

The Claremont City Council held a meeting on Wednesday, September 9, 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 (Late)
Ward III Councilor Jeffrey Goff

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Stevens High School Student Council Update

None

Claremont Tiger Shark Swim Team Proclamation

Postponed until October.

"Peace One Day" Proclamation, September 21, 2009

Mayor Cutts read an International Day of Peace Proclamation into the record and presented it to Linda Davies of Family School Connections.

REPORT OF THE SECRETARY

A motion was made by Mr. Picard and seconded by Mr. Batchelder to accept the minutes of the August 12, 2009, City Council meeting.

Roll Call Vote: Motion carried 8-0.

Mr. Raymond abstained from voting on the August 25th minutes as he was not at that meeting.

A motion was made by Mr. Picard and seconded by Mr. LaCasse to accept the minutes of the August 25, 2009, City Council meeting.

Roll Call Vote: Motion carried 7-0 with Mr. Raymond abstaining.

Mr. Goff said the event with Dr. Ruby Payne (with the Claremont and Newport schools) was rescheduled to April 2, 2010, because a medical condition kept her away from the August 31st meeting.

In reference to the August 25th Council meeting for the tax cap, Mayor Cutts read a letter, dated August 26, 2009, she sent to the tax cap petition committee members asking the committee to join the City in asking the Sullivan Superior Court for a ruling on constitutionality. Mayor Cutts asked for information about the hearing and Mr. Santagate confirmed that the hearing was set for September 11, 1:30 p.m., in Sullivan Superior Court, Newport. Mayor Cutts asked the City Manager if any response was received from the committee. Mr. Santagate said no response was received.

APPOINTMENT TO BOARDS AND COMMITTEES

Fiske Free Library Board of Trustees

Mr. LaCasse nominated Deborah McClure-Brown for reappointment to seat #3 of the Fiske Free Library Board of Trustees.

Roll Call Vote: Motion carried 8-0.

Frances J. Tolles Home Trustees

Mr. Batchelder nominated Andrew Fennelly for reappointment to seat #1 of the Frances J. Tolles Home Trustees.

Roll Call Vote: Motion carried 8-0.

Mr. Austin nominated Rebecca Vinduska for appointment to seat #2 of the Frances J. Tolles Home Trustees. Seconded by Mr. Raymond.

Mr. LaCasse nominated Rita Robitaille for appointment to seat #2 of the Frances J. Tolles Home Trustees.

Mr. Goff nominated Audrey Scholler for appointment to seat #2 of the Frances J. Tolles Home Trustees.

Roll Call Vote: Motion carried 6-2 to appoint Rebecca Vinduska. (Mr. Batchelder, Mr. Raymond, Mr. Austin, Ms. Messier, Mr. Goff and Mayor Cutts voted for Ms. Vinduska and Messrs. Picard and LaCasse voted for Ms. Robitaille)

Parks and Recreation Commission

Mr. Raymond nominated Jim Feleen for appointment to seat #2 of the Parks and Recreation Commission. Mr. Austin seconded.

Roll Call Vote: Motion carried 8-0.

Tax Increment Finance District Advisory Board – Downtown

Ms. Messier nominated Eugene Lattuga, Jr., for appointment to seat #1 of the Tax Increment Finance district Advisory Board – Downtown.

Roll Call Vote: Motion carried 8-0.

Bernie Folta, Ward 3, said his perception, as well as others, is that the Council has played games with boards and commissions, not necessarily tonight. He, again, wished Council had established procedures for handling applications and the flow of applications (i.e. Council did not know whether a second was needed for board appointments). He wished Council would codify the procedure so the “games” he perceives can be cleaned up.

Mayor Cutts said she hasn’t heard that from others, just Mr. Folta. She said Council followed established process. A nomination does not require a second, however one is welcome.

Mr. Raymond said he was aware a second was not needed for an appointment, he was giving his opinion of the appointment.

OLD BUSINESS

Bank Avenue Update

Mr. Santagate said he and Public Works Director Bruce Temple met on site with Messrs. Neilsen and Bonneau to discuss a possible solution. Details are to be worked out. It is not done, but is doable under certain conditions. He will get back with the property owners when a solution has been finalized.

Paul Bonneau said as long as what is written is what was said, they (Mr. Bonneau and Jim Neilsen) agree. Mr. Santagate said he would like to finalize the language with Messrs. Bonneau and Neilsen and then come back to the Council with the proposal. Mr. Bonneau said Mr. Neilsen was not present in Chambers, but they both agreed that as long as what was said is what is written. Mr. Santagate said City will present the proposal to the Council.

Mr. Picard said he is concerned with the permit deadline. Mr. Santagate said he believes it can be extended with a request from the City. It's not a hard thing to do. Mr. Bonneau said that is acceptable.

Mr. LaCasse asked if there is something Council can do to accelerate this. Mr. Santagate said he doesn't have the legal language written out. Mr. LaCasse asked if Council could give the go ahead if both parties are in agreement. Mr. Santagate said he doesn't want it to happen without both parties agreeing. Mayor Cutts said she doesn't want this to be rushed as it was the last time.

Mr. LaCasse asked if it could be put on next month's agenda. Council and Mr. Santagate agreed.

Update on Wild Goose Boat Launch

Mr. Santagate said this has to do with the launch site along Lake Sunapee and who has access. Don Clarke has spear-headed the work in that area and he has been invited back to give an update.

Don Clarke, Ward 1, gave some background. There were three permit applications sent to DES (Department of Environmental Services), terrain alteration permit, shoreline protection permit and wetlands permit. The first two had been approved and then appealed. The third has been applied for. The resolution approved by the Council in June 2009 was included in the packet to go before the Legislative Committee of Conference. The Council motion was very helpful in stopping legislation that would have killed the project. Subsequently, all three permits have been received and now the third permit has been appealed. It will take 6-8 months to get through the appeals and then it will go to the Supreme Court.

Mr. Austin asked if appeals can continue. Mr. Clarke said there is only one appeal per permit.

Mr. Clarke said it has been on the agenda for 19 years.

Mayor Cutts thanked him for his support.

Mr. Santagate said it is all about fair and equitable access to a state-owned lake. The resolution passed by this Council helped move it along. The political pressure ought to be kept up. Claremont residents have a right to access Lake Sunapee. He commended Mr. Clarke on his effort. Mr. Clarke said state law states any body of water over 10 acres, has to have public access. The problem is the other areas are privately owned or owned by towns and the access can be shut off.

Mr. Lewis arrived at 7:17 p.m.

CITIZEN'S FORUM

Adam Burke, Ward 2, declared his intention to run for an At-Large seat on the Council. He grew up in Claremont; graduated from Stevens High School in 1997; moved back here in 2007; has

served on the Planning Board for the past year; and has served on the Conservation Commission. He believes the City has a bright future and with a well thought-out plan, we can realize the greatness of the City. One of the most important roles of the Council is to project a positive image of the City. He would seek to project an image of civility, professionalism, thoughtfulness and fairness. He believes the Council members can be the best representatives when it comes to economic development as businesses decide where to locate. We need better jobs in Claremont. We need to broaden the tax base and give property tax relief to our residents. We need to improve collaborations with schools, county and other outside agencies that impact the taxes and quality of life in Claremont. He would ask for regularly scheduled meetings with the State Representatives and Senator. In his daily life, he talks to citizens who are excited about the progress we have made. There is an underlying unease about our property taxes. We need to broaden the tax base and lower property taxes.

Linda Davies, Family School Connections, which is a program of the Claremont School District, said they are working with the Greater Claremont Chamber of Commerce to put on a theater production on Pleasant Street during the Fall Festival, October 3rd, 10:00 a.m. to 12:30 p.m. They will have walking tours by students and adults throughout the community. They also plan to do others throughout the year.

Bernie Folta, Ward 3, said there is less than two months to the municipal election (Tuesday, November 3) which will include all seats of the Council. He said, politically speaking, essentially this Council is a "lame duck." He said he tries to be a political analyst. In lame duck status, there is a lessening of political legitimacy. He suggested having Council meetings twice a month.

Vic Bergeron, Ward 1, asked for clarification of spending cap versus tax cap. Mr. Santagate said per Matt Murphy, NH Tax Advantage Coalition, that it is interchangeable. Mr. Santagate said the present proposal would cap the net amount to be raised in dollars. The confusion is that many think that if this passes, it will cap the tax bill. This does not cap the schools and county. It would cap only 40 cents on the dollar. It only caps the City portion. Mr. Bergeron said the ballot should state the vote is on the spending cap for the City only. It should be very specific. He said that it appears people think there is conspiracy by the Council and that hurts the community. There is no conspiracy and that has to stop.

Paul Bonneau, Ward 1, asked that if Councilors are not re-elected that they stay until December as that is the timeframe they were voted for. He asked where people who are interested in running for a Council seat could go to find out the responsibilities of a Councilor. Mr. Santagate said the Local Government Center offers new Councilor training. Mr. Bonneau asked anyone interested in running to seek information about what they are getting into. Mr. Santagate said we can help with training if that is the wish of the Council. Mr. Bonneau said there is a lot of dissent among Councilors. This is a team, so work together.

Cynthia Howard, Ward 2, clarified the spending cap specifically caps municipal spending and that will appear on the ballot. There is no mechanism to cap county spending as there is no county charter. Schools are a different form of government, so an article would have to be

placed on the school ballot to cap the school spending. There is a 2/3 override provision in this spending cap. It will cap City spending, the operating budget, the capital budget and the bonding budget as well as the amount to be raised by taxes. She talked about the NH Constitution and the role of government. She suggested checking out the New Hampshire website for the State Constitution and the Bill of Rights. She referenced Articles 1, 7, 22, 30, 32, 38, 8, 39 and 10. Mrs. Howard believes the motion made at the August 25th meeting "ordering her to seek judicial review at Superior Court" was a violation of her Constitutional Rights. Since Mrs. Howard arrived late, Mayor Cutts told her that earlier she had read the letter she sent to the tax cap petitioners explaining the motion was a plea for the petitioners to join the Council in seeking a declarative ruling.

Steve Raymond, Ward 1, asked if the petitioners petitioned the school and county as well. He thinks it should be all three entities. He noted Councilors are all volunteers. Mr. Santagate said the ballot question, if it passes, will only target the City, not the schools or county.

Mr. Picard said you can't tax the school, but you can go to the deliberative session and cut that budget. Mr. Santagate said you can defeat the budget, but there is a default budget to fall back on, usually \$150,000, or in that range, less than the main budget. That overrides the power of the people.

Bernie Folta, Ward 3, said the spending cap answer to Steve Raymond is they didn't because they couldn't. They did the only piece they could, which was the City. He likes to be a political analyst and in response to the request to go to Superior Court with the City, politically, it was an insult. He said he advised the tax cap petitioners' committee to ignore the request because it was an insult.

Phillip Howard, Ward 2, said the spending cap will stop spending and bonding. We are overspending and overbonding now.

Cynthia Howard, Ward 2, said the motion was a directive which was a violation of their Constitutional Rights.

Cheryl Jones, Ward 2, said Maple Avenue was repaved and a sidewalk was put in which made a big change. She thanked the Council for doing that. She asked why full dump trucks are allowed to pass on the new road. They are ruining the road.

Mr. Goff said in reference to the motion he made about taking the petition to Superior Court, that some think it was too strong and another Councilor said he was not man enough. He was sorry the petitioners group felt it was a directive. People who spoke against the tax cap that night were pleased with the Council's actions that night. As the case goes to court this Friday, it would have been much stronger if the group had joined the City in that effort to have the Court look at the Constitutionality of the petition. He apologized if Mrs. Howard thought it was a directive. The City did what it felt was necessary.

Mr. Picard said he would have supported the motion, if Mr. Goff had taken the citizens' committee off the motion.

Mr. Santagate asked to move the potential sale of city-owned property up on the agenda. Council made no objection.

NEW BUSINESS

Potential Sale of City-Owned Property Map/ Lots 120-163, 120-165, 120-166, 120-174, 120-177 to G.B. New Hampshire, LLC

Mr. Goff said he had a fiduciary relationship with subjects involved, so he stepped down.

Mr. Santagate said CVS Pharmacy has been researching, for the past several months, the possibility of locating in Claremont. They are ready to proceed. There are 11 parcels involved; 7 are privately owned and 4 are owned by the City. He invited the CVS people to describe their proposal.

Bryant Anderson, Civil Engineer with Vanasse Hangen Brustlin out of Bedford, NH, introduced himself and Peter Considine, Dartmouth Company, and Paul Gay with Gershman Brown Crowley who is the CVS Developer. City-owned properties they are reviewing are Map/Lot 120-165, 120-166, 120-174 and 120-177. Map/Lot 120-163 is not part of this process. They are not looking to acquire 120-163. They are proposing the City convey portions of Tremont and Meadow Streets to CVS to support the development; CVS would ultimately provide access easements for emergency vehicles.

Mr. Austin asked if a portion of Tremont Street would be used for access to get into the properties on the High Street end of Tremont. Mr. Anderson said a portion of Tremont Street would be maintained as a public road for access to the driveways from High Street. They are proposing an easement over what is currently Tremont Street for emergency vehicles. Mr. Austin asked what would discourage people from driving through the parking lot. Mr. Anderson said there are currently no right turns from Tremont Street onto Broad Street and, upon the recommendation of the City, that would not change.

Mr. Anderson said they are proposing to construct a 13,000 square foot CVS Pharmacy; provide a left turn off Broad Street onto Wall Street; revise the traffic signal to allow a left turn from Broad Street onto Wall Street; reconfigure Wall Street to make it clear where the street is; provide a parking area along the front of CVS; provide parking along the south side of the CVS building; put a drive thru in the rear; incorporate a bus stop; replace 22 public parking spaces (currently 12 along Broad Street and 10 were planned along Tremont Street) by installing 20 parking spaces along Wall Street and 2 handicap spaces along Broad Street; improve lighting and curbing.

Mr. LaCasse asked if the parking spaces would be deeded back to the City. Mr. Anderson said they will construct the parking spaces and then they would revert back to the City. The two

handicap accessible spaces up front would be public parking. They are proposing emergency access easements along what is currently Tremont Street as well as utility easements.

Ms. Messier asked if the handicap accessible parking spaces will be maintained by CVS. Mr. Anderson said yes and the public parking spaces would be maintained by the City.

Mr. Lewis asked about the portions of Tremont Street proposed to be abandoned. Mr. Anderson said portions would be abandoned or conveyed; they would no longer be rights-of-way, but would have easements for emergency vehicles and utilities.

Mr. LaCasse asked about going before the Planning Board and Council for combining lots and closing streets. Mr. Anderson said they would go through the appropriate processes.

Mr. Batchelder said he is happy to see the 20 parking spaces on Wall Street as parking is such a challenge in that area.

Mr. LaCasse asked since part of the area is in the TIFD (Tax Incremental Finance District), how it works. Mr. Santagate said the money for the TIFD will be paid into the TIFD and the other portion to the General Fund.

Peter Considine, Dartmouth Company, represents CVS throughout NH. Generally, they put all parcels under contract then go through a real estate committee and then full steam ahead on a project. They have all private parcels under agreement and are looking to move forward, fast. The proposal is to do a land swap on ½ acre and would create green space. They will construct 22 parking spaces and lighting. CVS is maxed out on what can be spent on this site.

Mayor Cutts asked about green space for the project. Mr. Anderson said there would be 35% open/green space with landscaping along the front.

Mr. LaCasse said he thinks this is a great project for the City of Claremont.

Nancy Merrill, Business Development Coordinator, said there are an estimated 25 jobs that will come with this. The new (2009 reassessed) value of the private parcels is \$1.072 million; for the total 11 parcels it is \$1.198 million. Rite Aid is considered a comparable property (slightly smaller lot and building) and its 2009 reassessed value is \$1.665 million. Total property tax in 2008 was \$21,000 on all those lots. At the same time, Rite Aid's 2008 property tax was \$42,000. We anticipate 25 additional jobs and growth of the tax base.

Mr. Lewis asked what the timeline would be. Mr. Anderson said possibly early next year to submit site plans and optimistically, the fall of next year to start construction.

Mr. Considine said this is an approved deal by corporate CVS. They have agreements drafted for all the private sellers.

Mr. Picard asked about the land swap. Mr. Considine said no money will exchange hands. Currently the City has 22 parking spaces and the swap will relocate them. Mr. Picard asked how much is in the TIFD. Ms. Merrill said little more than one-third.

Mr. LaCasse clarified the City would get no money for the existing lots. Mr. Santagate said we would get improved parking spaces. Ms. Messier said we would get improved green space. Mr. Considine said the intersection will be improved.

Ms. Messier asked what action is required by the Council. Mr. Santagate said one possibility is to authorize him to negotiate a letter of intent with CVS. Another possibility is to authorize him to execute a purchase and sale agreement pending Council approval.

Mr. Considine said CVS would be okay with Mr. Santagate negotiating a letter of intent. Mr. Considine emphasized that the land swap concept has been approved. However, if there is a change where CVS were to pay money, the deal would be off.

Mr. Picard asked how much would be the City's responsibility. Mr. Anderson said when all is done, the City would have to maintain about 4/10 of an acre, less than it currently does.

Mayor Cutts asked for clarification of the Council requirements. Ms. Taylor said the City is looking not only to negotiate the letter of intent, but also to give the City Manager the authority to execute the letter of intent. That is not the final purchase/land swap. That would have to come back to the Council for disposition of public property.

Mr. Picard would like to not act on this tonight. He would like to study this and run his own numbers. He said he would like to see a dollar value added to the city-owned properties. He would like to see negotiation on it. Mr. Santagate said they have negotiated and they brought their best deal forward. In his opinion, the Mill Project has had a spin-off effect in the downtown area. This investment will clean up that area, help with the traffic pattern, bring taxes to the City and add 25 jobs to the City. We don't want an unnecessary delay that could kill the project unless there is a good reason. Mr. Considine said they are not looking for a commitment; they are looking for the opportunity for the City to be engaged with CVS. Mr. Santagate said the letter of intent will let CVS know the City is serious.

A motion was made by Ms. Messier and seconded by Mr. Raymond to authorize the City Manager or his designees to negotiate a letter of intent for the sale of City-Owned Property Map/ Lots 120-165, 120-166, 120-174 and 120-177, and including other matters, to G.B. New Hampshire, LLC.

Mr. Raymond sees this as a win-win for Claremont. Mayor Cutts agreed. Mr. LaCasse agreed with Mr. Raymond. He would like to know the assessed values and the cost of improvements and what will be gained in taxes.

Ms. Merrill said the new value on the city-owned properties is \$126,300; no taxes are paid because it is city-owned. The total new value on all of the parcels is \$1,198,500. Taxes on all

the parcels for 2008 were \$21,000. The comparison site is Rite Aid with 11,000 square feet and its new value is \$1,665,000. Estimated taxes to be paid will be \$42,000-\$45,000.

Roll Call Vote: Motion carried 8-0.

Councilor LaCasse's Request for Copy of All City Staff Payroll Records from July 1, 2008, through June 30, 2009

Mr. LaCasse took his request off the table as he found the information he was looking for on the Local Government Center (LGC) website.

Bernie Folta, Ward 3, said he has interest in that information. He wondered if it had been gathered for Mr. LaCasse's request. He will make an RSA 91-A request. He is looking for specific information about Claremont because the information from the LGC is a survey.

There was discussion about Mr. LaCasse's request for the information and the process for Councilor requests for information.

Mr. Goff asked why Mr. LaCasse wanted the information. Mr. LaCasse said he wanted to know how Claremont measures up versus other communities.

Acceptance of COPs (Community Oriented Policing) Grant

Police Chief Alex Scott said this is a \$210,112 grant to pay the salary and benefits for an entry-level police officer for three years. The City is obligated to maintain and pay for that position for the fourth year. With the loss of two positions this year in addition to the four positions lost due to layoffs in 2001 (they had gained one position back), they are further down in manpower than after the original layoffs in 2001. This will be a significant help.

Mr. Picard asked about the chief applying for two positions. Chief Scott said he applied for two, but was funded for one. There were \$8 billion in requests and only \$1 billion in grants. Mr. Picard said he doesn't normally support these grants, but due to the dire situation we are in, he will support this. Chief Scott said with this grant, we have the ability to fill an unfunded position.

Mr. LaCasse asked if there is a clause saying once accepted that the workforce cannot be diminished over the next four years similar to the SAFER grants. Chief Scott said that you cannot eliminate this position. If the City were in dire economic situation, you are not precluded from additional layoffs.

A motion was made by Mr. Lewis and seconded by Mr. Raymond to accept the \$210,112 COPs grant with great thanks to Chief Scott and the Claremont Police Department for all the work they do.

Mr. Goff said he originally voted against this because he didn't want to encumber future Councils, but due to the layoffs, he will support it and the SAFER grant when it comes around.

Roll Call Vote: Motion carried 9-0.

Ordinance 510 No Left Turn from Washington St. to Skatepark – First Reading

Bruce Temple, Public Works Director, said with the opening of the skateboard park [also known as Sarah Smith Riverside Park] that a lot of cars coming in a westerly direction on Washington Street in order to go into the park have to pass two and possibly three lanes of traffic. This came in front of the Traffic Advisory Committee and it was recommended to have a no left turn from Washington Street into the skateboard park.

Mr. LaCasse said that one of the Planning Board conditions was to have a No Left Turn sign placed on Washington Street. Mr. Temple said that never happened although it may have been the intent. Ms. Taylor researched the Planning Board minutes and it was a condition of approval that there be no left turn from the skate park onto Washington Street. There was discussion about turning left from Washington Street in a westerly direction, but the Planning Board did not make that a condition. It is between the Winter Street intersection and the Broad/Washington Street intersection.

Chief Scott said he was at the Planning Board meeting during that discussion and had recommended no left turn from Washington Street into the skate park, but it was not acted on. Since it had not been done, it was brought to the attention of the Traffic Advisory Committee which is requesting it be implemented.

A motion was made by Mr. Goff and seconded by Ms. Messier to adopt Ordinance 510 No Left Turn from Washington St. to Skatepark on first reading.

Mr. Goff read the ordinance into the record.

Roll Call Vote: Motion carried 9-0.

Motion to Adopt Investment Policy

Mary Walter, Finance Director, said this is the same policy that was brought forth and approved last year. It is a requirement that Finance reaffirms it with the Council every year. There are no changes to this. She is asking to reaffirm it.

A motion was made by Mr. Raymond and seconded by Mr. Picard that the Claremont City Council, pursuant to RSA 47:6, hereby re-adopts the City of Claremont Investment Policy and authorizes the City Manager or his designees to take such actions as may be necessary to implement said Investment Policy in accordance with state law and regulation.

Roll Call Vote: Motion carried 9-0.

Resolution 2009-15 Appropriation of \$110,000 from Sewer Enterprise Fund – Public Hearing

Mr. Temple said during routine maintenance off Maple Avenue and McKenzie Drive, it was noted that jetting was not effective. There were no back-ups, but while trying to unplug a 12-inch pipe, a sink hole was discovered on McKenzie. The flows run through an old corrugated pipe. In that area there are properties built over the sanitary sewer line. The sewer pipe is 25-30 feet in the ground. Our department does not have the equipment to dig that deep. When they installed the new pipe and started cleaning again, there was another collapse. They have done a temporary by-pass pumping system. Mr. Temple emphasized temporary. They found rotted pipes ran beneath two garages. They have abandoned those pipes. There are 300 homes in that area that feed into this line. He showed pictures of the excavation. They are dealing with 50,000 gallons a day of raw sewage. They are working with the temporary short-term fix. The temporary pumping system is due next week. Future plans are to engineer and design a long-term solution for 300+ homes, businesses and a school.

On Lafayette Street, west of Sclafani's, a sanitary/storm water system was combined; it failed due to a slope failure and raw sewage was discharged into the Sugar River. They conducted an "in-house" field survey with in-house engineers. A new system was designed. He had to enter into an emergency agreement with a contractor because we didn't have the equipment needed. A new 8" pvc sewer main was installed along Lafayette Street. It had a deep excavation. He abandoned the failed slope sewer line.

Mr. Temple said he was asking to spend up to \$110,000 out of the Sewer Enterprise Fund. In the fall or after the first of the year, he will be back to talk about sewer rate adjustments. Mr. Santagate said that will take a revision of our Capital Improvement Program (CIP) and we will come back to the Council with this. The money used tonight won't permanently extend the solution to the 300 homes. We have not planned for this. This is an emergency. He believes we should do a CIP soon (possibly October/November). This is not on our long term plans. Hopefully, this will allow us to get through for the next few months.

Mr. Temple said the CIP that was brought up earlier in the year did not include this section of Maple Avenue, it was another section.

Ms. Messier said she wanted to confirm the Sewer Enterprise Fund is funded by people who pay water/sewer bills. It is not from the tax rate. Mr. Santagate said by state law, there are separate "businesses" (i.e. General Fund, Sewer Enterprise System and Water Enterprise System). The Sewer Enterprise System and the Water Enterprise System are paid by user fees and are not reflected on the tax rate.

Mr. Lewis asked if the \$110,000 pays for the work that has already been done. Mr. Temple said yes, as well as the pumps that are on order. Mr. Lewis asked if he feels comfortable there will be no more safety issues or property damage. Mr. Temple said he feels reasonably comfortable with that.

Mr. Austin said he is amazed at the depth of the pipe and asked why it was so deep. Mr. Temple suspects the pipe was laid in an old ravine and covered over. It probably went in around World War II. Mr. Austin said a water system study had been done a few years ago and asked if one had been done on the sewer system. Mr. Temple said about 80% of the sewers in this community are in a sanitary sewer report we had finished a year ago. It supported the Dubois & King report on the water system. 75-80% of the system has been looked at. This line was not looked at, but a sister line behind the Bourdon Center was and it is not in good shape.

Mr. Picard asked what percentage of lines will need to be replaced in the next five years. Mr. Temple said we originally looked at a \$12 million program. We put \$2.5-\$3 million into the sewage plant. The balance is for the 30 year-old pump stations. The bulk of the pipe is old (we maintain 80 miles of pipe and 8-9 pump stations).

Mr. Santagate said we had a \$12 million line of credit, but if we accessed that total line, we would not be able to make the annual payments, so we turned \$7 million of the line of credit back to the state. We received \$500,000 from Senator Shaheen's office for sewer work from the diner to Esersky's Hardware on Main Street, but the project may cost \$1-\$1.5 million. It pays for the sewer, but not the roads. With these grants, usually a match is involved.

Mr. Picard asked how much of the 80 miles need to be replaced in the next five years. Mr. Temple said most of the pipe is pre-1960's and 75% is undersized. Mr. Santagate said one mile of water, sewer, drainage and road costs over \$1 million. Mr. Temple said in urban areas, the cost for sewer is \$75-\$100 per lineal foot. The 2,500 feet for this event will cost about \$2.5-\$3 million. It will cost \$5 million to replace pipe that was put in 1918.

Mr. Goff said as of July 31, there was \$721,000 in a special fund PDIP (NH Public Deposit Investment Pool) and \$139,000 in Sewer Capital Repair. He asked if the \$110,000 would come from the PDIP funds. Mary said yes. Mr. Goff asked what the use is for the Sewer Capital Repair. Mr. Temple said they are impact fees and are set aside to be used on improvements at the sewage plant. New connections or a property with a change in use would pay an impact fee. We have one for the water also. Mr. Goff said the \$139,000 is inadequate and Mr. Temple agreed.

Mr. LaCasse asked about another line on Maple Avenue. Mr. Temple said there is a parallel line that picks up Byrd, Martha and Carr. Mr. LaCasse asked if the sewer is in this shape and what the water lines look like. Mr. Temple said this year the water department has replaced three streets. Mr. LaCasse asked Mr. Santagate how to fix the inadequate pipes and continue to grow at the same time. Mr. Santagate said a few years ago the EPA (Environmental Protection Agency) threatened to fine the City because we had raw sewage going into the river. We had to take care of those things first. We have done a lot of work on the water system. To address that massive system with 13,000 people will be a challenge. We can't afford not to grow. How to grow is the problem. There is very little public support for sewers.

Mr. Temple said when there is a sewer problem, it's a public health problem and it is a lot bigger issue than a problem with a fire hydrant. You won't put out a fire if you don't have a good water system. People forget about that because they don't see it, however Fire Chief Chase understands it, because when he has a fire, he needs water. Mr. Temple understands the public health issue when there is a sewer back up. Every time there is an overflow, he has to notify DES (Department of Environmental Services). Think of Public Works as the department that plows streets for safety; provides water for the Fire Department; takes care of sanitary sewers; takes care of storm water; clears brush from the sides of roads to avoid black ice on the roads; and handles burials. These are all public safety issues.

Mr. LaCasse said it looks like a \$150 million problem and he can't see putting that in a CIP. Mr. Santagate said we can't address it all at once. He thinks the federal government will have to step up because small communities can't afford to pay for it all. Water, sewer and drainage cannot be paid for by local money. He thinks those funds will come through the regional planning commissions in the form of block grants.

Mr. Picard asked if this problem on Maple Avenue will affect the new road. Mr. Temple said not in the short term. Mr. Picard said he liked the way Public Works did the job on Clifton.

A motion was made by Mr. Goff and seconded by Mr. LaCasse to adopt Resolution 2009-15 Appropriation of \$110,000 from Sewer Enterprise Fund.

Mr. Goff read the resolution into the record.

Mayor Cutts opened the public hearing.

Bernie Folta, Ward 3, said he appreciated the presentation about problems and steps required. He appreciates the importance of Public Works. He said the CIP is in state law and is associated with the Planning Board. The CIP is a five year plan. Claremont's last plan was done in 2003 and expired in 2008. His impression is that other cities use CIPs for citizen engagement.

Mayor Cutts closed the public hearing.

Mayor Cutts said one of the property owners let her know Public Works did a great job when they did the work on the sink hole.

Roll Call Vote: Motion carried 9-0.

Acceptance of Wood Timbers and Drainage Material from Lowes

Scott Hausler, Parks and Recreation Director, said Lowes has landscape timbers and drainage material left over. The value is estimated at \$5,000. Material will be stored at the Public Works yard.

A motion was made by Mr. Raymond and seconded by Mr. Lewis to accept the Wood Timbers and Drainage Material from Lowes with a value of \$5,000 with thanks.

Ms. Messier said it is nice to see a big company like this offer benefits other than a place to shop.

Bernie Folta, Ward 3, wondered when donations are received if a letter of thanks is sent from the Council.

Mr. Goff said there is a great working relationship with the City and Lowes. He gave kudos to Mr. Hausler.

Roll Call Vote: Motion carried 9-0.

CITY MANAGER'S REPORT

Mr. Santagate said the Open Space Committee held its initial meeting last week. Members are David Putnam, Brian Rapp, Tom Brothers, Steven Powers, Kevin McAfferty and Mike Lemieux. He invited other residents to join. Questions he asked them: Do you want to grow? If so, how? He asked people to call if they are willing to serve, 542-7002.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mayor Cutts said she had asked for a New Community Center update in September or October. If needed, November would be okay.

Mr. Picard asked about the fire house boiler. Mr. Santagate said he has asked to put the boiler in the operating budget this year.

There was a discussion about Councilors asking for information from City staff without it being a part of the Council meeting. Mr. Goff believes the request should be done in a public setting and Councilors should be clear with the intent and purpose. Councilors need to be held to higher standards than the public.

Mayor Cutts said there is a process in place that was established by former Mayor Scott Pope. All requests should go to the Mayor and then the Mayor gets it to the City Manager. Then the Mayor will bring that information to the Council. The City Manager will choose the best way to get the information. She endorsed that process. It is not spelled out in the Council Rules.

There was discussion about whether or not a request should be placed on the agenda and where it should go. Mr. Lewis has no problem with the request going to the Mayor first.

Mr. LaCasse said he has received many complaints about Councilor Goff's radio talks and him speaking for the Council. He asked if that would be brought before the Council before he speaks on the radio. He doesn't believe (according to the Mayor's duties) that a Councilor should have to go before the Mayor to request information of the City Manager. He said the process is

incorrect and is probably illegal. He thinks that according to the Charter that a Councilor should be able to go directly to the City Manager with a request.

Mr. Picard said the Council is up for election, so why argue. He thought the process was that if anyone got information, then all Councilors would get the information. The letter sent from Mayor Cutts to the tax cap petitioners committee was not given to the Council. The information Mr. LaCasse asked for falls under the Right-to-Know law. Mayor Cutts said the letter was sent to the Valley News and that a copy was available for anyone who wanted it. She said Mr. LaCasse didn't make a right-to-know request nor does a Councilor need to make such a request.

Mayor Cutts said there is a process in place and asked the Council for suggestions or a motion to change the process. She said it is the Mayor's responsibility to set the agenda.

Mr. LaCasse asked Ms. Taylor for a legal opinion about the Manager and Mayor duties. He would like to see the written procedure. He doesn't believe it exists. Mayor Cutts said it is not in the Charter. Mr. Goff said Council needs to formalize this process.

There was no objection from Council to ask Ms. Taylor to find out if the described process is in the Charter or Code of Conduct. Mr. Goff said it is not there, so it is an exercise in futility. We need a future agenda item to discuss it.

Ms. Messier said Council sets policy and is in charge of public relations. This is a policy, not in the Charter.

At 10:28 p.m., a motion was made by Mr. Austin and seconded by Mr. Picard to adjourn.

Roll Call Vote: Motion failed 4-5 with Mr. Raymond, Mr. LaCasse, Mr. Lewis, Mr. Goff and Mayor Cutts voting no.

Mayor Cutts said there is a process in place for Councilors to request information. It is not clearly delineated in the Charter or Rules of Conduct. It was put in place by a prior Mayor.

Mr. Raymond said he agreed with Ms. Messier that Council sets policy so should be able to say how this policy is set.

Mr. Austin said we already have a policy.

Mr. Batchelder said to keep it this way and let the new Council change the Rules in January. He doesn't see the need for change.

COMMITTEE REPORTS

Master Plan Committee

None

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 10:33 p.m., a motion was made by Mr. Picard and seconded by Ms. Messier to adjourn.

Roll Call Vote: Motion carried 7-2 with Messrs. Lewis and Goff voting no.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council