students did a lot of “legwork” to get this grant.

Mr. Austin asked what it would cost to do the park. Mr. Regan said \$60,000 to start and \$100,000 to finish. Ms. Taylor said she thought the original estimate given November 8, 2006, was between \$50,000-\$60,000 including all site development and equipment, but since Mr. Hausler could not be here tonight, we will have to get the definite numbers at another time. Mr. Austin asked about fundraising. Mr. Santagate said he did not know the amount, but this \$19,000 would be coupled with what was raised privately. Mr. Austin asked how soon we have to use the grant. Mr. Santagate said we are not in a hurry to use the money; we are in a hurry to accept it. Ms. Taylor said the grant of \$19,730 was estimated to be 50% of the project with the

full amount being \$39,460. Mr. Santagate said a lot of the fundraising will be in-kind contributions from the City.

Ms. Cutts said she will vote for this grant and clarified that the City would come back later for approval to expend. She said it is not the Council's place to micromanage the location of the skatepark.

Mr. Regan said according to the fundraising sign at the park, they have raised \$20,000 and combining that with this grant makes it close.

A motion was made by Mr. Regan and seconded by Ms. Cutts to accept the Land and Water Conservation Fund Grant in the amount of \$19,730 to be appropriated toward the skatepark.

Richard Dietz, Ward 3, said he is not satisfied with the site. He stated that grant acceptance would lock in the site. He asked if permits have been obtained to build. He questioned the access to the property. This is a floodway and structures are not permitted in a floodway. He asked who will build it (be the project manager). He is concerned about the safety of children using the site. He noted once the site is established, bathrooms, overhead lighting and security will be needed. If it is expanded to include a boat ramp, addition parking will be needed and the site is not that big. He asked if all the permits had been obtained. Mr. Hernon said the traffic patterns have been studied by a landscape architect, Saucier & Flynn, and they have suggested a couple of different options. Safety is one of the main concerns. In reference to it being in a floodplain, that parcel is rated for park use which is a good fit, there will be no structures, just equipment bolted to a concrete pad. Ms. Taylor said Mr. Scott Hausler, Parks and Recreation Director, has been in touch with NH Department of Environmental Services (DES) about the environmental issues for building on that site and its use and its proximity to the river and wetlands, etc., but he could not be here tonight and we do not have the status. Those things are in the process of being reviewed to make sure we comply with all the requirements. Mayor Pope asked that these questions be passed to Mr. Hausler instead of putting Mr. Hernon on the spot.

Robert Woodman, Ward 3, said he has a print that lays out the whole facility and it was drawn by someone in Charlestown. It has numbers, prices, and how much fill has to be there. He thinks the dirt being dug out of the mill district could have been used on that site and that would have solved part of the match grant. He said the \$19,000 grant is part of the \$30,000 that is on the sign at the park. He doesn't think \$50,000 will do the project unless there is a lot of free, donated work. He'll try to dig up the information out of his archives for Mr. Dietz.

Ms. Cutts feels there has been a loss of energy. She addressed Mr. Dietz saying the skatepark would not be built without the necessary permits. The Council has to support the community, support the energy, and the young people in the community and that is what the Council did. The Council endorsed the concept, energy, attention, drive, and desire and she is hoping they do not lose that.

Mr. Swift said this is still an idea, not a fact. If the Council votes yes today and in the future it is a no go, we can give the money back. He supports it because there is an option to turn it down in future, if it turns out to be a bum idea.

Motion carried 5-0.

CITY MANAGER REPORT

Mr. Santagate handed out copies to the Council and Councilors-elect of the clarification of the settlement agreement with Wheelabrator on Grissom Lane.

FUTURE AGENDA ITEMS AND DIRECTIVES

Ms. Cutts asked for a consolidated list of all ordinances and the date initially approved. She would like to begin reviewing them every five years. Ms. Taylor explained the City Code book contains all the ordinances (available on-line through the City's website). When the Charter was revised, there was a requirement added that everything be reviewed every five years which is a gargantuan task. We have undertaken a project to create a database of all ordinances, but the temporary person got a "real" job, so the project is on hold until we can get someone else to do it. We are working off the original paper documents. Mr. Santagate noted that was a victim of budget cuts in the past. This year it is in the budget. Ms. Cutts asked for an allowance to retire an ordinance. Ms. Taylor said once an ordinance, always an ordinance unless it is repealed or amended in some form. We have been updating and modifying the ordinances; some have not been touched since 1947 when the City became a city, but that does not mean they are invalid or outdated. One of the areas on Ms. Taylor's list to do next year is to completely rewrite the sign ordinance. There have been requests from the Fire Chief and the Zoning Board to review enacting a sprinkler ordinance. The database is about 30% done.

A motion was made by Mr. Regan and seconded by Ms. Cutts to amend Council Rule 22 to allow for public forum on all agenda items listed for that meeting.

Mayor Pope noted Council rule #48 has the procedure to change a Council rule. Ms. Taylor said the proposed rule change would have to be in writing. Ms. Cutts noted it was in the last set of the regular meeting minutes under Future Agenda Items and Directives. Ms. Taylor said we missed it and it should have been listed under New Business and would be appropriate to put under New Business for the December meeting. Mayor Pope said we could do that or go for suspension of the rules.

Mr. Swift said he thinks this is an issue for the new Council. He will vote against it.

Mr. Regan said the new Council will have the opportunity to discuss this at the February meeting when they review Council Rules. He believes this is too important to wait.

Mayor Pope thinks it should have been on the agenda. He believes there is a public hearing requirement on this. Ms. Taylor does not recall a public hearing being required, although it was not an agenda item.

Mayor Pope read Council Rule 22.

Ms. Taylor reminded the Council that to vote on the motion, they would need to suspend the rules.

A motion was made by Mr. Regan and seconded by Ms. Cutts to suspend Council Rules.

Roll Call Vote: Motion failed 4-1 with Mr. Swift voting no.

Mayor Pope asked to have this on the next meeting's agenda.

A motion was made by Mr. Regan and seconded by Ms. Cutts that this or any future Council will not vote on any information not fully provided in the packet with the exception of emergencies.

Ms. Cutts asked if he would be willing to include with the exception of emergencies. Mr. Regan agreed.

Mayor Pope asked if this was a Council Rule change. Mr. Regan said it would be an additional rule. Mayor Pope said he could put this in writing and it would come before the Council at the next meeting.

Roll Call Vote to put this on the agenda for the next meeting: 5-0

Ms. Cutts is uncomfortable about not hearing from all the Department Directors about the budget. Mr. Santagate said he has asked all Council-elects to submit to him suggestions that they might have to be presented at the November 27th meeting and we will have all Directors at that meeting. Ms. Cutts would like to hear from Mr. Temple at the November 27th meeting about how the 2008 budget is working for him.

Mr. Santagate noted that during the budget process, there is very little agreement in his office. He was, and is, against the SAFER grant. He doesn't like job-funded grants because the grant goes away and the City is locked in. He will invite all department heads to speak to the Council on the 27th if they want to make comments on their budgets. Ms. Cutts is especially looking to hear if we are meeting or working toward meeting any national standards that apply.

COMMITTEE REPORTS

Open Space Ordinance Committee

Mayor Pope said the Open Space Ordinance has come back from legal review and has gone to the Committee Chair. The Committee will meet in the near future to discuss where it goes from there.

Master Plan Committee

Mayor Pope said there is a November 23rd due date for comments from citizens. He asked citizens to send comments to the City Manager's office, him or send to the Planning Department. There are drafts online.

School Reinvestment Committee

Mr. Swift said they are meeting on a continuing basis. He has 6-8 alternatives that have been defined by the long range committee to which his sub-task force (Financial Task Force) will apply the financial analysis. There is a meeting tomorrow of the SRC and a meeting of the Finance Task Force on Friday at 7:30 a.m. in the City Manager's office; the public is invited.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 9:20 p.m., a motion was made by Mr. Austin and seconded by Ms. Cutts to adjourn.

Motion carried 5-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council