

Council Meeting

January 9, 2008

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The Claremont City Council held a meeting on Wednesday, January 9, 2008, in the Council Chambers of City Hall.

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

OATH OF OFFICE FOR COUNCILORS, MAYOR AND ASSISTANT MAYOR

Gwendolyn Melcher, City Clerk, administered the oaths of office to Ward I Councilor David Roark, Ward II Councilor Paul LaCasse, Ward III Councilor Richard Dietz, At-Large Councilors Andrew Austin, Thomas (Toby) Batchelder, III, Kyle Messier, Robert Picard, Mayor Scott Pope and Assistant Mayor Deborah Cutts.

Members of the Council present were:

At-Large Councilor Thomas (Toby) Batchelder, III
Ward I Councilor David Roark
Ward III Councilor Richard Dietz
Assistant Mayor Deborah Cutts
Mayor Scott Pope
At-Large Councilor Andrew Austin
At-Large Councilor Kyle Messier
Ward II Councilor Paul LaCasse
At-Large Councilor Robert Picard

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Mayor Pope presented plaques to former Councilors: Assistant Mayor Christopher Irish, Councilors Heather (Bopp) Irish, Ralph Swift, Michael Prozzo and William Regan. Mr. Prozzo, Ms. Irish, Mr. Swift, Mr. Irish and Mr. Regan offered some words of wisdom to the new Council.

Mayor Pope said there is a School Reinvestment Committee Meeting/Community Forum on January 17th. David Putnam, Committee member and School Board Chairman, said the forum will be hosted at the Claremont Middle School and there will be a city-wide mailing on it with a survey.

Mayor Pope again thanked Scott Hausler for the lights in Broad Street Park. He also thanked Mary and Nick Koloski for the lights on Pleasant Street. He thanked Governor Lynch for the efforts on behalf of the workers at CSI (Customized Structures) regarding the closing of the

plant. He recognized and thanked the Public Works and emergency services people for doing a great job during the snowstorms and for all the work they do.

REPORT OF THE SECRETARY

A motion was made by Mr. Austin and seconded by Mr. Picard to accept the minutes of the December 12, 2007, City Council meeting.

Motion carried 9-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Moved to after Citizen's Forum.

OLD BUSINESS

Valley Regional Hospital Capital Plan Update

Mr. Santagate welcomed Claire Bowen, CEO, Valley Regional Hospital, to present information on the hospital's Capital Improvement Plan. Claire Bowen said it has been 25 years since Valley Regional underwent extensive renovations. The proposed project has three priorities: 1. A new central plant and infrastructure improvements; 2. New and expanded emergency department (location needs to be close to other services); 3. Make all in-patient rooms private. The cost will be \$25.2 million in tomorrow's dollars. Finance it by tax exempt revenue bonds and using equity. They will begin in July 2008. It will consist of 22,000 square feet of renovated space and 32,000 square feet of new space. Two wings constructed in 1924 and 1959 will be demolished. This will create a clear point of entry and consolidate outpatient services. All patients will check in at one central location. They will have a decontamination facility to respond to a chemical or biological contamination disaster. Patient surveys state patients want privacy; they will have 21 private rooms with bathrooms. She introduced Alan Owens.

Alan Owens, Director of Plant Operations at the hospital, gave more details. Most new construction will face Elm Street. The project is expected to take 24 months to complete (midway through 2010). Parking will be increased by about 10 spaces.

Ms. Bowen said with the efficient space they will be able to handle more volume without adding staff. Mr. Austin said this is a big plus for economic development.

Ordinance 491 Yield Sign on East Green Mountain Road – Second Reading – Public Hearing

Police Chief Alex Scott spoke on behalf of the Traffic Advisory Committee. The committee reviewed the intersection of Old Newport Road and East Green Mountain Road and recommended the yield sign on East Green Mountain Road be replaced with a stop sign. He looked at all accident reports since 1999 for East Green Mountain Road and Old Newport Road.

There were a total of 17 reportable accidents with only a single accident at the intersection which would have been avoided with a stop sign on Old Newport Road that was approved at the last December meeting. A proposed stop sign that will stop traffic from coming off East Green Mountain Road onto Old Newport Road will further reduce the likelihood of an accident there. If a driver is patient, they can establish the sight distance. There is a 240 foot sight distance when standing at 4 feet 4 inches (approximate height of a driver seated in a passenger vehicle) in the middle of the sag. There is full view at the proposed stop.

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

Mayor Pope read the explanation of proposed action and the ordinance into the record.

Mayor Pope opened the public hearing.

Norm St. Aubin, Ward 3, said his property is cleared and making a left turn is no problem. He sees no reason for the stop sign at either side.

Bob St. Aubin, Ward 3, East Green Mountain Road, said people will not be able to stop in the winter because of the hill. The school bus will not be able to make the corner in the winter. He believes a stop sign will cause aggravation and trouble.

Tom Brothers lives on the hill and reiterated the St. Aubins' comments. He believes people will not see the stop sign without additional warning. Reconstruction is the proper fix for the road. He predicts we'll see more accidents.

Ms. Cutts asked Mr. Brothers if a stop sign will serve to control the dangerous flow of traffic as opposed to making it worse. Mr. Brothers did not think so.

Mr. Dietz's opinion is to leave the intersection alone; stop signs will create more problems.

Mr. Norm St. Aubin has a gravel pit on East Green Mountain Road and his truck drivers have not had any close calls. He sees no reason for a stop sign.

Mr. Austin made the motion to get the discussion started, but after the public hearing, he would like to leave it as is for the present.

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

Motion to move the question carried 8-1 with Mr. Roark voting no.

Roll Call Vote on Ordinance 491: Motion failed 1-8 with Mr. Batchelder, Mr. Dietz, Ms. Cutts, Mr. Austin, Ms. Messier, Mr. LaCasse, Mr. Picard and Mayor Pope voting no. Mr. Roark voted yes. (Yield sign will not be removed.)

A motion was made by Mr. LaCasse and seconded by Mr. Dietz to install a “Dangerous Intersection” warning sign at the appropriate distance from the intersection and to instruct Mr. Temple to look into the cost to reconfigure the intersection at a later time.

Ms. Cutts said according to what she heard from the audience, the current situation does not pose a danger. The need to assess the environmental impact of that area may be necessary.

Mr. Roark quoted from the December 12th minutes that Mr. Temple will follow MUTCD standards for posting informational signs and the signs would be forthcoming automatically. Also, Mr. Temple said a distance analysis will be done and will come back in the spring with more details.

Bruce Temple, Public Works Director, noted there is a cautionary sign warning of yield ahead. At the intersection of East Green Mountain Road and Old Newport Road, there is a yield sign. As you approach the intersection, coming down East Green Mountain Road, you can see clearly left and right. In a sag, at 42 inches off the ground (eye level while in a car) you need to see 275 feet. The current sight distance is 240 feet; a little shy of what is needed going up and down a hill. It is marginal. Regardless, if it is a stop sign or a yield sign, if it is a snowy day, a bus can slide through both. To regrade to NH DOT (Department of Transportation) standards will cost in excess of \$50,000. The site distance is good left and right. In the sag curve coming into the intersection (heading from Claremont to Newport) a person in a standard car cannot see over the crown of the hill. The standard is set for passenger cars and not trucks. The Traffic Advisory Committee recommended stopping in both directions with cautionary signs ahead of the stop signs. Coming off East Green Mountain Road, there is an incline. He'll be glad to come back with a more detailed cost estimate to reconfigure the intersection. It must be built to highway standards.

Mr. LaCasse made an amendment to remove the request for warning signs from the motion. Mr. Dietz did not agree to amending the motion. Mr. LaCasse agreed to leave the motion intact.

Roll Call Vote: Motion carried 5-4 with Mr. Batchelder, Ms. Cutts, Mr. Austin and Ms. Messier voting no.

Ordinance 492 Yield Right-of-Way Streets – Second Reading – Public Hearing

Mayor Pope read the explanation of proposed action.

Ms. Taylor said this does not address any one yield sign. The stop sign process was changed to be done in one meeting by resolution; this ordinance puts changing yield signs in line with stop signs. It doesn't change anyone's rights to be heard because a public hearing is still required.

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

Mayor Pope read the ordinance into the record.

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

Roll Call Vote: Motion carried 9-0.

Ordinance 493 No Left Turn on Arthur St. at Intersection with Washington St. – Second Reading – Public Hearing

Fire Chief Peter Chase said the Traffic Advisory Committee recommended this. Washington Street has the highest traffic crash incidents in the city (over 100 per year) due to conflict points. Arthur Street services the Hannaford and Big Lots plazas. Both plazas have traffic signals which can be used to safely enter and exit across traffic.

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

Mr. LaCasse asked about putting up a right turn only sign. Ms. Taylor said in order to have “no left turn,” we need to pass an ordinance that says no left turn. If you want to have “right turn only,” she can come back with that. She will do research for “no cross traffic.” Chief Chase said whenever a site plan is reviewed for Washington Street, they try to make Washington Street safer by reducing left turns, so we are following our own lead. This street serves only one house and one business.

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

Roll Call Vote: Motion carried 9-0.

Open Space Ordinance Committee

Council approved moving this up on the agenda.

Mayor Pope said the draft open space ordinance was presented to the Council by the Open Space Ordinance Committee to be forwarded to the Planning and Zoning Boards and then back to the Council for final approval.

David Putnam, Chairman of the Open Space Ordinance Committee, said on July 19, 2006, the Council was presented with Ordinance 474, Open Space Development, but it was not approved. He then volunteered to help review and rewrite the ordinance. The committee received a charge from the Mayor. Mr. Putnam read the minutes from the first meeting. The committee was made up of 12 members: Alan Grigsby, Planning Board; Tracy Pope, Zoning Board; Steve Wood, Conservation Commission; David Putnam, Chair; Keith Raymond, CDA (Claremont Development Authority); Mark Mills, Greater Claremont Chamber of Commerce; Alan Croteau represented realtors; Arthur Luse, citizen, large property owner; Mike Lemieux, contractor; Tom Brothers, citizen, small property owner; Bill Regan, City Council; and Deb Cutts, City Council. They compared this ordinance to other communities. The Council and City Manager received

copies and now it will go to the Planning Board for review. The Planning Board will submit it to the Council for approval. There will be a public hearing at the Planning Board meeting as well as at the Council meeting. Mayor Pope accepted the document and will pass it to the Planning Board. Mr. Putnam said Attorney Matt Upton performed the legal review. Ms. Cutts complimented the sub-committee for their work. Bill Regan, Ward 2, congratulated the Mayor for putting the committee together. He suggested those who opposed the original ordinance to look at this one. Mr. LaCasse mentioned requirements and set-backs for wetlands. Mr. Putnam said the Planning Board will meet next Monday; there will be an initial review and then a more formal meeting with a public hearing will be held later.

CITIZEN'S FORUM

Cornelia Sargent, Ward 2, spoke regarding the motion for written clarification on the intent of Wheelabrator settlement agreement. She asked Katie Lajoie to be her reader and to read paragraphs 2, 3 and 4 of a citizens' petition signed by 125 people and presented to the City Council in October 2007. Ms. Sargent's concern is there is no concrete action on this issue. She feels there needs to be written clarification. If we have not swapped land for rights, she would like that in writing. She is asking for the Council to protect the rights of individuals. She asked when to expect concrete action on the clarification. She encouraged the Council to consult independent counsel and pass a resolution calling for written clarification. Mayor Pope said the City Council is scheduling a consultation with legal counsel which outside counsel will attend.

Bernie Folta, Ward 3, made observations about the Open Space Ordinance Committee; his opinion was the original ordinance failed due to a content reason and a process reason. It was dumped in without sufficient preparation for so major an issue. The ad hoc citizen's committee is a good step in the right direction. Kudos for the good process, however they were opaque; there were no notices of committee meetings in the newspaper or on the website. On the content side, the other objection is about new housing. He asked if bringing more new families into Claremont cost more because of educational costs. According to what he has seen, the answer is no. It has a positive net economic result. He gave kudos for the "Resident Guide" pamphlet, "Where Do Your Property Tax Dollars Go" sheet and list of Representative contacts. On CCTV (Claremont Community Television) Mary Walter did a program on taxes in NH and the Assessor will do a program on assessment. That is a dynamite trend to keep citizens informed.

Rebecca Mackenzie, Ward 2, supported Ms. Sargent on the Wheelabrator agreement. She invited the Council to the UVLSRPC (Upper Valley Lake Sunapee Regional Planning Commission) meeting 7-9 p.m. in Grantham town hall tomorrow. It is to focus on a presentation by Fred Moody, Executive Director of the Greater Upper Valley Solid Waste District to talk about the proposed North Hartland landfill. She handed out Pay-As-You-Throw pamphlets from the Waste Action Collaborative.

Steve Elder, Ward 1, has an apartment on School Street. Because of snow restrictions, he is having problems with parking. He is no longer allowed to park in the Brooks/Rite Aid parking lot or the neighboring plaza. At one time the snow was plowed four feet over his car while parked in the Rite Aid parking lot and he has been towed while parked in that parking lot. There

are no parking arrangements in his lease. He talked to Code Enforcement and Mr. Roark to find a solution. Ms. Cutts expressed surprise that an apartment complex would have no dedicated parking and questioned if that meets the zoning requirements. Mr. Temple said there is a winter parking ban to allow for snow removal and snow plowing. He said he would be glad to look into it with Planning and Zoning. From the Public Works perspective, it is difficult to have cars on the streets when it snows. Mayor Pope suggested Mr. Elder meet with Mr. Roark, Mr. Temple and Mr. Santagate. Ms. Cutts strongly encouraged Mr. Elder to contact Mr. Temple.

Robert Woodman, Ward 3, suggested the landlord may have parking on Broad Street.

APPOINTMENT TO BOARDS AND COMMITTEES

Councilor representative positions available: Airport Advisory Board; Boards of Appeals/Code Review; Claremont Community Television, Inc. (CCTV) Board of Directors; Claremont Planning Board; Conservation Commission; Historic District Commission. Councilors submitted their requests in advance.

Mr. Austin: 1st Choice Claremont Planning Board; 2nd Choice Airport Advisory Board; 3rd Choice Historic District Commission

Mr. Batchelder: 1st Choice Claremont Community Television, Inc. (CCTV) Board of Directors; 2nd Choice Claremont Planning Board; 3rd Choice Airport Advisory Board

Ms. Cutts: 1st Choice Historic District Commission; 2nd Choice Conservation Commission; 3rd Choice

Paul LaCasse: Claremont Planning Board; he would not be interested in serving on any other board or committee

Mayor Pope: Claremont Planning Board (Mayor's seat) and Claremont Community Television; no other choices were noted

David Roark: 1st Choice Claremont Planning Board; 2nd Choice Airport Advisory Board; 3rd Choice Conservation Commission

Claremont Planning Board

A motion was made by Mr. Picard and seconded by Mr. Dietz to appoint Paul LaCasse as the Council representative to the Claremont Planning Board.

Ms. Cutts noted that Mr. LaCasse's application was not completely filled out. Ms. Taylor said we have turned other incomplete applications back for completion before consideration. It is up to the Council if it wants to treat this differently or not.

Ms. Cutts said she would feel uncomfortable doing that especially based on past performance on the part of the Council.

Questions not answered:

Are you related to any City employee or member of any City Board/Committee, or have you ever conducted business with the City, any of its employees or members of the City's Boards/Committees? Provide details.

Have you now or have you ever been cited for violating any local, state or federal ordinance, law or regulation related to land use, property maintenance, International Building Codes, or other legal requirement pertaining to the subject of the Board/Committee for which you are applying? Provide details.

Mr. LaCasse said he did not have a problem filling it out. He filled out the application and handed it to Ms. Cutts.

Motion carried 9-0.

A motion was made by Ms. Messier and seconded by Ms. Cutts to appoint Mr. Austin as the alternate Council representative to the Claremont Planning Board.

Motion carried 9-0.

Airport Advisory Board

A motion was made by Mr. LaCasse and seconded by Mr. Austin to appoint Mr. Roark to the Airport Advisory Board.

Motion carried 9-0

Board of Appeals/Code Review

No applicants. Seat remains vacant.

Claremont Community Television, Inc. (CCTV) Board of Directors

Mayor Pope took his name off the table.

A motion was made by Ms. Messier and seconded by Mr. Roark to appoint Mr. Batchelder to the Claremont Community Television, Inc. (CCTV) Board of Directors.

Motion carried 9-0.

Conservation Commission

A motion was made by Mr. LaCasse and seconded by Mr. Dietz to appoint Ms. Cutts as the Council representative to the Conservation Commission.

Motion carried 9-0.

Historic District Commission

A motion was made by Ms. Messier and seconded by Mr. Austin to appoint Ms. Cutts as the Council representative to the Historic District Commission.

Motion carried 9-0.

It was noted that there were different applications used (some forms had been received in the mail and others were retrieved from the City's website). Mr. Temple said he would check with the Boards and Commissions Coordinator.

NEW BUSINESS

2008 City Fee Schedule – Public Hearing

Mr. Santagate said fee schedules are adopted annually. These are user fees. They are part of the general fund budget.

Ms. Taylor explained the process for adopting fee changes.

In response to a question on cemetery fees, Ms. Taylor said they are made up of three components: perpetual care, general maintenance and capital reserve (lawn mower and cemetery improvements). Mr. Temple said Sale of Grave with Cemetery Maintenance Fees replaced Sale of Grave with Perpetual Care. Sale of Grave with Cemetery Maintenance Fees went from \$400 to \$500. They had been at the \$400 level for six years. This year we got back several thousands of dollars in interest from the Trustees. Ms. Taylor said the bill of sale will indicate perpetual care, maintenance and capital reserve. Mr. LaCasse asked if we could clarify cemetery care/perpetual care on the schedule. Ms. Taylor said it could just state purchase price \$500.

Mayor Pope asked about transfer fees for metals and why we are charging for it. Mr. Temple said we need to have a revenue source. The price of metals goes up and down and we do not always make a profit. We are trying to reduce a \$100,000 per year deficit at the Transfer Station.

Mr. Picard believes \$45.00 per hour for Labor and Materials (including equipment) at Public Works is cheap. Mr. Temple said it could be any variation of vehicle, so they averaged the fee.

Mr. Dietz thinks the Research fee of \$40 (up from \$25) is exorbitant. Ms. Taylor said there is considerable time and effort that goes into research. State law allows us to charge either by page

or for our time, but not both. Frequently several people need to do research and \$40 is a blended rate.

Backflow Device went from \$75.00 to \$0 according to Mr. Temple because most commercial users now do their own. Mr. Picard is not opposed to the \$40 per hour Research fee, although he thinks it should start at \$20 per hour and go up to \$40 per hour.

Mr. LaCasse asked what the Local Government Center's (LGC) opinion was on the \$40 fee. Ms. Taylor said they don't take a position on the actual amount. Her research is that you can charge for either the copies or for the research time, but not both. Different communities charge different amounts. Mr. LaCasse said he checked with the LGC and their opinion was if we had a fee schedule per page, per item, that is what we charge and to charge a research fee no matter how long it took was not prudent. He said he checked several other towns and got the same answer. Ms. Taylor said she got a different opinion and advice. Mr. LaCasse said he would vote no on this item.

Ms. Cutts asked how many requests we got in 2007. Ms. Taylor said she has gotten hundreds of requests under RSA 91-A. The majority are from a handful of people. The majority of requests are charged on a per page basis. It is very rare to have to go down and dig through boxes in "dead" storage. Mr. Santagate said the proof that the price is not discouraging is because there are hundreds of requests a year. He offered to make copies for the Council. Mr. Santagate said we will come back next month with the stacks of requests and we may have someone count them. People need to know what the staff is spending time on. He agreed that openness in government is important. We intend to report all Council requests to the Council. He will go through some of the Council requests that have been received during City Manager's Report. This will assure all Councilors receive the same information. We should come back with the 91-A requests that have been received in 2007 (broken down by how many letters and how many individual requests within those letters). Council member requests will be reported at Council meetings so that all nine members receive the same information. All 91-A requests are reviewed by Ms. Taylor to be within legal compliance then they go to the appropriate department for research. Ms. Cutts is in complete support of open government. Taxpayers have the right to know and be educated. Taxpayers' money goes to pay the City staff to grow the city and keep it in order. She doesn't agree we need a list of all the 91-A requests. She doesn't want to see projects and planning in the City stalled in order to make lists of requests.

Ms. Messier questioned why we charge fees instead of including them in the taxes. Ms. Taylor said they are user fees and not all taxpayers should have to pay for services used by only some people. The laws are that fees should, as closely as possible, reflect what the cost is that is incurred.

A motion was made by Mr. Austin and seconded by Ms. Cutts to adopt the 2008 City Fee Schedule.

Mr. Picard said he will vote no because he opposes the \$40 Research fee for a first-time user. He thinks it should be tiered. Ms. Taylor said the fee reflects what the cost is to the City. We do not charge for both copies and research.

A motion was made by Mr. Batchelder and seconded by Ms. Messier to move the question.

Roll Call Vote to move the question: motion carried 5-4 with Mr. Dietz, Mr. LaCasse, Mr. Picard and Mayor Pope voting no.

Mayor Pope opened the public hearing.

Robert Woodman, Ward 3, thinks it is hard for the employer (Council) to be billed by the employee (Mr. Santagate). He would have liked to have had the Fee Schedule posted for the public to see without having to ask for it.

Bernie Folta, Ward 3, questioned the price difference for copies made (25 cents) and for using the Library's self-serve copier (20cents or 10 cents). He asked if Claremont's fees had been compared to other towns. He suggested the Welfare Guidelines be given for free. Mr. Santagate said a lot of our fees are below other towns. He suggested we can do away with the fees and two things will happen: put the cost on the tax rate, or don't deliver the services. User fees historically keep the costs off the tax rate.

Robert Woodman asked for clarification of Cemetery fees. Mr. Temple said several years ago lots were sold without perpetual care, so \$300 additional charge is being added when they do the new burial in those lots.

Bernie Folta suggested some things on the Fee Schedule may be subsidized by the tax rate and that would be good to know. Mr. Santagate said a study may show that you need to raise the fees or you will continue to subsidize certain fees on the tax rate.

Mr. LaCasse thinks the \$30 Re-inspection fee is unreasonable. Chief Chase explained there is limited staff and it is wasteful for the inspector to have to go to a job when the contractor is not prepared. Mr. LaCasse suggested eliminating the Research fee which would give the appearance of having nothing to hide. Mr. Santagate will provide the number of 91-A requests from last year so that the Council can decide if the individual should pay for them or the taxpayers should.

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

Roll Call Vote to move the question: Motion carried 6-3 with Mr. Roark, Mr. Dietz and Mr. LaCasse voting no.

Voice Vote on the Motion: Motion carried 9-0.

Resolution 2008-7 Stop Sign on East Green Mountain Road – Public Hearing

Ms. Taylor explained because of the defeat of the earlier ordinance for the yield sign, she requested this resolution be withdrawn. Mayor Pope said it would be appropriate to have a motion to withdraw.

A motion was made by Mr. Picard and seconded by Mr. Austin to withdraw the resolution.

Motion carried 9-0.

Council Rule Change(s)

Ms. Cutts proposed an amendment to Section 22 of the Council Rules and Mayor Pope read the following:

“The Mayor or Assistant Mayor, in the absence of the Mayor, may invite citizens in attendance to speak on individual agenda items, with the exception of first reading of proposed ordinances. Each citizen so recognized may not speak more than once on any one subject and for no more than five (5) minutes without leave of Council. Questions and answers by both citizens and members of the Council shall be at the discretion of the Mayor or Assistant Mayor, in the absence of the Mayor, and shall follow proper procedure for order.”

Mayor Pope read the original Council Rule Section 22.

A motion was made by Mr. Picard and seconded by Mr. LaCasse to adopt the Council Rule change as stated.

Ms. Cutts said this comes from needing to hear from the people. She would like to post the rules for public input. Ms. Taylor suggested working with Ms. Russell to create a poster that would be posted on the public bulletin boards and the City’s website. She also recommended electing or appointing a Sergeant-of-Arms; the Council will need a time keeper.

Ms. Messier asked if concerns from citizens expressed outside council chambers will be considered. Ms. Cutts said once an agenda is posted, citizens can contact any Councilor to express concerns or their opinion and then it is up to the Councilor to consider that information when they vote. Mr. Austin said he has no problem being called at home, but he objects to special interest groups using a lot of time during Council meetings when it could have been discussed earlier. Mr. Batchelder supports this change and thinks more public input is important.

Roll Call Vote: Motion carried 9-0.

CITY MANAGER REPORT

Fire Chief Peter Chase, Emergency Management Director, explained that in October, he was notified that the City’s Emergency Operations Plan was out of date and needs to be rewritten.

He was told he could apply for a grant to fund the cost of an experienced consultant to help get through this process. The penalty for not doing this is that we sacrifice the right to collect any FEMA (Federal Emergency Management Agency) money in the event of any natural or declared disaster. This afternoon he was notified he needed a letter from the governing body authorizing the City Manager to forward the grant request to the Governor and Council next week. We are asking for a grant of \$12,000 with a 50% match. The grant will pay the consultant's fee of \$6,000 and the rest is made up of soft costs (City time giving information to the consultant, etc.).

A motion was made by Mr. Austin and seconded by Ms. Cutts to authorize the City Manager to sign the New Hampshire Homeland Security and Emergency Management grant applications.

Motion carried 9-0.

Mr. Santagate stated he will respond to Council requests at the following meeting so that all Councilors hear the answers at the same time. Emergency requests will be handled as needed and then the Council will be notified. He handed out to the Council copies of the requests and responses received from Council members dated November 28, 2007, through January 8, 2008 and then he read through the packet.

Listed below are the requests:

Date	From	Subject
11/28/07	Richard Dietz	Request - Organizational Chart
12/16/07	Richard Dietz	Request - City Organizational Chart/Capital Improvement Program (CIP)
12/16/07	Scott Pope	Response - City Organizational Chart/Capital Improvement Program (CIP)
1/8/08	Richard Dietz	Request - Request for Materials (Organizational Chart/Capital Improvements Program (CIP)/Annual Audit of City Finances
1/8/08	Scott Pope	Request - Request for Materials (Organizational Chart/Capital Improvements Program (CIP)/Annual Audit of City Finances
12/9/07	Richard Dietz	Request - Meeting (ZBA/Administration)
12/16/07	Richard Dietz	Request - Proposed Bottling Plant-River Road (Ice River Springs – Notice of Exception and City Code Violation Site Plan Application #23-2007)
12/19/07	Richard Dietz	Request - Bottling Plant Siting-River Road
12/19/07	Jane Taylor	Response - Bottling Plant Siting-River Road
12/27/07	Richard Dietz	Request - Planning Board (Notice of Exception re: Ice River Springs)
12/27/07	Michelle Aiken	Response - Planning Board
12/27/07	Jerry Coogan	Response - Planning Board
12/27/07	Bruce Temple	Response - Planning Board

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1/2/08	Jerry Coogan	Response - Jan 02 08 Letter from Mr. R. Dietz
1/3/08	Pathways Consulting	Response - Jan 02 08 Letter from Mr. R. Dietz (Ice River Springs – Project No. 11564)
1/3/08	Jerry Coogan	Response - Jan 02 08 Letter from Mr. R. Dietz (Ice River Springs – Project No. 11564)
1/3/08	Jane Taylor	Response - Jan 02 08 Letter from Mr. R. Dietz (Ice River Springs – Project No. 11564)
1/3/08	Jerry Coogan	Response - Jan 02 08 Letter from Mr. R. Dietz (Ice River Springs – Project No. 11564)
1/3/08	Jane Taylor	Response - Jan 02 08 Letter from Mr. R. Dietz (Ice River Springs – Project No. 11564)
1/3/08	Jerry Coogan	Request - Planning Board Meeting on Jan. 14 th /Ice River
1/3/08	Jane Taylor	Response - Planning Board Meeting on Jan. 14 th /Ice River
1/4/08	Richard Dietz	Request - Request for Corrective Action-Ice River Springs Site Plan, Site Plan Application #23-2007
12/16/07	Richard Dietz	Request - Authorized Stop Sign-Resolution 2007-24
12/17/07	Richard Dietz	Request - Authorized Stop Sign-Resolution 2007-24
12/25/07	Richard Dietz	Request - Request for Information Under RSA 91-A (Pathways Consulting)
1/2/08	Jane Taylor	Response - Request for Information
12/25/07	Richard Dietz	Request - CSI (Customized Structures, Inc.) Letter to Mayor's Office
12/25/07	Scott Pope	Response - CSI (Customized Structures, Inc.) Letter to Mayor's Office
12/25/07	Scott Pope	Request - Requests and the Cutts Meeting
12/25/07	Richard Dietz	Response - January 4 Meeting – City Manager's Office
12/26/07	Deborah Cutts	Response - January 4 Meeting – City Manager's Office
12/26/07	Richard Dietz	Response - January 4 Meeting
12/26/07	Deborah Cutts	Response - January 4 Meeting
12/28/07	Michelle Aiken	Request - 91A (Mr. Picard's ZBA (Zoning Board of Adjustment) Application
12/28/07	Michelle Aiken	Response - Boards & Commissions
12/28/07	Bruce Temple	Response - Boards & Commissions

- Organizational Chart (Chart of City's Structure and Chart of positions required by Code). We've been working to fix the City's structure. City's Codes have not been updated since 1989. If we comply with the Codes, we will be adding positions (as well as expenses) that are not needed today. City Charter and City Codes are in conflict with one another.
- Capital Improvement Program (CIP) (copies not readily available, but will be forwarded soon). Council appoints the Planning Board and the Planning Board is responsible for the CIP. He suggested the Council approach the Planning Board directly. The problem is how to fund projects on CIP in a sustainable basis. That will be brought before the Council at the February meeting when Public Works will talk about funding future

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water and sewer projects.
• Annual Audit of City Finances
• ZBA/Administration
• Ice River Springs Notice of Exception and City Code Violation
• Resolution 2007-24 Stop Sign on Old Newport Road
• Pathways Consulting Invoices
• Scheduling of January 4 th meeting with Mr. Dietz, Mayor Pope and Ms. Cutts
• Copy of CSI (Customized Structure, Inc.) closing letter (Mayor Pope supplied the letter)
• Picard – ZBA application
• Planning Department/Boards and Commissions

Mr. Santagate said he may come back with Council requests submitted before the new Councilors were sworn in, if needed for clarification.

Mr. LaCasse asked which of those requests could not be done by an ordinary citizen. Mr. Santagate explained that ordinary citizens are not restricted by law. Five ordinary citizens can get together and discuss these issues, but five Council members cannot gather together without it being considered a public meeting. How you interface as an elected official is different than how you can interface as a citizen. He does meet with the Mayor and Assistant Mayor to set the Council agenda. Calling meetings with individual Council members should be seldom occurrences. We want to avoid the appearance of not communicating with the entire Council. Sometimes we have to go behind closed doors (i.e. during consultation with Counsel), but that is allowed by the law. Mr. LaCasse believes that any Councilor seeking information as a private citizen should be answered as a private citizen, but if the Councilor requests information as a Councilor, then the information should be supplied to the entire Council. Mr. Santagate explained that previous Councilors would occasionally try to direct the Staff or him, but the only time direction can be given is when the Council votes. The Council sets policy and then he follows it. The Council has the responsibilities to hire and fire the City Manager; act on financial matters; set policy; and make decisions about the City's real property. The City Manager takes care of the day-to-day items; the Council doesn't direct the day-to-day items. Councilors can always have discussions with him and ask his opinion and if necessary, the meeting can be disclosed during the Council meeting. Mr. LaCasse believes a Councilor has a right to ask clarification questions. Mr. Santagate agreed. Ms. Taylor clarified that an item that is before Council or could reasonably be expected to come before the Council should be disclosed to the entire Council.

Ms. Taylor cautioned about sending e-mails and urged Council members to be careful about e-mails that invite a response other than setting a meeting time or place or put something on or off the agenda. Mayor Pope suggested Councilors attend NH Municipal Association workshops on 91-A requests if possible.

Mr. LaCasse asked of Mayor Pope that each Councilor receive a copy of NH Planning and Land Use Regulation. Mr. Santagate said he will check with the Local Government Center.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mayor Pope reminded everyone of the January 23rd Legislative Update Council meeting at the Sugar River Valley Regional Technical Center (SRVRTC).

Mayor Pope said he will go to the NH Mayors' meeting on Friday, January 25th.

Mayor Pope suggested a second February meeting to do a tour of the Police and Fire Departments and the Goodwin Community Center and possibly to have a discussion about finances. This will be a two-hour tour. Council preferred a weekend date. Mayor Pope asked for dates (February 16 or 23) at the January 23rd meeting. It will start at 9 a.m. (dependent upon department heads). He wants to do an April or May Public Works tour to look at road projects and the mill district. He would also like a meeting to look at the water and waste water treatment plants.

Mayor Pope would like to consider, at the next meeting, the sergeant-at-arms position.

Mr. Picard would like to open charter discussions in February or March for voting on the budget to be included in the Charter. Mr. Santagate likes the idea. He spoke earlier about the conflicts with the Charter and the Codes on positions. That would be a valuable step. A Charter Commission would offer a chance to look at organization and structure. That was not done by the last Charter Commission; they were focused on elections. It would be a good time for the Council to review it and see what is wanted for a structure. City Hall should not drive it, although City Hall should be involved. Mayor Pope said the process is guided by RSAs. There was a consensus of the Council to go forward. Mayor Pope said members are elected to the Commission. Ms. Taylor will review the processes.

Mr. Roark asked for a resolution at the February meeting to post a "No Cross Traffic" sign at the intersection of Arthur Street as it meets with Washington Street. Consensus of the Council.

Ms. Cutts asked for an update at the February meeting on the status of licensing of haulers and mandatory recycling.

Mayor Pope would like the status of the salt and sand budget.

COMMITTEE REPORTS

Master Plan Committee

None

School Reinvestment Committee

None

Upper Valley Lake Sunapee Regional Planning Commission

This will be presented at the April meeting.

CONSULTATION WITH LEGAL COUNSEL/ADJOURNMENT

At 11:44 p.m., a motion was made by Mr. Batchelder and seconded by Mr. Austin to adjourn to consult with legal counsel.

Motion carried 9-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council