

The Claremont City Council held a meeting on Wednesday, May 13, 2009, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Cutts at 6:30 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  
Jane Taylor, City Solicitor

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

Mayor Cutts read a thank you note she had received in reference to the Silver Star Banner Day 2009.

Mr. Austin said this week was National Police Week. Claremont Police has 22 full-time and 2 part-time officers. Colby Casey has been with Claremont Police 17 years; 6 officers have 10 or more years of service; and 16 officers have 5 or more years of service. May 16, 17 and 18 the department will be going through an on-site accreditation. \$11,700 in grants was received in 2008.

Mr. Raymond reported this past weekend Boy Scout Troop 38 cleaned and painted 60 decorative light poles in the downtown area. In the next few weeks they will be working in Moody Park.

#### **REPORT OF THE SECRETARY**

Mr. Goff abstained from voting as he was not at the April 8<sup>th</sup> meeting.

**A motion was made by Mr. Lewis and seconded by Mr. LaCasse to accept the minutes of the April 8, 2009, City Council meeting.**

**Roll Call Vote: Motion carried 8-0 with Mr. Goff abstaining.**

## **APPOINTMENT TO BOARDS AND COMMITTEES**

None

Ms. Messier encouraged citizens to participate and apply for positions on City boards and committees.

## **OLD BUSINESS**

### Sullivan County Oral Health Collaborative – Public Hearing

Ms. Messier stepped down because she is a participant in this project.

Mayor Cutts said Valley Regional Hospital has a program on CCTV (Claremont Community Television) called *Health Matters* and this month's featured program is the Sullivan County Oral Health Collaborative (SCOHC).

Kurt Beek, Project Manager, showed a PowerPoint presentation about the SCOHC project.

- CDBG Public Hearing – Project Update
  - CDBG (Community Development Block Grant) funding comes from HUD (Housing and Urban Development) and is administered by CDFA (Community Development Finance Authority). Directed to low-moderate income households. Project is located on Tremont Street.
- Project Overview
  - SCOHC is a not-for-profit dental center which will provide preventive and restorative care that is accessible to all Sullivan County residents including the insured, uninsured, underinsured and Medicaid eligible families.
  - CDBG was for \$500,000
  - Total project cost is \$1.2 million (including \$500,000 for first year operating cost)
  - The project expects to serve a minimum of 800 patients annually
  - Facility will open mid to late June
- He showed before and after pictures of the building.

Mr. Santagate said this is the program he hears about the most in the community. It serves a real need. The two keys to good dental health are access and good habits. This provides access. It's all about the community working together. Two hospitals drive the program, Valley Regional Hospital (VRH) and New London Hospital (NLH). Claire Bowen, Chief Executive Officer, VRH, is very active in the program and Susan Bryant, Marketing Director, NLH, is the Chair of SCOHC. Other agencies are also involved, Pathways, West Central Behavioral Services, Turning Points Network, United Way and Kiwanis. The project cleans up a blighted spot in the community. It is a great program.

Mr. LaCasse asked about the hours of operation. Ms. Messier said the plan is to be open Monday – Friday, 8 a.m. to 5 p.m.

Mayor Cutts asked if Medicare and Medicaid patients will be accepted. Ms. Messier said yes.

Mayor Cutts opened the public hearing.

Bernie Folta, Ward 3, said he thinks this is a very good thing. SCOHC, Inc., is a private, non-profit organization and has gotten chunks of public money, so it should be transparent. He asked who the board members are.

Mayor Cutts closed the public hearing.

Ms. Messier returned to her seat.

### **CITIZEN'S FORUM**

Steve Raymond, Ward 1, said three months ago he brought up the “head and poll tax.” He asked Mr. Santagate for a response. He said the house near the parking garage is hideous and asked if it would be taken down. Mr. Santagate said it is a privately owned property. Mr. Steve Raymond said the Maple Avenue paving looks good, but asked about paving from the lights to the Bourdon Centre. Mr. Santagate said it is part of the Draper’s Corner project. Mayor Cutts told Mr. Steve Raymond to call Mr. Santagate to get direct answers.

Bernie Folta, Ward 3, said as a follow on to Mr. Steve Raymond’s question, that if a question is asked and answered in a public forum, it has nice communication value. He said the Council gets a monthly report from City Departments in the Council packet, but there is none from the Police Department. The Police Commission meets monthly and they get a crime report, but the Council does not. He thinks it is in the public interest to know if crime statistics are changing due to economics and thinks the Council should get a report.

Police Chief Alex Scott said this is Police Memorial Week and is a time to remember fallen law enforcement officers. No NH officers will be added to the wall in Washington this week, Corporal McKay, Franconia, and Officer Briggs, Manchester, were added a few years ago.

Joe Simino, Ward 3, said his tax bill went up \$1,800 for a total of over \$10,000. His house is 5 years old. He is upset. He went to the Assessor and was told there would be another inspection. It is a 1,700 square foot house. Mayor Cutts asked him to make a formal appointment with City Staff to get an explanation. Mr. Simino said he expects to get charged even more after talking to the City. Ed Tinker, Assessor, said the process in mass appraisal is to go out and check all properties within a 5 year period. They may not get into a house, but if something is seen that is not on the tax card, it will be corrected accordingly. If Staff is not let in, then adjustments are made according to what is seen. In this situation, there was an indication that the basement was finished and the area above the garage was also finished. Mr. Santagate said assessing is driven

by state law and if the property owner didn't like what the Assessor did, the property owner can file an appeal after the 2<sup>nd</sup> half of the tax bill of the year arrives.

Mr. LaCasse asked if it is customary to send a letter of notification prior to an inspection. Mr. Tinker said not for a cyclical review. Letters are sent afterward to tell the property owners they were there. As part of the revaluation, there will be a visit to all properties. Letters will be sent afterward notifying property owners of their new values. At that time, there will be hearings and properties will be reinspected if requested.

## **NEW BUSINESS**

### Recognition of Arrowhead Volunteers

Mr. Picard read a Proclamation honoring Arrowhead volunteers for their service to the community. Stan Woodman, Chuck Allen and other members of Arrowhead accepted the proclamation.

Tom Burnham, Ward 3, thanked Stan Woodman and Spencer Allen for the work they do. He thanked the City for helping with the water system for snowmaking.

Stan Woodman, President Arrowhead Recreation Club (ARC), thanked the volunteers and participants. The snowmaking will work well. ARC is run by volunteers; there is no paid staff.

Chuck Allen, Ward 3, said they will have the 4<sup>th</sup> Annual Arrowhead Yard Sale, May 16<sup>th</sup> and 23<sup>rd</sup>, 8:00 a.m.-3:30 p.m. The money raised will be used for special projects.

### Ordinance 508 Conservation Residential Development – First Reading

The purpose of this proposed change is to permit conservation residential development under the City's Zoning Ordinance. The proposal was drafted by and is the report of the Ad-Hoc Open Space Subcommittee.

Enactment of this Ordinance will permit conservation residential developments under the City's Zoning Ordinance.

Mr. Santagate said this is a proposal from a local citizen group and Chair David Putnam will make the presentation.

David Putnam, Ward 2, said in the summer of 2006, an open space ordinance was presented for development; it did not pass Planning Board; did not pass Council and the Council voted to send the ordinance to committee. There were 12 members on the committee representing zoning, planning, building, development, real estate, large land owner, small land owner, Chamber, schools, and City. Over two years they had 24 meetings. Attorney Matt Upton reviewed and approved the ordinance. The Planning Board approved the ordinance and sent it to the Council.

Because of his lack of zoning experience, he turned the presentation to Alan Grigsby who is well versed in zoning.

Alan Grigsby said this ordinance advances zoning in Claremont and, from the way it was generated, it has broad popular support in the City. Zoning affects the way your neighborhood and your community looks. This ordinance advances the concepts of clustering and open space. He gave an example: In an AR zone, you would have 5 acres with one unit per parcel. This ordinance would be 100 acres = 60 acres open space, 40 acres housing (30 houses) with the open space being available to the public. This would be beneficial to the developer and the City. The City's Master Plan is about to be completed and it suggests ways zoning may change in the future. It is important that it be done with as much agreement as possible and be done as harmoniously as possible. This ordinance provides review by the Zoning Board first which provides a lot broader review than by just the Planning Board. The Planning Board votes based on rights; the Zoning Board votes based on a list of things including no impact on the view, light and air of any abutter. He thinks this ordinance is appropriate, but it can be changed in 4-5 years, if needed.

Peter Dzewaltowski, Interim City Planner, and staff member of Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC), said he reviewed the ordinance and how it might play out in the community under the existing Code. The basis for the ordinance is found within zoning laws in NH. It allows flexibility within zoning laws and provides incentives that will help preserve open spaces. The flexibilities allow the City to preserve important features (i.e. rugged features in the north east area of the City). The basis for this work is stated in Goal #5 in the Master Plan (preserve the rural and scenic character of the community). This proposed ordinance is a voluntary process.

He has some suggestions for different ways to preserve open space. Improvements can be made to areas regarding special exceptions; density and dimensional requirements (could provide more flexibility on how the development is placed on the site and more incentive to promote developer use). Requiring open space be 100% developable land with dimensional requirements makes it challenging to use; some definitions conflict with the zoning laws (i.e. section 22-665 table).

Mr. Dzewaltowski said requirements of this ordinance: a homeowner's association would be needed to maintain common areas (roads, street lights, storm water retention and open space); a land management plan will be needed; open space has to be 100% buildable and utilities need to be buried underground; some setbacks are reduced; side setbacks are enhanced; and frontage requirements are greater (50 feet to 70 feet). Other requirements: inventory trees within 200 feet of the site that are 12" diameter; environmental impact studies on the consumption of ground water; public parking (additional costs and land area). These things need to be accounted for in homeowner association fees. Many of these requirements are standard practice. He is concerned about the balance sheet and that several of the provisions will discourage use of the ordinance. Where the most eligible land is located, it would be preferable to provide more incentives for conservation subdivision design and within the core of the community provide incentives so developers are encouraged to use these provisions. He believes the community would like to

maintain the condominium development provision, but as written, this would supersede that ordinance.

Mr. Raymond asked if the 67 parcels mentioned are privately owned. Mr. Dzewaltowski said there is a notable number of city-owned parcels.

Mr. Austin said the work done is good, but it needs fine tuning, especially regarding economic viability. He would like to see this pass on first reading and see Mr. Dzewaltowski and the committee gets together and work on the adjustments Mr. Dzewaltowski suggested. Mr. Dzewaltowski didn't disagree. He said the critical element for sufficient utility is balancing the requirements as part of the subdivision design with incentives to encourage use of the flexible subdivision process.

Mr. LaCasse said it sounds like Mr. Dzewaltowski wants to go back to higher densities. Mr. LaCasse is in favor of the ordinance as it stands. He said Sections 22-575 and 22-574 should be left as is in the City Code (items 6 and 7 on page 10 proposed deletion). They give other options not available in this ordinance. He questioned Section 22-669 referring to open space may be transferred to the City. Mr. Dzewaltowski said large areas of open space, depending on size, may be put into a land trust and a lot of times cities maintain it. Mr. Dzewaltowski is not suggesting increase density, but there needs to be a better balance between requirements and incentives to encourage use.

Mayor Cutts asked Mr. Grigsby, about the special exception process, if the Zoning Board of Adjustment (ZBA) is the only one to ask those questions, not the Planning Board. Mr. Grigsby said the ZBA has the ability to be more sympathetic on how a project fits into the neighborhood. He said the committee wanted a mechanism for citizens to get two "bites at the apple," to talk about it at the ZBA and the Planning Board. Mayor Cutts thinks the people that implement the ordinance should get together with the group that developed it. Mayor Cutts asked if the process can be streamlined and the Planning Board ask the questions. Mr. Grigsby said the Zoning Board is more subjective and the Planning Board is more objective.

Mr. Dzewaltowski said a special exception is not a right. Special Use Permits are used by many communities, including Claremont, and are similar to special exceptions, but determines the one board to be used (Planning or Zoning) to administer the application.

Ms. Messier said to cluster is a voluntary process. It is a concept we want to encourage to keep our rural areas. Adding ZBA review would add another hurdle.

Bill Regan, Ward 2, said he sells water heaters. Some feel that opposing heavy density equals anti-growth and anti-progress. This ordinance is important because for 20 years there has been less development in Claremont than in a 50-mile radius. We now have more pristine land than our neighbors. He would like people to come in to help pay property taxes. He would like property taxes to go down. He said with development, consideration will have to be made about where more kids would go. He said that per Mr. Putnam, former School Board Chairman, the elasticity of the schools was 200 kids, so he said that needs to be considered before inviting new

residents to our community. He said anybody invited in who makes under the median income (\$40,000) is a drain on our society and if housing is built encouraging development at that scale, our costs will go up. The zoning is how we would like to look in 20 years.

Mr. Regan said in reference to special exemptions using the Zoning Board, it is not an unreasonable burden for the builder or contractor. In reference to water and sewer hookup, Ordinance 504 suggests hook up to water or sanitary sewer system (which could mean a septic system), but Ordinance 508 mandates hook up to water and sewer systems. In reference to parking: downtown is restricted. Ordinance 504 recommends building from the inner areas of the City to the outer areas. He agreed with that. He said it is easier for developers to work in larger areas rather than more crowded downtown. He said people want to come here to develop and they should work with us. In reference to houses versus dwelling units, rental units of 500 square feet will require more police and fire resources than homeowners. Rentals will not help pay taxes. He would like to see encouragement toward building half million dollar units. His ideal situation would be 10 houses at \$500,000 apiece, on 50 acres.

Mr. Regan said the concept of open space is good, but it should be developable space. Wetlands, steep slopes, etc., are not open space. They are unbuildable, so we are not getting any concessions.

Mr. Picard asked Mr. Putnam if there is any room to maneuver. Mr. Putnam said it is not up to the committee; they have done what they were charged to do. One missing ingredient was insight by the Planning Department.

Mr. Austin said this isn't the end all; there is potential to change and we can start with what we have and go from there.

**A motion was made by Mr. Austin and seconded by Mr. Batchelder to adopt Ordinance 508 Conservation Residential Development on first reading.**

Mr. Batchelder said we need to look to see what kind of community we want and he is glad to see this discussion.

Mr. Goff said the process in the proposal is cumbersome for developers; allows too much subjectivity; and politicizes the process. This ordinance protects the status quo and it doesn't address growing needs. He doesn't think people with income of \$40,000 are a drain on the City. In reference to school elasticity, he doesn't think we should look at where we are now; we need to look to the future. This doesn't allow for the needs of a young workforce. It doesn't allow flexibility for what the market wants. There were some individuals on the committee who were biased and wanted to protect their own, or adjacent properties from development. This takes the most valuable land off the table for future development. It does not allow efficient and affordable access to existing infrastructure. He will not support this ordinance on first reading.

Mr. LaCasse said this is the best ordinance he's seen in a long time. It will give medium to high income people a chance to build their houses with privacy. Ordinance 504 will take care of Mr.

Goff's issues nicely. Hopefully this will offset some police and school costs. Apartment houses are a negative drain. He will support this ordinance.

Mr. Lewis questioned Mr. Regan about Mr. Regan's comment that people making below the median income are a drain. Mr. Regan said that statistic came from a member on the committee. A family of four with at or below the town's median income (\$38,000-\$40,000) will consume more resources than they pay into the community. That family would not purchase property, but would rent. Renters pay property taxes, but they don't spend beyond that. Mr. Lewis said he doesn't want citizens to feel like statistics. People below that income are firefighters, police officers and teachers. Mr. Regan said he would rather have one \$500,000 house (with three children) and its tax assessment versus five \$40,000 houses (with six children). Mr. Lewis said he doesn't want to build homes no one can afford. We have to grow intelligently, allow new homes to be built, allow businesses to come in that draw employees, and provide a tax base to build new schools. Mr. Regan said this community has more than enough low-income rental properties. We need to encourage spending and development. He doesn't believe 18- to 24-year olds will help him "pull the cart." This ordinance allows for possibilities for developers.

**Mr. Goff made a motion to move the question and then he withdrew the motion.**

Mayor Cutts said she will vote against this ordinance as a critical piece is missing. She would like to see the Committee (ordinance developers) and the Planning and Development Department (ordinance implementers) come together to share ideas and to end up with a much better product. She said she is concerned about the special exception process. She likes the densities and the mandated sewer hookup.

Mr. Picard asked if the Council was willing to resurrect the Committee. Mayor Cutts said she is not suggesting the sub-Committee get back together for meetings, but to get together with Staff to talk about this and then bring the information to the Council.

Mr. Putnam feels the process should be to make a motion, vote and then see if someone wants to make a motion to study it further. Several people who served on the committee have said they would not be interested in getting back together. However, he feels an obligation to see it through. He'd call it a review board that would consist of new and former members of the Committee.

Mr. Picard said he doesn't think this should be rushed and feels Council should resurrect the Committee. Mayor Cutts would like to see a timeline be put in as part of that motion.

Ms. Messier agreed. She would like to see review and address the four points (special exceptions, densities, 100% developable land and housekeeping/definitions) brought forth by Mr. Dzewaltowski and other housekeeping items. She disagreed with the timeline.

**Roll Call Vote: Motion to adopt Ordinance 508 failed 4-5 with Mr. Raymond, Ms. Messier, Mr. Lewis, Mr. Goff and Mayor Cutts voting no.**

**A motion was made by Mr. Picard and seconded by Mr. Austin to resurrect the ad-hoc committee to get together with the committee members and City Planning staff to review Ordinance 508.**

Mr. Goff doesn't see the point. The Planning and Development office has been charged with this type of task. He suggested charging the Planning and Development office to re-craft the ordinance and present it to the Council. Mr. LaCasse suggested that it be given to the Planning Board instead.

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

**Roll Call Vote: Motion to move the question carried 9-0.**

**Roll Call Vote: Motion to resurrect the ad-hoc committee failed 4-5 with Mr. Batchelder, Mr. Raymond, Mr. Lewis, Mr. Goff and Mayor Cutts voting no.**

Mr. Goff suggested the Planning and Development Department go forward with this and invite whomever they see fit to participate. Mayor Cutts would endorse asking Mr. Santagate to direct Planning to do that. Mr. Goff said there should be no timeline, but that results are expected. There was a consensus of a majority of the Council with Messrs. Picard and LaCasse not agreeing. Mr. Picard said it is not fair to exclude the committee from the process. Mr. LaCasse said he thought the ordinance was good, but feels others prefer high density and that is why this ordinance was defeated. Mr. Santagate clarified that Staff is not being ordered to exclude anyone. Mr. LaCasse thinks there should be a deadline and that two months is plenty of time to come back to the Council. Mr. Goff disagreed with the deadline issue. Mayor Cutts said of another ordinance that is being worked on that the Planning Department solicited input and is working on those responses. She expects the same process to be followed. Mr. Picard asked about getting in touch with each member of that committee for their opinion. Mr. Santagate said Staff will work on the process to see who wants to participate.

Ms. Taylor summarized her findings about the Poll Tax (Residents Tax) question. In 1986 the legislature allowed municipalities to opt out of the Residents Tax. The last year it was collected was in 1987 (\$81,000 was anticipated, \$57,500 was collected). It cannot be lien by the City if not paid. In September 1988, the Council voted to eliminate the Residents Tax due to high administrative costs. The Council can vote to reinstate the tax.

Steve Raymond thinks it could help offset taxes and hopes the Council keeps this in mind.

#### CDBG Emergency Grant Application

The City proposes to submit an application for funding titled Community Development Block Grant (CDBG) Emergency Grant for up to \$500,000 from its application authority for 2009 to the NH Community Development Finance Authority for the adaptive re-use of the so called "Sawtooth" building located at 44 Main Street.

Mayor Cutts opened the public hearing. She said there will be three public hearings on the following:

1. A proposed emergency grant for up to \$500,000 in CDBG funds. The funds will be used to eliminate slum and blight of a public facility through the adaptive re-use of the so called "Sawtooth" building located at 44 Main Street.
2. Review and Adoption or Re-adoption of the City's Housing and Community Development Plan.
3. Review and Adoption or Re-adoption of the City's Residential Anti-displacement and Relocation Plan.

Mr. Santagate said CDBG information was available for the public to pick up at the front of the room. He stated the purpose was to apply for the CDBG grant and also Build America Bonds (interest forgiveness program). CDBG is a federal government grant. Examples of other CDBG grants received by the City have been for the Brown Block, Pleasant Valley Estates, Women's Supportive Services, Dental Initiative and Soup Kitchen. It is a competitive process. He gave the history of the Sawtooth project: In 1999 we got one bid to demolish the Mills for approximately \$1 million, not including the clean up of the Sawtooth land which was \$1.2 million. It would probably cost \$4 million now and we would have four empty lots. In 2001, Mr. Santagate came to Claremont. He had a discussion with a citizens' committee and was told the City wanted economic development, better paying jobs and to broaden the tax base. A group called Main Street was working to revitalize the downtown. They were willing to raise funds to pay for a director and to move the City forward. People who were already here had the idea to move the City forward. One plan was to revitalize the Brown Block; another quieter proposal was to stop the raw sewage from going directly into the Sugar River; we also wanted to get the Mills redeveloped. The City was trying to get \$1 million (from Senator Gregg's office) to fix Water Street and Mill Road. When the City accepted that money, the Sawtooth rehabilitation became an issue. In 2005, the proposal was to resurrect the Mills (Wainshal, Woven Label and Peterson buildings) and demolish the Sawtooth. The Sawtooth was in disastrous shape as evidenced by a June 14, 2000, General Order from Fire Chief Peter Chase telling his people that fire suppression at the Sawtooth would be exterior only because the building was too hazardous for firefighters to enter. Local residents petitioned to save the Sawtooth as a historic structure (Section 106 Process under Federal law). The City disagreed with it. He noted there is a "sawtooth" building across the street. The State Office of Historic Preservation determined the Sawtooth had to be saved or else there would be no release of federal money to Claremont. The City felt it was worth the risk. Saving the Sawtooth has led to a lot of issues. In addition to adding approximately \$1.8 million to save the building and \$1.2 million put into cleaning up the contaminated land, that is \$3 million in additional costs to save the Sawtooth. If the City had demolished it, there would have been costs for that and the City would have capped the land which would have been about \$500,000. The 106 Process hurt the City financially and the condominium market was in better shape the year before the 106 Process began. We are now in a deep recession, so the condo market had changed. The City hopes the condo market changes again and the City is confident that the spinoff effect in the TIFD (Tax Incremental Finance

District), because of the Mills, will be significant. The rest of the Project is on target for completion. June 19, 2-5 p.m., there will be a celebration at the Mills of their opening and the public is invited. Once the City was forced to save the Sawtooth, arrangements were made for Red River Computer Co. to have 5,000 square feet for storage of their equipment. However, this part of the project in the old Sawtooth building has been delayed because of unanticipated problems with preserving the building. The Mills will open the last week in May, but the parking garage will open June 18<sup>th</sup>. Red River Computer has made other arrangements in Claremont to store their computers until November, when the storage part of the garage is expected to be done. Red River has people already in the Wainshal building and everyone else will be there starting June 1. The City's plan is to identify opportunities: CDBG, stimulus interest reduction on bond issues and to continue to reduce expenses at the Sawtooth. There are no guarantees for being awarded an additional CDBG, but we have a lot of merit to what we are doing. Qualifications – job creation: Woven Label (restaurant and hospitality) and Red River is working with the high school. Neighborhood favored for grants (68% of the residents in that area are at or below 80% of the county's median income). He is asking the Council to endorse applying for the CDBG funds.

Bruce Temple said the City went out for RFQs (Request for Qualifications) for the Sawtooth project in 2005. The review committee for the RFQs was Anthony Lyons, then Planning and Development Director; Kurt Beek, Project Manager; and Mary Walter, Finance Director. Desman Associates was selected to design the garage for \$500,000. In 2008, Beloin Construction, Rochester, NH, was selected to construct the garage for \$6.5 million. It is expected to be able to park cars in the garage on June 18.

Mr. Temple talked about the parking lot by the Visitors Center. It will be open mid-June. There will be other small parking areas around the City. The top coat of paving was to go on Mill Road that night.

Kurt Beek, Project Manager, showed a Powerpoint presentation on the Sawtooth Parking Garage/Mill Renovation. It was an updated presentation of the one that was shown to the Council in November.

- “Sawtooth” Parking Garage/Mill Renovation
- Elevation
- Environmental Review Process
- Pictures of the work in progress
- Current findings adding costs to the project
  - Deteriorated masonry
  - Deteriorated wood Bents/Rafters and Decking
  - Unsuitable Soils
  - Missing Structural Elements
  - Interior Slab Removal
  - Deteriorated Window Framing
- Additional Construction Efforts Necessary to Address Recent Findings
  - Special Order for Timbers

- Fork and Boom Lift Rental
- Crane/Steel/Erection
- Disposal Costs
- Traffic Detail for Crane
- Delay (14 weeks of General Conditions)
- Winter conditions (tenting and heat)
- Cost and Schedule Implications
- Historic Renovation Techniques
- Cost Estimate
  - Project with Historic Preservation Requirements - \$6,962,223
  - Project without Historic Preservation Considerations - \$6,220,000
  - Difference - \$742,223
- Current Photos of the Building
- Overall Project Costs (estimate to finish project)
  - Hazardous Waste Remediation - \$1,708,707
  - Historic Preservation - \$1,701,600
  - Pre-Cast Concrete Parking Garage - \$5,266,745
  - Commercial Fit-Up - \$397,405
  - Total - \$9,074.457

Mary Walter, Finance Director, has been working closely with the City Manager to narrow the funding gap on the Sawtooth and has been attending weekly project meetings for the Mill buildings as well. She said it is critical for the City to apply for this grant.

Mr. LaCasse asked about cost overruns. Ms. Walter said to date for the Sawtooth and Parking Garage it is approximately \$773,000. Mr. LaCasse asked what happens if we don't get the grant. Ms. Walter said if we don't, some adjustments will have to be made to the Sawtooth without tearing it down, which we are not allowed to do. The original price for the Sawtooth and the Parking Garage was \$6.5 million. Mr. Beek said the \$6.5 million was the construction bid from Beloin for the Parking Garage and the fit-up of the Sawtooth property. The \$9 million includes the design work, historic preservation work, construction and clean up. Ms. Walter said the City has spent \$8.896 million.

Mr. Goff asked about the cost of preservation. Ms. Walter said because it was cost prohibitive to dismantle the building to find out what had deteriorated, the City had to find out the cost and extent of the preservation as it went along with the project. Mr. Beek said the initial estimate from the engineer was \$1.2 million, but we are looking at \$1.7 million now and maybe more.

Mr. Austin asked about the industry standard for overrun on this type of project. Mr. Beek said he would prefer not going over 10%, but this is a very difficult site and he is looking at 10-12%.

Mayor Cutts said the Public Hearing was open and invited anyone to speak who wanted to provide input.

Bernie Folta, Ward 3, said he perceives Mr. Santagate as a money magician in reference to getting the Brown Block done and even if this grant doesn't go through, maybe Mr. Santagate can work some more magic. He was wondering if Claremont had applied for federal money to clean up the contaminated soils (Brownfields) in the Sawtooth or if not, is there still time to apply. He asked if there was a possibility to add to the bond.

Mr. Beek said the City applied for and received some Brownfields money to do the site assessments around the City. The City can't apply for additional Brownfields money after the fact.

Mr. Goff said in reference to the Brown Block that in addition to Mr. Santagate, Nancy Merrill, Business Development Coordinator, did a lot of work for that project.

Mr. LaCasse asked how much it would cost to finish the building. Ms. Walter said the estimate is almost \$9.1 million. Mr. LaCasse asked about the \$700,000 gap. Ms. Walter said that will close the gap without doing the interior fit-up (Red River will not be going in there yet). Ms. Walter said the difference between the \$773,000 gap and the \$500,000 CDBG grant will be covered by other funding sources including interest on the bonds and property tax revenue at the end of the year that was underestimated. It won't affect taxpayers. Ms. Walter said the west wall will be an issue. Mr. Santagate said the wall will be a maintenance issue in the future and the City is trying to get permission to tear it down.

Mr. Picard asked how many CDBG grants are on record. Ms. Walter said 15. Mr. Picard asked about the audit saying the City is not keeping up the records. Ms. Walter said there is limited staff to work on the records, but the City will not turn down money. She said the issues on the audit are small and she is not worried.

Mayor Cutts asked if there were any additional comments on the Application. There were none. She closed the public hearing on the Application.

Mayor Cutts opened the public hearing on the City's Housing and Community Development Plan and asked if anyone wished to speak on the Plan.

Nancy Merrill, Business Development Coordinator, said there are two plans: 1) The City's Housing and Community Development Plan, which is to identify local needs, goals and policies; and 2) The City's Residential Anti-displacement and Relocation Plan. There is no residential component, so this is not relevant. Housing and Community Development – there are two changes: Goal 2 merged the effective downtown organization with promoting the downtown as the community center's focal point; changed "promote economic restructuring in the downtown" to "promote economic development"; and a line was added to identify deteriorated buildings in areas of blight and develop a plan and programs to correct the situation. Under Housing, Goal 1 changed complete housing chapter and added implement mechanisms to ensure compliance with RSA 674-58 and 674-59 (new affordable housing).

Mayor Cutts reminded the public that discussion was open on the Housing and Community Development Plan.

Mr. LaCasse asked about low-income housing and the reference to state law. Ms. Taylor said this is not a reference to low-income housing, but it is affordable housing and is considered housing where no more than 20% of family income goes toward housing costs. It is based on federal statistics on what the median income is in the area. Mr. LaCasse asked what part of the Mills this refers to. Ms. Taylor said it is part of the general housing goal. The community under the new state law is required to provide the opportunity for development of workforce housing.

Ms. Messier said this is not specific to the Sawtooth. Ms. Taylor said it is a statement of policy.

Mayor Cutts invited members of the audience to speak.

Bernie Folta, Ward 3, said it would be nice to have this information on the City's website. He said he is on the Housing subcommittee of the Master Plan Advisory Committee. He doesn't believe that committee has seen the Housing and Community Development Plan. He will take the information to that committee. He said he is a commissioner on the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC). Goal #1 mentions review of the findings and recommendations of the *Upper Valley Housing Needs Assessment* prepared by UVLSRPC. The required update is due in 2010, although he hasn't heard anything about it from the UVLSRPC.

Mayor Cutts invited additional public comment. She closed the public hearing.

Mayor Cutts opened the public hearing for the Residential Anti-Displacement and Relocation Assistance Plan and invited the public to comment. Ms. Merrill said there is no residential component in this project, so this plan has limited application for this Grant.

Mayor Cutts asked if anyone from the public wished to speak on this agenda item. No one spoke.

Mayor Cutts closed the public hearing and returned to the Council for discussion.

1) Application for Emergency Grant

**A motion was made by Mr. Raymond and seconded by Mr. Austin to approve the submission of an Emergency Community Development Block grant application for the adaptive re-use project of the so called "Sawtooth" building located at 44 Main Street to the New Hampshire Community Development Finance Authority 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.**

**Roll Call Vote: Motion carried 9-0.**

2) Review and Adopt or Re-adopt City's Housing and Community Development Plan

**A motion was made by Mr. Goff and seconded by Mr. Batchelder to review, amend and reaffirm the City's Housing and Community Development Plan and approve amendments to Goal #3, Community Development, and Goal #1, Housing.**

**Roll Call Vote: Motion carried 9-0.**

3) Review and Adopt or Re-adopt City's Residential Anti-Displacement Plan

**A motion was made by Mr. Lewis and seconded by Mr. Raymond to review and reaffirm City's Residential Anti-Displacement Plan.**

**Roll Call Vote: Motion carried 9-0.**

Authorization to Apply for Build America Bonds Under President Obama's Stimulus Plan

Ms. Walter said this request is in anticipation of applying for this when it becomes available. Details haven't been released. We may get lower interest rates on bonds we already have. The timeframe on the bonds would not change. If we are approved for this, the City will come back to the Council to accept it.

**A motion was made by Mr. Goff and seconded by Mr. Raymond to authorize the City Manager, or his designees, to take such actions as may be necessary to apply for and, if awarded, accept Build America Bonds as authorized by President Obama's Stimulus Plan legislation, the Build America Bonds Act of 2009.**

**Roll Call Vote: Motion carried 9-0.**

Resolution 2009-10 Designation of Economic Revitalization Zone – Twistback Road ERZ – Public Hearing

Nancy Merrill, Business Development Coordinator, said this used to be called Crop Zone. We have two (over the TIFD (Tax Incremental Finance District) on River Road and the TIFD in Downtown). It is a state business incentive program that allows businesses within one of these zones, if they spend money on equipment and machinery and add jobs, to apply for up to five years of business tax credits with the state. These ERZs are focused on three existing industrial areas.

Mr. Picard asked about the tax impact to the City. Ms. Merrill said it could help by improving taxable value.

Mayor Cutts opened the public hearing for all three resolutions (2009-10, 2009-11 and 2009-12).

Bernie Folta, Ward 3, asked if Claremont has other ERZs. Ms. Merrill said there are two, the River Road and Downtown TIFDs.

Mayor Cutts closed the public hearing.

**A motion was by Mr. Raymond and seconded by Mr. Picard to adopt Resolution 2009-10 Designation of Economic Revitalization Zone – Twistback Road ERZ.**

Mr. Raymond read the resolution into the record.

**Roll Call Vote: Motion carried 9-0.**

Resolution 2009-11 Designation of Economic Revitalization Zone – Claremont Airport ERZ – Public Hearing

**A motion was by Mr. Batchelder and seconded by Mr. Lewis to adopt Resolution 2009-11 Designation of Economic Revitalization Zone – Claremont Airport ERZ.**

Mr. Batchelder read the resolution into the record.

**Roll Call Vote: Motion carried 9-0.**

Resolution 2009-12 Designation of Economic Revitalization Zone – Sugar River ERZ – Public Hearing

**A motion was by Mr. Lewis and seconded by Mr. Raymond to adopt Resolution 2009-12 Designation of Economic Revitalization Zone – Sugar River ERZ.**

Mr. Lewis read the resolution into the record.

**Roll Call Vote: Motion carried 9-0.**

Request Permission to Entertain “Request for Development” prior to Proposed Sale of City-Owned Property, Map/Lot 68-14 and 68-15, 796 Main St.

Ms. Merrill said the property used to be the Small Engine Doctor.

Mr. Batchelder asked about scoring. Ms. Merrill said the proposals are scored on criteria approved by Council last year and the most important score is the financial feasibility to finish the project.

Mr. LaCasse asked about rejecting the offer. Ms. Merrill said an offer would be rejected if it doesn't meet the criteria. The Planning Department will report the information to the Council with its recommendations. Council can choose to act or not.

Mr. LaCasse asked if this property falls under the Shoreland Protection Act. Ms. Merrill said it most likely will. It is zoned I2, heavy industrial.

**A motion was made by Mr. Lewis and seconded by Mr. Picard to authorize the city to entertain “Request for Development” prior to proposed sale of City-owned property, Map/Lot 68-14 and 68-15, 796 Main St.**

**Roll Call Vote: Motion carried 9-0.**

At 11:38 p.m. Ms. Messier departed with permission of Mayor Cutts.

Acceptance of \$2,178.16 Grant from NH Highway Safety Agency for “Join the NH Clique” Seatbelt Enforcement Patrols

Police Chief Alex Scott said this is a yearly grant. It provides seven 6-hour patrols to enforce the mandatory seatbelt and child safety seat laws.

**A motion was made by Mr. Batchelder and seconded by Mr. Picard to accept \$2,178.16 Grant from NH Highway Safety Agency for “Join the NH Clique” Seatbelt Enforcement Patrols.**

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

Expend Encumbered Funds for Sign Project and Possible 50% Match on NH Highway Safety Radar Grant

Chief Scott said at the end of last year \$10,000 was encumbered for the Park Patrol program. He would like to use some of the \$10,000 for a sign project and a potential highway enforcement grant (\$700 in matching funds for a handheld radar unit). He asked for permission to expend the \$10,000 for the Park Patrol program, sign project and radar project.

Mr. Lewis asked if this would affect the Park Patrol program. Chief Scott said it would not; there will be sufficient funds for this summer.

**A motion was made by Mr. Lewis and seconded by Mr. Raymond to Expend Encumbered Funds for Sign Project and Possible 50% Match on NH Highway Safety Radar Grant**

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

Acceptance of \$1,867 Grant from NH Highway Safety Agency for “Claremont Statewide DWI Hunter Patrols”

Chief Scott said this is an annual grant for DWI (Driving While Intoxicated) hunter patrols. It provides six 6-hour patrols.

**A motion was made by Mr. Raymond and seconded by Mr. LaCasse to accept \$1,867 Grant from NH Highway Safety Agency for “Claremont Statewide DWI Hunter Patrols”**

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

Council’s Support for Application for Sullivan County Drug Enforcement Initiative 2009

Chief Scott said this is a JAG grant application. It is part of the stimulus package. Total coming to Sullivan County is \$126, 097. Claremont, Newport, Charlestown and Sullivan County apply cooperatively.

**A motion was made by Mr. Raymond and seconded by Mr. Picard to Support the Application for Sullivan County Drug Enforcement Initiative 2009**

Mr. Goff asked how the investigations are initiated and how agencies are reimbursed. Chief Scott said officers are assigned to the task force. Funds are used to offset their salaries. Mr. Goff asked how many Claremont officers are involved. Chief Scott said a part-time Claremont officer, through this process, became a deputy sheriff and now (on paper) he works for the Sheriff’s office through the project. They work out of Newport in an undercover capacity.

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

Ordinance 507 Broad/Tremont – First Reading

The purpose of this proposed change is to remove the restriction for one-way traffic on the east side of the intersection of Water Street, Broad Street and what is referred to in the Code as the Tremont Street/Wall Street/Broad Street Connector (Meadow Street). The intent of this change is to improve traffic flow as a result of the redevelopment of Water Street.

Enactment of this Ordinance will permit 2-way traffic on Wall Street and Meadow Street (referred to in the Code as the Tremont Street/Wall Street/Broad Street Connector) and improve the traffic flow at the intersection of Wall, Water and Broad Streets.

Mr. Goff said he has a potential conflict with fiduciary interest in a property associated with the project, so he stepped down.

Ed Tinker, Planning and Development Director, said this will give traffic the ability to make a left-hand turn into Meadow Street.

Mr. Austin asked about the traffic signal. Mr. Tinker said the signals are in place.

Mr. LaCasse said the reason that intersection had changed originally was because there were a lot of accidents there. Mr. Tinker said the City will monitor it. Police Chief Scott and Fire Chief Peter Chase have been consulted.

Mr. LaCasse asked for Chief Scott's opinion. Chief Scott said that vehicles are already making the left turn in violation of the sign. There has been no significant number of accidents at that intersection. Vehicles crossing from Water Street to Wall Street will create no more conflict points. If it becomes an issue, it will be brought before the Council.

Mr. Picard asked about the benefits. Mr. Batchelder said it gives access to the parking lots.

Mr. Batchelder was concerned that turning from Washington Street onto Water Street would cause traffic to back up.

Ms. Taylor said the No Left Turn onto Water Street from Broad Street will remain. This ordinance addresses only the One Way. The effective date will be when the infrastructure issues have been resolved.

**A motion was made by Mr. Batchelder and seconded by Mr. Raymond to adopt Ordinance 507 Broad/Tremont on first reading.**

Mr. Batchelder read the explanation of proposed action into the record.

**Roll Call Vote: Motion carried 5-2 with Messrs. Picard and LaCasse voting no.**

Mr. Picard said he voted no because of a concern about accidents. Mr. LaCasse echoed Mr. Picard's concerns.

Mr. Goff returned to the table.

## **CITY MANAGER'S REPORT**

None

## **FUTURE AGENDA ITEMS AND DIRECTIVES**

Mr. Picard would like the agenda to reflect more realistic times. Mr. Santagate said that is a valid request and we will work on that.

Mr. Austin thanked Chief Scott and the Traffic Advisory Committee for the quick response for the No Parking signs on Prospect Street. They seem to have made a difference.

Mr. Goff asked about the protocol for a response when a Councilor asks for information. Mayor Cutts said when a Councilor makes a request for information, they make a report back to the Council on conclusions or what was learned. There is one current request outstanding from Mr. LaCasse regarding CDA (Claremont Development Authority).

Mr. LaCasse said he is still studying it. He had requested the Charter for the CDA. He had requested each member of the Council get a copy as well. The group went from IDA to CDA and he has not figured out how that happened. He asked to come back in July on this issue. Mayor Cutts asked if there were any objections from the Council. Mr. Goff said it has been seven months since Mr. LaCasse had made a motion to disband the CDA and the Council hasn't heard anymore about it. He is concerned about promoting personal agendas. Mr. LaCasse requested that Council receive CDA minutes in its packet so it can keep track of what is going on at CDA meetings. Mayor Cutts said she will make this an agenda item on the July agenda. She is not endorsing a one-on-one conversation with Mr. Santagate on that topic.

Mr. Picard noted that there is no rule stating Councilors need to report back to the Council on any request that is made. That is a courtesy. Mayor Cutts said it is past practice out of respect for the taxpayers; it is taxpayer money.

## **COMMITTEE REPORTS**

### Master Plan Committee

## **CONSULTATION WITH LEGAL COUNSEL**

None

## **ADJOURNMENT**

**At 12:13 a.m., a motion was made by Mr. Picard and seconded by Mr. Batchelder to adjourn.**

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

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council