

The Claremont City Council held a meeting on Wednesday, December 12, 2007, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Pope at 6:33 p.m.

Mayor Pope introduced William Race, a resident of Unity, NH, and an active member of the Claremont community. Mayor Pope read an extensive list of his accomplishments including being an Eagle Scout. Mr. Race received a letter from Senator Sununu guaranteeing him a spot at the United States Navel Academy. Mr. Race led the Pledge of Allegiance.

Members of the Council present were:

Michael Prozzo, Jr.
Deborah Cutts
Mayor Scott Pope
Andrew Austin
William Regan, III
Ralph Swift

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

**ELECTION TO FILL VACANCIES FOR ASSISTANT MAYOR, WARD I
COUNCILOR, WARD III COUNCILOR AND AT-LARGE COUNCILOR**

A motion was made by Mr. Regan and seconded by Mr. Austin to elect Deborah Cutts to the position of Assistant Mayor.

Motion carried 6-0.

A motion was made by Ms. Cutts and seconded by Mr. Regan to elect David Roark to the position of City Councilor, Ward I.

Motion carried 6-0.

A motion was made by Mr. Austin and seconded by Mr. Swift to elect Richard Dietz to the position of City Councilor, Ward III.

Motion carried 6-0.

A motion was made by Mr. Prozzo and seconded by Mr. Regan to elect Thomas Batchelder, III, to the position of City Councilor, At-Large.

Motion carried 6-0.

OATH OF OFFICE FOR ASSISTANT MAYOR AND NEW COUNCILORS

Gwendolyn Melcher, City Clerk, administered the oath of office to Assistant Mayor Deborah Cutts as well as Ward I Councilor David Roark, Ward III Councilor Richard Dietz, and At-Large Councilor Thomas Batchelder, III.

Members of the Council present after election:

Michael Prozzo, Jr.
Deborah Cutts
Mayor Scott Pope
Andrew Austin
William Regan, III
Ralph Swift
David Roark
Richard Dietz
Thomas Batchelder, III

MAYOR'S NOTES

Mayor Pope congratulated Rich Gingras, local boxer, who is unbeaten at 7-0. He thanked Scott Hausler and the Parks and Recreation Department for the lights in Broad Street Park. He noted the Francis Street light show goes off every 12 minutes. That house does fundraising for the Children's Hospital at Dartmouth. The information can be found on the Dartmouth-Hitchcock Medical Center website. City employee, Richard Kimball, who lives in Cornish, has a great light show. All the homes on Nel Mar Heights are also lit up. Visiting these places will get you in the Christmas spirit. He recognized the arm wrestling fundraising event held last weekend to benefit the Childrens' Hospital in Boston. The Brown Block is progressing well.

Mayor Pope welcomed Executive Councilor Ray Burton. Mr. Burton said he is in his 30th year representing 98 towns and 4 cities. He is the Chair of the Executive Council Committee on Transportation. Out of the 2-year planning process, comes the New Hampshire 10-year transportation plan. It is planned with existing revenue. They will recommend the projects for air, rail, public transportation, highways and bridges to the Governor by December 15th. The Governor, by law, must put the plan before the NH General Court by January 15th. There are two key committees, Public Works (John Cloutier) and the Appropriations Committee. Commission O'leary recommended to the Appropriations Committee that \$500 million worth of projects be added back in to the plan and that we will bond those projects. The recommended projects are permittable, fundable and environmentally acceptable because of the transportation needs. Thanks to the aviation trust fund from Washington, the Claremont Airport will get about

\$5.4 million worth of improvements. Mr. Burton stated the City should be proud of its administration and recognized Nancy Merrill, Business Development Coordinator, for her work in developing public-private partnerships for the redevelopment of Claremont. He noted the meetings at the State house are open to the public.

Mr. Regan asked if any of the \$500 million is for Claremont. Mr. Burton said Drapers Corner will get \$1.5 million and will start in 2010. The North Street intersection relocation will start in 2012 for \$4.3 million.

Mr. Austin asked for the bond length. Mr. Burton said at least 25-30 years. Half of every 18 cents collected goes to agencies connected with the highway system of NH. Towns and Cities get \$29 million; State police get \$79 million; Court system gets \$4 million and Health & Human Services gets \$2 million. He hopes some of those agencies will be weaned off and all gas tax money can be used for highways and bridges.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to endorse this plan and ask the Mayor to write a letter to the County delegation and Governor to support the plan.

Motion carried 9-0

Mr. Santagate commented about the progress of Claremont. We know it takes partnerships with private companies and other government entities (state). Over the last 3-4 years, we have brought approximately \$11 million into Claremont in Community Development Block Grants (CDBG) (Sawtooth parking-\$500,000; low interest loans for the Wainshal development along with \$25 million private investment; \$500,000 grant for the Oral Health Initiative; Brown Block; low interest loan for Red River Computer. He referred to a letter from the Department of Transportation after a safety inspection of the airport. It noted overall the numerous projects at Claremont Municipal Airport resulted in a significant improvement to the airport's facilities.

Mr. Burton also thanked Bruce Temple for the tour of the City with Commissioner Burack.

Mayor Pope acknowledged this is the final meeting for Councilors Swift, Prozzo and Regan. He thanked them for their service to the community.

REPORT OF THE SECRETARY

A motion was made by Mr. Prozzo and seconded by Mr. Austin to accept the minutes of the November 7, 8, 14 and 27, 2007, City Council meetings.

Motion carried 9-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Claremont Development Authority

A motion was made by Mr. Swift and seconded by Mr. Prozzo to re-appoint Jeffrey Goff to seat #4 and re-appoint Joseph J. Gorman, Jr. to seat #5 of the Claremont Development Authority.

Motion carried 9-0.

Claremont Planning Board

Mayor Pope said he would work on this one.

Parks and Recreation Commission

A motion was made by Mr. Batchelder and seconded by Mr. Swift to appoint Todd Abbey to seat #7 of the Parks and Recreation Commission.

Motion carried 9-0.

Tax Increment Finance District Advisory Board – River Road

A motion was made by Mr. Austin and seconded by Mr. Roark to re-appoint William J. Corey to seat #1 and re-appoint Robert H. Porter to seat #2 of the Tax Increment Finance District Advisory Board – River Road.

Motion carried 9-0.

CITIZEN'S FORUM

Mr. Regan requested the discussion of Council Rules be held before Citizen's Forum.

NEW BUSINESS

Council Rules Change(s)

Mayor Pope noted there are two Council Rule changes proposed.

A motion was made by Mr. Regan to change rule 22 to allow for public discussion of past, present, or future agenda items to be possible for public forum discussion. Also, allow 5 minute discussion on any agenda item. If that item is a current item, we also allow for a public forum after the agenda item. If someone has already spoken, then their second chance to speak would be 3 minutes.

Ms. Taylor said under Council Rule 48, if you don't have the proposal in writing the Council will need to waive that requirement.

Mr. Prozzo said there had been previous discussion to change the rules and he thought it was unfair. He thinks it should be done by the new Council. He would vote against any rule change without the full new Council in place.

Mr. Austin agreed with both Mr. Prozzo and Mr. Regan. He likes the idea of the changes. He thinks it is unfair people can't talk about presented items. He thinks we ought to wait for the new Council.

Mr. Regan noted that the future Council can also amend the rules. He's not willing to let this go.

Ms. Cutts said she believed that the documentation of the request in the minutes was sufficient. She agreed it is a challenge getting information and she wants public input. She wants the process to be respected. She supports Mr. Regan's position. She hoped the Mayor would accept public comment at an agenda item and that Citizen's Forum could be for non-agenda items.

Mr. Swift would support citizen's comments on agenda items without a public hearing. He is not in favor of changing the rules for the new Council.

Mr. Roark noted there is no particular time to amend the rules. He is open to hear what people have to say. The change sounds like a positive thing.

A motion was made by Mr. Prozzo and seconded by Mr. Dietz to table the discussion.

Roll Call Vote: Motion carried 5-4 with Ms. Cutts, Mr. Regan, Mr. Roark and Mayor Pope voting no.

Ms. Taylor read rule #48 of the Council Rules. To consider rules changes in January, she recommended Councilors submit them in writing to be included in the Council packets. They can be debated at that meeting, but to adopt at the same meeting, the Council will need to have a unanimous consent to waive the rules.

Council Clarification of Wheelabrator Agreement

A motion was made by Mr. Regan and seconded by Ms. Cutts to suspend rule 22 for the evening regarding the Order of the Agenda.

Motion carried 9-0.

Council agreed to allow public comment.

Mayor Pope referenced a letter from Backus, Meyer, Solomon & Branch. They are Attorneys at Law who have been retained by Rebecca MacKenzie and Nelia Sargent. He said he has been

asked by citizens to make a statement regarding a clarification on the Wheelabrator settlement agreement. He said the settlement agreement is a good one. He presented a proposed policy statement:

The City Council of the City of Claremont nor the City of Claremont did not nor shall it ever waive its inherent rights as a governmental unit to protect and promote the public health, welfare and interests of the citizens and the community and that the rights and interests of the citizens and the City shall be preserved. Neither Wheelabrator nor any other company doing business or hoping to do business in Claremont will have unlawful exceptions made to accommodate their operation in Claremont.

Mr. Swift doesn't think a policy statement should reference any company by name. It should be general to cover any instance. Mentioning Wheelabrator is prejudicial. Otherwise, he agrees with the policy statement.

Mr. Prozzo thinks this should pass through legal counsel first before taking any action. Ms. Cutts said Ms. Taylor was involved in the discussions of the policy statement and her perception was Ms. Taylor agreed. Wheelabrator was named because of the request for a clarification specifically regarding the Wheelabrator agreement.

Mr. Swift will agree to use Wheelabrator's name if this is specifically for Wheelabrator not be used as a general policy.

Mr. Dietz thinks agreement #5 is a result of a court settlement and the City should not get involved in making policies in reference to the court settlement. He is against the policy statement. Ms. Cutts said this is to clarify the intent of that agreement. It is the right and responsibility of the Council to look out for the rights of the people who live here.

Mr. Austin said we are represented by an attorney and he thinks it should go back to the attorneys and not be worded by the Council.

After receiving input from the community, Mr. Regan believes there is a better way to word the referenced paragraph.

Ms. Cutts said there was a request for clarification on the Wheelabrator agreement in October. The Council agreed there would be a clarification. Ms. Taylor submitted a written clarification. She doesn't want to insult Wheelabrator, but she doesn't want any misunderstanding of the intent. She would vote for either the policy statement or clarification statement.

Mr. Prozzo said when the vote was taken, it was in the best interest of the City and he supported it. There are no 100% guarantees in this life. He questioned what was wanted tonight. If we want a general policy, fine but he doesn't want to end up back in court.

Mr. Swift said his comments were for the policy statement and not specifically regarding Wheelabrator.

A motion was by Mr. Swift and seconded by Ms. Cutts to accept the policy statement presented by Mayor Pope.

Ms. Cutts said, in reference to Mr. Prozzo's question, the community has asked to put it in plain English. She supports the policy. Mr. Swift said the policy now allows it to be put into plain English.

Mayor Pope clarified that this policy statement does not change the agreement.

Mr. Dietz said the City was represented by legal counsel in this event and he thinks it is dangerous to preempt what has been approved by the legal counsel we hired. He is opposed to bringing out a policy statement.

Mayor Pope said he would oppose opening this up with Wheelabrator again.

Mr. Prozzo said regardless of Attorney Backus' opinion, we cannot change this agreement.

Mayor Pope opened the floor for public input.

Tom Connair, attorney, said this is a very big deal for the safety of Claremont. The New Hampshire Supreme Court has said a town can give up its inherent authority to question, even accidentally. That ruling came out of Bethlehem. It isn't true this is a done deal. The agreement is a done deal, but if there is any ambiguity, the parties can go to court on that one issue. The issue is a big deal because we could become the medical waste or tire burning site for New England. There is no harm done by clarifying it. This agreement won't be thrown out because of a clarification. That section of the agreement can be revisited. He said we should get a second legal opinion. Mr. Prozzo asked if there is a time limit when this has to be done. Mr. Connair said no. It has to be more than a clarification of what everybody thought. You have to get Wheelabrator to sign off on it. Whether they do or not, the City will have evidenced its intention. Mr. Prozzo confirmed that no decision should be made tonight. Mr. Connair said a decision should not be made tonight on the Wheelabrator clarification. The policy statement is a "no brainer." He would support it. It is important to clarify this agreement. There is nothing to lose; Wheelabrator cannot cancel the agreement; it is a court order.

Mayor Pope said the Council trusted Ms. Taylor and Attorney Jim Morris throughout this process. He believes this Council is being put in a bad position by being asked to speak as lawyers. He thinks the lawyers should get together and figure it out. He would ask the City Manager to facilitate. We need to know the ramifications of reopening this and parameters in the agreement. He agrees with Mr. Dietz that we shouldn't poke Wheelabrator.

Mr. Santagate said he doesn't want to have 98% of the essence of the agreement to be ignored. This court order is the best deal for the City. With the Project deal we would have gotten zero acreage, no access road, Wheelabrator would control all 50 acres and no tax deal. With the eminent domain, we got tax certainty for five years, control of the access road and 40 acres. In

the agreement, “quiet enjoyment” means we cannot poke at them. The City has no authority over the burning; that’s up to the state and federal governments. The City has control over building permits. Wheelabrator will be treated no differently than anyone else on building permits. We think we are on solid ground. To go back to Wheelabrator, it looks like we’re looking for their permission to speak out; that gives them more authority.

Mr. Connair said that we need to know if it can be clarified and if so, how. That discussion has to take place. It can be clearer.

Cornelia Sargent, Ward 2, said the purpose of the citizens’ petition was to clarify the intent of the settlement agreement. The first paragraph of stipulated agreement #5 is in question. Her request is to state in writing that the City’s governmental authority to protect the health, welfare and rights of its citizens is not in any way constrained by the language of the settlement. She would like to demand that Wheelabrator indicate in writing its concurrence with the city’s clarification. She also asked to have the following three paragraphs from Robert Backus’ December 5, 2007, letter entered into the record.

“First, it is not at all clear, given the language that the “City agrees to grant to Wheelabrator any and all licenses, permits and other authorizations...so long as Wheelabrator operates the Facility in compliance with said licenses, permits and authorization,” that the City would in fact be free to participate in a state proceeding by making on the record comments opposing any renewed or expanded permits that might be sought.

Second, the City as a governmental entity, has a right to standing regarding any future permit proceedings that would not be available to the citizens individually. The recent United States Supreme Court Case, Massachusetts v. EPA, number 05-1120 (April 2, 2007) held that states, as governmental units, had standing to contest federal action that would not exist for private citizens. Wheelabrator could argue that the City has foreclosed its right to seek intervention before a state or federal agency to protest future permits.

Third, there is a potentially valid argument that the City could bring an action to abate a public nuisance if it felt that the operation of the incinerator presented a public health risk, even if it was still nominally in compliance with its state issued permits. For example, it may be that new scientific knowledge concerning the risk of the airborne emissions might make it desirable for the City to take action, even if the permits did not address the latest scientific knowledge.”

Mr. Regan said this is our opportunity to change things. He doesn’t see that language Ms. Sargent has suggested is offensive or that anyone would have a problem with it.

Mr. Austin said if there is no intention for Wheelabrator to do these things, he feels there would be no repercussions to bring it forward for clarification. He does not want to open a “can of worms.”

Mr. Swift said the Wheelabrator board can change and they may not always be ethical. He doesn't see that Wheelabrator would sign this. This is a court approved agreement. If there is value in submitting it, then he thinks it is worthwhile to put it on the record. It could open us up for more legal fees. He read the agreement before approving it, but the points brought up by Mr. Connair and Mr. Backus have opened his eyes to a little different view. He would support doing it in a minimum so as not to provoke them; perhaps even a memo to ourselves. Mayor Pope said we've done a memo to ourselves in these minutes.

Mr. Prozzo would like to heed Mr. Connair's suggestion and explore this more and not make a decision tonight. If it is the consensus of the Council, he would suggest bringing together the legal people who were there and ask if they can guide us.

Mr. Roark would like more knowledge and asked for Ms. Taylor's input. Ms. Taylor said she is not in a position to give an opinion. She will discuss it with outside counsel.

Tom Brothers, Ward 3, said there appears to be a huge error in the contract. This is an environmental issue.

Paul LaCasse, Ward 2, would like to hear the opinions of Mr. Backus, Mr. Connair and the Council at the time of the agreement before any decisions are made to see what the legal ramifications are. He believes there is a need for clarification. He feels we need more input to see if it is worth reopening. Ms. Taylor doesn't believe it is appropriate to consult with Mr. Backus, he is a partner of John Meyers, who represented Mr. Snelling in litigation against the City and there is a conflict of interest. She did not think she would recommend that the City waive the conflict of interest, so she doesn't believe it would be appropriate for the City to consult with him.

Rebecca MacKenzie questioned Mr. Morris' credibility. Ms. Taylor said Orr & Reno have attorneys who are experts in many areas. Mr. Morris' expertise is in real estate and eminent domain. We consulted with attorneys in the environmental, utility, tax, regulatory and contract areas. This matter is a real estate, eminent domain issue. If we had an environmental attorney, we would not have come to any kind of settlement because they would not have had the skills. Ms. MacKenzie said Mr. Backus is an international environmental lawyer. She said they don't want to give up rights for land and are just asking for clarification, not opening issues in the agreement.

Mr. Swift withdrew his motion and Ms. Cutts withdrew her second.

Mr. Dietz doesn't think putting derogatory remarks about Wheelabrator on the record is a good idea. He suggested conferring with Wheelabrator and come up with a consent agreement relative to paragraph 5.

A motion was made by Mr. Prozzo and seconded by Ms. Cutts for the Council to talk with its legal counsel that represented Claremont on this area as to clarification and direction.

Motion carried: 8-1 with Mr. Regan voting no.

Lease of Sawtooth Building

Mr. Santagate said Red River Computer Company has to have goods and equipment delivered for their business, but there is not enough room for the trucks to deliver to their business that will be in the Wainshal building. There will be 10,000 square feet (which won't affect the amount of parking spaces) for commercial or retail use on the first floor of the Sawtooth building. Red River is interested in leasing 3,500 square feet in the Sawtooth Building so the goods and equipment can be delivered there. He asked the Council to authorize him to negotiate market rate lease rates for the three units. Rental income will be paid to the General Fund. Real estate taxes will go to the TIFD (Tax Increment Finance District).

A motion was made by Mr. Prozzo and seconded by Mr. Swift to authorize the City Manager or his designees to negotiate and enter into multi-year lease agreements with both individuals and business entities for the lease of commercial or retail space within City-owned property located at 44 Main Street, Parcel 119-348, the Sawtooth Building, so-called; said lease payments to be deposited to the general fund, and any real and personal property tax payments pursuant to RSA 72:23,I, to be attributed to the Downtown Tax Increment Finance District.

Mr. Dietz asked if the lease had been drafted. Nancy Merrill, Business Development Coordinator, said no. Mr. Dietz would prefer seeing a draft of the lease before voting on it.

Ms. Cutts is concerned that waiting would cause a delay.

Mr. Austin questioned the responsibility for maintenance of the building. Ms. Merrill said that would be part of the negotiation for the lease terms. Mr. Austin asked if there would be a charge for parking. Ms. Merrill said it is not decided. Ms. Taylor said generally maintenance and repair would be contained in the lease document in what is called in the commercial world a "triple net" lease. NH law does permit, if put into the lease, if leasing to a non-exempt property that you do charge property tax as if it were a private building. She said we haven't ever given Council review of leases but certainly could. Ms. Merrill said they work with standard lease terms.

Mayor Pope asked for comments from the public.

Paul LaCasse said since he will be sitting on the Council starting next month, he would like the option to vote on it. He said he wanted to see the lease the fit-up plan. Ms. Cutts said Staff gets paid to do their job and the Council doesn't micromanage; it would delay new business. Mr. Regan agreed Council does not have authority to micromanage, but does have the right to direct.

Mr. Dietz asked how far the facility is advanced. Ms. Merrill said Red River Computer Company needs the lease commitment as part of its business plan.

Mr. Prozzo thinks this is a good deal. This is forward looking. There is a potential tenant brining jobs. The City Staff has found a way to make it work, brining in income and taxes. He said he didn't know what more was wanted.

A motion was made by Mr. Austin and seconded by Mr. Regan to move the question.

Roll Call Vote to Move the Question: Motion carried 8-1 with Mr. Dietz voting no.

Vote on the Motion: Motion carried 9-0.

Ordinance 491 Yield Sign on East Green Mountain Road – First Reading

Bruce Temple, Public Works Director, said this is in reference to the intersection of East Green Mountain Road and Old Newport Road. This ordinance is to remove a yield sign; if approved, then in January, we'll do a resolution to establish a stop sign at that intersection.

A motion was made by Mr. Prozzo and seconded by Mr. Batchelder to adopt Ordinance 491 Yield Sign on East Green Mountain Road on first reading.

Ms. Taylor explained the procedure. This and the next three items are recommendations from the Traffic Advisory Committee. Several years ago, the approval to change stop signs went from an ordinance to a resolution. The approval to change a yield sign still requires an ordinance. Ordinance 492, if approved, would change the procedure for adopting a yield sign to parallel the procedure for a stop sign. The resolution for a stop sign will be on next month's agenda.

Mayor Pope read the ordinance into the record.

Roll Call Vote: Motion carried 9-0.

Ordinance 492 Yield Right-of-Way Streets – First Reading

This will allow the administration of yield signs by resolution.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt Ordinance 492 Yield Right-of-Way Streets on first reading.

Mayor Pope read the ordinance into the record.

Roll Call Vote: Motion carried 9-0.

Resolution 2007-24 Stop Sign on Old Newport Road – Public Hearing

Mr. Temple said traveling in a westerly direction (toward Claremont) on Old Newport Road at the intersection of East Green Mountain Road, there will be a new stop sign on the right-hand side. If everything goes along well in January, there will be a new stop sign coming down East

Green Mountain Road also. Citizens from the area have asked us to look into the safety issue. There is a problem with site distance. At the 3-way intersection, there will be 2 stop signs. If you are heading easterly on Old Newport Road, that will be through traffic.

Mr. Roark asked about the site distance. Mr. Temple said when traveling easterly on Old Newport Road headed toward Newport, you'll go into a sag (vertical curve) and you can't see cars coming from the other direction. Mr. Roark asked if a "stop sign ahead" sign will be needed. Mr. Temple said they will follow the MUTCD (Manual on Uniform Traffic Control Devices) for posting informational signs.

Mayor Pope asked how the idea came about. Mr. Temple said the Traffic Advisory Committee received a request from citizens living in the area to look at this intersection.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt Resolution 2007-24 Stop Sign on Old Newport Road.

Mayor Pope opened the public hearing.

Tom Brothers asked if they don't stop at the new stop sign, is it safer than without a stop sign. The intersection is not properly designed. He said the area is targeted for major development. Mr. Prozzo asked Mr. Brothers since there is a public safety problem doesn't this help to alleviate some of it. Mr. Brothers said he is against it because it's a bandaid. The hazard does not go away. It is hazardous in the winter. Ms. Cutts asked Mr. Brothers what his suggestion is. Mr. Brothers wants the City to invest time and energy in analyzing and engineering a solution for the problem. He suggested negotiating with the next developer to share the cost of improving the intersection.

Arthur Luse, Ward 3, East Green Mountain Road, said this solution is temporary. He said improving this intersection prior to a subdivision approval was suggested to the Planning Board, but the Planning Board Chair said there was no vision problem. Mr. Luse suggested moving the road as a way to fix it. He is for the short-term solution with the provision that a little longer-term solution be put forth.

Norm Blouin, Ward 3, said he is for it and against the proposal. Replacing the yield sign on East Green Mountain Road with a stop sign will be a problem in the winter. A stop sign from Newport heading west is a bandaid; it will need an additional warning signs. He said the road has to be moved. He said to leave it the way it is and come up with solution to fix the road.

Gary Viterise is a resident on Old Newport Road and goes up the road to see friends. This is a safety issue. He is in favor of this temporary solution. He would like to see it done right in the next 9 months to a year. This is a prime area for development which will increase the volume and the potential for a lawsuit.

Tom Brothers spoke again and suggested more than standard warning for the stop sign.

Mr. Dietz asked about regrading to help with site distance. Mr. Temple said this would require a major redesign and reconstruction. At the bottom of the sag on the curve, you cannot see the oncoming cars heading westerly from Newport. The site distance is less than 200 feet. Mr. Dietz asked for a site distance analysis with a report back to the Council. He suggested this go on the capital improvements list. Mr. Temple said the site distance analysis can be done.

Mr. Austin believes we need to do something in the interim. He would like a report later in the year about the cost to fix it.

Ms. Cutts will vote against the resolution because the stop sign gives a false sense of security and the safety issue during inclement weather. She agreed with Mr. Dietz's recommendation.

Mr. Prozzo asked if in addition to the stop sign, a red flashing light could be installed.

Paul LaCasse thinks there should be signs warning of the dangerous intersection.

Mayor Pope asked about signage. Mr. Temple said he will have to check. Geometrically it is not safe. This will be a \$400-\$500 sign package. The intersection will be expensive to fix. There are a lot of intersections around town like this. A stop sign is a step in the right direction.

Mr. Swift agreed it is unsafe. He questioned citizens not wanting anything done. Gary Viterise believes the change in signage is an attempt to be responsive.

Mr. Roark said stop signs slow people down especially with advanced warning. He asked what the posted speed limit is and Mr. Temple said 35 mph. Mr. Temple will come back in the spring with more details.

Mr. Dietz asked if there was a history of accidents at the intersection. Police Chief Alex Scott said no, but there is a site distance problem. The crash data does not indicate the need for a physical upgrade. The easiest solution would be a 3-way stop. It is impossible for the vehicles coming east in the winter to make the stop coming up the hill. Mr. Dietz asked how far back the crash data is available and Chief Scott said 2003. From 2005-2007, the record shows three accidents on East Green Mountain Road and three accidents on Old Newport Road which is quite low compared to other areas. Mr. Brothers believes the statistics do not account for vehicle volume.

A motion was made by Mr. Austin and seconded by Ms. Cutts to move the question.

Roll Call Vote to Move the Question: Motion carried 9-0.

Mayor Pope read the resolution into the record.

Roll Call Vote on Resolution 2007-24: Motion carried 6-3 with Ms. Cutts, Mr. Regan and Mayor Pope voting no.

Ordinance 493 No Left Turn on Arthur Street at Intersection with Washington Street –
First Reading

Fire Chief Peter Chase said the Traffic Advisory Committee approved this request. Arthur Street is between the Claremont Plaza and Hannaford's grocery store. This is being done to limit conflict points on Washington Street by prohibiting left turns from Arthur Street onto Washington Street. This is a street with major accidents. He is encouraging Hannaford traffic to use the Hannaford signal and Claremont Plaza traffic to use the Claremont Plaza signal. There is only one residence on Arthur Street. This will help reduce the accident rate on Washington Street.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt Ordinance 493 No Left Turn on Arthur Street at Intersection with Washington Street.

Mr. Roark suggested the sign read "right turn only" to prevent driving straight across the street. Ms. Taylor said the ordinance has a provision for governing no left-hand turn streets. There is no rule against having both signs. Ms. Cutts asked how this would be accomplished. Ms. Taylor said the intent was to prohibit left turning from Arthur Street onto Washington Street. She would have to look into prohibiting crossing. The way the code is written, "right turn only" would not prohibit left turns.

Mayor Pope summed up the ordinance.

Roll Call Vote: Motion carried 9-0.

Lease for Copiers at Police and Planning Departments

Mary Walter, Finance Director, said the lease on the Planning Department's copier had run out in November and Conway Office Products was the lowest price. The Police have a seven year old machine that needs to be replaced. Both leases have non-appropriation clauses and the money is included in the 2008 budget.

A motion was made by Mr. Austin and seconded by Ms. Cutts to authorize the City Manager or his designee to enter into two multi-year lease agreements with Conway Office Products for the lease of a copy machine for the Police Department and a copy machine for the Planning & Development Department. The proposed lease agreements both contain a termination clause in the event of non-appropriate of sufficient funds for the future years of the agreement; such funds for the first year of the leases having been raised and appropriated in the 2008 City Budget.

Motion carried 9-0.

Resolution 2007-25 – Approval of Encumbrance Budget – Public Hearing

Ms. Walter said this is housekeeping. She asked for an amendment to the resolution because the final paving on the mill project that number is being reduced to \$65,000 so that the bottom line would be \$205,600.

A motion was made by Mr. Austin and seconded by Mr. Prozzo to adopt Resolution 2007-25 – approval of Encumbrance Budget for \$205,600.

Mr. Dietz asked about General Services – Shared Equipment – Scanner. Ms. Walter said we have a department called General Services and everyone shares the costs (legal fees, property liability insurances, ambulance contract and shared equipment (postage machine, copy machine, printer)). The scanner will be able to do bigger sizes and the cost will be more than in the 2007 budget, so this will be combined with 2008 money. It will cost \$6,000-\$8,000. Mr. Dietz suggested using other sources for scanning (i.e. going to Lebanon where each copy costs \$15). Ms. Walter said this has not gone out for RFP (Request for Proposal). As an example of current scanning on the project to archive the City's ordinances, Ms. Taylor estimated so far 500-600 pages of the ordinances have been scanned and which is about 1/3 of the total. It has been difficult doing it with the equipment we have now.

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

Roll Call Vote: Motion carried 9-0.

Resolution 2007-26 – Establish Capital Reserve for City Communication – CCTV – Public Hearing

Ms. Walter said when she presented the franchise fee agreement, she had asked the Council to approve CCTV's (Claremont Community Television) budget as presented and also said she would be back to establish a capital reserve for any funds over that amount, because we are unsure what Comcast will actually pay us in franchise fees. It is important to note that the franchise fees are not guaranteed for CCTV. They come to the City and we typically use them for CCTV due to the small amount received. CCTV was awarded a budget (approved by the Council) for last year of \$106,800. Comcast paid us \$143,049.38 last year. Part of the payment was 2006 revenue. She took out the \$18,000 that will drop into General Fund for legal fees. There is a surplus of \$18,249.38 to be deposited into a Capital Reserve. It can only be drawn out with approval of the Council.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt Resolution 2007-26 – Establish Capital Reserve for City Communication – CCTV.

Mr. Prozzo thinks it's a win-win situation.

Ms. Walter reminded the Council that there is no guarantee we will receive the franchise fee. If we don't receive enough to cover the CCTV budget, the Council will have to decide how or if it will be funded. She assumes CCTV will present the Council with its 2008 budget.

Ms. Cutts referred to an e-mail from Danny Susa, Technology Director for SAU 6, expressing his disapproval of this resolution. Ms. Walter said from the beginning that the franchise fee is not a guarantee that belongs to CCTV. It has always been the intention of this Council to fund CCTV, however franchise fees are paid to the City for the use of its infrastructure, poles, etc. This Council has always chosen to support CCTV, but it is not a guarantee and she suggested CCTV present a budget for approval by the Council. Mayor Pope said to vote no would allow the money to drop into the general fund and a yes vote will encumber the money and then the Council can determine how it is spent.

Mayor Pope opened the public hearing.

Bernie Folta, Ward 3, said he doesn't get cable, but thinks it is a valuable service. A lot more people watch public meetings than he realized, so he is favorable to CCTV. He thinks the franchise fee belongs to the utility upon whose back it is levied. He thinks it should belong to CCTV. To get community television on the internet requires upgraded equipment for streaming video. He urged that CCTV be allowed to have all the franchise fees and for them to have all of this money to get into the internet age.

Mr. Swift thinks it is prudent to have money to cover unknown expenses (poles, etc.). He will vote for this resolution.

Roll Call Vote: Motion carried 9-0.

Acceptance of \$1,000 Training Grant from NH Police Standards and Training Council for Boston Police Command Institute for Law Enforcement Executives

Chief Scott said this is for command level training (Captain Mark Chase will attend) and helps defray the cost.

A motion was made by Mr. Prozzo and seconded by Mr. Batchelder to accept \$1,000 Training Grant from NH Police Standards and Training Council for Boston Police Command Institute for Law Enforcement Executives.

Motion carried 9-0.

Acceptance of \$15,968.93 Fire/EMS Radio Interoperability Grant from NH Dept. of Safety

Chief Scott said this is an ongoing effort to upgrade radio systems for fire, EMS and law enforcement. This upgrades the Fire Department's base station and repeater (on top of Green Mountain). This adds to the digital capabilities of the existing radios.

A motion was made by Ms. Cutts and seconded by Mr. Swift to accept \$15,968.93 Fire/EMS Radio Interoperability Grant from NH Dept. of Safety with thanks.

Motion carried 9-0.

Acceptance of \$1,000 Donation for Youth Football Program

Scott Hausler, Parks and Recreation Director, said this is from a program sponsored by the National Football League and the National Recreation and Park Association to support youth football programs.

A motion was made by Mr. Batchelder and seconded by Mr. Austin to accept \$1,000 Donation for Youth Football Program.

Motion carried 9-0.

Vote to Unseal and Approve 11/14 Non-Public Council Minutes

A motion was made by Mr. Austin and seconded by Mr. Swift to Unseal and Approve 11/14/2007 Non-Public Council Minutes.

Ms. Taylor said the purpose for the meeting has been made public and it is appropriate to unseal the minutes. Mayor Pope said this is regarding the donation from Claremont Savings Bank for the New Community Center.

Motion carried 9-0.

CITY MANAGER REPORT

None

FUTURE AGENDA ITEMS AND DIRECTIVES

Mayor Pope asked for a second Council meeting in January for legislative updates. This will be a 2-hour workshop. Invitees would be State Representatives, State Senators, Washington Congressmen or Representatives, Washington Senators or Representatives and the Governor's Councilor. This will be a general update on what will happen in the State Legislature, Federal level or comments of support. There was a consensus of the Council. The meeting will be January 23rd.

Ms. Cutts asked for an update on Old Newport Road in April 2008.

COMMITTEE REPORTS

Open Space Ordinance Committee

Mr. Regan said they have a final review from their outside attorney. It was helpful to the committee. No intent was changed. It will be delivered to the City who will present it to the Planning Board and then to the Council. They feel public input at the Planning Board and the Council meeting will be sufficient.

Master Plan Committee

Mayor Pope said they should have a report from the Planning Board on the 20th of December.

School Reinvestment Committee

Mr. Swift said there will be a public forum on January 17th at Claremont Middle School at 6-8 p.m. At that time, they will present a "base case." The Reinvestment Committee meets on January 10th at 6:30 p.m.

Mr. Santagate said tomorrow at 1 p.m., he will meet almost 200 students from the Claremont Middle School by the pedestrian bridge at the Visitor's Center. He invited any Council members who would be available to join them.

Mayor Pope thanked Mr. Prozzo, Mr. Swift and Mr. Regan for their service to the community. He welcomed the new Councilors.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 11:14 p.m., a motion was made by Mr. Prozzo and seconded by Mr. Swift to adjourn.

Councilors Prozzo, Swift and Regan gave thanks for their time on the Council.

Motion carried 9-0

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council