

The Claremont City Council held a meeting on Wednesday, June 11, 2008, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Cutts at 6:32 p.m.

Members of the Council present were:

At-Large Councilor Thomas (Toby) Batchelder, III  
At-Large Councilor Robert Picard  
At-Large Councilor Keith Raymond  
Assistant Mayor Andrew Austin  
Mayor Deborah Cutts  
Ward II Councilor Paul LaCasse  
At-Large Councilor Kyle Messier  
Ward III Councilor Jeffrey Goff

Also present were:

Guy Santagate, City Manager  
Jane Taylor, City Solicitor

#### **MAYOR'S NOTES**

Mayor Cutts asked for a moment of silence for Karl Collise who had drowned.

Mr. LaCasse came in late at 6:34 p.m.

Mayor Cutts introduced Bill and Tammy Boucher from AARP, American Association of Retired Persons. They talked about a campaign called Divided We Fail, which is promoting health care reform. This is bipartisan. They are asking people running for office to commit to address this problem in the next Congress. All 4 Congressional Reps have endorsed this pledge. Citizens can benefit from this.

Mayor Cutts read a press release stating that the Council supports access to affordable/quality healthcare and lifelong financial security. She read a Divided We Fail proclamation supporting efforts for affordable healthcare.

Mr. Picard said July 26<sup>th</sup> will be the third annual Aiken/Flaig memorial motorcycle ride.

Mayor Cutts said there will be a Household Hazardous Waste day on July 12<sup>th</sup>. She brought up concerns with the County budget. She said there will be a \$3.3 million increase in the Sullivan County budget, if passed. Claremont's contribution will go up from \$2.48 to \$3.30 for a total of \$2.4 million. For the last several years until last year which was 0%, the City's increase has been 3% and this year the County's will be 33%.

Mr. Goff said the County deficit for this year is projected to be \$300,000 adding to last year's \$2.5 million deficit. The Delegation is proposing a 1.5% increase for Commissioners. He does not deny that upgrades are needed at the jail, but not at this time. He encouraged citizens to tell the County Delegation and Commissioners this is not acceptable. He encouraged the Council to express its concern. There will be three public meetings: Sullivan County New Hampshire Delegation Executive Finance Committee, June 16, 10 a.m., Newport; County Treasurer and Delegation Executive Finance Committee June 17, 5:30 p.m. 14 Main Street, Newport; and Sullivan County Commissioners, June 17, 7:00 p.m. at the Sugar River Valley Technical Center in Newport. Mayor Cutts encouraged everyone to attend.

### **REPORT OF THE SECRETARY**

**A motion was made by Mr. Raymond and seconded by Mr. Batchelder to accept the minutes of the May 14, 2008, City Council meeting.**

**Roll Call Vote: Motion carried 8-0.**

### **APPOINTMENT TO BOARDS AND COMMITTEES**

#### Airport Advisory Board

**A motion was made by Mr. Batchelder and seconded by Mr. Raymond to re-appoint Philip (Joe) Osgood to seat #3 on the Airport Advisory Board.**

**Roll Call Vote: Motion carried 8-0.**

**A motion was made by Mr. Goff and seconded by Mr. Picard to appoint Daniel Truesdell to seat #4 on the Airport Advisory Board.**

**Roll Call Vote: Motion carried 8-0.**

#### Claremont Planning Board

Mayor Cutts appointed Adam Burke to seat #6 on the Claremont Planning Board.

### **OLD BUSINESS**

#### Social Services and Community Reinvestment Committees

This will be addressed at the July meeting.

Ordinance 497 – Amending the Non-Union Employee Classification Plan – Second Reading – Public Hearing

Mary Walter, Finance Director, said this is for a new position approved in the budget for a finance/legal person; reorganization of Parks and Recreation Department; and clean up of the Park Patrol which was a pilot last year and worked out well.

Ms. Taylor said this has been approved by the PAB (Personnel Advisory Board).

Mayor Cutts read the explanation of proposed action into the record.

**A motion was made by Mr. Austin and seconded by Ms. Messier to adopt Ordinance 497 – Amending the Non-Union Employee Classification Plan.**

Mayor Cutts opened the public hearing. No one spoke. She closed it.

**Roll Call Vote: Motion carried 7-1 with Mr. LaCasse voting no.**

**NEW BUSINESS**

Barn Preservation Easement – Hawkins

Ed Tinker, Chief Assessor, said he agrees we need to preserve barns however, adopting this program at this time isn't the most beneficial for the City. This is a local option with no assistance from the state. In light of the economy, it is our duty to keep costs down. There are multiple steps required on a yearly basis (i.e. review application, on-site visit, revisit and review yearly and remove from program if not maintained as required, and possible abatement/appeal). The cost of the exemption is shifted to other members of community. He noted a new exemption has recently been approved by the House expanding agricultural exemptions to land under farm buildings.

Mayor Cutts supports this program and asked what a 25% easement would cost. Mr. Tinker said it would be a reduction of \$9,000 (2003 figure) of assessed value which would be \$270 (using today's taxrate) per year. Mayor Cutts said the applicant has to meet certain criteria and she had previously created a scorecard. Members of the Historic District Commission (HDC) had volunteered to work on this. This is a small incentive. She would like to save these barns. Mr. Tinker is looking toward future costs in his department if a large number of property owners apply for this easement.

Mr. Goff questioned Mr. Tinker about his position. Mr. Tinker said it was the shifting of the tax base that is the basic issue. There are over 600 outbuildings that could qualify.

Ms. Messier applauds people who own historic properties. She believes in their value. The letter of support sent from the HDC to the Council was signed by her husband as chairman. She

can't support this program at this time. This is an unfunded solution from the State and she is concerned about administrative costs. Fairness in taxes is a serious issue.

Mayor Cutts said this property owner has gotten recognition from the state and is looking to his community for support.

Mr. LaCasse asked about maintenance. Mr. Tinker said there is no requirement that tax savings be put back into the building.

Mr. Austin agreed with Ms. Messier. He sees the value as a little hard to measure although it may bring tourists to the area.

Mr. Batchelder is concerned about shifting the tax base. Without knowing future affects, he cannot support it at this time.

Mayor Cutts said there are volunteers on the HDC who would participate to ensure structures meet the criteria and the Assessing office would assess the building.

Mr. Raymond agreed with Mr. Batchelder and Ms. Messier. Maybe right now is not the time.

Mayor Cutts opened the public hearing.

Jeff Barrette, Ward 1 and past member of the HDC, noted that in the past three years, three prolific barns have been torn down. He suggested asking people to submit barn preservation applications to see how many we get.

Mayor Cutts closed the public hearing.

**A motion was made by Mayor Cutts and seconded by Mr. LaCasse that the barn preservation easement initiative passes for the City of Claremont.**

**Roll Call Vote: Motion failed 3-5 with Messrs. Batchelder, Picard, Raymond, Austin and Ms. Messier voting no.**

## **CITIZEN'S FORUM**

Shelly Hudson, Executive Director of the Chamber of Commerce, said the Farmer's Market is being held in Broad Street Park, 4-7 p.m. on Thursdays until October 10th. The annual golf tournament will be on June 25 at the Claremont Country Club and the Taste of Claremont will be June 21, 2-10 p.m..

Ellis Griffiths, Ward 3, Old High Bridge Road, said he was speaking on behalf of himself and his neighbors and asked to have his road maintained. In 1973, tar was poured over the concrete. Since then there have been cold patch repairs, but nothing major. The potholes are large. People travel so far on the shoulder to avoid them that they are on his grass. He went to Public Works

and was told they would do what they could. He is asking for the potholes to be filled properly or to have the concrete torn up and make it a gravel road. The City received \$260,000 of unexpected money and he asked to have some of that money used to do repair work on his road.

Gary Aldrich, Ward 3, Old High Bridge Road, said in the spring, the cement heaves up 1 to 1.5 inches. In four years, he has not seen work done on his end of the road.

Scott Quintey, Ward 1, said that North Street by Hill Street and also Sullivan Street by the woolen mill needs repair. He said he had spoken to Public Works and had been told there was very little money available.

Paul Wagner, 419 Main Street, said people use the land across from the farm for yard sales. Lately police have been chasing people off saying that it is a hazard. Mayor Cutts asked him to contact the City Manager.

Cornelia Sargent, Ward 2, suggested using the \$288,000 received by the City from the New Hampshire/Vermont Solid Waste Project refund, to establish a model curbside recycling program. She asked for an update on the model curbside recycling pilot and Mayor Cutts said she hoped to put it back on the agenda soon. Ms. Sargent said recycling would be an appropriate use of the money.

Bill Regan, Ward 2, requested to bring up the open space ordinance at the next meeting. Open Space Ordinance Committee members were all Claremont citizens. It has been five months since it was passed by the Planning Board.

#### New Claremont Community Center Update

Mr. Goff stepped down because he is a member of the New Claremont Community Center (NC3) Board.

Jim Feleen, as a member of the NC3 Board, spoke on behalf of the New Community Center Steering Committee. He introduced some members of the NC3 Board: Jeff Goff, Tawnya Coutermarsh, Bob Weaver, John Napsey, and Wayne McCutcheon. Scott Hausler and his staff serve in an advisory role. Since last fall's donation of \$3 million and property by Claremont Savings Bank, the group has met once a week; assembled and hired a design team; produced preliminary designs for the structure; dealt with a wetlands issue found on the property; met with the Planning and Development Department to get their feedback; and held meetings with the school district about the vision. The whole intersection will become a hub for the community. They will use a campus approach; collaboration between school and community center; had to work out parking (not enough on NC3 site). They are in the process of designing a website for additional information. He credited former Councilor David Roark and his wife for stepping up and doing the right thing (re: purchase of their house on South Street). They have been laying the ground work for fundraising (this kind of work has to be under the radar).

Mayor Cutts acknowledged there was a joint meeting with the Planning Board, Zoning Board and the Conservation Commission last week. They saw the preliminary designs and parking is a big issue (150 spaces might not be enough).

Mr. Picard asked about the increase in cost of the project (\$11 million projected) due to the increase in fuel costs. Mr. Feleen didn't believe that fuel would be a major factor. He said they are operating off an initial fundraising target of \$9.5 million.

Mr. LaCasse asked about using alternative fuels (i.e. pool heating). Mr. Feleen said the architectural team is pushing hard for LEED certification (standard to measure building sustainability). It will be at the top of the list to make sure it is environmentally friendly.

Mayor Cutts opened the floor to the public.

Cornelia Sargent asked about the current legalities of a non-chlorinated pool. She was told that chlorine is mandated by the state, but thinks it is criminal to build a new chlorinated pool in the community.

#### Assessing Update

Mr. Tinker said he is working on the 2009 revaluation and will be starting the cyclical review process. It can be done once every five years using an outside firm or we can do it in house which will keep the cost down. They will start this summer. The City will be broken into five sections. Each section consists of about 1,000 properties and will take a year to complete. The main purpose is to update the factual information (i.e. measurements). They may have to visit some properties more than once in a year. The state will also be out for its review; 2008 is our certification year.

Mr. Santagate explained the move away from hiring outside firms, monitoring by the state to ensure quality and that outside assessors may be called on for specialty properties.

Mayor Cutts asked about City staff competencies to do the review. Mr. Santagate said it would cost \$200,000 to \$250,000 for a full revaluation by an outside firm. The state monitors the process. Mr. Tinker is certified by the state to do this process. Mr. Tinker said at the final field check in 2009 he or Michael Pietraskiewicz will look at each property.

Mayor Cutts asked when it will begin and end. Mr. Tinker said the cyclical review will begin before the end of June and will end prior to the first tax bill in 2009

Ms. Messier asked if there would be advertising in the paper and on the website. Mr. Tinker said yes.

Mr. LaCasse asked what happens if the value of properties drops. Mr. Tinker said this phase is a look at data only. Values will be done all at the same time in 2009 and the change will be reflected on the second tax bill in 2009. Mr. Santagate said we need to notify people of the new

value before the tax bill goes out. Mr. Tinker said notifications will be done by mid-summer 2009. Mr. LaCasse asked for clarification on when values change. Mr. Santagate said under state law we are required to be between 90% and 110% of market value, so we need to act before the state orders us to.

Ross Cunningham, House of Corrections, Present Plan

Ross Cunningham, Superintendent of the Sullivan County Department of Corrections (DOC), said DOC and Main Street had talked about a program of community service using inmate labor. If he is able to get a van, for inmate transportation, and the staffing needed, he would commit to using inmate labor three days a week for clean up projects that would be coordinated through Main Street.

Mr. Cunningham showed a PowerPoint presentation as he discussed the new jail proposal. The original proposal was \$45 million; revised jail proposal was \$38.3 million and now they are proposing a Community Corrections Center and jail upgrade of only \$7.1 million. The jail does not meet the County needs; it was built in 1978 to house 44 people and they currently have 78. The cells cannot be opened automatically; they have to be opened with keys. There is an issue of housing female inmates and having space for programming.

One of the goals is to build a Community Correction Center to provide secure programs that focus on the inmate's successful transition back to the community. Primary target population is inmates in need of treatment and transitional services. Study indicates 80% of inmates were in need of treatment.

John Gramuglia, Director of Programs, said good programs can reduce residivism by 30%. Currently there is a 70%-80% residivism rate. To be successful, there has to be an assessment and multiple tracks based on that assessment. Phase I is a 90-day intensive treatment program. Phase II is reentry programming. They are going to have a dual-diagnosis track (substance abuse and mental health). Day Reporting Center will be set up as a diversion program. Offenders live at home and check into the center daily. They hope to have this running a year after they open. They have started a positive reinforcement program. Punishment does not always keep people from returning to jail. The positive reinforcement program has reduced disciplinary reports by 50%. The goal of the Community Corrections Program Plan is to provide a community corrections transitional facility for Sullivan County, to ease overcrowding at the Sullivan County DOC and to reduce recidivism rates. Mr. Cunningham said the three Sullivan County judges, County Attorney Hathaway and the Sheriff's office are on board with Mr. Gramuglia's project.

Mr. Cunningham listed some of the jail system upgrades: sprinkler system and fire alarm system upgrade; outdoor recreation areas; HVAC system; reconstruct roof; security system upgrades; estimated total costs of upgrades is \$1.46 million.

He is asking for changes in the FY 08/09 Budget for Community Corrections/Jail Staffing: Fund 6 new correctional officer positions (4 THU, 2 jail); Booking officer (corporal); Clinicians (2) & 1 Mental Health Clinician (FY10); PT Secretary (24 hrs); Change Corporal to Sergeant. He

talked about the costs for inmates waiting for treatment beds and the cost for transportation to treatment centers.

Cost Estimates for New Building/Jail Upgrades

@44 Beds

Total Construction Cost	4,280,460
Jail Upgrade	1,460,000
Total	5,740,640

@68 Beds

Total Construction Cost	5,597,760
Jail Upgrade	1,460,000
Total	7,057,760

Commissioners have voted for the 68 bed version.

Benefits to County: A cost effective method to deal with jail overcrowding.

Mr. Goff said he appreciates the work put into this. He said the condition of the jail is a symptom of bad financial management over a number of years. He asked Commissioner Barrette how the County can ask for this kind of money when there is a \$2.5 million deficit from last year and an estimated \$300,000 deficit for this year and they are asking the citizens of Sullivan County for a 33% tax increase. He thinks that is absurd. Mr. Barrette said these changes will be effective in FY10, with the exception of the positions which he feels is liability mitigation. He said as far as he knows, the County has never had a dedicated financial manager. He feels there is adequate leadership at the County right now and this budget cycle has been set as a zero basis. They slashed capital expenditures. The taxrate in the County is related to how the nursing home is doing and when they get it on an even keel, the rates are cut. Mr. Goff asked about when the home was managed by Genesis. Mr. Barrette said the numbers were declining at the end of Genesis' management. Mr. Barrette said the overall picture of the County is different now than when he was elected, but they are on much firmer footing. We have to deal with the deficit and the only way to mitigate paying out of the taxrate is to improve performance. They have put everything in place to do that (i.e. Interim Manager with financial sense and same nursing home administrator for seven months). Mr. Goff said the County is asking for way too much at a point when it is not feasible. Mr. Barrette said housing people is an unfunded mandate and we are required to have a jail. He thinks putting this off will be more expensive and create more liability.

Mr. Austin asked if Mr. Gramuglia is a drug and alcohol counselor. Mr. Gramuglia said yes and this program can reduce recidivism by 30%. Mr. Austin asked about work release. Mr. Gramuglia said the DOC supplies 1,000 to 1,200 hours to the County per month.

Mr. Batchelder asked if this will be built on the jail grounds by the nursing home. Mr. Cunningham said yes.

Mayor Cutts is a believer in this program. The financial situation in the County is a travesty. She suggested the County needs a financial manager. She supports this program.

Mr. Barrette said the \$2.5 million deficit did not come about in one year. They have taken a realistic approach to the budget this year.

Acceptance of \$6,750 OHRV Grant from NH Fish and Game

Police Chief Alex Scott said this will provide funds to allow patrol of OHRV (Off-Highway Recreational Vehicle) trails in Claremont. Detail patrols will do this during off-duty hours. It will provide patrols July 1, 2008, through June 30, 2009.

Mr. LaCasse asked how effective this program is. Chief Scott said there are a few “bad apples,” but overall there has been a decrease in violations.

**A motion was made by Mr. Goff and seconded by Mr. Raymond to authorize the city manager, or his designees, to enter into an agreement with and accept a grant in the amount of six thousand, seven hundred and fifty dollars (\$6,750.00) from the State of New Hampshire Fish and Game Department for the purpose of Off Highway Recreational Vehicle enforcement by the Claremont Police Department.**

**Roll Call Vote: Motion carried 8-0.**

COPS FY 2008 Application for Universal Hiring Program Request

Chief Scott said this COPS (Community Oriented Policing Services) request allows a maximum of 3 officers for our jurisdiction. His goal, over the next four years, is to have a staffing of 26. He is currently at 24, so he won't ask for more than 2. The grant pays up to 75% with a maximum of \$75,000 over the three-year lifecycle of the grant. Over the three years, it would cost the City \$33,982 per year for a total of \$101,947. There is a four-year commitment. The fourth year has to be funded by the City at 100%. He requested permission to apply for the grant. Staffing levels throughout the country is generally two police officers per 1,000 population, therefore he would like to increase his staffing from 24 to 26. Current staffing allows for reactive policing and his goal is to focus on proactive measures which an increase in staff would allow.

Mr. Austin asked if this would be a savings to the City. Chief Scott said if the Council were to be agreeable to an increase in staff, this would be a savings, however, the person(s) cannot be laid off. These have to be new positions.

Mayor Cutts said this is similar to the SAFER grant. Claremont does not currently meet the national standards for the Fire Department. Chief Scott said that law enforcement does not have a standard such as the Fire Department, but the general rule is two officers per 1000 population.

Mr. Austin asked how strongly Chief Scott needs these positions. Chief Scott feels strongly he would like to increase staff to 26 over the next four years, but any expenditure has an impact. He wants to move from being reactive to being proactive.

Ms. Messier said the Council heard of roads with dire problems and is leery about any addition to the budget.

Mr. LaCasse is hesitant to approve this because of the four-year lock-in. This is not the year to do that.

Mr. Goff asked for the deadline for filing. Chief Scott said June 20<sup>th</sup>. Mr. Goff would like to see a more long-term impact on the budget instead of just cost breakdown.

Mr. Santagate said there are two separate grant applications: COPS and SAFER. He doesn't support either one, because of the economic uncertainties (i.e. fuel). So we will have to be more careful than usual. When we are heading into a recession, it is tough to look at adding stuff.

Mayor Cutts asked if this grant is offered annually. Chief Scott said we have been invited to apply based on crime statistics and suspects we will be invited again next year. He noted he doesn't have a secretary and that he does his own secretarial work. A Patrol Captain covers patrol supervisory positions. He will continue to push for 26 officers.

Mayor Cutts made the distinction that this COPS grant is to take the Police Department to the next level whereas the SAFER grant is to keep our firefighters alive.

Mr. Batchelder asked about the success rate for this grant. Chief Scott doesn't know for this grant, but was successful with the School Resource Officer (SRO) which was a COPS position. Mr. Batchelder asked about the crime statistics. Chief Scott said we are in the middle of the road compared to the communities he researched (Lebanon, Newport, Portsmouth, etc.).

**A motion was made by Mr. Raymond and seconded by Mr. Batchelder for Authorization to Apply for the COPS FY 2008 Universal Hiring Program Request.**

**Motion failed 2-6 with Mr. Picard, Mr. Austin, Mr. LaCasse, Ms. Messier, Mr. Goff and Mayor Cutts voting no.**

Approval to Abate a Public Nuisance and for Collection of Abatement Costs – 21  
Prospect Street

Allan Britton, Planning and Development Director, said the property was purchased in March 2006 and for two years his department has worked with the owner to get the building up to code (i.e. fire stopping and life safety issues). A major fire occurred February 2, 2008. The property is considered unsafe. On March 3<sup>rd</sup>, the owner was advised the building needed to be demolished. In April, the property was listed with a realtor. On April 15 the City notified the owner that a demolition plan needed to be submitted to the City by May 1<sup>st</sup>; it was not received.

On April 21<sup>st</sup> neighbors reported that children had been entering the building. On April 22<sup>nd</sup>, a message was left that the building had to be boarded up.

Mr. LaCasse asked if there are any other public nuisances. Mr. Britton said yes. The permits for 91 Main Street are complete and it is expected to be demolished soon. Cottage Street happened two months later than this and we are talking with a contractor about final permitting. Mr. Santagate said if there is no satisfaction, we will come back to the Council in July on those two properties to abate those issues. Mr. LaCasse asked if we can authorize someone to remove the building and then send the owner bill. Mr. Santagate said yes under state law we are authorized to demolish it and then put a lien on the property. That is why we are coming to the Council, to be able to recover the costs. Mr. Picard asked about spending more than the property is worth. Mr. Santagate said the City cannot afford not to take action to protect the liability of the City. This route makes the most sense.

Ms. Taylor said the reason the Council needs to vote on this is to be able to put a lien on the property, if the City goes forward with remediation. It has the authority to move forward, but the Council must authorize a lien.

**A motion was made by Mr. Austin and seconded by Mr. LaCasse to authorize the City Manager, or his designees, including the City's health officer, to undertake all such actions that may be required to recover sums that may be expended by the City to abate a nuisance located at 21 Prospect Street, Map 131, Lot 49, which property is deemed injurious to the public health. Such action may include an order for abatement costs pursuant to RSA 147:7-b.**

Dan Smith, lawyer for owners Scott and Veronica Cooper, said they had not received notice this was going to be heard at tonight's meeting. He felt as a common courtesy that they should have been notified. They have a buyer with a closing date of June 19<sup>th</sup> which would result in a rapid resolution (tear down, haul debris away and then get permits to construct a 2-family home). He questioned it being a nuisance or safety hazard, but agreed it needed to be taken care of. The fire occurred in February and then it took until April to get the insurance issues resolved. The owners need time to get the closing done.

Ms. Taylor clarified that the process would require a plan to be submitted within a certain number of days with demolition to be completed within a certain number of days (usually 30). The notes from the Planning Department's log indicate there was a phone call with the owners and that the City requested a demolition plan in hand by May 1<sup>st</sup>. Mayor Cutts said she would have felt better if the owners had gotten written notice of this meeting. Mr. Smith asked to hold on this decision and to bring it back at another meeting.

Mr. Santagate said the abatement action is not against the buyer or seller, it is directed against the property. There was a lot of communication about the violations. He urged the Council to not push this off and to give the City permission to demolish it within 30 days.

Mr. Goff asked how this affects the change of ownership. Ms. Taylor said the action is against the property. The City can go ahead with the demolition, but in order to recover its costs, the Council has to approve putting a lien on the property. Mr. Goff would hesitate to take this action if it would jeopardize the sale. Ms. Taylor cautioned that the responsibility for health and safety and abatement of nuisance is part of the police powers. There has been a serious issue since February. Time was given and nothing was done. It needs to be remediated. We are here tonight so that if we do move forward, we can put a lien against the property. If the owners take care of it voluntarily, the City won't have to do anything.

**Mr. LaCasse asked to amend the motion that it becomes effective July 1<sup>st</sup>, if not under contract, then the City has the authority to push forward.**

Mr. Picard agreed with Mr. LaCasse adding that on the day of signing, the new owner has to notify the City of their plans. Ms. Taylor said the Council does not have that authority.

Mr. Austin asked to leave it as is, but set a timeframe. Ms. Taylor said she did not think the Council does not have that authority to set the timeframe. That is for the Code Enforcement Officer. All the Council is being asked to do is if the City demolishes the building, it can legally go through the lien process to try to recover the cost. It is a nuisance and a hazard. Mr. LaCasse would like the motion to become effective July 1<sup>st</sup> and then Mr. Santagate can do what he needs to do. He will give the Coopers the benefit of the doubt that they have not been properly noticed. Mr. Austin agreed with Mr. LaCasse and would be willing to change the motion.

Ms. Messier asked for a clarification. Ms. Taylor said the process is for a letter to be sent to the owner of record asking for a plan (not always demolition); the shortest time to get a plan back is 10 days and that plan, depending on what it says, is a flexible event. The whole purpose for tonight is if we are forced to go forward, we can place a lien and get the City's costs back.

Mayor Cutts asked when the 30-day clock starts. Mr. Santagate said 30 days from today. Ms. Taylor said the primary purpose of this motion is to put a lien on the property, if we have to, to cover costs. Code Enforcement will be in touch with current owners and new owners when they are new owners.

Mr. Goff asked if a July 1<sup>st</sup> effective date would give the City the leverage needed if the new owner's plan is not satisfactory. Ms. Taylor said no. She repeated the purpose of the vote is to authorize a lien.

Mayor Cutts would like to see the communication process formalized especially with out-of-towners.

**A motion was made by Mr. Picard and seconded by Mr. LaCasse to table the motion to the July meeting.**

**Roll Call Vote: Motion failed 3-5 with Mr. Raymond, Mr. Austin, Ms. Messier, Mr. Goff and Mayor Cutts voting no.**

Mayor Cutts said she doesn't want the property to stay as is, but she doesn't want to jeopardize the closing.

Mr. LaCasse talked about making this effective July 1<sup>st</sup>. Ms. Taylor reminded the Council that the City has the power to go forward, but not to lien the property.

**A motion was made by Mr. Austin and seconded by Mr. LaCasse to authorize the City Manager, or his designees, including the City's health officer, to undertake all such actions that may be required to recover sums that may be expended by the City to abate a nuisance located at 21 Prospect Street, Map 131, Lot 49, which property is deemed injurious to the public health. Such action may include an order for abatement costs pursuant to RSA 147:7-b effective July 1, 2008.**

Mr. Smith said the Coopers don't have a problem with the liening process.

Mayor Cutts asked the Police and Fire Chiefs about their concerns of public safety in that building that can't wait for this order to go into effect on July 1<sup>st</sup>. Chief Scott said he can't answer without reviewing the log. Chief Chase said there is no clear answer. The building has been identified as a hazard. It can be accessed. It is not secured that well. There is a liability there.

**Roll Call Vote: Motion carried 6-2 with Ms. Messier and Mr. Goff voting no.**

2008/2009 SAFER Grant Application Request

Mr. Raymond stated he is an on-call firefighter and stepped down.

Chief Chase said it is his responsibility to tell the Council what he needs for resources. The SAFER grant program is a five-year program. The funding provides, per firefighter: \$39,015 for the first year; \$34,675 for the second year; \$21,670 for the third year; \$13,020 for the fourth year. There is no funding for the fifth year. The program will allow the City to hire two firefighters for years one and two for the cost of one firefighter. In order to meet the grant intention criteria, the Fire Department will apply for two firefighters. Since the 2001 lay-offs, his department has not met the National Fire Protection Association minimum staffing standards. National standards require a minimum staffing of four firefighters which the department is unable to meet on 31% of the duty shifts. The grant requires the Council's approval to apply acknowledging financial commitment for the term of the grant. The grant success rate is only 1 in 7. The grant is open for 30 days (May 27 to June 27). He noted that the City can lay them off, if needed, and refund the part of the grant not used. With these additional people, the overtime budget can be cut by \$10,000 per year.

Mr. Raymond, speaking at the podium as firefighter, is concerned about the cost of fuel and what people will be heating with. He worries there may be more fires this year.

Mr. LaCasse asked about Call Firefighters. Chief Chase said full staffing is 12. Call Firefighters take longer to respond because they are not in the fire station.

**A motion was made by Mr. Batchelder and seconded by Mayor Cutts for Authorization to Apply for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant.**

**Motion carried 4-3 with Mr. Picard, Ms. LaCasse and Mr. Goff voting no.**

Mr. Raymond returned to the Council table.

CDBG Housing and Public Facilities Grant Application

The City proposes to submit a Public Facilities Community Development Block Grant (CDBG) application for up to \$500,000 from its application authority for 2008 to the NH Community Development Finance Authority on behalf of the Claremont Soup Kitchen, Inc. The CDBG funds will be used with other funds to rehabilitate and make improvements to property located on 51 Central Street, Tax Map 119, Lot 358 (also known as the former KACEE building) to serve as the new location of the Claremont Soup Kitchen.

1) Application for Soup Kitchen – Public Hearing

Kurt Beek, Project Manager, said the money will help move the Soup Kitchen to a new location. Municipalities can apply for up to \$500,000 per year in CDBG money. The money must be used for one of these three things: be a direct benefit to low-to-moderate income households, prevent or eliminate slums or eliminate conditions that threaten public health and welfare. Eligible activities are housing, public facilities, economic development and emergency needs. Three public hearings and votes are required.

Mr. Beek introduced Carl Hanson, Soup Kitchen Board, and Jan Bunnell, Executive Director of the Soup Kitchen. Mr. Hanson said the Soup Kitchen is celebrating 25 years and Ms. Bunnell has been there the entire time. The Soup Kitchen provides food assistance to very low income people. The Soup Kitchen is not able to stay where it has been for 23 years. They have a lease with option to purchase at the Knights Hall. It will cost about \$200,000 to renovate. The grant will be used to fund the purchase and renovation of the property.

Ms. Bunnell said the Soup Kitchen started out feeding people an evening meal, then added food boxes, and then sent meals to those who cannot make it in to the kitchen. Last year they served over 18,000 and it is open to all of Sullivan County. Anyone can eat, but to get food boxes, USDA income guidelines have to be met.

Mr. Picard asked about repayment. Mr. Santagate explained that “for profits” have to repay the loan at a low interest rate, but non-profits receive grants and do not have to repay CDBG money.

**A motion was made by Mr. Raymond and seconded by Mr. Austin to approve the submission of a Housing and Public Facilities Community Development Block grant application for the Claremont Soup Kitchen, Inc. to the New Hampshire Community Development Finance Authority (CDFA) in an amount not to exceed \$500,000 (consistent with public hearing notice) and to further authorize the City Manager to sign and execute all documents related to the CDBG application.**

Mayor Cutts opened the public hearing and invited the public to comment. No one spoke. She closed the public hearing.

**Roll Call Vote: Motion carried 8-0.**

- 2) Review and Reaffirm City's Housing and Community Development Plan – Public Hearing

**A motion was made by Ms. Messier and seconded by Mr. Picard to review and reaffirm the City's Housing and Community Development Plan and approve an amendment to Goal #3, Community Development, by adding "soup kitchen" as an encouraged complementary service.**

Mr. Beek said each municipality that applies for CDBG funding must adopt this plan. It has a 3-year lifespan and is kept on file at CDFFA.

Mayor Cutts opened the public hearing and invited the public to comment. No one spoke. She closed the public hearing.

**Roll Call Vote: Motion carried 8-0.**

- 3) Review and Reaffirm City's Residential Anti-Displacement Plan – Public Hearing

Mr. Beek said this plan must be reviewed and reaffirmed by the municipality before application. This assures that a municipality will take steps to minimize displacement as a result of activities undertaken with federal funding.

**Motion was made by Mr. Batchelder and seconded by Mr. Austin The Claremont City Council moves to review and reaffirm City's Residential Anti-Displacement Plan.**

Mayor Cutts opened the public hearing and invited the public to comment. No one spoke. She closed the public hearing.

**Roll Call Vote: Motion carried 8-0.**

Resolution 2008-13 Purchase Airfield Mower for \$5,900 from Airport Capital Reserve –  
Public Hearing

Chief Chase said the money from the Capital Reserve will be added to the \$600 in the operating budget to purchase a zero-turn mower for the Airport. The current mower is four years old and is worn out.

Mayor Cutts read the resolution into the record.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

**A motion was made by Ms. Messier and seconded by Mr. Austin to adopt Resolution 2008-13 Purchase Airfield Mower for \$5,900 from Airport Capital Reserve.**

**Roll Call Vote: Motion carried 8-0.**

CDBG Housing and Public Facilities Grant – Oscar Brown Block Update

1) Progress Report and Public Comment

Mr. Beek said there is a requirement to hold a public hearing mid-way through a CDBG project to give the public a project update. The exterior building, site work, apartment units and the smaller commercial space on the second floor have all been completed. The commercial space on the first level has been completed. The owner will seek a certificate of occupancy in the next two weeks for units that are complete. Fit up for restaurant space on the first floor should begin in two weeks. They anticipate a certificate of occupancy for the last unit in three to four months. Leases are in place for the first floor. Total project cost is about \$2.5 million. It is being overseen by Monadnock Economic Development Council.

Mayor Cutts asked for public comment. No one spoke.

CDBG Housing and Public Facilities Grant – Pleasant Valley Estates Update

1) Progress Report and Public Comment

Mr. Beek said this is a joint application between the City and County for \$650,000. It was awarded in June 2005. Construction started last summer and estimated completion is this August. Estimated cost is \$1.4 million. The sewer pipe runs from the wastewater treatment plant up Clay Hill Road to a pump station and then over land to Pleasant Valley Estates. It services 97 sites (140 residents). This was initiated due to failing septic systems.

Mayor Cutts asked for public comment. No one spoke.

Community Facilities Grant through the US Department of Agriculture – Public Hearing

Bruce Temple, Public Works Director, said Public Works has a failing emergency generator at the Washington Street pump station. The Rural Development Office said its replacement would

qualify for the grant. It happened a day or two after the May Council meeting. The application has already been turned in, in order to meet the deadline. He asked for permission to apply for the grant, after the fact. The estimated funding is \$27,500. [Mr. Temple misspoke during his presentation. The correct amounts are: The City would be required to come up with 65% (\$17,875) and the grant would be 35% (\$9,625).]

Ms. Messier asked where the City's portion would come from. Mr. Temple said from sewer enterprise funds.

**A motion was made by Mr. Raymond and seconded by Mr. LaCasse to authorize the City Manager, or his designees, to take such actions as may be necessary to apply for and, if awarded, accept a United States Department of Agriculture Community Facilities Grant for assistance in funding replacement of the emergency generator located at the Washington Street Pump Station.**

Mayor Cutts opened the public hearing. No one spoke. She closed it.

Mr. Picard asked if this has a backup. Mr. Temple said no. In the event of a major outage, PSNH (Public Service of New Hampshire) is on notice to backfeed the pump station. In the last 10 years it has been without power for 30 minutes, 3 times.

Mr. LaCasse asked if it was rebuildable. Mr. Temple said no, but it has some salvage value.

**Roll Call Vote: Motion carried 8-0.**

Multi-Year Lease Agreement for 2008 Vehicles for Public Works and Parks & Rec

Mary Walter, Finance Director said this is the 2008 updating of our equipment. The money is in the budget.

Mr. Picard asked if we lease-to-own. Ms. Walter said yes and then we use the old equipment for trade in. There is an escape clause if we have a year with no appropriation.

Mr. LaCasse asked about the vehicles. Ms. Walter said this is all equipment (i.e. portable toilet pumping system, pool cover, irrigation system, wood chipper, skid steer). Mr. LaCasse asked about the portable toilet pumping system. Ms. Walter said it costs less to pump portable toilets ourselves than to hire someone. Mr. Goff asked about leasing a pool cover. Ms. Walter said you can lease just about anything. The old cover is 15 years old and replacement would cost about \$27,000.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

**A motion was made by Mr. Austin and seconded by Mr. Raymond to authorize the City Manager to enter into a multi-year agreement for the lease of equipment for the Public Works and Parks and Recreation Departments, the 2008 costs (\$28,968.00) having been**

**raised and appropriated in the 2008 budget. The proposed lease agreement contains a termination clause in the event of non-appropriation of sufficient funds.**

**Roll Call Vote: Motion carried 8-0.**

Ordinance 498 Conform Membership of Historic District Commission – First Reading

Ms. Taylor said according to the Charter, ordinances are to be reviewed on a five-year cycle. It would be much more efficient to start with Chapter 1 and work our way forward, but the reality is we need to deal with ordinances that are not in compliance with enabling legislation which is usually state codes. All three ordinances this evening came out of that process. When the ordinances were originally enacted, they were compliant with state law, but state law has been updated, but our Codes did not keep pace.

Ordinance 498 changes the membership of the Historic District Commission (HDC) to take the City Manager off the Commission and replace him with a member of the City Council. Originally it was stated that one Commission member shall be a member of the local governing body which was interpreted to mean the City Manager. That is incorrect. The City Manager has never served on the HDC. This ordinance will fix that and align our Code with State law.

**A motion was made by Mr. Austin and seconded by Mr. Picard to adopt Ordinance 498 Conform Membership of Historic District Commission on first reading.**

Mayor Cutts read the explanation of proposed action.

**Roll Call Vote: Motion carried 8-0.**

Ordinance 499 Conform Claremont Development Authority Code – First Reading

Ms. Taylor said since this was originally enacted, State law has been updated three times, but the Code has not. In 2003, the by-laws were updated to be more in compliance with State law. This ordinance amends the provision in the Code with reference to membership of the board of directors to coincide with State law. There will need to be further adjustment to the CDA (Claremont Development Authority) by-laws. This has been given to members of the CDA so they know what is going on and there have been no objections. The biggest distinction is that the statute clearly states the mayor is to appoint members of the CDA and that has not been the practice.

Mr. Goff asked to clarify the process. Ms. Taylor said the nomination process is the same (nomination by CDA and City Manager). The change is that it is a Mayoral appointment. Mr. Goff said he can't disagree with State law, but he doesn't want to support the process that would allow the Mayor to appoint solely to the CDA. Ms. Taylor said that is State law, but we can create our own nominating process.

Mr. LaCasse questioned the mayor's voting ability and whether or not this should be a Council action. Ms. Taylor said the Charter and RSA 49C both state that the mayor votes.

Mr. Picard asked how many elected officials are on this board. Ms. Taylor said that is not addressed.

Ms. Taylor reviewed the Charter and stated that the mayor is a voting member per Article 17. Mr. LaCasse said it was either the Manager's or the Council's appointment, but Ms. Taylor said it was the mayor's appointment by State law. Mr. Santagate asked if the State agreed with that. Ms. Taylor said she talked to Attorney Matthew Upton and the Local Government Center about the board composition. Mr. LaCasse asked if Ms. Taylor would do more research. Mr. LaCasse referenced the State law that said the City Manager would take over the duties of the mayor, if the mayor was not doing them. Ms. Taylor said the City Manager does not (under the Charter or State law) have the authority to step into the mayor's shoes. Mr. LaCasse read a portion of Article 17 that states that the Mayor presides at meetings and may speak and vote and is the head of the City for all ceremonial purposes and that all other duties are to be exercised by the City Manager. Mr. LaCasse stated that this meant that if the Mayor were not available, then the City Manager would make the appointments. Ms. Taylor disagreed with Mr. LaCasse's interpretation and offered to review the matter with outside counsel. Mr. LaCasse agreed with that for clarification.

**A motion was made by Mr. LaCasse and seconded by Mr. Goff to table until the July meeting.**

**Roll Call Vote: Motion carried 5-3 with Mr. Raymond, Mr. Austin and Mayor Cutts voting no.**

Mr. LaCasse asked who reviewed and approved the City charter. Ms. Taylor said Attorney Upton had assisted with the 2003 changes and they were reviewed by the Attorney General's office, but the Attorney General's office will not give her an opinion. Mayor Cutts is looking for a formal opinion.

#### Ordinance 500 Junkyards – First Reading

Ms. Taylor said we are so far out of compliance that our ordinance is basically unenforceable. The original ordinance was adopted in 1989 after the State enacted its original junkyard regulations. Since then, there have been two major rewrites. To do it properly, it is the Council's decision to license junkyards. We have to follow the State law. The biggest difference is if we have a local ordinance and we enforce it locally, any fines collected will come back to the City. The purpose is to bring us in compliance with State law. She sees this as another aspect of property maintenance.

Mr. LaCasse asked to add RSA 236:125 to this ordinance. Ms. Taylor said it is already included in the compliance section, although not word-for-word as it is not all applicable. There was discussion about the ordinance and RSA.

Mr. LaCasse suggested we take a motion to table to research this one as well. Mayor Cutts said she would be happy to take the motion to table however, it would be helpful if Mr. LaCasse outlined the specific areas he wanted researched and who would do that. There was no motion or second. Discussion continued.

**A motion to move the question was made by Ms. Messier. There was no second. Ms. Messier withdrew the motion.**

**A motion was made by Mr. Raymond and seconded by Mr. Austin to adopt Ordinance 500 Junkyards on first reading.**

Mr. Raymond read the explanation of proposed action.

**Roll Call Vote: Motion carried 7-1 with Mr. LaCasse voting no.**

#### **CITY MANAGER REPORT**

Mr. Santagate said the City had received the 2006 audit report. Ms. Walter gave copies to the Council. Ms. Walter said there were several changes:

- SAS (Statement on Auditing Standards) 112 significantly changed the way auditors defined and reported control issues in the audit. The effective date for SAS 112 was for audits ending on or after 12/15/2006.
- “More than remote” is now defined as an event that is at least possible. “Inconsequential” only occurs if the event would clearly be immaterial to the financial statements. These changes have lowered the reporting thresholds and increased the number of audit findings as well as lengthened the time to complete the audits. This is across the board and across the country not just in Claremont.
- Auditing finding #06-01 is one that the auditors have brought up in past years by recommending that the city hire additional staff in finance particularly in light of the number of governmental funds that we maintain. Claremont maintains 18 individual governmental funds as well as enterprise funds for Water & Sewer. The City Council has taken a step in this regard by budgeting funds for a person to be shared with Finance and Legal. This is a corrective action finding that may be cost prohibitive to have removed totally in that we do not oversee the books for some of the component units listed in our financial statements (i.e. Tolles Home and Claremont Development Authority).
- Audit finding #06-02 is a finding that is totally true in the fact that we had and still have ongoing issues with any voids and/or completions within the purchase order module and the accounts receivable module. It was found in the summer of 2006, was requested as a fix and the glitch still occurs. The auditor’s example of the receivable is the anticipated money we get from the Trustee of Trust Funds each year for the cemetery. Since we only get the interest earned it is never received until the spring of the following year so we set it up as a receivable. Once we know the actual amount we adjust the entry and record the actual

amount. The details were not showing up on the actual AR report but they were listed on our backup report. Because the auditor's staff member left the firm they had to spend considerable time recreating work that she had already gone over with our staff. Munismart continues to experience glitches as new modules/features are brought on line and purchase orders are one that continue to have issues when either completions or voids are done on the purchase order. This impacts the users in larger communities (like us) with multiple modules interacting than most small communities. Munismart was sold out to Harris Computers on 12/1/2007. These issues are still ongoing as we are closing out 2007. We have confidence that the new software owners will finally clear up the issues so that we can properly close out the year cleanly.

- Audit finding #06-03 will be taken under advisement as we move forward with the large amount of projects in the works with funding from multiple sources and reporting requirements for each individual agency. It is imperative that all contracts signed be recorded whether the work has been done or not. While it may be difficult to track, the software program is designed to segregate different funding sources in each subsidiary ledger and should be able to do it effortlessly when it is functioning as designed.

#### FEDERAL AWARD FINDINGS

Audit finding #06-04 concerns the grant for Women's Supportive Services which was a pass-through grant on the part of the City. The majority of the work was completed (to the point where the CDBG grant oversight personnel had completed their review on February 13, 2006 with no findings). In March and April there were bills that still were coming in after the CDBG review which included 2 weeks of payroll dating back to January. Certifying payrolls is something done in compliance the Davis-Bacon Act of 1931 (a United States federal law which established the requirement for paying prevailing wages on public works projects). All federal government construction contracts, and most contracts for federally assisted construction over \$2,000, must include provisions for paying workers on-site no less than the locally prevailing wages and benefits paid on similar projects. By this time we thought were done with our oversight and did not get copies of those 2 payrolls to certify compliance with Davis Bacon (we had copies of others up until the time of our final review and have no reason to suspect that the prevailing wage dropped from previous payrolls). Due to contract issues between Women's Supportive Services and the Contractor there was no ability for the City to force the Contractor to produce the payrolls for those 2 weeks. While we have no reason so assume that those payrolls would have not been in compliance with the Davis Deacon Act as was all the other payrolls, we have no way of actually certifying compliance with Davis Beacon, Going forward the City will not approve any final release of funds until all required paperwork is in the City's hands. The City continues to bring in more grant money while maintaining the same staff from 2002. The compliance issues continue to grow as more Federal regulations and oversight make their way down to the local level.

The City's audit contract was in its last year in 2006. Our audit firm said that with all the new changes, if they were to bid on it today they would probably bid it at double the cost. The City went out to bid and will have a new firm in shortly to begin the 2007 audit. This audit firm is

willing to help us with GASB 34 compliance which will help us work toward our unqualified opinion again.

Mr. Santagate said GASB is a federal requirement to value streets, sidewalks, (properties we won't sell). It is expensive to get there. Ms. Walter said the fear was that we would get bad bond ratings, but that has not happened, we improved it. The Fund Balance is healthy and accounts look good. We're doing it right.

Mr. LaCasse asked if we will stay on budget with the rising fuel costs. Mr. Santagate said Public Works will be the biggest number. We are on a calendar year and we still have half a winter to go. We will have better numbers in September. We're not in serious trouble. He will come back in September with an update. We budgeted \$2.54 a gallon and now prices are over \$4 a gallon. Mr. LaCasse said earlier people were speaking of roads and how bad they are. He asked if we could find the money to shim some of them. Mr. Santagate will come back in July with a plan. Ms. Walter said as a 'heads-up' that we had budgeted \$2.75 for diesel and it is close to \$5 now.

#### **FUTURE AGENDA ITEMS AND DIRECTIVES**

Mr. LaCasse had a letter from a woman in Washington asking for information and he would like the follow-up on the next agenda. He will give a copy of the letter to Mr. Santagate.

Mr. Goff asked for more background information on any future requests for abatements on burned buildings. Ms. Taylor clarified usually we don't come to Council for code enforcement issues. The exception is to expend money and to be able to put a lien on property. Other than that, the City deals with abatements. Mayor Cutts noted this was an isolated event.

Ms. Taylor asked about the process for selecting a new Councilor. Council agreed to a special meeting and will send avoid dates to Mayor Cutts by Friday.

#### **COMMITTEE REPORTS**

##### Open Space Ordinance Committee

None

##### Master Plan Committee

None

##### School Reinvestment Committee

None

**CONSULTATION WITH LEGAL COUNSEL**

None

**ADJOURNMENT**

**At 1:09 a.m., on June 12, 2008, a motion was made by Mr. Raymond and seconded by Mr. LaCasse to adjourn.**

**Motion carried 8-0.**

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council