

The Claremont City Council held a meeting on Wednesday, October 14, 2009, in the Council Chambers of City Hall.

Mayor Cutts read a message explaining that some Comcast customers were able to hear her, but not see her. She read the directions to correct the problem.

The meeting was called to order by Mayor Cutts at 6:31 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 I Councilor Christopher Lewis
Ward III Councilor Jeffrey Goff

Also present were:

Guy Santagate, City Manager

MAYOR'S NOTES

Stevens High School Student Council Update

Shane Kochvi, Stevens High School Council, said they met with the architect for the new high school. Tyler Dillehay has been voted Student Representative. He talked about Spirit Week, Peace One Day and the banner contest; costume dance on October 24th; open mike night in November; NECAP testing and PSAT tests.

Mr. Lewis congratulated the Earl Bourdon Center; it was their 30th anniversary and the 40th anniversary of the Congress of Claremont Seniors. In the future, one of the biggest issues for senior citizens will be to make sure there is enough housing for them in Claremont. There is a 50-person waiting list at the Bourdon Center. Community leaders need to support them in the future.

Mr. Austin echoed Mr. Lewis' comments. Mr. Austin noted the Chili Cook-off was a success in spite of the rain. The play on Pleasant Street was special to see. He attended one of the rallies.

Mr. Raymond asked citizens to check out the work being done at Lowes. The building is going up and the parking lot has been paved. He thanked them for the field work they did in Monadnock Park.

Mr. Goff said WMUR, Channel 9, did a story on September 29th about the Governor's Jobs Cabinet meeting. He read a positive story from the WMUR website about Claremont. The state may be able to offer job assistance.

Mayor Cutts read a proclamation for the Tiger Shark Swim Team. Mr. Raymond thanked all the parents of the swimmers for all they do. The state swim meet is now held in Claremont.

Mayor Cutts read a proclamation for Christopher M. Mudgett, who was honorably discharged from the Claremont Police Department due to an injury he received in the line of duty. Police Chief Alex Scott said the Police Association appreciated the Mayor reading the proclamation at the celebration dinner for Mr. Mudgett.

Mayor Cutts read a letter from Department of Resources and Economic Development Commissioner George Bald commending Claremont on its progress.

Mayor Cutts read an October 9th letter from Johnny Stankevich in reference to the tax cap petition. Mr. Stankevich asked to have his name removed from the tax cap petition. Mayor Cutts also read an October 9th letter about the tax cap petition from Lynda Stankevich, asking to have her name removed from the tax cap petition.

Ms. Messier asked about the process for removing names from petitions.

There was discussion about the three petitions that the City had received recently (request for 30% budget cut, counter to the 30% cut and the tax cap petition). Mr. Santagate said there were people who had requested their names be removed from the petition to cut the budget by 30%. The petition for the tax cap has gone to Superior Court and that may change how names are removed. Mr. LaCasse said there was no action taken on the petition to counter the 30% budget cut. Mayor Cutts said the Council had accepted it.

Mr. Picard said council did not get a copy of the counter petition from Roger Formidoni. Mayor Cutts asked the City Manager to make copies for the Council.

A motion was made by Mr. Picard and seconded by Mr. LaCasse to direct the City Manager to request the City Solicitor to find out what should be done to remove the Stankevich names from the tax cap petition.

Mayor Cutts asked if Council objected to allow Mr. Stankevich to speak on this complaint only and then others could speak under Citizens Forum. Mr. Picard objected. He felt all citizens should be able to speak about this as well.

Roll Call Vote: Motion carried 9-0.

Johnny Stankevich asked Council to go forward with this. If there are questions, Mayor Cutts and the City Manager have his phone number. He said he was misled on the petition and was disappointed with himself for signing it.

Mr. LaCasse asked how Mr. Stankevich was misled. Mayor Cutts said he can contact Mr. Stankevich directly and offered Councilors a copy of the letters if they wanted.

REPORT OF THE SECRETARY

A motion was made by Mr. Picard and seconded by Mr. Batchelder to accept the minutes of the September 9, 2009, City Council meeting.

Roll Call Vote: Motion carried 9-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Claremont Development Authority

Mr. Raymond nominated Alan Spahr to seat #8 of the Claremont Development Authority.

Roll Call Vote: Motion carried 9-0.

Fiske Free Library Board of Trustees

Mr. Goff nominated Joan Spahr for re-appointment to seat #1 of the Fiske Free Library Board of Trustees. Ms. Messier seconded.

Roll Call Vote: Motion carried 9-0.

Upper Valley Lake Sunapee Regional Planning Commission

Mr. Raymond nominated Dennis Dube to seat #1 of the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC).

Roll Call Vote: Motion carried 9-0.

Ms. Messier nominated John Robert Marini to seat #3 of the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC).

Roll Call Vote: 8-1 with Mr. Raymond voting no. Mr. Raymond misunderstood some paperwork that was in front of him and after discussion, asked to change his vote to yes. Motion carried 9-0.

Bernie Folta, Ward 3, said when Mr. Marini's name came before the Planning Board, Mr. Folta questioned whether or not Mr. Marini was a good match. Mr. Folta is on the UVLSRPC. It is a highly visible and complex situation. He has since spoken to Mr. Marini and thinks he will do fine. He welcomed Mr. Marini as a fellow commissioner.

OLD BUSINESS

November Council Meeting will be Thursday, November 12th

The second Wednesday of November 2009 is a holiday (Veterans Day). In accordance with Council Rules, the meeting will be changed to the next Thursday which is November 12th.

Social Services Distribution

Mr. Austin said the Social Services budget was cut from \$30,000 to \$20,000.

Organization	Amount Requested	Amount Recommended
Claremont Dental Initiative	\$8,000.00	\$2,500.00
Claremont Lions Club	\$1,300.00	\$1,000.00
Claremont Soup Kitchen, Inc. & Food Pantry	\$5,000.00	\$3,000.00
Community Alliance of Human Services, Family Services Department	\$5,000.00	\$1,000.00
Community Alliance Transportation Services, Inc.	\$6,000.00	\$2,000.00
Community Alliance Trusting Hands Home Health Care	\$1,500.00	\$1,000.00
Connecticut Valley Home Care	\$6,000.00	\$2,000.00
Families In Transition, Claremont School District	\$718.56	\$500.00
Headrest	\$2,000.00	\$500.00
Southwestern Community Services, Inc.	\$5,000.00	\$1,500.00
Sullivan County Hospice, Inc.	\$5,000.00	\$1,000.00
Sullivan County Nutrition Services	\$5,000.00	\$2,000.00
West Central Behavioral Health	\$2,000.00	\$2,000.00
	\$52,518.56	\$20,000.00

Ms. Messier said she worked with one of the groups that had applied and recused herself.

Mr. Picard asked about the organizations' use of the money. Mr. LaCasse said he had the applications available for Mr. Picard to read. Mr. LaCasse said the Lions Club request was for 10 pairs of eyeglasses.

Mayor Cutts thanked Mr. LaCasse and Mr. Austin for serving on that committee.

Mr. LaCasse noted \$52,518.56 was requested with only \$20,000 to spend. He read the amounts each organization had requested.

A motion was made by Mr. Picard and seconded by Mr. Lewis to approve the recommended amounts to the organizations listed.

Roll Call Vote: Motion carried 8-0.

Ms. Messier returned to the Council table.

New Community Center Update

Mr. Santagate said this is not a City project. The New Community Center for Claremont (N3C) established itself as a 501(c)3 corporation. The City advanced them \$1 million for the project. The board was unable to be here tonight, but Mary Walter, Finance Director, would update the Council on the expenditures. Mr. Picard asked if it would be more prudent to table the discussion until the board could be here. Mr. Santagate said Ms. Walter could do the financial update now and then the board would be invited to speak in November.

A motion was made by Mr. Picard and seconded by Mr. LaCasse to table the discussion until the New Community Center board was present to make the presentation.

Roll Call Vote: Motion failed 2-7 with Mr. Batchelder, Mr. Raymond, Mr. Austin, Ms. Messier, Mr. Lewis, Mr. Goff and Mayor Cutts voting no.

Ms. Walter said the expenses to date are: Land/Building Development/Design \$480,678.33; South Street Property Acquisition (including legal and survey work on the property) \$237,123.56; Fundraising Firm \$82,098.57; Registration/Administration/Miscellaneous \$4,033.55; Advertising/Printing/Postage \$2,255.45. The group has gone out for a design build. They have a not-to-exceed construction budget of \$9 million. There is \$125,000 left for the design build portion of the permitting process.

- Claremont Community Center budget and Fundraising Summary
 - Total Estimated Project Cost
 - Construction Proposal (Hutter) \$8,395,000
 - Additional Construction Imp (2nd pool & upgrades) \$505,000
 - Land Purchase – Rourke Residence \$237,000
 - Land Purchase – Possible White Residence \$150,000
 - Prior Costs \$202,380
 - FFE Budget (Furniture, Fixtures & Equipment) \$380,000
 - Construction Contingency \$100,000

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▪ Land (Claremont Savings Bank)	<u>\$30,000</u>
○ Total Estimated Project Cost	\$9,999,380
○ Required cash needed to fund the project	
▪ Total Project Cost	\$9,999,380
▪ Less City of Claremont Contribution	-\$1,000,000
▪ Claremont Savings Bank (CSB) Challenge	-\$3,000,000
▪ Less Cash Donations Against Challenge	-\$640,810
▪ Less Tax Credit Income from Sales	-\$198,000
▪ Less In-Kind Donations	<u>-\$235,000</u>
○ Remaining Needed to Fund Project	\$4,925,570
○ Claremont Savings Bank Challenge	
▪ Less Donations Against Challenge to Date	-\$640,810
▪ Less Tax Credits Against Challenge to Date	-\$147,500
▪ Less In-Kind Value	<u>-\$235,000</u>
○ Balance of Donations Needed Against Challenge	\$1,976,690
○ Tax Credit Status	
▪ Available Tax Credit to be Sold	\$600,000
▪ 2009 Tax Credits Sold	-\$100,000
▪ 2010 Tax Credits Sold	<u>-\$147,500</u>
○ Remaining Available Tax Credits to be Sold	\$352,500
○ Cash from Tax Credit Sales	
▪ Cash from 2008 Sales for Year 2009	\$80,000
▪ Cash from 2009 Sales for Year 2010	<u>\$118,000</u>
○ Total Cash from Tax Credit Sales	\$198,000
○ In Kind Value	
	\$235,000

Mary Walter said almost 50 cents on the dollar has been raised. Mr. Santagate said almost half of the project is in private dollars toward a public project. One of these days, the City needs to decide to go forward with the project or give the \$3 million back to the Claremont Savings Bank (CSB). Ms. Walter said the goal of the committee is to fundraise the money. The Goodwin Community Center needs repair and each year they ask for \$1.5 to \$2 million to do that. A lot of repairs are needed because of increased life safety codes.

Mr. Austin asked for a report on the condition of the Goodwin Community Center in November in addition to a report from the N3C.

Mr. Goff said he was involved with the N3C until a year ago when he stepped down due to time constraints. He said he would be willing to answer questions. Options are to reinvest in the current structure (limited growth potential), call off the project and give the money back, or stay the course. He would like to see where the community stands. He asked if we could hold a public hearing next month. Mayor Cutts is not opposed to that.

Mr. LaCasse said there are four budget meetings next month and would rather not hold an additional meeting. Mayor Cutts said the Community Center board would be invited to the regular November meeting. Mr. LaCasse said there should be a minimum of other things on the agenda. He asked if we had the deed on the land from CSB. Mr. Santagate said he didn't know if the deed had been recorded. The land is on the corner of South and Broad Streets. Mr. Santagate said the land is separate from the \$3 million. Mr. LaCasse asked Mr. Santagate to clarify the deed recording for the next meeting.

Ms. Messier agreed she would like to hear from the public. The project was started based on a 10 year old survey and we have an old community center that is dilapidated.

Mr. Raymond asked about putting the issue on the November ballot. Ms. Walter said it is too late. Mr. Picard asked if it could be placed on the school ballot in March. Mayor Cutts asked Mr. Santagate to talk to the schools. She encouraged Mr. Picard to talk to the schools as well.

Bernie Folta, Ward 3, suggested ways of gauging citizen input. Public hearing is the old fashioned way; senior citizens don't like to go out in winter. A survey is better. Wording would be an issue on a ballot.

Steve Raymond, Ward 1, encouraged the Council to hold off until we find out what happens with the school remodeling vote. He is for the school system. He is against this for that reason.

Levi Sanders, Ward 1, restated of the \$3 million donated by Claremont Savings Bank (CSB) that we are required to match it or give the money back. Mr. Goff said the match could be in-kind services or cash donations. Mr. Sanders said \$1 million was from the City. He asked if people will have to pay more taxes as a result of this. He thinks the public hearing should have been done a long time ago. He asked if the project does not go through, can we get the \$200,000 that is left from the \$1 million. Mr. Santagate said the effort began in 1999 with an elaborate survey. For the money, we have the site and architect drawings in a great recession. CSB has been patient as far as requiring the match to be raised within 36 months; the 36 months has long gone. If we give the \$3 million back, it could be gone for good. Mr. Sanders said his child uses the indoor swimming pool, so he asked if we can have indoor swimming if this doesn't go through.

Mr. Raymond said to Mr. Sanders that the project may be able to be done in phases. In reference to the economic times, right now the prices are cheaper. Hopefully we can get the money we need while the prices are low.

Mr. Picard asked if the CSB is keeping the money in escrow. Mr. Santagate said the money has been set aside for the New Community Center although he didn't know what kind of account was used.

Mr. Goff said the assumption is that the balance of this project is coming from private funds. The \$1 million from the City is the only public money being discussed in the fundraising. They are not using public funds to finish this. Public input was received with the survey, a public hearing was done in 2005 and some were done before that. The million dollars was not all given at once; \$100,000 was given and once certain standards were met, the rest was given and that included a public hearing. He encouraged more participation during the next public hearing.

Paul Bonneau, Ward 1, asked if the only money being spent is City money. Ms. Walter said the \$100,000 was spent for design work. The design build is for under \$9 million. The project has received donations and pledges and the total spent is \$800,000. There is no delineation of what pot it comes from. Mr. Bonneau asked if the project doesn't go through, how much the City gets back. Ms. Walter said there is another \$150,000 committed, so essentially the \$1 million is spent. We have the site and the bid documents. The community said it wanted a community center. Mr. Bonneau would have liked the City to have been the last to spend money. Mr. Santagate asked if we should have spent private money on a public project first and Mr. Bonneau said yes.

Mr. LaCasse asked if the house that is on the parcel purchased by the N3C is being rented and where the proceeds go. Mr. Santagate said to the 501(c)3. Mr. Santagate said this is not unusual and referred to the track being set up as a 501(c)3; the work was done and then it was turned over to the City. He wanted people to understand the \$3 million could go back to CSB. Mr. LaCasse asked about taxes on the house and Mr. Santagate said they will still pay taxes until it is demolished. Ms. Walter said at some point the house will have to be moved or demolished and some of the rent money will have to go toward that. Mr. Goff said the N3C wanted to make it into a rentable property for income to help with operating expenses.

Mr. Sanders said the City paid \$225,000 for a house that was assessed at \$113,000. He questioned why the City paid so much for a house and if it is City property, why doesn't the rent go to the City. Mr. Santagate said the project was set up as a 501(c)3 because private donors prefer to donate to them versus the City. The non-profit corporation is in charge of the operation and when the project is complete, the City will accept it and then manage it. Mr. Goff said the sale involved the lot with the house and the lot behind it. N3C had two appraisals and then took an average. They needed to make it a net zero closing because the owner had to move. Mr. Picard asked if there was a formula for this transaction. Mr. Goff said there is no formula, but they use standard costs.

CITIZEN'S FORUM

Tom Burnham, Ward 3, thanked the Council and City Manager for the "shot in the arm" at Arrowhead Recreation Center. They just put in a water system that offers 60 gallons per minute for 3 hours for snowmaking. He talked about the 1980s when he worked in Public Works. He gave kudos to Bruce Temple; with the water plant upgrade, the water quality in Claremont is as good as any in the northeast. The Council is working to improve the City. For three years the budget has been level funded and things have gotten done. Seventeen positions are gone to save money. The Mills used to be worth \$2 million and now are worth \$18 million which adds to the Grand List. Because of that he wants to keep this Council.

Brian Rapp, Ward 2, spoke on behalf of Firefighters Local 1571. He said their members support the direction of the City. In reference to the Council races, one side wants to move the City forward and the other wants to move backward. One group had made a request for a 30% budget cut and then a tax cap. These actions would create problems providing services to the community. There has been a questionnaire seeking a budget cut of 30% - 60%. Apparently this group wants to cut services. This group is calling for volunteers to run the Library, Planning and Development, Parks and Recreation, and the Fire Department. The City can't run on volunteers only. You can't cut services and still bring in jobs and growth that would lower our taxes. The

Firefighters union supports candidates that will fight for the services and support a full-service City.

Lynda Stankevich, Ward 1, said in reference to the tax cap, the 2005 tax rate was \$35.15 and today it is \$32.59 which is a \$2.50 per thousand decrease in taxes. We don't need a tax cap. This council has done a great job and kept taxes low. We need to be realistic, don't expect taxes to get lower than this.

Norman Lessard, Ward 2, spoke in reference to the tax cap and election. We are Claremont, not Franklin, Laconia, Nashua, etc. We don't know if their infrastructure was as bad as Claremont's was 10-15 years ago. We are where we are today because our infrastructure has been worked on. If the tax cap gets voted in, we might as well close the doors of the City. With the tax cuts proposed by Cynthia Howard's group, the City would be a ghost town. He urged citizens to vote for the following people because they are for Claremont: Mayor Deborah Cutts, Assistant Mayor Andy Austin, Ward 1 Victor Bergeron, Ward 2 Keith Raymond, Ward 3 Nick Koloski, At-Large Adam Burke, Jeff Goff, Chris Lewis and Kyle Messier. Vote no on the tax cap.

Steve Raymond, Ward 1, talked about the safety at Monadnock Park. He said there were guard rails at the bottom, but it still needs No Parking signs as you go up the hill to the Chestnut Street entrance/exit. Also, he talked about the fact that it was mentioned at the Chili Cook-Off that Mr. Santagate was for the tax cap.

Bernie Folta, Ward 3, said in reference to the Stankevich letters. According to the City Code the solicitor is the advisor to the Council. He got a signature on the petition after the City Clerk received it and he wanted to add it. He wished there was a motion, not just about deleting, but also about adding names. Mayor Cutts said she would be happy to introduce that discussion. Mr. Folta said there were three petitions, two were advisory. The third is a legal process. He said the budget is due to the Council November 1st. Mr. Goff said it is actually due November 2nd. Mr. Folta asked about having public input during each deliberation or at the end. He asked if the Council has authority to modify individual line items or just section heading.

Paul Bonneau, Ward 1, said the Stankevichs should petition the AG's (Attorney General) office to take their names off the petition at no cost to the City. He doesn't think any candidate wants the City to go backward.

Johnny Stankevich, Ward 1, turned the letters in to the City Council, because that is where he was told to. He pays his own way.

Mayor Cutts talked about the three petitions and the tax cap petition requires a certain number of signatures. That is why removal of the signatures is an actionable item by the Council.

Mr. Picard asked for a clarification about tax cap versus spending cap. Mr. Santagate said they are interchangeable per the Tax Advantage Coalition. They are the ones that wrote the tax cap petition.

Levi Sanders said it is confusing that Mr. Santagate signed the tax cap petition and that he wouldn't hurt City services. Mr. Santagate said you have to distinguish between a tax cap and a 30% budget cut. Mr. Sanders said the argument that Claremont wants to go backward is absurd. To ensure people know what is going on, put it on the website. Bring more people into the political equation and allow them to call in to meetings. We can't afford taxes to go up so we have to have a discussion about how to reduce taxes. He said he was working with Representative John Cloutier on reducing property taxes \$500-\$750 for people who make less than \$25,000 a year.

Tom Burnham, Ward 3, talked about Arrowhead Recreation area and that it is run by volunteers. Mr. LaCasse asked about the cost for a season pass. Mr. Burnham said they don't have one yet due to the unpredictability of the weather, but they do have a discount coupon.

Steve Raymond, Ward 1, asked for a response about parking in Monadnock Park. Mr. Santagate said the information went to the Traffic Advisory Committee. Police Chief Alex Scott said it is being monitored and if needed, signs will be posted.

Mr. LaCasse asked Mrs. Stankevich about the difference in her tax bill for 2005 versus 2009. Mayor Cutts cautioned that is a personal question. Mr. Santagate said Claremont's average tax bill is in the middle of the state and when looking at full service cities around the state, Claremont is in the lower 25% of the tax burden. Mr. LaCasse said his point is that the valuation is higher therefore the rate is lower.

Ordinance 510 No Left Turn from Washington St. to Skatepark – Second Reading – Public Hearing

The purpose of this proposed change is to authorize limitation of left turns from westbound traffic on Washington Street into the Sara Smith Riverside Park, 43 Washington St. The intent of this limitation is to reduce traffic conflict near the intersection of Washington, North and Broad Streets, which has increased since the opening of the new skateboard facility. Concern over this issue was part of the discussion at the time of Planning Board review of the Park; however, only the City Council, not the Planning Board, has the authority to limit turns on public ways.

Enactment of this Ordinance will help improve the safety of the Washington Street corridor and is recommended by the Traffic Advisory Committee.

Police Chief Alex Scott said this had been recommended by the Planning Board. He said this will provide a safer entrance and exit from the Skatepark.

Mr. Goff read the ordinance into the record.

A motion was made by Mr. Goff and seconded by Mr. Picard to adopt Ordinance 510 No Left Turn from Washington St. to Skatepark.

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

Roll Call Vote: Motion carried 9-0.

NEW BUSINESS

Acceptance of Crossing Signal at Market Basket from Sullivan County ATV Club

Withdrawn

Ordinance 511 No Right Turn on Red, Market Basket – First Reading

The purpose of this proposed change is to authorize limitation of right turns on red north on Charlestown Road at its intersection with Maple Avenue, south on West Pleasant Street at its intersection with Maple Avenue, and from the exit of the Market Basket shopping plaza into eastbound traffic on Washington Street. The intent of this proposed change is to generally update the provision. The proposed limitation on right turn on red from the Market Basket Shopping Plaza is to reduce traffic and pedestrian conflicts resulting from upgraded crossing signals that will accommodate pedestrians, ATVs (All Terrain Vehicles) and snowmobiles at this intersection. The proposed ordinance also updates the section by correcting statutory references and deleting limitations that no longer apply.

Enactment of this Ordinance will update the Claremont City Code regarding no right turns on red, help improve the safety of the Washington Street corridor and encourage use of a safe highway crossing by pedestrians, ATVs and snowmobiles. The proposed ordinance is recommended by the Traffic Advisory Committee.

Police Chief Alex Scott said this is part of the crossing signal project at Market Basket. This will allow pedestrians and/or ATVs to cross safely at that intersection.

Mr. LaCasse asked how many accidents there have been at that intersection. Chief Scott said there is no pedestrian signal at that light, so there have been none. This will ensure vehicles will not be moving when pedestrians/ATVs have the crossing signal. Chief Scott said he is currently reviewing other intersections to see if changes are needed.

Mr. Picard asked about the ATV crossing. Chief Scott said it is dual purpose, ATVs and pedestrians. Currently there is no pedestrian crosswalk at that end of Washington Street. This will use the light system that is already in place. There is no restriction at the K-mart light.

Mr. Goff read the ordinance into the record.

A motion was made by Mr. Goff and seconded by Mr. Lewis to adopt Ordinance 511 No Right Turn on Red, Market Basket on first reading.

Roll Call Vote: Motion carried 8-1 with Mr. LaCasse voting no.

Mr. LaCasse said he has gotten complaints about No Right Turn on Red on Maple Avenue. People want the Right Turn on Red reinstated. Chief Scott said there has been a marked reduction in motor vehicle accidents at that intersection because of the No Right Turn on Red.

Acceptance of Three \$4,900 Safe Routes to School Grants

Chief Scott said these are separate grants for each of the elementary schools (Bluff, Disnard and Maple Avenue). They provide \$3,000 of planning money for Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) to encourage walking and biking to schools to help reduce traffic congestion. The results of that study would allow us to apply for infrastructure grants that those studies recommend. The remaining \$1,900 would provide education and encouragement for walking and cycling to school. The overall goal is to reduce the number of vehicles going to the schools.

Mr. LaCasse asked if there is a match required. Chief Scott said no; the City has to show its commitment to walking and bike riding to school and we have done that.

A motion was made by Mr. Batchelder and seconded by Mr. Picard to accept three \$4,900 Safe Routes to School Grants.

Roll Call Vote: Motion carried 9-0.

Approval of Application for Sugar River Transportation Path Grant

Bruce Temple, Public Works (PW) Director, said because of the timing, this grant has already been applied for. A presentation was made to the UVLSRPC TAC (Transportation Advisory Committee) of which he is a member. He applied for a grant through the 2009 NH DOT (Department of Transportation) Enhancement program. He is working with Parks and Recreation to put in a path in at a small park on the side of Esersky's bridge, going up Elm Street, to Spring Street, down Maynard Street, interconnect with existing walkways and paths and put in sidewalk improvements at the Visitors Center and the path will end at the skateboard park. We already have some things in place such as the pedestrian bridge (financed heavily by NH DOT and Transportation Enhancement funds). He has applied for \$721,200. The grant would be \$576,200 because of an 80/20 split. The City can use soft matches (i.e. PW do some of the work). He asked Council to endorse this. If successful (he'll know in December), he'll come back to the Council to accept. Of the 20% soft match, PW can come up with almost all of it.

Mr. Austin asked about additional parking and lighting. Mr. Temple said there would be 15 parking spaces throughout the trail and lighting would be so people will be able to walk at night. The lights will match what we have.

Mr. LaCasse asked if this will take away from paving roads and sidewalk replacements. Mr. Temple said no.

There was discussion about historic and archeological studies. When working with NH DOT funds, historic and archeological studies need to be done. If there is a finding, it is encumbered by the grant.

Mr. Batchelder asked about maintenance and upkeep. Mr. Temple said Public Works will do it.

A motion was made by Mr. Lewis and seconded by Mr. LaCasse to endorse the application for Sugar River Transportation Path Grant.

Roll Call Vote: Motion carried 9-0.

Freedom Memorial Brick Walk

Gary Trottier, Ward 2 resident and President of Heart of Claremont Association, introduced himself and Bob Weaver who is Vice President. The group is requesting to use brick pavers around the fountain in the "bullpen" and to call it the Freedom Brick Walk. They will sell memorial bricks with contributions going to Heart of Claremont. The bricks would be reserved for any person who has given military service. The money raised would be used by Heart of Claremont downtown projects.

Bob Weaver, Ward 2, said the money received from the donations of the brick walk around the Brown Block last year city was used to donate a van to the Sullivan County House of Corrections, brush clearing at Arrowhead, planting and watering flowers at the bullpen, roadside clean up, moving the Main Street Claremont office from the Moody building, snow shoveling on Pleasant Street and in the Square, weeding downtown, hanging Christmas lights for a total of 2400 hours in Claremont. The main focus for this money will be to clean up some of the broken bricks and clean up some downed trees.

Mr. Raymond asked about the cost of the bricks. Mr. Weaver said \$14.50 for one line, \$15.50 for two lines, and \$16.50 for three lines. There are 450 bricks.

Mr. Goff asked if this group is a non-profit 501(c)3. Mr. Weaver said yes.

Mr. Lewis asked how to contact this group with a donation. Mr. Weaver said their Post Office Box is 51, Claremont.

A motion was made by Mr. Goff and seconded by Ms. Messier to authorize the City Manager or his designee to enter into an agreement allowing permission for a Memorial Brick Walkway to be made around the fountain in the downtown bullpen on land owned by the City and further to allow the sale and installation of said bricks by the Heart of Claremont Association, Inc. with no expense to the City.

Roll Call Vote: Motion carried 9-0.

Fire and Medical Response Update

Postponed.

Adoption of Identity Theft Policy

Finance Director Mary Walter said this is to cover potential of fraud in the Water and Sewer Departments and other areas of the City.

A motion was made by Mr. Raymond and seconded by Mr. Austin that the Claremont City Council, pursuant to federal regulation, 16 CFR 681.2, and the “Fair and Accurate Credit Transactions Act of 2003,” hereby adopts the City of Claremont Identity Theft Prevention Program and authorizes the City Manager or his designees to take such actions as may be necessary to implement said Identity Theft Prevention Program in accordance with applicable federal and state law and regulation.

Roll Call Vote: Motion carried 9-0.

Extension of Cable Franchise Agreement

Ms. Walter said a three month extension had been granted earlier. There was a ruling in the City’s favor as far as tax implication issues for right-of-way and transportation lines and Comcast has appealed. The City is asking for another three-month extension until January 11, 2010, or until an agreement is reached.

Mr. Picard asked, without this extension, if this could affect CCTV’s (Claremont Community Television) ability to air its programs. Ms. Walter said yes.

A motion was made by Mr. LaCasse and seconded by Mr. Batchelder to extend the Cable Franchise Agreement until January 11, 2010, or until such time franchise agreement is reached.

Mayor Cutts asked about different rates for elderly housing developments. Ms. Walter said there is a bulk rate agreement available with Comcast. Property owners would have to allow Comcast to run cable lines on their property. Some owners have not wanted to do that.

Bernie Folta, Ward 3, asked about a conflict between the City and Comcast, also if it is an Assessment issue, is the City’s money at risk in that appeal. Ms. Walter said there are issues about language in the agreement. Mr. Santagate said the argument is about taxing right-of-ways.

Roll Call Vote: Motion carried 9-0.

CITY MANAGER'S REPORT

Mr. Santagate gave an update about the compromise that was reached about the Neilsen and Bonneau properties on Bank Avenue. All parties have agreed and the work can be handled in the current budget. The issues have been resolved Mr. Picard asked for a timeframe to start. Mr. Temple said Monday morning. Mr. Santagate said that if there are any money issues, the City will bring that back to the Council before December 31st.

Mr. LaCasse asked why Mr. Santagate brought the idea of a tax cap to Claremont. Mr. Santagate said to air out the possibilities. Property tax is regressive, unpopular and not related to income. Claremont has had a self-imposed tax cap at 3% or under. That is not site specific, which means it doesn't apply to each home. It's for the amount to be raised. This past revaluation was revenue neutral. Since he has been here, only two of those years the City went over the 3% increase; in 2002 or 2003 by Council request and after the revaluation in 2006, the City took some money into the General Fund that was over 3%. Since 2006, there have been 0% increases (2007, 2008 and 2009) on the City's tax rate (not the schools or county). So, last December, he brought up a tax cap to be explored and let people decide what they want to do. That issue is being complicated by a suggestion of a 30% cut in taxes, which is a different situation. Mr. LaCasse asked about implementing a tax cap. Mr. Santagate said it would be up to a future Council to decide. This proposal would cap just the City and not schools. You can't do the City without capping the other entities. He originally thought it was to cap all entities.

Mr. Picard said the 30% tax cut was nonsense. He asked why every time there is a revaluation, certain properties are out of sync. Mr. Santagate said there are cycles. There are three ways to value property and the City uses the sales approach; using the sales from the prior 12 months. Commercial/industrial and residential properties move at different rates. The state wants properties to be assessed at between 90-110%. We were at 82% even after the 2006 revaluation. We brought those up to mid-to-high 90s. If there are any questions, he encouraged people to come to the Assessor; if denied then they can appeal to the state. Mr. Picard asked what can be done internally to avoid the swings. Mr. Santagate said before the 2003 revaluation, it had not been done for 20 years. We got clobbered because it hadn't been done for so long. Mr. Raymond agreed with Mr. Santagate; he owns three parcels, one went up, one went down and one stayed the same. Mr. Santagate said the City will try to update 20% of the properties each year.

There was a discussion about the tax cap and cutting the taxes by 30%. Mr. Raymond noted that some of the other communities have capped the cities and the schools. Claremont would only be able to cap the City.

Mr. LaCasse said the City has been operating under a self imposed cap, so what difference would a tax cap make on how we operate. Mr. Santagate asked the question, can a petition of voters change legislative directives. This will go to the Supreme Court. The Legislature describes the duties of a City Manager in the budgeting process and that is to devise a budget that he/she believes is in the best interest of the City.

Mayor Cutts talked about the City of Franklin's tax cap and an economist's report. Mr. Santagate said economist Brian Gottlob [author of "Are Local Government Tax and Expenditure Limitations a Race to the Bottom?"] terms the tax cap as a "race to the bottom" and that Franklin has not grown.

Mr. Picard noted that Mayor Merrifield, Franklin, had never laid off anyone in 19 years.

Mr. Santagate said Claremont's overall tax rate for 2009, effective in November went from \$32.59 to \$30.45; a reduction of \$2.14 or 7%. City \$12.93 to \$11.86, reduction of \$1.07 or 8%; county \$2.99 to \$2.93, schools \$14.09 to \$13.22, reduction of 87cents, state school tax rate \$2.58 to \$2.44, reduction of \$.14 or 7%. It would be a mistake to cap taxes or level fund and not make infrastructure investments. We were able to accomplish what we did because we had 17 less full-time employees and 4 less part-time employees than in 2001. Departments are understaffed, but he never heard that as a reason for not doing things.

Mr. Picard asked even though the tax rate is lower, could some people see a higher tax because of the revaluation. Mr. Santagate said yes, if they were underassessed or added value to the property, they could pay more taxes.

Bernie Folta, Ward 3, said of the Gottlob report that he didn't see references listed in the report, so he is suspicious of it. He noted Mayor Merrifield won another term and that the people of Franklin seem to like the tax cap.

Victor Bergeron, Ward 1, talked about the tax cap meeting that was held in January and that the speakers, including Mayor Merrifield, warned that all entities should participate in a tax cap or it wouldn't work. He noted Franklin voted to override the tax cap this year.

Steve Raymond agreed with Mr. Bergeron. The City is an easy target; the others (schools and county) are more difficult.

Nick Koloski, Ward 3, said Claremont doesn't compare to Franklin, so the comparisons are not relevant to him.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Austin said a lady who lives at Marion Phillips Apartments asked for a crosswalk there. Also, there is a parking problem on Myrtle Street and fire trucks can't get by. Mr. LaCasse said the parking problem is across from the chiropractor, not in front of the chiropractor. Lines used to be painted on the road indicating no parking for 15-20 feet from that corner; that is probably all that is needed. Mr. Lewis said the problem is right in that intersection. During busy times of the day, it is almost impossible to safely cross that intersection. He would like the Traffic Advisory Committee or Police Department to look at it. Mayor Cutts asked Mr. Santagate to look into it.

Mr. LaCasse asked for the responsibilities of the City Manager and the Mayor from City Solicitor Jane Taylor.

Mayor Cutts asked for an update of the New Community Center in November.

Mayor Cutts talked about the budget hearing schedule and process. The City Manager is responsible by law for the day-to-day operations and presents the budgets to the Council. Council votes on the City budgets. If Councilors cannot attend the meetings, notify the Mayor. She read the budget hearing schedule, November 5, 12, 18 and 24, 2009.

There was discussion about the process. Mr. LaCasse believes Council's job is to make cuts or additions to the budget. Mr. Picard said last year he made suggestions about cutting consultant line items, but was told he couldn't do that. He wants citizen participation starting November 5th. He wants to see the RSA stating when public input is allowed. Mayor Cutts said the proposed budget will be available in the City Manager's and City Clerk's offices. Mr. Goff said he will be out three of the budget days. He suggested doing the budget on a Saturday.

Mr. Austin said Council is elected to work on the budget.

Mayor Cutts asked Mr. Santagate to get the RSA outlining the process for public hearing to Mr. Picard.

Mr. Batchelder preferred to have public input at the end, not throughout the process.

A motion was made by Mr. Goff and seconded by Mr. LaCasse to revise the budget hearing schedule to Thursday, November 12, 6:30 p.m.; Saturday, November 14, 9 a.m.; and Thursday, November 19, 6:30 p.m.

[November 12th regular meeting and some budgets. November 14th as many budgets as possible. November 19th remaining budgets, if necessary, and the public hearing.]

Keith Druhl, CCTV Director, said there may be scheduling conflicts and the meetings may not be shown live on CCTV (Claremont Community Television).

Roll Call Vote: Motion carried 9-0.

COMMITTEE REPORTS

Master Plan Committee

Bernie Folta, Ward 3 and member of the Housing sub-committee of the Master Plan Committee, said he hasn't heard about any committee activity. Mayor Cutts said she and he could look into it.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 11:40 p.m., a motion was made by Mr. Lewis and seconded by Mr. Picard to adjourn.

Roll Call Vote: Motion carried 9-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council