

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

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

Members of the Council present were:

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

Absent:

At-Large Councilor Thomas (Toby) Batchelder, III  
Ward I Councilor Christopher Lewis

Also present were:

Guy Santagate, City Manager  
Jane Taylor, City Solicitor

### **MAYOR'S NOTES**

Mayor Cutts read a proclamation in honor of the Visiting International Students from Kimball Union Academy in Meriden. They were not present due to another obligation elsewhere. She read a thank you note from the program's director saying they enjoyed Claremont's July 4<sup>th</sup> celebration.

Mr. Goff gave an update on the County's budget crisis. He attended budget meetings on June 28<sup>th</sup> and 30<sup>th</sup>. He explained the County budget process. He said they blamed the City for the deficit for paying on time and not paying early. During the middle of the open and public meeting, eleven members of the Delegation held a private meeting in the hallway. They took votes at the end of that meeting. The discussion and votes were not made public. The eleven members joined the rest of the Delegation, proposed and then passed a continuing resolution forcing the County to begin the fiscal year without a budget. He questioned the legality of the private meeting and several members said it was justified as a caucus. He will make a motion later. He asked citizens to voice their disapproval.

Mayor Cutts said on Monday, July 7<sup>th</sup>, the Boston Post Cane was presented to Nell Bateman who is 102 years old and has lived in Claremont her entire life. It is a replica of the original cane and is something the family can keep.

Mr. Austin said he was honored to give a 100 year old lady (Mrs. Come) a ride in one of his antique cars for her birthday.

Mayor Cutts reminded everyone about the Household Hazardous Waste Collection on July 12<sup>th</sup> in Newport.

## **REPORT OF THE SECRETARY**

**A motion was made by Mr. Picard and seconded by Mr. Austin to accept the minutes of the June 11, 2008, City Council meeting.**

**Roll Call Vote: Motion carried 6-0.**

## **APPOINTMENT TO BOARDS AND COMMITTEES**

### Airport Advisory Board

**A motion was made by Mr. Picard and seconded by Mr. LaCasse to appoint John Hall to seat #1 and David A. Eno to seat #2 of the Airport Advisory Board.**

**Roll Call Vote: Motion carried 6-0.**

### Frances J. Tolles Home Trustees

Ms. Messier said she had received information from a Trustee about some happenings at the meetings. Mr. Santagate said he had been to a recent meeting with the Trustees and voiced some of his concerns about some of the processes there, but he hasn't interfaced enough with the Trustees to make a strong recommendation. He'll go to a meeting with them on the 15<sup>th</sup>. He said there are some issues about which we need more details. He suggested holding off on the appointments until next month, so he can talk to the Trustees about their responsibilities, liabilities and what the expectations are going forward. Mr. Picard asked if the talk will have an influence on who runs for the vacant seats. Mr. Santagate said it might. Mr. Goff said he was approached by a Trustee as well and was told of some of the concerns. He encouraged the Council to read the information from Ms. Messier.

**A motion was made by Mr. Goff and seconded by Ms. Messier to table the appointments of the Frances J. Tolles Home Trustees until the August meeting.**

The next Frances J. Tolles Home meeting will be on July 15<sup>th</sup> and these seats do not expire until the end of the month so they will have a quorum for the meeting.

**Roll Call Vote: Motion carried 6-0.**

**OLD BUSINESS**

Ordinance 498 Conform Membership of Historic District Commission – Second Reading – Public Hearing

Ms. Taylor said that our Code is out of compliance with State law. State law calls for a Council member to sit on the board, where our ordinance says the City Manager sits on the Commission, which has never been followed as far as she is aware. This doesn't change anything currently in place. This was brought to her attention by the HDC (Historic District Commission).

Mayor Cutts read the Explanation of Proposed Action.

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

**A motion was made by Mr. Austin and seconded by Ms. Messier to adopt Ordinance 498 Conform Membership of Historic District Commission.**

**Roll Call Vote: Motion carried 6-0.**

Ordinance 499 Conform Claremont Development Authority Code – First Reading (To Be Taken From the Table)

**A motion was made by Mayor Cutts and seconded by Mr. Austin to take from the table Ordinance 499 Conform Claremont Development Authority Code to update the Council.**

**Roll Call Vote: Motion carried 5-1 with Mr. LaCasse voting no.**

Mayor Cutts said a request had gone to Attorney Matt Upton requesting a second opinion, but we have not heard back. In addition, Mr. LaCasse had gone to the LGC (Local Government Center) and its opinion has been shared with the Council tonight. Ms. Taylor asked for a copy of the opinion.

**A motion was made by Mayor Cutts and seconded by Mr. Austin to table this item until the August 13<sup>th</sup> Council meeting to allow the rest of the information to come in.**

**Roll Call Vote: Motion carried 6-0.**

Revised Ordinance 500 Junkyards – Second Reading – Public Hearing

At 7:01 p.m. Mr. Raymond arrived.

Ms. Taylor explained why this was a revised ordinance. Between the time the original ordinance went into the packets and after the June meeting, the Legislature revised the section of law that

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we are updating. The primary revision involved the timing for an application to be heard, which created difficulties with our meeting schedule. The Legislature deleted those time constraints. There is no longer a requirement to hold a public hearing on an application “no less than two nor more than four weeks” after receipt. That is reflected in the revised ordinance in the packet. There is a slight change regarding the distance from interstate or a highway and the last major change is the effective date which is August 5<sup>th</sup> which is when the State law takes effect.

There was a discussion about whether this should be first or second reading. Mr. LaCasse and Mr. Picard thought it should go back to first reading. Mayor Cutts and Mr. Goff agreed since this had a positive affect, it should stay at second reading.

Ms. Taylor said since this was enacted, there have been two major revisions to state law since the Code sections were enacted and there is a conflict. State law governs if there is a conflict. Now there is a third update. We don't have to adopt this at the local level, but then we forego our ability to adopt local permit fees, but if we don't adopt it, we still need to be permitting junkyards. Having the local code up to date makes our job easier. We currently have one licensee and he didn't voice any objection to this. We just need to follow the process. Mayor Cutts said these changes are State law and need to be enforced anyway, so she is okay with this being a second reading. Mr. Austin doesn't want to set a precedent that will cause problems in the future.

Eric Giles, City Planner, gave a PowerPoint presentation explaining how junkyards are defined and regulated.

- 2 unregistered vehicles would technically be a junkyard
- Purpose for Junkyard Ordinance – because it is a health and safety issue
- Requirements
  - Permit and application
    - Go before the Zoning Board of Adjustment for certification of appropriate location
    - Then to the City Council
- Public Hearing
- Performance Standards
- Licenses are renewed yearly
- Compliance
- Penalty; Enforcement
- Validity
- Effective date is August 5, 2008
- Best Management Practices
  - Storing Vehicles that Contain Fluids
  - Used Oil & Filters
  - Scrap Tires
  - Storm Water Management
  - Other Concerns, fire hazards, burying junk

- Possible Junkyards in Claremont (he showed some sites that may qualify)

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

**Mr. LaCasse would like to amend the motion to include RSA 236:125.**

Ms. Taylor suggested that if this is to be amended on second reading that it should be sent back to first reading. The purpose of that section, when adopted in 1965, was that anyone with a junkyard at that time could get a license automatically and the license would carry them through April 1966. At that point, those people had to renew their license under the existing law and they had to comply with the subdivision. That was the original grandfathering clause. She did not include that because we are not dealing with that situation. Mr. Whipple's automobile recycling business has been in existence since 1929 and it fell under that provision. This ordinance has a compliance clause which is a grandfathering clause. It says that any junkyard licensed as of the day this is adopted is grandfathered and does not have to get a license and go through a public hearing. On renewal they have to be in compliance. She did talk to Mr. Whipple and he understands he will have to be in compliance. Mayor Cutts asked Mr. LaCasse that since the compliance clause is in there did he wish to go ahead with the amendment to the motion. Mr. LaCasse just wants to make sure the existing junkyard does not have to meet the 1,000 foot setback from a highway or the 660 foot setback from a Class I, II, and III roads. Ms. Taylor said the 1,000 foot setback only applies to interstates and we have Class IV, V and VI roads. Mr. LaCasse asked to verify that this would apply to new junkyards. Ms. Taylor said yes. If a junkyard has a license and files for a renewal, but is not in compliance, they are entitled to a public hearing. However, if they are in full compliance and they file a renewal application, no public hearing is required.

**Mr. LaCasse said he didn't mind withdrawing the amendment if that is what it means.**

Mr. Picard asked what the Council's role is in licensing. Mr. Giles said that renewals will be done through Planning and Development. Ms. Taylor said that the statute requires that the local governing body hold the public hearing for new junkyards. Renewals, as long as they are in compliance, would be noted in the Councilors' packets and would not have a public hearing.

Mr. LaCasse asked how this applies to antique vehicles. Ms. Taylor referred to RSA 236:111-a(c) which applies to non-commercial restoration of antique motor vehicles, providing an exemption under State law.

Mayor Cutts opened the public hearing.

Joe Osgood, Ward 2, said two unregistered vehicles should not constitute a junkyard. He knows someone who has three unregistered cars that are worth \$750,000 and shouldn't be classified as a junkyard. Mr. Giles said under the definitions, a junkyard does not include non-commercial antique restoration on vehicles.

Mayor Cutts closed the public hearing.

There was discussion about the definitions under RSA 236:112.

**A motion was made by Mr. Austin to move the question. There was no second. Motion failed.**

More discussion about RSA 236:112.

Mr. Goff agreed that we need this ordinance, however he hesitates approving this revised ordinance on second reading. He will vote no.

**Roll Call Vote: Motion carried 4-3 with Messrs. Picard, LaCasse and Goff voting no.**

Social Services and Community Reinvestment Committees

**Social Service Agencies Funding - 2008**

Organization	Amount Requested	Amount Recommended
ACORN		\$0.00
Claremont Dental Initiative	\$8,000.00	\$4,000.00
Claremont Soup Kitchen, Inc. & Food Pantry	\$10,000.00	\$5,000.00
Community Alliance of Human Services, Family Services Department	\$5,000.00	\$4,000.00
Community Alliance Transportation Services, Inc.	\$6,000.00	\$4,500.00
Connecticut Valley Home Care	\$6,000.00	\$500.00
Headrest	\$7,000.00	\$1,000.00
Southwestern Community Services, Inc.	\$5,000.00	\$2,500.00
Sent To:		\$2,500.00
Sullivan County Hospice, Inc.	\$5,000.00	\$2,500.00
Sullivan County Nutrition Services	\$10,000.00	\$3,000.00
Trusting Hands Home Health Care	\$2,500.00	\$1,000.00
West Central Behavioral Health	\$3,000.00	\$2,000.00
	\$67,500.00	\$30,000.00

The members of the Social Services Committee were Mayor Cutts and Assistant Mayor Austin. Some of the applicants went to the meeting to talk about their needs.

Ms. Messier said that she is part of the Claremont Dental Initiative and stepped down.

Mr. LaCasse asked if persons on the selection committees had a conflict of interest and should step down. Mr. Picard said he agreed. He was on the Community Reinvestment Committee and would be willing to step down. Mr. Goff didn't see the logic; this is their recommendations, not the vote to grant the funding. Mr. Raymond agreed with Mr. Goff.

Mr. Austin said the recommendations for Community Alliance of Human Services, Family Services Department and Community Alliance Transportation Services, Inc. were significant because of the cost of heating oil and transportation.

Mr. Goff asked about the significant amount of turnover at the Community Alliance agency including the two mentioned above and Trusting Hands Home Health Care. Mayor Cutts said that many are volunteers and they are dedicated. Mr. Goff said the sub-committee did take into account the need for a service that is specific to Claremont.

Mayor Cutts allowed public input.

Bernie Folta, Ward 3, saw the list, and was wondering if the City could put this information on the website. According to RSA 91-A, new version signed by the Governor on July 3<sup>rd</sup>, a sub-committee of a public body is a public body and hopefully the meetings were properly warned and minutes taken.

**A motion was made by Mr. LaCasse and seconded by Mr. Picard to accept the recommendations for the Social Services Funding.**

Mayor Cutts read the disbursements.

**Roll Call Vote: Motion carried 7-0.**

Ms. Messier rejoined the Council table.

**Community Reinvestment Fund - 2008**

Organization	Amount Requested	Amount Recommended
Arrowhead	\$6,370.00	\$3,000.00
The City Center Business Alliance	\$13,000.00	\$6,500.00
Claremont Junior Sports League	\$10,000.00	\$6,000.00
Claremont Senior Center, Inc.	\$3,000.00	\$3,000.00
Greater Claremont Chamber of Commerce	\$3,000.00	\$3,000.00
Main Street Claremont	\$10,000.00	\$3,500.00
Community Center Board		
Sullivan County ATV Club	\$15,000.00	\$5,000.00
	\$60,370.00	\$30,000.00

Mayor Cutts said that an application had been received and money had been awarded to the Claremont Junior Sports League (JSL), but they had not submitted necessary paperwork yet. That doesn't disqualify them. She asked to hold off on their award until the paperwork is received.

Ms. Messier said most of applicants went to the meeting and described their needs. She read the disbursements.

Mayor Cutts noted that Main Street Claremont has signed a letter agreeing to be the fiscal agent for City Center Business Alliance since they are not a tax-exempt agency at this time (they have applied for tax exemption status).

Mr. Picard said the project (crossing light on Washington Street) for the Sullivan County ATV Club (SCATV) had to be done in three years or the money had to come back to the City.

Mary Walter, Finance Director, sent letters to agencies that were proposed to receive money asking them for proof of non-profit status.

**A motion was made by Mr. Goff and seconded by Mr. Austin to accept the recommendations of the sub-committee for allocation of the Community Reinvestment Funds.**

There was discussion about what to do with the money allocated to JSL if it is not disbursed. Mr. Santagate said the money can be encumbered before December 31<sup>st</sup>. Ms. Walter said she had sent them two letters. She can send a third letter with a deadline and if no answer is received, Council can reallocate the money.

Mr. Picard asked if the qualification for SCATV should be a part of this motion. Ms. Walter said once the funds are given, there is no way to monitor that. The option is to hold the money until conditions are met. Mr. Picard asked how we can follow where the money spent. Ms. Cutts said it is done on faith. Mr. Goff suggested since most of these groups reapply every year, they could verify where the funds were used on their next application. Ms. Messier recommended accountability criteria be developed for next year. Council agreed that criteria for application and accountability should be introduced.

**A motion for amendment was made by Mr. LaCasse and seconded by Mr. Picard that \$6,000 be held until the paperwork is received from JSL. If not received by October 1st, bring the issue back to the Council to decide further action.**

**Roll Call Vote on amendment: Motion carried 7-0.**

**Roll Call Vote on the motion with amendment: Motion carried 7-0.**

**CITIZEN'S FORUM**

Joe Osgood, Ward 2, thanked Mr. Goff for looking into the County tax situation. Poor management has cost lots of money. He asked the rest of the Council to support him. Saturday between 10 a.m. to 2 p.m. the airport repair facility will have a fly-in and picnic. The airport is nicely run; the Fire Chief and airport personnel do an exceptional job.

Tracy Pope, Ward 2, asked when Ordinance 486, Open Space, will be on the Council agenda. The ad hoc committee spent 18 months rewriting this ordinance. The Planning Board recommended it to the Council in February. She asked that any questions be sent to Alan Grigsby, Planning Board Chairman; David Putnam, ad-hoc committee Chairman or her, secretary of the ad-hoc committee, and that it be placed on the August agenda.

Chris Vinci said he is a new candidate for State Representative. He does not believe in a sales or income tax. He is promoting use of fiscal responsibility and controlled spending as a result of 17.5 % increase in state and 32% increase in county budgets. His website is [www.chrisvincinh.com](http://www.chrisvincinh.com).

## **NEW BUSINESS**

### Comcast Digital Update

Mary Walter, said changes are coming to digital cable and the City is starting negotiations on the franchise agreement.

Lisa Birmingham, Director of Government Affairs for Comcast, gave an update about the digital world in terms of cable and non-cable. She talked about the federally mandated digital transition (black box). In February 2009, those who broadcast in analog, have to give up those signals. Broadcasters are going to digital signals. If you are a cable or satellite user, you are not affected. People who have rabbit ears or an antenna may be affected. If you have a new digital TV with rabbit ears or an antenna, you may be okay. TVs made before 1996 and possibly before 2000 are analog. For people with rabbit ears or an antenna, the choice is to get satellite or cable, buy a new TV or buy a "black box" (Federal box). The Federal box converts digital signal to analog and is available at department stores for \$50 to \$70. A coupon is available, contact the federal government. Each household can get 2-\$40 coupons to redeem for two boxes. The change happens February 18, 2009. She and her colleague, Christina Degraf-Murphy, are doing outreach. The majority of customers in this community are digital. All customers on cable are protected. For basic customers there will be no charge for an additional cable outlet. This month to meet the growing demand for high definition TV, Comcast is migrating six analog channels to digital. Analog is 6 megahertz and digital is 1-2 megahertz. For second-tier customers, call 1-800-COMCAST to get a free digital box for 1 year. They are also offering discounted additional outlet costs. They have made assurances to the FCC and others that they will try to maintain the first level of 18 channels for three years after next February. Since taking over from Adelphia, they have upgraded the high speed internet in 2007, added a number of high definition channels, launched Comcast digital voice, launched triple play (cable, phone and internet) for \$99. In 2009-2010, they will make a significant upgrade in internet speeds and high definition channels.

They have employee participation with Comcast Cares Day. Mr. Santagate said he appreciated them coming and Ms. Birmingham said they will be back in the fall.

Mayor Cutts allowed public input.

Bernie Folta, Ward 3, said he did a survey on the internet and came up with, nationally, 66% of households had cable and 19% had satellite. Only 15% had rabbit ears, antenna or no TV at all. Currently CCTV (Claremont Community Television) is only available through cable. He was curious about what the cable and satellite penetration is for Claremont.

Motion to Authorize Operation of ATV's on Designated City-Owned Land and Class VI Roads

Ms. Taylor said this would allow the Sullivan County ATV Club (SCATV) formal permission to use Class VI roads and trails on city-owned land. It also allows the City to benefit from the State's \$2 million liability insurance policy. If we don't grant this permission, we don't get the benefit of the insurance policy.

Dianne Raymond, SCATV Trail Administrator, described the roads and trails that are used. They are existing trails.

Mr. LaCasse asked about limiting roads. He referred to the trail from Arrowhead to Washington Street. He said ATVs are a hazard for pedestrians and bicyclists; and dust stirred up by the ATVs creates a hazard on Washington Street. Ms. Raymond said the SCATV puts calcium chloride on the trail every month.

Mayor Cutts said this agreement is for a year and the New Community Center will not be constructed within that year, but access to the trail near the site of the New Community Center may need to be addressed when it is.

Mr. Goff asked about the similarities for access for the SCATV and the snowmobile club. Ms. Raymond said they are the same. Ms. Taylor said we usually give separate permissions.

Ms. Messier said if these trails are cut off, that cuts off a big area of the city. She asked if we can work with the SCATV so that the trails are shared by ATVs, bikers and walkers. Ms. Raymond said she is licensed through New Hampshire Fish and Game to do safety classes. She puts about 90-100 youth through those classes every year. They teach students to slow down for pedestrians. There are some irresponsible riders, just as there are in any sport. Within the club, they have 15 trail patrol people. They have no arresting powers, but they try to stop bad behavior and educate those doing it. The club puts in 800-1,000 hours each summer in trail maintenance.

Mr. Raymond agreed with Mr. LaCasse about the trail on Chestnut Street and over. It needs some maintenance. On Washington Street, the dust and stones are an issue. While he was at

Home Depot, an ATV went by and kicked up a stone which hit his truck. He asked the club to step up patrol and maintenance. He is in favor of approving this motion.

Mayor Cutts asked if there are people who ride on the trails that are not members of SCATV. Ms. Raymond said yes. NH Fish and Game as well as the police department have enforcement authority. There are speed limit signs. Mayor Cutts asked if individual vehicles can be identified. Ms. Raymond said each vehicle has a registration ID on the back and front of the machine and that violations should be reported to the police department.

Mr. Austin said the area that is being discussed is part of the Rails to Trails which is under the Conservation Commission. Ms. Taylor said technically it is part of city-owned land. To get protection of the state insurance policy, Council needs to grant this permission. Each private property owner in the rail system has the option of giving permission or not.

**A motion was made by Mr. Raymond and seconded by Mr. Austin that the Claremont City Council, pursuant to RSA 215-A:15, hereby authorizes the city manager, or his designees, to take such actions as may be necessary to issue a written Permission for Wheeled Vehicle Trail Access to the Sullivan County ATV Club for a period of one year from today. This permission is for use of designated City-owned land and class VI highways, which lists are to be included with the Permission Form and is subject to all City and state rules and regulations pertaining to use of ATVs and other off-highway recreational vehicles on public property.**

Mayor Cutts said that if we continue to get citizen complaints, activity could be curtailed by the Council. She suggested people walk on the trails more and report problems.

**Roll Call Vote: Motion carried: 6-1 with Mr. LaCasse voting no.**

Resolution 2008-14 Supplemental Appropriation for Capital Infrastructure Improvements in the Amount of \$640,000, Such Funds to Come From Unanticipated Revenue and Fund Balance – Public Hearing

Mr. Santagate said we are getting \$260,000 in unanticipated funds and the remainder will come from Fund Balance. This money will go toward roadwork. It is appropriate to spend these funds on infrastructure. These are one-time monies. The major requests we get are for street and sidewalk repairs.

Bruce Temple, Public Works Director, said this year he had a budget of \$500,000 plus \$35,000 for capital improvements. To determine where the money would be spent, he looked at traffic, maintenance issues and doing something in each ward. Projects were: Thrasher Road; Roosevelt Road (8-inch water line-fire protection, in-place recycling and guardrail); Jackson/Neilson Streets (12 homes); Myrtle Street from Pleasant Street to the five corners (1000 feet); Sims Street (rebuilt embankment) and Canterbury; Sugar River Drive; Charlestown Road (1/3). Tonight's funding will probably be focused on the main entranceways to the city.

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Mr. LaCasse asked which streets. Mr. Temple had no specifics yet. He's looking at the entrances to the city: Charlestown Road and North Street. Mr. LaCasse gets complaints about North Street, Sullivan Street, Charlestown Road, Tremont Street and the "bullpen."

Mr. Picard is torn because \$261,000 would be a good return to taxpayers. He thinks a bid has to go out 10 months ahead of the project. Mr. Temple said if this is approved, we will have a bid the first week of August.

Mr. Raymond asked about plans for sidewalks. Mr. Temple said there is \$45,000 in the budget. We will start to see sidewalk work around the first of August. All streets that were mentioned (except Myrtle) have a base coat of paving and will need a top coat which will require adjustments of all valve boxes; manholes and storm catch basins. The crews that do that work are also the ones that do sidewalks.

Mr. Austin said there are three entranceways: Main Street, Charlestown Road and Washington Street from Newport which is pretty well done. He talked about Main Street and the hill on North Street. Mr. Temple said the intersection of Main and North Streets is a dedicated federal project with an 80/20 split which is scheduled in 2012. Because of that, he doesn't want to put a lot of money into paving the North Street hill. Charlestown Road from Lane Ridge to the Urban Compact has extensive deterioration. Mr. Austin sees it as a priority. Mr. Temple said that road gets 4,000-5,000 vehicles per hour from 7:15 to 9:00 a.m. Mr. Austin asked about sidewalks. Mr. Temple said we have \$45,000 and 45 miles of sidewalk to maintain.

Mr. Goff asked for assurances that Old High Bridge Road is being addressed. Mr. Temple said a patch has been done. There are few houses on the road. The road is concrete so it can't be paved, but they can tear it out to make it a gravel road, however there is no money in the 2008 budget to do that. They will do more maintenance. Mr. Goff asked about the heavy traffic damage to Old Newport Road. Mr. Temple said during the work on the Claremont portion of Route 11, a lot of vehicles were detoured in that direction which was not part of the plans. There are no plans for paving it in this budget year. Mr. Goff said he supports spending the \$261,000 for projects, but asked if it is appropriate to allocate \$378,000 from Fund Balance with winter coming and he asked what it does to the balance. Mr. Santagate said the Operating Budget is for fuel oil, salaries, vehicles, etc. The other account is a reserve account which should not be used to lower the tax rate. This is the right way to use the reserve account (on one time projects). It does not affect the tax rate. There will be \$700,000 left in Fund Balance. We are on target in 2008 for fuel oil. Given no other unusual events in 2008, we'll add \$200,000 to \$300,000 to the Fund Balance in December.

Ms. Messier asked how many miles of road there are. Mr. Temple said 105 paved and 35-40 gravel. Gravel roads are maintained two times a year. Ms. Messier asked how many miles of road we do each year. Mr. Temple said 3-4 miles. Mr. Santagate said to get the roads done, we need to smartly grow the city.

Mr. LaCasse asked about being fiscally responsible so we don't overexpend next year's budget; maybe level-fund the budget. Mr. Santagate said we have control over certain parts of the

budget and he is confident we can do it with a 3% increase, but he's not sure of pension contributions, health care costs and fuel oil. He doesn't think we can responsibly level-fund in 2009. He's looking at a 3% increase (\$300,000) and any new growth. We'll know more in September. Mr. LaCasse asked if it was possible to roll the new growth into a tax reduction. Mr. Santagate would favor it if it is real, not just one-time. That does not include the county or school portions; the City has no authority over those budgets. Mr. LaCasse does not want to see more than 3% including the county and school portions.

Mr. Picard agreed with Mr. Santagate about the \$378,000, but thinks the \$261,000 should go back to the taxpayers. He asked if a small portion of North Street, by Public Works between Bank Avenue and Grandview Street could be worked on, because it is dangerous in the winter. Mr. Temple is aware of that area.

Ms. Messier feels it is prudent to invest in maintenance of roads. Mr. Temple said the rule of thumb has always been to pay \$75,000 per mile and spend \$750,000 per year. For the last two years we have had \$500,000 each year. There will never be enough money to catch up.

Mr. LaCasse asked how much will be done with \$640,000 on top of the \$500,000 already in the budget. Mr. Temple said the \$75,000 figure is just for a shim and overlay. There is a lot more work going on (i.e. in-place recycling, reshaping, regrading and gravelling up shoulders).

Mayor Cutts agreed the roads are a mess, but said Mr. Temple has done a good job with what the Council has given him to work with. She feels the City will not survive if we don't stick with the plan that was made a few years ago.

Mayor Cutts opened the public hearing.

Bernie Folta, Ward 3, asked why we should suffer for Sullivan County's sins. He would like to see three tax bills (city, county, schools) and see them more often. He asked how many feet of sidewalks you get for \$10,000.

Joe Osgood, Ward 2, stressed you can't bail the County out of its 32% increase by maintaining our 3% increase, that will not allow us to properly maintain our roads and it would hide the fact that the County is not being properly maintained. We should continue to run the City as we have. Mr. Temple is doing the road work right. We are on the right track; stay on track.

Mayor Cutts closed to public hearing.

Mayor Cutts read the resolution into the record.

**A motion was made by Mr. Raymond and seconded by Ms. Messier to adopt Resolution 2008-14 Supplemental Appropriation for Capital Infrastructure Improvements in the Amount of \$640,000, Such Funds to Come From Unanticipated Revenue and Fund Balance.**

**Roll Call Vote: Motion carried 6-1 with Mr. Picard voting no.**

Resolution 2008-15 Acceptance of \$731,345 Claremont Municipal Airport Improvement Grant from FAA and Supplemental Appropriation of \$18,284 for City Match, Such Funds to Come From Airport Reserve – Public Hearing

Fire Chief Peter Chase noted he is the only fire chief in New England that is responsible for an airport. Work on this grant started in September. It is a significant safety project; it is to install a 1,400 foot by 35 foot parallel taxiway. It is considered a high priority. The grant will also be used to enhance landing lighting and for an electrical vault upgrade. We have a 2.5% match (\$18,000) to come from the Airport Reserve account (\$156,442 balance) with no impact on the tax rate.

Mr. LaCasse asked why we can't pay for the lights out of the Reserve. Chief Chase said we could, but we keep the money in reserve so we can pay the match that is usually required when we get grants. He noted any time anyone buys an airline ticket, a tax is paid which goes to an airport improvement fund in Washington; that fund has billions of dollars.

Mr. Goff asked about monthly accrual in the Airport Reserve Fund. Chief Chase said it depends on the taxes paid on the land under the buildings on airport property. It will be around \$34,000 in 2008.

Mayor Cutts opened the public hearing.

Bernie Folta, Ward 3, asked if the Airport Reserve is part of Fund Balance and how many reserve accounts there are in the City. Chief Chase said it is a separate account.

Mayor Cutts closed the public hearing.

Mr. Picard asked how many reserve accounts there are. Mr. Santagate said that information is part of the financial report given to the Council each month.

**A motion was made by Mr. Raymond and seconded by Mr. Picard to adopt Resolution 2008-15 Acceptance of \$731,345 Claremont Municipal Airport Improvement Grant from FAA and Supplemental Appropriation of \$18,284 for City Match, Such Funds to Come From Airport Reserve.**

Mr. Raymond read the resolution into the record.

**Roll Call Vote: Motion carried 7-0.**

Motion to Recover Abatement Costs – 12 Cottage Street

Allan Britton, Planning and Development Director, asked for authorization to recover funds, if needed to abate a nuisance on 12 Cottage Street; there was a fire on April 3<sup>rd</sup>. We've tried to

work with the landowner to have the structure removed and the area made safe. The landowner said they will do it and by getting Council approval to attach the abatement costs to the property will help move this forward.

Mr. LaCasse asked if they have applied for demolition permits. Mr. Britton said they have applied to DES (Department of Environmental Services) for asbestos abatement. Mr. LaCasse asked what is blocking the process. Ms. Taylor said the notice to abate was issued. There was no action by the property owner. This motion gives the City the opportunity to file a lien on the property if we do need to take action. We hope they will keep moving forward.

As a follow-up, Mr. Santagate said a bid has been sent out to demolish the Prospect Street property in case the owner does not do it. That will be the same process for this property.

Mr. LaCasse said the Prospect Street property owners lost two buyers because of lack of communication. The Zoning ordinances are conflicting. He would like clarification. Mr. Britton said that under the Codes, when a nonconforming structure has been destroyed, it has to be rebuilt following current Codes. That is the Prospect Street property. Mr. LaCasse said this is the same situation on Cottage Street. Mr. Santagate said the building has to be demolished now and the rebuilding can go before the appropriate board later. This action doesn't preclude application for a variance.

There was a discussion about a nonconforming structure versus a nonconforming use.

Mr. Picard asked about paying for the demolition. Mr. Santagate said the funds will come from Fund Balance and then we will lien the property.

Mr. Goff asked about a formalized process. Mr. Britton said all communications are well documented. Mr. Goff would prefer to see those documents before making a decision. He fully supports this motion.

Mr. Santagate said the City has authority to demolish a building if it is declared a public nuisance. The reason we are here is to lien the property, but we can't do it without Council approval.

Mr. LaCasse asked if the Cottage Street owners were notified of this meeting. Mr. Britton said yes. Ms. Taylor said a notice that the Council is going to consider a lien process is a courtesy; there is no requirement to do so.

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

**A motion was made by Mr. Austin and seconded by Mr. Picard 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 12 Cottage Street, Map 131, Lot 161, which property has been deemed injurious**

**to the public health. Such action may include an order for abatement costs pursuant to RSA 147:7-b.**

**Roll Call Vote: Motion carried 7-0.**

### **CITY MANAGER REPORT**

None

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

Mayor Cutts said there will be a Council tour of the City on August 9<sup>th</sup>. Council was asked for areas to look at.

**A motion was made by Mr. Picard and seconded by Mr. LaCasse to have a special meeting on August 20<sup>th</sup> for the Open Space Ordinance.**

Ms. Messier would like an open forum for land use before taking up this ordinance. She had seen a documentary called "Communities and Consequences" which is about New Hampshire growth. She has been told the person who put the documentary together will be available to facilitate a community discussion. Mr. Santagate said the most important issue is whether to grow the city or not; do we want better paying jobs or not; or are we satisfied where we are. He talked about experts on the consequences of zoning. We have 40 square miles of land in the city. Unless there is a skilled work force, companies won't come. The Open Space Ordinance Committee looked at land use only which is a narrow view, but they did not look at issues before the Council; we also have to look at taxes and who will pay for the roads, water and sewer. He said David Putnam, Chair of the ad hoc committee, and former Chair of the School Board wants a new school, but how will we pay for it. If you grow the city smartly, you can pay for those things. He thinks an open forum is important to which the public, Open Space Committee, and the Planning Board will all be invited. He suggested there should be an open forum before the Council meeting on the matter.

Mayor Cutts said she will not support this going on the agenda in August because the Council does not have the education that it needs. She continues to support the Open Space Ordinance. The Council should hear what City staff has to say. She asked the City Manager to ask City staff to get questions to Mr. Putnam.

**Mr. LaCasse would welcome an open forum. He asked to modify the motion to make it a workshop to get more information.**

Mr. Santagate said he would like to invite people who are working on this throughout the state. He asked the Council to authorize him to contact them and set a meeting. Mr. LaCasse would like that.

**Mr. Picard withdrew his motion as long as momentum continues and there is a meeting in the near future.** When he has a date, Mr. Santagate will contact the Mayor and let her know.  
**Mr. LaCasse withdrew his second.**

**A motion was made by Mr. Raymond and seconded by Ms. Messier to authorize the City Manager to set up a meeting with Community and Consequences and others.**

**Motion carried 7-0.**

Mr. LaCasse asked for clarification about a letter received from Leslie Ellis out of Washington. Mr. Santagate said she had asked for information; was told it would be time consuming and would cost her. She was unhappy about having to pay for it. The information had to be researched; it is not online. Mr. Santagate said he called her and explained that we don't want to put the cost of that research on the taxpayers. She said she would contact the Council about fees charged. She did not get the information because she has not paid for it. Mr. LaCasse read through the letter. Ms. Taylor said the letter is not an accurate representation of the original letter received. We do not maintain that information as she requested it and are not required to create a document where it doesn't exist. Ms. Ellis was notified of the cost. Human Resources produced it and Ms. Ellis was notified the documents were ready, but she didn't want to pay for them. Council can waive the fees, but the question is do you want the taxpayers to absorb the cost of individual requests. This has been set up as a user fee. Mr. Picard said she claimed the cost for the same information from Claremont was 2-3 times higher than other towns. Mr. Santagate said our costs depend on whether or not we have it electronically, but this information had to be researched.

**A motion was made by Mr. LaCasse and seconded by Mr. Picard to ask the City Manager or City Attorney to do a study of what 10 of the larger towns charge per hour and per copies by the September meeting.**

Ms. Messier said every municipality has different staff and software. She thinks the Staff has plenty to do without doing this.

**Roll Call Vote: Motion failed 3-4 with Mr. Raymond, Mr. Austin, Ms. Messier and Mayor Cutts voting no.**

Mr. Goff talked about the County budget fiasco. He said the Council must become a unified voice in opposition to what is going on in the County. At the County convention, the Delegation had deliberations outside public view. LGC's (Local Government Center) response was that the Delegations actions affect the municipality, not individual citizens. If anything is to be done to create awareness it has to be done on behalf of the Council and through the City Attorney.

**A motion was made by Mr. Goff and seconded by Mr. Raymond to request the City Solicitor for the City of Claremont to commence a discovery process in conjunction with the New Hampshire State Attorney General or her designee to further investigate the legalities of the private meetings and deliberations undertaken by the Sullivan County**

**Delegation of the State Representatives. Whereby the result of these deliberations and discussions have a direct financial impact on the citizens of Claremont, we the City Council of Claremont find it incumbent upon us to ensure the process and practice is legal, ethical and in the best interest of the public.**

Mr. Austin would support this motion. Ms. Messier agreed with Mr. Goff. Although she was wary of policing procedures for another group, she would vote in favor. Mr. Goff said Claremont is the second largest community in the County and we will feel a significant impact.

Mayor Cutts agreed with Messier and noted that a referral to the Attorney General can be done by Council without having the City Solicitor do it. She asked for a modification that the inquiry would be done by the Council. Mr. Goff said the feedback from the LGC was that a nonpolitical position would have a greater chance of resolution.

Mr. LaCasse is interested in getting Sunapee to join us. Mr. Goff has talked to the Sunapee Selectboard and they are in favor of joining this effort. He suspects they will make a similar request. Mr. LaCasse thinks we should engage them in this project and see what their position is and maybe do it jointly. Ms. Taylor said she would only be able to write a letter on behalf and at the direction of the City Council. She agreed the Council has the standing to make a request as opposed to individual taxpayers. She is not sure she has authority to do that unless it is done at the request of the City Council and then it becomes a political statement. Mr. Goff said a unanimous request of the Council is different than if done individually. We need to bring the County back in line and this is one step toward doing that. We need to know if what they are doing is legal and he wants to bring it to the public notice. Ms. Taylor said she does not have the authority to send a letter to the town of Sunapee. Mr. Santagate said he can talk to Sunapee.

Ms. Taylor said she would need additional information and details. Mr. Goff will be happy to meet with the Mayor, City Manager and Ms. Taylor to give all the information he has.

**Roll Call Vote: Motion carried 7-0.**

## **COMMITTEE REPORTS**

### Open Space Ordinance Committee

None

### Master Plan committee

None

### School Reinvestment Committee

Mayor Cutts said this would be done by the end of summer and she would request a joint meeting then.

**CONSULTATION WITH LEGAL COUNSEL**

None

**ADJOURNMENT**

**At 11:42 p.m., a motion was made by Mr. Raymond and seconded by Mr. Picard to adjourn.**

**Motion carried 7-0.**

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council