

The Claremont City Council held a meeting on Wednesday, April 11, 2007, in the Council Chambers of City Hall.

Members of the Council present were:

Michael Prozzo, Jr. (Late)
Deborah Cutts
Mayor Scott Pope
Andrew Austin
William Regan, III
Ralph Swift
James Neilsen, IV

Members absent were:

Heather Bopp
Assistant Mayor Christopher Irish

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

The meeting was called to order by Mayor Pope at 6:31 p.m.

PLEDGE OF ALLEGIANCE

Thomas (TJ) Liveston, Jr., new Eagle Scout, led the Pledge of Allegiance.

MAYOR'S NOTES

Mayor Pope presented a proclamation to Thomas (TJ) Liveston, Jr., for attaining Eagle Scout. Mr. Liveston introduced his family who were in the audience. Mayor Pope said Senator Sununu visited Claremont to observe some FEMA things in the flood zone. Senator Sununu had a question and answer session with Stevens High School students and he was impressed by them. On behalf of Fire Chief Peter Chase, Mayor Pope recognized Lieutenant Lee Raymond who resigned on April 3, 2007, after 20 years of service as a call firefighter. Mayor Pope thanked Mr. Raymond for his years of service to Claremont. Presidential candidate Senator Obama visited the Senior Center; Mayor Pope sent thanks to him and the people who brought him here. Mayor Pope noted that boxer Rich Gingras is now 2 and 0 as a professional boxer.

At 6:39 p.m., Mr. Prozzo arrived.

Mayor Pope mentioned the Master Plan visioning session. An estimated 200 people showed up. He thanked Colin Sanborn, Len Cadwallader, Charlie French and his volunteers, members of the Master Plan Advisory Committee, Jerry Coogan, Bruce Temple and Michelle Aiken and Katrina Spaulding who did a great job putting it together and he thanked the public for attending. He will give a report in the near future on data received.

REPORT OF THE SECRETARY

Mr. Regan noted that he had lobbied Scott Hausler, Parks and Recreation Director, to remember in October or December that the Council had given its tacit approval to move ahead on the park site. He has not reviewed those notes. He wanted the minutes to reflect that some have a better memory than some outside the meeting.

A motion was made by Mr. Prozzo and seconded by Mr. Swift to accept the minutes of the March 14, 2007, City Council meeting and the March 28, 2007, Council Workshop.

Motion carried 7-0.

APPOINTMENT TO BOARDS AND COMMITTEES

None

OLD BUSINESS

New Community Center Update

John Napsey said the New Community Center for Claremont, Inc., continues to cultivate new and existing relationships with potential donors on the local level. Upon request from Congressman Hodes' office, the project was presented for potential funding for 2008. Emily Barber, Hartsook, has replaced Ron Fredman, who left for fundraising in the private sector. The group stressed to Ms. Barber the importance of the guidance from Hartsook in conjunction with the City Manager's office to find sources for any additional funding that would require some form of clerical support from the City to achieve a team approach to obtain the ultimate goal of a new community center for Claremont. Norma Murphy will be the contact at Hartsook to help guide the group to potential sources of additional grants and funding sources. The group is scheduled to restart the services of Hartsook in May 2007.

Ms. Cutts asked about Congressman Hodes. Mr. Santagate said the City administration continues to make strong efforts on behalf of the New Community Center. We have submitted detailed plans to Washington regarding it. Any substantial breakthrough will be brought before the Council.

Mr. Austin asked about the location. Mr. Napsey said the group is still committed to trying to achieve a community center on Maple Avenue, but are realistic and are looking at other sites as well. He said he realizes the community center is a bigger need for the community than the

desire of the people leading the campaign at this time. They would look at other opportunities if they exist and they may go back to Barnes Park which the Council had approved previously.

Ordinance 480 – Merit Plan, Classification & Salaries – 3rd Reading – Public Hearing

Ms. Walter said she had not received any questions from the Council. This addresses the compression between grades and the inadequacies in some of the grades and steps where the salaries are not competitive with other similar sized towns. This uses 2005 wages, so we're already behind. It will help with the compression especially between grades 9 and 10.

A motion was made by Ms. Cutts and seconded by Mr. Austin to adopt Ordinance 480 Merit Plan, Classification & Salaries on third reading.

Mr. Swift asked about the impact on the budget. Ms. Walter said these are not raises; they are allowances for the scale to increase (changes to the ranges). She has not put any extra money in the budget. Any department wishing to give raises will have to find the money through the existing budget or vacancies (i.e. Planning and Development Director's position has been vacant for several months).

Mr. Prozzo clarified the salary range has been increased periodically with the last being in 2004. Ms. Walter said she looks at it every year, but changes are not submitted unless there is a substantial gap.

Ms. Taylor noted that the Personnel Advisory Board reviewed the proposal and gave its recommendation for passage.

Mayor Pope read the Explanation of Proposed Action.

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

Roll Call Vote: Motion carried 7-0.

Ordinance 482 – Stopping, Standing and Parking – 2nd Reading – Public Hearing

Police Chief Alex Scott said the recommended changes are a result of the work done by Tracy Billado, Parking Enforcement Officer. The current ordinance is not conducive to summoning people to court who fail to pay their parking tickets. The language was cleaned up (subpoena as opposed to summons or citation) and the fines were all consistent with the reality of the practice. This will allow someone to be summoned or cited into court for failure to pay parking tickets and allows them to contest the parking tickets.

A motion was made by Mr. Neilsen and seconded by Mr. Austin to adopt Ordinance 482 Stopping, Standing and Parking as presented.

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

Mayor Pope read the Explanation of Proposed Action.

Roll Call Vote: Motion carried 7-0.

CITIZEN'S FORUM

Jacqueline Elliott, Ward 1, questioned when the City Manager and Council plan to bring forth Claremont's future waste management plan. Mr. Santagate said tonight. Ms. Elliott asked about the public hearing. Ms. Taylor said the parts requiring public hearing will be properly noticed. Mayor Pope said Ordinance 483 Licensing Private Solid Waste Disposal Haulers is one part of this and will be a first reading; public hearing will happen on the second reading.

Mr. Regan asked Ms. Elliott for her definition of a waste plan. Ms. Elliott said the outline to consider is the action plan that the Sullivan County Waste Action Collaborative has brought forth. A waste plan would involve specifics about what is collected, how collected, where disposed, what cost, how they will be provided, etc. Two waste committees have been appointed. One met for eighteen months. There is a grant through the collaborative applied to a pilot recycling program. Ms. Cutts said we will hear more about that tonight.

Ms. Elliott asked if Claremont will withdraw from the Sullivan County Regional Refuse Disposal District (NH side of the NH/VT Solid Waste Project). The Council needs to take a position. Several communities have voted to leave the district. The project will dissolve on July 1, 2007. In her opinion if Claremont votes to leave the district, it would provide an opportunity to move forward with waste management. She said there may be some surprises if Claremont is the last to leave the project. She asked if the public would have input into Ordinance 483 tonight. Mayor Pope said the process is tonight will be a first reading and the next meeting will be a public hearing.

Rebecca Mackenzie, Claremont, asked about Ordinance 483. Mr. Prozzo noted that under Council Rules, Citizen's Forum is for non-agenda items and this is an agenda item. Mr. Regan said he thinks those rules screw the public out of being able to participate before we get to a subject so as far as he was concerned "speak away." There was no Council objection. Ms. Mackenzie said this ordinance is missing a pay-as-you-throw system and without combining licensing with a pay-as-you-throw system it would not be effective. She noted the last household hazardous materials collection was in 2003 and the next one is scheduled for 2008. Other communities had them last year. She asked that this be considered an important item for the waste management action plan and in the future be included in the budget. Waste Action Collaborative of Sullivan County (WACSC) has offered to give a presentation about the action plan and she encouraged the Council to take advantage of that information. She said the \$5,000 grant through the EPA (Environmental Protection Agency) was based on combining pay-as-you-throw with the curbside recycling and to take advantage of it, we do need to combine the two. She hoped Ordinance 483 would specify where waste might be taken. Ms. Cutts said she has a copy of the full report from WACSC and the information is being shared with those who are putting this together.

Robert Woodman would like to talk about licensing haulers. Mayor Pope said this is a first reading and would not have public discussion on it. Mr. Neilsen said citizens need to be able to speak about ordinances.

Ms. Taylor said if the Council wants people to speak to agenda items as part of the Citizen's Forum then the rules need to be changed. The Council on a case-by-case basis can allow people to speak to agenda items during Citizen's Forum. The purpose of the first reading is to announce to the public what is coming up and give fair warning. She recommended that once an ordinance has been noticed and the public has information it wants to share, they should feel free to provide it to Council or staff (which will circulate it to Council) so that at the public hearing, everyone has "the same shot." Mr. Neilsen believes the public should be able to speak to any agenda or non-agenda items during Citizen's Forum. Mayor Pope asked if Mr. Neilsen would like to allow Mr. Woodman to speak to this. Mr. Neilsen said yes. The Council did not object.

Mr. Woodman hopes we are on firm ground with the ordinance because nationwide it has been defeated. If waste haulers are made to collect recyclables, they will have to have a place to dispose of them. As it is now, we subsidize recyclables for about \$200,000; they should pay for themselves. He believes there should be a pay-as-you-throw program. Mr. Prozzo asked if Mr. Woodman could cite any case law. Mr. Woodman said he has been with the Project for 25 years, been Chairman of the Executive Board and has seen this defeated. He will have to do research.

Ms. Elliott spoke again saying there is a case known as Carbonne relative to waste disposal. The decision refers to a community trying to control where waste is disposed (flow control). It relates to the interstate commerce clause that says you cannot put restrictions on commerce (garbage). It is before the federal courts. If a community wants control, they can take care of the waste or contract with private haulers and specify where the waste can be disposed.

NEW BUSINESS

Approval of Multi-Year Lease Agreement for Parks and Recreation Tractor

Mary Walter, Finance Director, said that Tatonka has outsourced their small leases. The rate they offered was 7% so by shopping around, she got a 4.7% rate from Key Corporation.

Mr. Neilsen asked for a clarification of the equipment. Mr. Hausler said the New Holland tractor with backhoe that they have is not adequate. The new one is a Kubota tractor that has a bucket and a backhoe. They are taking two tractors out of service; one was used at Arrowhead and the other is an International tractor that has been used for digging post holes. They will send an older usable tractor to Arrowhead. They are getting rid of the backhoe portion of the New Holland tractor. Mayor Pope asked how much the lease is for. Ms. Walter said \$22,915 over 4 years and the first year is already in this year's budget. It is \$5,000 this year with different amounts for the succeeding years. Mr. Swift asked if the old equipment would be sold. Mr. Hausler said it is part of the trade.

A motion was made by Ms. Cutts and seconded by Mr. Regan to authorize the City Manager to enter into a multi-year agreement for the lease of a tractor for the Parks and Recreation Department. The proposed lease agreement contains a termination clause in the event of non-appropriation of sufficient funds.

Motion carried 7-0.

Approval to Apply for Federal Airport Improvement Grant

Fire Chief Peter Chase said there are 24 public access airports in New Hampshire; 11 are federally funded and subsidized. We are one of the 11. Part of the requirement is to have an airport improvement plan that reaches out 10 years to identify to FAA and DOT how we will keep the facility within compliance. Another requirement is to have certified planners and engineers under contract in order to apply for the grant. We are requesting \$200,000 to \$250,000 for precision approach equipment. The federal money has not been appropriated yet. He asked for permission to apply for 95% funding; we will kick in 5% for the next project. Exact numbers are not known, but the estimate is \$209,000. If we are offered the money, he will be back to ask for acceptance of the money.

Mr. Regan noted that the airport is supposed to turn a profit this year, its first time doing so.

A motion was made by Mr. Regan and seconded by Mr. Swift to approve the application for a Federal Airport Improvement Grant.

Motion carried 7-0.

Acceptance of \$200 Cash Gift from Aubuchon Hardware for Fire Safety Equipment

Fire Chief Peter Chase said that two days before Aubuchon Hardware left Claremont, they gave a \$200 donation to be applied to Fire Safety Equipment. He asked that the donation be placed in the Fire Department Donation account to be combined with other monies for future purchases.

A motion was made by Mr. Prozzo and seconded by Mr. Regan to accept the \$200 cash gift from Aubuchon Hardware for Fire Safety Equipment to be placed in the Fire Department Donation account.

Motion carried 7-0.

Motion to Approve Master Agreement

Chief Chase said Dufresne and Henry have been the airport planners and engineers for a number of years. They were bought out by Stantec, a large Canadian engineering firm. They have a master contract and each project becomes a task order (job order). The master agreement has the legalese and general information that would be included in every contract.

A motion was made by Mr. Regan and seconded by Mr. Austin to authorize the City Manager or his designees to enter into a Master Services Agreement for consulting services related to aviation matters at the Claremont Airport with Stantec Consulting Services, Inc.

Mayor Pope asked about the cost. Chief Chase said the federal share (95%) pays the engineers and our share is 5%.

Motion carried 7-0.

Emergency Request to Apply for Assistance to Firefighters Grant (Not on the Agenda)

Chief Chase said an Assistance to Firefighters Grant, federal assistance for Fire Departments from the U.S. Department of Homeland Security, opened last Monday. It has only a 30-day window to apply, so next month's Council meeting would be too late. Therefore, he asked that this item be considered tonight. Over the last 5 years, the Fire Department has collected over \$700,000 through this grant process. He would apply for a grant to upgrade the air cascade system, \$50,000 system to fill the air bottles. He asked for permission to apply for the \$50,000 grant. There is a 5% match that would come from the Fire Department's operating budget. They expect approximately 27,000 applications for \$547 million. Last year they had \$21 billion in requests.

Ms. Taylor said since it is not an agenda item, to consider it, she recommended the Council vote to suspend the rules and to take this up as an emergency item. It will need a 2/3 vote.

A motion was made by Mr. Neilsen and seconded by Mr. Regan to suspend the Council Rules for this emergency request.

Roll Call Vote: Motion carried 7-0.

Mr. Prozzo is in favor of applying for the grant and he understands there is a short window to apply.

A motion was made by Mr. Prozzo and seconded by Ms. Cutts to approve applying for the Assistance to Firefighters Grant.

Motion carried 7-0.

Ordinance 483 – Licensing Private Solid Waste Disposal Haulers – 1st Reading

Mr. Santagate said they looked at three options for solid waste disposal and are making a recommendation to the Council for one of them. One of the options was for the City to do the recycling. That will be presented at the May Council meeting. Another option was to license the haulers and to direct them where to take the trash. That is not the number one recommendation. The number one recommendation is to license the haulers for the purpose of requiring them to offer curbside recycling.

Ms. Taylor said this ordinance is step one of a very large undertaking. There are some legal constraints: controlling where companies take the waste; charge them, charge differently or set specific fees. It is okay to license haulers as long as it is not to control the waste stream and it is applied equally. The place to start is to license the people who do curbside collection in Claremont. The primary purpose is to get a good grasp on what is happening with the waste stream. The second thing is we do not have a mandatory recycling ordinance in effect. We are starting by requiring those who do collect solid waste to offer recycling (beginning of the process). Haulers were invited to a meeting with the City Manager. The requirement to offer recycling starts in January. The City has acquired recycling bins. The ordinance requires as of July 1st anyone performing solid waste collection for a fee within the City has to have an annual license gotten from Public Works for a fee of \$25. This is not an income stream for the City. To get a license, the applicant must have a driver's license. Recycling services will include certain minimum solid waste items and the list can be expanded down the road. They have to follow rules set forth in state law. The license can be revoked if the rules are not followed. She is reviewing the provision that addresses the Transfer Station and may bring it forward in May.

Bruce Temple, Public Works Director, talked about the logistics of the City doing curbside recycling pickup. He used this example:

Claremont has over 5,000 homes on over 120 miles of roads. To plow the streets with 10-12 trucks, it takes 4 hours to cover the City. There are 2 people assigned to the Transfer Station on Tuesdays and Saturdays; on Wednesdays they pick up city trash which means they are only available on Thursdays and Fridays to pick up recyclables which can't be done.

The space for recyclables at the Transfer Station is limited. They may be able to use bigger containers. Right now, the Transfer Station loses \$100,000 a year because of the inability to get rid of recyclables. It would be less expensive (per ton mile) to use bigger containers. Public Works is currently not set up to haul recyclables away. In reference to manpower, people hired to fill the trucks would need a CDL License, they would be a part of the union and would work 7 a.m. to 3 p.m. The suggestion would be to split the City into 4 sections and pickup each section once a month. Public Works is not in a financial position to purchase a truck. They would put packer containers on the back of existing trucks and have 4 or 5 of them in the fleet. That would mean 4 or 5 drivers and ground people. Then there are the questions about what to do if people put out things like bed frames, plastic chairs and 2 x 4s. These are recyclable items, but we won't pick them up. He will have a presentation in May and try to put costs to these issues. He estimates a new truck to be in excess of \$100,000. He will also present the logistics of the Transfer Station.

Mr. Regan asked Mr. Temple of the options presented, what his recommendations would be. Mr. Temple said we would need six months to implement the mandate. Those items are not in the budget.

Mr. Austin knows this is a big move for the City and that there will be problems, but let's pass it on the first reading and move forward.

Ms. Cutts said recycling is the right thing to do. She sees this ordinance as taking control. She noted the grant that was received was for curbside recycling and a pay-as-you-throw (PAYT) program. Ms. Taylor clarified that this is a licensing ordinance only. To address recycling and PAYT would require a separate ordinance. Ms. Cutts said that the recycle buckets received as a result of the grant were for a curbside recycle complemented by a PAYT program. She noted that recycling was not going to be free, but in the end it will be the right thing to do. She was disappointed that the licensing would not be implemented until January 1, 2008.

Mr. Swift said the level of the license fee may be low. Part of the success of this program will be citizens paying attention to what is going on with the trash that they generate. He would like a certification added to the license to state where the trash is going. He asked why trash and recyclables can't be handled as separate, cost effective entities.

Mr. Neilsen said that those who pay a monthly fee to a hauler need to become aware that the cost may increase. He liked the idea of an enterprise entity.

Ms. Taylor said the \$25 fee is higher than what several other communities charge. As far as an Enterprise-type fund, there are several communities in New Hampshire that have set up their solid waste accounts in that manner. The issue is that the money can only be used for solid waste issues. Payments to private haulers would be outside of the enterprise fund, however money from the Transfer Station could be segregated. To certify where recyclables go, either the municipality handles the entire waste stream or contracts with a sole source provider. Private haulers would generally go where they get the best deal.

Ms. Cutts likes Mr. Swift's idea and would like the haulers to list where the recyclables are going. Mr. Neilsen asked if it could be part of the license. Mr. Prozzo wanted to know what the objective of the list would be. Ms. Cutts asked about revoking the license if the recyclables are taken somewhere other than what is listed. Ms. Taylor said that is not enforceable, unless the municipality owns the entire waste stream.

Mr. Neilsen made reference to the many tons of trash that is picked up on the roadside. There has to be a balance between convenience and cost for the public or we may end up picking up more trash on the side of the road.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt Ordinance 483 – Licensing Private Solid Waste Disposal Haulers on first reading.

Mr. Prozzo would like to move forward and asked if changes can be made after the public hearing. Ms. Taylor said unless somebody calls the question for the vote, it can be continued to a future meeting. Mr. Regan said this question is why we need to change Council Rules. We need to allow public comment and should allow public discussion on volatile subjects like this. Mr. Neilsen said in his experience as Mayor, if there was any change, the ordinance went back to

first reading versus Ms. Taylor's explanation that only substantive changes require going back to a first reading. He said the public hearing process doesn't work very well.

Mayor Pope said the Council Rule item could be discussed under Future Agenda Items and Directives. He would like to see a certification of where the recyclables are going. He is interested in seeing the presentation Ms. Mackenzie spoke about and he supports the ordinance as written.

A motion was made by Ms. Cutts and seconded by Mr. Regan to amend the ordinance to include a statement on the license about disclosure of where haulers take recyclables and waste products.

Motion on the amendment carried 7-0.

Mayor Pope read the Explanation of Proposed Action into the record.

Roll Call Vote on amended motion: Motion carried 7-0.

Public Works Fee Schedule – Public Hearing

This is the \$25 annual licensing fee for solid waste collection. Ms. Taylor explained other communities charge in the \$15 to \$25 range. This covers the cost of the paperwork.

Mr. Regan's personal opinion is to charge 10 times more. Mr. Santagate said this is not an unreasonable fee, but the Council can amend it.

Ms. Cutts said the purpose of the ordinance is to get leverage to take control over the management of solid waste.

Mr. Regan's intent is to not let just anyone with a pickup truck to have a license to haul garbage in Claremont. Mr. Prozzo said if the hauler took the garbage where the customer wanted it to go, it would be worth it and \$25 is a good start.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt the Public Works Fee Schedule.

Mayor Pope opened the public hearing.

Robert Woodman talked about septage fees. True Value Hardware takes fluorescent bulbs for disposal for free. Catalytic converters are worth \$65 apiece. Ms. Taylor noted the only change to this fee schedule is the addition of the license fee for solid waste collection.

James Contois said he wants to know where the waste is going. He noted the City is not alone; the County has gone out for quotes for a material recovery facility. This is going to succeed.

Mayor Pope closed the public hearing.

Motion carried 7-0.

Acceptance of \$699.99 NH Police Standards & Training Council Specialized Training Grant

Police Chief Alex Scott said this is a 2/3 grant for training that is not offered at the Police Academy in Concord. Captain Casey will use this for two training classes on forensic science and arson investigation.

A motion was made by Mr. Neilsen and seconded by Mr. Regan to accept the \$699.99 NH Police Standards & Training Council Specialized Training Grant .

Motion carried 7-0.

Acceptance of \$1,690.50 NH Highway Safety Grant for “Claremont Join the NH Clique Seat Belt Campaign”

Chief Scott said this is part of a yearly enforcement project. It will allow seven six-hour patrols for seatbelt enforcement. This is part of an enforcement and education campaign that NH Highway Safety has been doing for several years.

A motion was made by Mr. Prozzo and seconded by Mr. Swift to accept the \$1,690.50 NH Highway Safety Grant for “Claremont Join the NH Clique Seat Belt Campaign.”

Motion carried 7-0.

Ordinance 484 – Regulation of Use of Skateboards, Rollerblades & Other Similar Devices – 1st Reading

Chief Scott said downtown merchants have expressed concerns revolving around skateboards in the downtown area and bicycles on the sidewalk. He reviewed other cities' codes and ended up focusing on Nashua's city code. The regulation of bicycles was separated into its own ordinance. The changes add specificity to the ordinance for enforcement. The ordinance clarifies that you can't skateboard on sidewalks or the public way in the downtown area and lists the affected streets.

Mr. Austin asked about the penalty before. Chief Scott said it was \$25, but is now increased to \$75. Mr. Regan thinks \$75 is high. Chief Scott said that is the maximum; it could be less. There is room for discretion.

Ms. Cutts asked if it is possible to take the skateboard instead of imposing a fine. Chief Scott said that is one of the enforcement tools that is used more frequently than issuing tickets.

Mr. Austin asked what advantage this gives the department. Chief Scott said it eliminates the distinction between the sidewalk and the road. It is a tool to address the evergrowing problem in the downtown area.

Mr. Regan said we still need to give kids a place to go to skateboard. It would be smart for the downtown merchants to give them some place to go. Chief Scott said he had asked kids to stay off Pleasant Street, but that was not successful. Ms. Cutts said skateboarders should support the rules and use peer pressure.

Mr. Swift said the rules should be followed and he is in favor of the \$75 fee and the list of places. Mr. Neilsen agrees with Mr. Swift. Chief Scott said a few bad apples spoil the bunch; there are a lot of responsible riders and these changes are for the irresponsible riders.

A motion was made by Mr. Prozzo and seconded by Mr. Swift to adopt Ordinance 484 – Regulation of Use of Skateboards, Rollerblades & Other Similar Devices on first reading.

Chief Scott read the list of areas where skateboarding would be prohibited.

Roll Call Vote: Motion carried 7-0.

Ordinance 485 – Regulation of Bicycles on Public Ways – 1st Reading

Chief Scott said this is the second half of what was just discussed. Originally bicycles were combined with skateboards. He looked at other municipalities and used Nashua as a model. This addresses only bicycles. It highlights the rules of the road as they apply to bicycles. It maintains many of the existing prohibitions. He listed sidewalks where you cannot ride a bike. Pedestrians have the right-of-way on sidewalks. The penalty was raised from \$25 to \$75 maximum.

Ms. Cutts asked if bikes are required to be licensed. Chief Scott said no. Ms. Cutts asked if bicycle helmets are required. Chief Scott said there is a state law, but no penalty. It is an unenforceable statute. Ms. Cutts said it sends a bad message if it is not included in our ordinance and she would like it put in. Ms. Taylor said there is a provision that pertains to the Duty of Parents for someone less than 16 years of age who violates a provision, then there would be recourse against the parent. Mr. Neilsen agrees with the dual message, but it falls to enforcement. Until there is mechanism to enforce he doesn't agree to add that piece. Mr. Regan said the Council can't legislate decent parenting. Ms. Cutts said this is not her desire, it is a state law.

A motion was made by Mr. Neilsen and seconded by Mr. Prozzo to adopt Ordinance 485 – Regulation of Bicycles on Public Ways on first reading.

A motion was made by Ms. Cutts and seconded by Mr. Neilsen to amend Ordinance 485 to include no person less than 16 years of age may operate or ride upon a bicycle on a public

way unless he or she wears protective headgear of a type approved by the commissioner of health and human services (i.e. bike helmet).

Mr. Neilsen agrees with the rationale that our ordinance should match the state law that has been passed.

Mr. Swift doesn't think we should have to reiterate every single law that is in state law. Chief Scott said this is one of the areas where the state allows us to enact our own regulations. Mr. Swift asked how to determine who is under age 16. Chief Scott said of the message aspect that he agrees with Ms. Cutts and Mr. Neilsen that it provides a consistent message. Mr. Swift is in favor of using a helmet, but he is arguing the point of enforcement.

Amendment to the motion carried 6-1 with Mr. Swift voting no.

Roll Call Vote as Amended: Motion carried 7-0.

Discussion of Elderly and Veterans Exemptions

Mary Walter, Finance Director, presented options for raising the Veteran's Exemption from \$100 to \$125 and increase the assessed value of the current Elderly Exemption for age groups 65-74 and 75-79. There are currently 721 veterans on board with a projected increase of 30. The impact of raising the Veteran's Exemption from \$100 to \$125 is 3 cents on the tax rate. The current Elderly Exemption for the 65-74 age group is \$19,250 with a projected increase to \$30,000. The 75-79 age group is currently \$38,500 with a projected increase to \$50,000. She noted that the primary residence does not count in the asset value. That would be \$775,000 of additional assessed value for a 2 cent increase. The total increase for the Veteran's and Elderly Exemptions, based on these estimates would be 6 cents. The numbers are as of April 6, 2007.

Ms. Walter presented the option of raising the Veteran's Exemption from \$100 to \$150. That would equal 2 cents more on the tax rate, so the total increase for the Veteran's and Elderly Exemptions would be 8 cents. That is leaving the Elderly Exemptions as stated.

Mr. Austin said he needs more information than what is on the handout. He felt the \$150 Veteran's Exemption was low. Mr. Santagate said the communities we compared to averaged \$169 and the state is \$256 or \$258. Mr. Austin is in favor of changing it to \$150. He is concerned about the elderly and would like to increase the asset level.

Ms. Cutts asked about the asset level for age 65-74. It was unknown, so Mayor Pope suggested Joe Lessard, Interim Assessor, give a briefing on the exemption. The Council agreed.

There was a discussion of changing the asset level. Mayor Pope would like to increase the asset level. He suggested having a workshop in the future on the subject.

Ms. Walter said the City currently gives away about \$9 million in assessed value to the elderly. She noted any action on this would not take affect until the 2008 tax year.

CITY MANAGER'S REPORT

Mr. Santagate said Lowe's is still on target to begin construction in middle to late summer as long as there are no extraordinary situations.

Brown Block has begun construction.

Mr. Santagate, in the future, will propose a major restructuring of City staff. He believes we have to make changes to handle issues we'll face in the future. One clue was the goals that were talked about at the March 28th Council meeting. Many areas were identified that are not being addressed in the most effective manner (i.e. Master Plan, Capital Improvement Plan, "tsunami" of development, and the mills represent a historic event and that will be a transformational event for the city). He will make a major recommendation for reorganization which will streamline and strengthen the organization. It will reduce the number of direct reports to the City Manager from 10 to 5. It will allow the City Manager more time to promote the City on the outside and to focus on economic development. One of the things we need to do better is to build critical alliances around the state. The reorganization will give some departments more attention. There will be a lot of changes that will be positive. The major three things being reviewed are: 1) Establish an Assistant City Manager position to handle a number of operational departments; 2) propose to eliminate the Planning and Development Director position and save that money to pay for the Assistant City Manager; 3) eliminate the City Engineer position (unfunded). In the draft proposed structure, Public Works, Economic Development/Planning, Parks and Recreation, Library and Human Resources would report to the Assistant City Manager. Assessing and Welfare would report to the Finance Director. The Assistant City Manager, Finance, Police, Fire and Legal would report to the City Manager. He will meet with the Personnel Advisory Board on the proposed changes soon.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mayor Pope asked for a NH/VT Solid Waste Project dissolution resolution on the May agenda.

Mayor Pope asked the Council about a reverse 911 system to check on elderly during power outages. He asked about the cost and feasibility.

Ms. Cutts asked about fixing Citizen's Forum. Mayor Pope said to amend the rules requires a 2/3 vote of the Council. He referenced rule #48. He said if that is a workshop issue, he would welcome it. Mr. Regan thinks that is an excellent idea and suggested that two items could be discussed at a workshop to save time.

Mayor Pope suggested a May 23rd Council Workshop. Mr. Swift is not available on the 23rd. It will be for Council Rules and Property Tax Exemptions. A third quick item needing immediate action could be added.

Mayor Pope said that Mr. Irish had requested an update on the OHRV crossing on Washington Street.

COMMITTEE REPORTS

Social Services Committee

Mayor Pope said that applications are still out and requests are coming in.

Community Reinvestment Fund Committee

Ms. Cutts said the deadline is April 30th and no requests had been received yet.

Open Space Ordinance Committee

Mr. Regan said the Committee met last month. There is no new news; they rehashed old stuff.

Master Plan Committee

Mayor Pope said there is a meeting scheduled for April 23 at 7:30 a.m. to review data.

School Reinvestment Committee

Mr. Swift said a facilitator is coming on board. Their first meeting with the facilitator will be tomorrow night.

ADJOURNMENT

At 11:08 p.m., a motion was made by Mr. Prozzo and seconded by Ms. Cutts to adjourn.

Motion carried 7-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council