

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

Members of the Council present were:

Michael Prozzo, Jr.
Deborah Cutts
Heather Bopp
Assistant Mayor Christopher Irish
Mayor Scott Pope
Andrew Austin
William Regan, III
Ralph Swift
William Corey

Also present:

Guy Santagate, City Manager

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

MAYOR'S NOTES

Mayor Pope stated anyone that was downtown on August 25th was treated to a great Back to School Festival. This event is put on by the School Department and he wanted to thank Superintendent Guillette, Heidi Emanuel and the entire SAU (School Administrative Unit) staff. He stated he received letters from the Technology Transfer Center at UNH (University of New Hampshire) and he recognized Peter Companion for his completion of 30 hours required for the Road Scholar I program also Terry Miller for his completion of 70 hours for Senior Road Scholar.

Mayor Pope wanted to recognize the Fire Department for having all the fire trucks out on display with the Flag hanging in remembrance of 9/11. It is important that the community support the troops regardless of their view of the war. He noted that the Council still has their yellow ribbon hanging in support of the troops. He also wanted to give thanks to the 744th for their time served in Iraq.

REPORT OF THE SECRETARY

A motion was made by Mr. Austin and seconded by Ms. Bopp to accept the minutes of the August 1 and August 8, 2007, City Council meetings.

Motion carried 9-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Historic District Commission

A motion was made by Mr. Irish and seconded by Mr. Regan to appoint David T. Roark to seat #5 of the Historic District Commission.

Motion carried 9-0.

Upper Valley-Lake Sunapee Regional Planning Commission

A motion was made by Mr. Swift and seconded by Mrs. Cutts to appoint Carolyn Greenslet Towle to seat #1 of the Upper Valley-Lake Sunapee Regional Planning Commission.

Motion carried 9-0.

Fiske Free Library Board of Trustees

A motion was made by Mr. Swift and seconded by Mr. Prozzo to reappoint Paul M. Knapp to seat #5 of the Fiske Free Library Board of Trustees.

Motion carried 9-0.

OLD BUSINESS

Ordinance 488 Zoning Map Updates – Second Reading – Public Hearing

Mr. Temple introduced Mr. Franco Rossi from Cartographic, Inc. in Littleton, NH; they are under contract by the City to help the City with the zoning maps.

Mr. Rossi stated the goal of the project was to adopt conformed and updated City zoning maps to reflect zoning districts created since the adoption of the original maps. He stated that they did not develop or create any new zoning but simply recompiled current data, to have graphically correct data. They met with City staff, gathered zoning ordinances and built on a base map that the City had.

Mr. Rossi said that they compared current with recompiled data, and then identified inconsistencies.

Mayor Pope asked how many parcels moved from one zone to another due to line changes. He thought there may be four. Mr. Rossi was not sure about the number but knew it was not many.

Ms. Cutts asked what our obligation is to notify anyone who may have thought they were in one zone but are now in another. Mr. Rossi stated that no one actually moved zones, this was just a

housekeeping to have the maps match exactly what was voted on and enacted over the years. These are already approved zoning changes. The new map just reflects these changes and was recompiled from already approved ordinances.

Mayor Pope noted that he has had several people state the zoning maps should be updated, he is glad to see this is being done.

Mayor Pope read the Explanation of Proposed Action.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt Ordinance #488 Zoning Map Updates.

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

Roll Call Vote: Motion carried 9-0.

Motion to Authorize Conveyance of Easement and Land, 145 Grissom Lane, Map 187 Lot 5

Mr. Santagate placed a map on the easel, showing the lot this easement is referring to. He said that the Project (NH/VT Solid Waste Project) went out of business July 1, 2007, and that presented an opportunity for the City. The City placed a bid on the property, which did not work because Wheelabrator had the first right of refusal. The City then decided to take the property by eminent domain, a courageous step by the Council. However this lot was never subdivided and the incinerator sat on this lot. Mr. Santagate continued that we understand that we have no legal right to close the incinerator. They have a right to operate it under a leasehold agreement signed 20 years ago and which goes on into the future. This site was very important to the City for future development. The City paid for the lot (land appraised at \$303,000) as required by law at the time of taking, Wheelabrator then sued the City. The City met many times with Wheelabrator and the two sides were able to come to a settlement agreement. The City owns land beside and/or behind this property; however the access road was on the lot owned by Wheelabrator – which was one of the major reasons for the taking.

Key points of the settlement:

- The Project has a tax suit against the City seeking an abatement of taxes which was filed in the 17th year of the 20 year contract. It is important to note that the taxes assessed on the property had not substantially changed in the past 17 or 18 years and that it seems ironic that they waited until the 17th year to file.
- Taxes in 2006 were \$376,000 and Wheelabrator has agreed to pay the City \$375,000 each year for the next five years through a PILOT (Payment in Lieu of Property Taxes).
- The City will acquire control of the access road and will grant Wheelabrator an easement. In the event the City closes that road, Wheelabrator can acquire two acres of land to the east side of the incinerator on the “flag pole” portion of the property and build their own access road at their own expense. The City has no intention of closing the access road. Wheelabrator will maintain the road, upgrades, maintenance, plowing, etc. until such

time as the City develops the City-owned land behind Wheelabrator. (The City also wants to work with one other landowner with a piece of property in that land-locked area.)

- There is currently 4.1 acres of land that the incinerator sits on, and they asked for 5.0 acres next to the building. They said they need it for breathing room. They don't have room to expand any kind of recycling center or MRF or room to lay out the land properly.
- Wheelabrator wanted a statement saying the City would not exercise eminent domain in the future and Mr. Santagate said he could not do that, however they came to agreement on what language will be in the settlement. The City will not treat them any differently than any other business in the City.

Mr. Santagate said he is aware people want the incinerator shut down, however that is nothing the City has any right to do.

Mayor Pope said he asked Wheelabrator directly if they wanted to develop the land would they have to go before the community boards. The answer was yes. The road access to the property is shared. Also, the City maintains control of the railway access. This could be very helpful in the future for development purposes.

Mr. Santagate stated the condition of the Public Works garage is not in very good shape. The location of the current Transfer Station is not very favorable and this may be a possible location for the future.

Mayor Pope asked if the City is paying for Wheelabrator's legal fees. Mr. Santagate said no.

Mr. Corey asked what brought up the need for the City to take this property in the first place. Mr. Santagate gave a quick history review. The Project offered that piece of property to Newport (ECON) for \$1.00, and ECON wanted to sell to Claremont for fair market value (\$285,000 on the Assessor's books). Wheelabrator (under right of first refusal) bought the property for \$300,000. The Project owned the land when the eminent domain process started – Wheelabrator had never owned it. Since the Project was going out of business, they would not be harmed by the taking of the property and Wheelabrator never owned it. There was no harm to Wheelabrator. Mr. Santagate commended the Council for standing up when many wanted us to cut our losses and run.

Mr. Regan commended Mr. Santagate and the legal team (Attorney James Morris, Orr & Reno) and stated that he was pleased with these results. However, he stated that he will not support a dump at this location, not in his Ward (2). He will support a new garage and/or recycling center.

Ms. Cutts stated she likes this deal, it was fair and she does not feel that the City took anything, for what the City has had to deal with for the last 20 years. She thanked the current Administration.

A motion was made by Mr. Irish and seconded by Ms. Bopp to hereby authorize the City Manager or his designees to convey the real property interests as set forth in the Settlement

Agreement reached between the City of Claremont and Wheelabrator dated September 5, 2007, and approved by the Superior Court on September 6, 2007, including the conveyance of an easement over City-owned property located at 145 Grissom Lane (Map 187, Parcel 5), the conveyance of a 4.1 acre parcel, and the conveyance of an approximately 5 acre parcel, also located at 145 Grissom Lane (Map 187, Parcel 5), all as described in the Settlement Agreement, and to execute all deeds and documents and take all such actions as may be required or desirable in connection therewith.

Mr. Irish wanted to read this motion because he read the first motion to start this whole process. He commended this Council, because they did something historical. Claremont stood up for once and he thinks this is a great opportunity for Claremont.

Ms. Bopp saw how Claremont people were treated at [Project] meetings. The Council and Mr. Santagate did a great job and she was glad to have this outcome.

Mr. Austin remembered the night they decided to do this; he asked Mr. Santagate if he knew who he was tackling. This was a little scary in the beginning.

Mayor Pope said if they think the fight is over, they have to remember they have to deal with our citizens' boards (Zoning and Planning).

Roll Call Vote: Motion carried 9-0.

OHRV Crossing on Washington St.

Police Chief Alex Scott said that in October of last year he volunteered to come back to the Council with a recommendation for an OHRV (Off Highway Recreational Vehicle) crossing on Washington Street. The Sugar River trail runs parallel to Washington Street and there is another trail network across the street behind the Burger King plaza. One of the first things that had to be done was to see if it was legal for them to be crossing Washington St. He found it was. The liability rests with the operator. He and the Chief of the Trails Bureau, Chris Gamache, made site visits. Chief Scott talked to Leon Giles, a former resident of Claremont, who now works in Littleton, stated that he had just worked on a plan in front of the Lowe's on Rte. 302. The trail crossing operates on a pedestrian crossing, however this one is on an angle – which it needed to be. Mr. Giles did not recommend doing it that way and we would not have to since it's a straight shot across.

Chief Scott further explained that there are not many crosswalks on Washington St.; therefore having a pedestrian setup / crosswalk area would "kill two birds with one stone." Council asked about the cost and Chief Scott replied that he is unaware of the cost associated with this that they had asked him for a recommendation and this was his recommendation.

Mayor Pope asked if the Chief thought there were other traffic issues and if it should go before the traffic committee. Chief Scott stated that the three members of the traffic committee were in

the audience tonight (Chief Scott, Fire Chief Peter Chase and Public Works Director Bruce Temple).

Councilor Irish thanked Chief Scott for his hard work. He felt we have the perfect crossing, the lights are already there; he doesn't feel it would be a huge amount. Councilor Bopp asked if it needs to go before the Traffic Committee. Irish stated they are already using the crossing area now; we just want to make it better. He asked for a consensus to ask the City Manager and Public Works Director to work with the Sullivan County ATV Club and pursue getting the signage up (unless it is cost prohibitive).

Mayor Pope said he would feel comfortable with a directive to bring back details to the Council. Mr. Irish reminded that people are already using the current crossing at Market Basket.

Mr. Austin asked if this crossing would hold up traffic. He asked for that to be looked at.

Mr. Prozzo said he endorses taking a further look at this. He asked that, if we adopt this, what the penalty would be for someone who does not cross in that spot. Chief Scott said that the Council can prohibit, by ordinance, crossing anywhere else on Washington Street and that would be part and parcel of the ordinance so that they can be fined for not crossing in the specified area(s).

Ms. Cutts asked if the ATV Club would be in favor of this. They nodded yes. Richard Bugbee, Unity, Trail Administrator for the Snowmobile Club stated that the only problem they foresee is that snowmobiles do not steer on asphalt so they would need to pull up along side of the crossing and then cross. This Club would want to be involved in the talks.

Mayor Pope wants to see more information brought back before he votes on anything. Chief Chase gave a rough number for changing the lights and installation of a pedestrian crossing button as \$200,000. Councilor Regan wanted to know who would be paying for this.

There was a directive by Council to bring back information to the next meeting or at least let them know the status.

Ordinance 486 Veterans' Exemption (Credit) – Second Reading – Public Hearing

Joe Lessard, Interim Assessor, said this is the second reading and he was present to answer any additional questions.

Mr. Austin stated he did not feel this exemption was under question.

A motion was made by Mr. Austin and seconded by Mr. Irish to adopt Ordinance 486 Veterans' Exemption (Credit).

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

Roll Call Vote: Motion carried 9-0.

Ordinance 487 Elderly Exemption – Second Reading – Public Hearing

Mr. Lessard stated this ordinance would increase the exemption amount for ages 65 up to 75 from \$19,250 to \$30,000 and for ages 75 up to 80 from \$38,500 to \$50,000.

Councilor Austin asked if we changed the asset level on these and Mayor Pope stated that no changes were made to the asset level. Mr. Prozzo said there was previously a lot of discussion on this; this is a good place for the City to start to help the residents.

A motion was made by Mr. Austin and seconded by Mrs. Cutts to adopt Ordinance 487 Elderly Exemption.

Councilor Regan asked if the asset level includes social security. Yes, it does stated Mr. Lessard. Mayor Pope was reluctant to vote yes because he wanted to do more and stated that he would bring it back again next year to review. Councilor Cutts said that this is the second change we have done to the Exemptions, and stated that Representative John Cloutier was looking to speak in Concord regarding not having Social Security included. Councilor Bopp wants to make it clear that whatever exemptions are given, they have to come from somewhere else and there are many young people trying to raise a family and middle-aged people struggling to maintain their homes. Councilor Irish stated that this is a good place to start and we are helping more this year than last year.

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

Roll Call Vote: Motion carried 9-0

Ordinance 489 Sullivan Street – One Way West, Mulberry to Allen Streets – Second Reading – Public Hearing

Fire Chief Peter Chase stated this was brought to the Traffic Advisory Committee at the request of Councilor Austin. There is not enough room for traffic to go up and down Sullivan Street at the same time and have room on the sidewalk for someone to walk. Mr. Austin stated he believes that is a dangerous intersection.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to adopt Ordinance 489 Sullivan Street – One Way West, Mulberry to Allen Streets.

Mayor Pope is still concerned because Allen Street is not the greatest. Chief Chase said traffic has the option of going to Tyler Street to the five-way stop. Mayor Pope asked if there is going to be a lot of signage. Mr. Temple stated there will be two “Do Not Enter” signs at the bottom of the hill. Councilor Regan made a point of order to note that the one way will be going down the hill.

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 9-0

CITIZEN'S FORUM

Cheryl Jones, Ward 2, reminded the Council that she had been before them last year with a few items that she was not happy with. At that time, she stated the Council would try to get back at her and she would be watching. Ms. Jones stated they did: she filed for an abatement because the corner of their house is 500 feet from a gas pump and she wanted an abatement. The Assessor asked to be allowed inside the house to measure the rooms and she stated she refused to let him in the house because it was an invasion of her privacy. She further stated that the problem was not with the inside of her house but because she did not let him in, the abatement was denied. She stated that she feels the Council got back at her for criticizing the Council last year. She stated "I am asking a legitimate question. I am asking the Council for help."

Katie Lajoie, Charlestown, was recognized by Ms. Cutts.

A motion was made by Mr. Regan and seconded by Ms. Cutts to waive the rules to allow Ms. Lajoie to speak to the Council.

Motion carried 9-0.

Ms. Lajoie thought there would be a public hearing on the settlement agreement regarding Wheelabrator. She asked what the procedure is to discuss something already passed by the Council. She asked how she will get answers to questions that need to be clarified. She was told that she could submit questions to either Mr. Santagate or Mayor Pope. She wanted to point out a statement that Mr. Santagate made in which he said that people should have done something about Wheelabrator 20 years ago and the point was that citizens did not have a vote on that contract 20 years ago. Ms. Lajoie read a statement from Cornelia Sargent in which she wanted the Council to defer the vote – moot point now.

NEW BUSINESS

Primex Rate Savings

Mr. Santagate introduced Dave Whitham from Primex. He is here to share some great news for the City. Primex has been in business since 1979 and the City has had their workers compensation with Primex since that time.

Mr. Whitham stated that Primex only works with public entities, it's a not-for-profit company; they offer risk management programs and a whole lot more.

Mr. Whitham gave a handout showing the City's loss runs in graphic form and how the rates have come down. He attributes this to positive changes in the City's philosophy and emphasis on safety. Over the past almost 30 years, the City has paid contributions of \$4.7 million. Since 1979, \$1.89 million has been paid out in workers compensation costs. Almost \$2 million has been given back in reduced rates over that time with a net cost to the City of \$400,000. The cost here in Claremont went down about \$52,000 in 2007. The rate is \$.78 for every dollar of coverage which is VERY good. Primex's overall rate is \$.88 for every dollar spent so we are below the average. Mayor Pope asked what we pay for coverage - \$139,000.

Since 2001, the City has gone from 60 claims to 15, paying out from \$400,000 to close to zero. This is all great news.

Mary Walter, Finance Director, added that some of the things the City did was partner with Primex to offer yak-traks which go over the boots so they don't slip on the ice and there's also been greater emphasis on safety and seat belting of all employees. There has been a partnership with the employees and we were able to lift the wages during union negotiations because the workers compensation has gone down.

Mr. Whitham stated that this is not to say a huge claim could not happen, but you can absorb them with the good that's been happening here.

Mr. Austin stated it is good management; when you get employees that like their jobs, it helps.

Mr. Prozzo reiterated that Claremont is below the average and that is great news.

City Clerk Gwen Melcher stated the filings for City Council, Moderator, Supervisor of the Checklist and Ward Clerk, open on Wednesday, September 19, at 9:00 am and close on Friday, September 28 at 5:00 pm. There is a \$1.00 filing fee and you have to be a registered voter in the ward you choose to run for. Election Day is November 6th.

Acceptance of Dept. of Homeland Security Assistance Grant for Up to \$46,835 for High Pressure Breathing Air Compressor System

Fire Chief Peter Chase stated that this is a grant we applied for to replace the air compressor that we have had since 1979 which is used to fill the air tanks.

A motion was made by Mr. Regan and seconded by Mr. Prozzo to accept Dept. of Homeland Security Assistance Grant for Up to \$46,835 for High Pressure Breathing Air Compressor System with appreciation.

Motion Carried 9-0.

Acceptance of \$71,107 Federal Aviation Admin/NH Dept. of Transportation Grant for Hangar Project

Chief Chase stated this is for the hangar taxiway project. This is the only Federally and State subsidized municipal hangar in the country.

Ms. Bopp said with budget time coming, she would like to see how much money the Fire Department has received in grants over the past year.

A motion was made by Mr. Regan and seconded by Mr. Austin to accept the \$71,107 Federal Aviation Admin/NH Dept. of Transportation Grant for Hangar Project with thanks to Chief Chase for chasing it down.

Motion Carried 9-0.

Resolution 2007-17 Over-expend Airport Budget – Public Hearing

Mayor Pope noted this will be offset by increased revenue with no impact to the tax rate.

Chief Chase said this is needed because the airport has been busy, and it's hard to put a budget amount in a year in advance. We sold more aviation gas than anticipated so we need to buy more to continue to operate.

A motion was made by Mr. Regan and seconded by Mr. Prozzo to adopt Resolution 2007-17 Over-expend Airport Budget.

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 9-0.

Acceptance of Children's Safety Equipment Grant from NH Public Health Association
(bike helmets & safety kits)

Mary Walter spoke for Scott Hausler, Parks and Recreation Director. The Parks and Recreation department teamed up with the NH Public Health Association and 50 helmets and safety kits were given out to kids at the Back to School Festival. Ms. Walter noted that the Police Department gets helmets from the State and believes they still have some.

A motion was made by Mrs. Cutts and seconded by Mr. Regan to accept the Children's Safety Equipment Grant from NH Public Health Association (bike helmets & safety kits).

Motion carried 9-0.

CITY MANAGER REPORT

Mr. Santagate talked about rumors regarding a dump on the Grissom Lane property, which is not something the City is looking at. He noted a landfill is different than a transfer station. He would certainly look into this if the Council requested.

FUTURE AGENDA ITEMS AND DIRECTIVES

Ms. Bopp asked about the Chamber of Commerce getting the previously mentioned flags for Claremont. Mr. Santagate stated the delay was getting approval from PSNH (Public Service of NH) since their poles were being used. The City has done its part and the paperwork has been forwarded.

Ms. Bopp asked, since we are going into the budget season, to get an update on the Community Center and the Track.

Ms. Bopp asked about the appeal process for an abatement for someone like Mrs. Jones. Mr. Santagate explained the abatement is about the inside and outside and if the abatement is denied, they can appeal to the State. Mr. Prozzo stated the Council has no power regarding abatements.

Mr. Irish wanted to stay on a truck route needed in the City.

Mr. Irish asked, regarding Winter Street, if it is possible to get more speed limit and “Kids Playing” signs on Winter Street since traffic will be moving even faster with the new paving.

Mr. Austin said Mr. Santagate gave us the idea of an Assistant City Manger. He thinks this may be a good idea. He is sure these big projects are taking Mr. Santagate away from his other duties. He would like to see Mr. Santagate freed up to work on the big projects.

Mr. Irish stated that the idea of an Assistant City Manager was not a new idea and read the headline from an article in the Eagle Times, dropped off by Bernie Folta, dated October 2001, Mayor Chris Shaban recommended the idea of an Assistant City Manager. Mr. Irish agreed we should “keep this on the table.”

Mrs. Cutts would like to have another meeting scheduled with the School Board.

Mrs. Cutts spoke of a Sullivan County MRF meeting coming up on September 25th. Mr. Regan asked if this report is the one the City paid \$4,000 toward. Ms. Cutts said she thinks so. Mr. Prozzo believes there is a meeting coming up about the \$4,000 and the Council will be receiving an invitation for it.

Mayor Pope wanted to remind everyone that on Friday, September 14th, at 2:00 there will be a dedication of the Charles Puksta Memorial Library at the NH Community Technical College. Mr. Regan wanted to publicly state Charlie Puksta was a great man, Mr. Regan will, however, be out of town on this date.

The Council requested a list of projected Budget meeting dates.

COMMITTEE REPORTS

Open Space Ordinance Committee

Mr. Regan said they are still at the same spot as a couple of weeks ago (legal review in Concord).

Master Plan Committee

Mayor Pope said on October 4th there is a Master Plan Visioning session. The community will have an opportunity to look at a DRAFT of the land use chapter and the visioning statement. 333 surveys were received, and they will be compiling the results. In retrospect that is a good number.

School Reinvestment Committee

Councilor Swift said they are meeting regularly. They will be holding a public input meeting on Saturday, September 29th, 11:00 a.m.-1:00 p.m. at Stevens High School; they are looking for public input.

Mr. Austin stated they have not heard anything about the Community Center project lately. Mr. Santagate said he could have them come back in for a review.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 9:45 p.m., a motion was made by Mr. Prozzo and seconded by Ms. Bopp to adjourn.

Motion carried 9-0.

Respectfully Submitted,

Gwendolyn R. Melcher
Clerk to the Council