

The Claremont City Council held a meeting on Wednesday, January 19, 2005, in the Council Chambers of City Hall.

Members of the Council present were:

Michael Prozzo
Heather Giannuzzi
Christopher Irish
Mayor Scott Pope
Bruce Temple
Roger Formidoni
Andy Austin

Members absent:

Deborah Cutts
James Neilsen, IV

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

The meeting was called to order by Mayor Pope at 6:30 p.m.

REPORT OF THE SECRETARY

No Report.

APPOINTMENT TO BOARDS AND COMMITTEES

No Appointments.

OLD BUSINESS

Ordinance #456 Off Highway Recreational Vehicles (OHRVs) on City Property – 2nd Reading and Public Hearing

Mrs. Taylor gave an overview of the Ordinance, the changes that were made in the Ordinance and the timeline and outline of how this Ordinance proposal came to be. The Ordinance came out of safety concerns for both motorized and non-motorized users of the City trails, especially the 2.7 miles of City-owned Sugar River Valley Recreational Trail. Informal discussions began last year. Primary issues discussed were “rules of the road” and compatibility of uses between pedestrians and all others. The group came to an agreement that it would like to address issues

of the rules of the road before tackling competing use issues. The agreement was reviewed by the ATV and Snowmobile Users, Parks & Recreation Department, Fire Chief Peter Chase and the Conservation Commission. The feedback from the December 16, 2004, Conservation Commission meeting confirmed that the compatibility of uses issues would be handled separately from this Ordinance. This Ordinance addresses safety rules of the road issues. It is authorized by RSA 41:11, Regulation of Public Highways, Sidewalks and Common Lands; RSA 47:17, Authorizes Cities to Regulate Use of the Public Ways and RSA 215-A:15I permits municipal regulation of OHRVs within the City providing there is no conflict with the State law. The purpose of this Ordinance is to apply many of the provisions that are in the State law to City-owned property. If this is adopted, it will provide the tools for good local law enforcement, encourage the local user groups to help maintain & sign various trails and for those who are not responsible users, it will strengthen our enforcement abilities to make sure that people do behave in a safe manner. Essentially, if City trails are to be used, User Clubs must get permission. It expressly applies the noise limitations in the existing City Ordinances to OHRVs. It makes general statements regarding operating OHRVs at safe and reasonable speed. It has general common sense rules. It does establish a specific speed limit for sections of the Sugar River Trail. In the matter of enforcement, it is concurrent jurisdiction with local authorities. Local police have the ability to enforce under local laws.

Mr. Temple questioned why the Conservation Commission and not the Parks & Recreation Department is directing trails in our community. Mrs. Taylor stated that it is one of their mandates under State law.

Mr. Temple asked if the Conservation Commission will fund the maintenance of the trails.

Mrs. Taylor said they have a grant in-hand and one of the things that they have been looking at is a trail or master plan for conservation lands. Ultimately, it's the City that is responsible for maintenance of City property regardless of which department has the jurisdiction.

Mr. Temple asked if the Ordinance will apply to the park down off Maple Avenue. Are OHRVs, snowmobiles or motorized vehicles allowed under this Ordinance to use that park?

Mrs. Taylor stated any such use would be only with permission. No motorized vehicles are allowed over the unmaintained portions of highways, drives or City-owned recreational or conservation property without express permission.

Mr. Temple asked if they can go as fast as they want on the other side of the iron gate to the Newport town line.

Mrs. Taylor replied that it is a state-owned trail, under the direction of DRED (Department of Resources and Economic Development).

Police Chief Alex Scott stated that the maximum speed limit on state-owned trails is 45 miles per hour. The City has equal jurisdiction in patrolling that trail. Just because there are no signs, does not mean you can go as fast as you want.

Ms. Giannuzzi questioned what's being done now for people who want to go out and snowshoe. Are the officers going to be out immediately after the Ordinance is signed?

Chief Scott stated that when the snow is gone, there is a four-wheeler to patrol with and there will be grant money to fund overtime patrols. He met with Brian Sutmeyer, Fish and Game, to ensure that there is some form of enforcement during winter. There will be a marked increase in police presence in the summer.

Mr. Prozzo asked if the penalties and fines come back to the City because it is a City Ordinance.

Chief Scott stated the Ordinance refers back to 215-A, so a portion comes back to the City under OHRV fines.

Mr. Irish asked why there is lower enforcement during the winter.

Chief Scott stated the grant money is not designed to cover snowmobile enforcement; it's OHRV enforcement. Also, the Police Department does not have a snowmobile. His experience is that the number of complaints is much higher in the summer versus the winter.

Mrs. Taylor clarified that this Ordinance is not intended to address who uses the trail; the intent is to create a safer situation for users of the trail.

Alan Raymond, Ward 2, President of Sullivan County ATV Club, handed out a packet which will be talked about at future meeting to address who the users of the trail will be. He stated the Clubs can apply for grant money to maintain the trail system. The Clubs that have permission to ride the trail can get grant money to maintain and sign it. The Washington Street trail bed is the one being referred to by this Ordinance.

Mr. Temple asked about the money that was set aside 10 or 12 years ago to purchase the rail bed by K-Mart for Rails to Trails. He was told by the Highway Department that Claremont took the money and bought the trail. He asked if there were any covenants or anything we need to worry about with respect to fine print when that was transferred to us.

Mrs. Taylor replied that yes there are and it is not a part of this Ordinance. We have a responsibility to keep it free, open and available to all users and there has been some encroachment which the City is looking into. We cannot transfer it, give easements over it, sell it and there is a right of reverter to the State.

Mr. Irish asked Scott Hausler in which City parks are OHRVs allowed.

Mr. Hausler replied that the two parks that are affected by this Ordinance are Veteran's Park (section of the trail that connects with Wal-Mart and goes through City property at Veteran's Park) and Arrowhead (from the parking area along the boundary).

Mr. Irish asked if OHRVs are allowed to skirt the stream in Veteran's Park.

Mr. Hausler stated that OHRVs are not allowed in the Park without authorization.

Mr. Irish asked for a clarification that OHRVs are not allowed in Veteran's Park from the Horseshoe pits to the parking lot and Mr. Hausler confirmed it.

A motion was made by Mr. Irish and seconded by Mr. Austin to accept Ordinance #456 Off Highway Recreational Vehicles (OHRVs) on City Property on second reading as presented.

Mr. Temple expressed concern for the walking public, cross-country skiers, snowshoers, and other non-motorized vehicles on trails. He asked if we could get a response from the Parks and Recreation Department about what the future plans are for bike trails, walking and sidewalks.

Mayor Pope has heard discussions from other people about possibilities of redoing some of the trails and keeping a good trail system so that both OHRVs and walkers can have "their cake and eat it too." He has heard that there are a couple of people actively pursuing this.

Mr. Austin stated this has been in the Conservation Commission discussions and he believes that in the future they will be looking at doing something different for a walking trail by the river.

Mayor Pope opened the public hearing.

Jim Feleen, Ward 2, believes that if this Ordinance is approved, you are prohibiting walking, biking, running, snowshoeing and cross-country skiing from the Rail Trail from the metal gate on Washington Street to Pleasant Street. You should prohibit motorized traffic on that section of the trail. ATVs are incompatible with pedestrians. He has a copy of the deed to the Rail Trail in his file and it says the City owns the property. We are free to restrict this Rail Trail in any way that we want. He advocates for no motorized traffic. He believes that this Ordinance will prohibit pedestrian traffic on the trail if it is approved. He advocated that a change should be made so the Parks Department, not the Conservation Commission, should be responsible for developing, regulating use, managing and maintaining it. He stated we should involve the community in the use of a community asset.

Rick Bugbee, Unity, Trail Administrator from Shugah Valley Snowriders, stated his Club promotes safety education. Since he has become Trail Administrator, the Club has spent thousands of dollars on trail maintenance. Between these two sports (snowmobiling and ATV riding), there are hundreds of people in Claremont who use these trails.

Jack McKenzie, Jr., Ward 3, Vice President, Shugah Valley Snowriders, stated that he is the main groomer for the Club. He thought snow travel vehicles were in the grant on that rail.

David Belisle, Ward 3, Officer, Sullivan County ATV Club, stated that the Rail Bridge is the only access that allows ATVs to cross Sugar River. Without it, the southern loop of the trail system would be useless. He fully supports the Ordinance.

Mayor Pope closed the Public Hearing.

Mr. Irish stated the Trails were bought with public money and we all have equal rights to them. He believes that what the ATVers do doesn't prohibit walkers. The next step is we should get everyone (walkers, ATV Clubs and Snowmobile Clubs) together.

Ms. Giannuzzi agrees with Mr. Irish. We do have a voice in some of the committees and boards that agrees with Mr. Feleen's opinion that we need something more of a walking area for walkers, bikers, joggers. The City is not ignoring them and, in the future, we may see some plan for a walking trail. This Ordinance is a way to protect some of the riders.

Mr. Austin responded to Mr. Feleen about the Rails to Trails, and in support to Mr. Irish, he agrees there is a safety issue on the Washington Street part of the Trail. During the summer, he walks his dogs on the Rails to Trails from Pleasant Street to Broad Street and sometimes over to Washington Street and he has never been crowded off the road.

Roll Call Vote: Motion carried 7-0.

Mayor Pope asked to move the Citizen's Forum up on the schedule. The Council concurred.

CITIZEN'S FORUM

Kyle Messier, Ward 1, Chairman of Main Street Claremont Board of Directors, commented on the proposed development of the Mill Buildings and clarified Main Street Claremont's position. After careful consideration, the Board of Directors agreed with the project as presented by the City. On a personal note, she said she is pleased about the tremendous plans approved by the City Council last month for the redevelopment of the Mills. She urges that we do what is in the best interest of all Claremonters to keep the project moving forward. She questioned where the time and money will come from for redeveloping the Sawtooth. Her personal fear is that any extended effort to save the Sawtooth will jeopardize the entire project.

Liza Draper, Ward 3, stated there is a clause in the law regarding use of HUD money and failure to follow through on the process of Section 106 Review component of Historic Preservation Act jeopardizes our abilities to secure federal monies from any agency for any project. It particularly puts this project at risk. It is important that we go through the process as the law dictates.

Mayor Pope closed the Citizen's Forum.

Web-Site Development Update

Anthony Lyons, Planning and Development Director, stated Suzanne Ripka and Nancy Merrill were integral in the developmental of the Web-Site. SilverTech, Web-Site Developer of Manchester, built the web-site. The three main areas on the web-site are City Departments, Calendar and first and foremost Economic Development. There are 360° Panorama views of

different areas in the City. Residents can get City Applications and Forms on line. Once you press "Submit," the applicant will receive an automatic e-mail response with instructions for the next step. The forms can also be printed and submitted to the appropriate Department. GIS will be up in about a month. Postcards were sent out to all households in the community and other people in state showing the new web-site. Changes to the web-site can be made in the Planning and Development office.

Mr. Formidoni thought the web-site was very impressive and he asked if it is the job of one person to monitor it for changes.

Mr. Lyons stated the Site is designed to have as little maintenance as possible. When requests come in from the public on the web-site, they go directly to the office that needs to take care of it. Individual Departments will be able to update the portions of the web-site that pertain to them within the next month or two.

Mr. Irish congratulated Mr. Lyons and stated this web-site rivals any business web-site he has seen. He would like the Council to see how they can utilize it.

Ms. Giannuzzi stated that this is a phenomenal web-site, but she is concerned that each Department updates its own information.

Mr. Lyons answered updates will be done by the specific Department that deals with it. Only a small amount of information will change and almost 90% of the base information will stay same.

Ms. Giannuzzi is concerned that the web-site won't get updated and will become out-of-date.

Mr. Lyons stated the site has been designed to allow us to do it. There is some training that needs to be done. Planning and Development will do the "lion's share" of the updating.

Mr. Austin stated the web-site will be a good tool to bring people into our City.

Mr. Irish asked if there will be a section for what is going on in Claremont.

Mr. Lyons stated he hopes so. The goal right now was to get the government information up and hopefully the News area will grow later.

Mr. Santagate stated this web-site is a part of marketing the City. We will start to make a big push in the media this coming year to promote the City.

NEW BUSINESS

Acceptance of Donation from Wheelabrator Technologies, Inc. of \$1,083.00 to the Fire Department for the Purchase of Three Radio Pagers and Chargers

Fire Chief Peter Chase explained that the pagers allow off-duty people to return to the fire station, if needed. A Thank You letter will be sent to Wheelabrator. This donation allows the budget to go a little further.

A motion was made by Mr. Irish and seconded by Mr. Prozzo to accept a donation from Wheelabrator Technologies, Inc., of \$1,083.00 to the Fire Department for the Purchase of Three Radio Pagers and Chargers with appreciation and gratitude.

Motion carried 7-0.

Granting of Easement to Public Service of New Hampshire (PSNH) on Airport Property for Installation of Utilities

Chief Chase explained that a new private hangar is being built at the airport and there is a possibility of a municipal hangar being built, so we need to get electricity out to that area of the airport and, of course, it has to be underground. Therefore, an easement for the underground cable is needed. He asked the Council to approve this public utility easement.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to Authorize Utility Easement at Claremont Airport.

The Claremont City Council hereby approves conveyance of a utility easement at the Claremont Airport by the City of Claremont to Public Service Company of New Hampshire for purposes of extending underground electrical service approximately 380 feet southerly from Sullivan Street across City-owned property, as detailed in a Sewer Easement Agreement to be filed in the Sullivan County Registry of Deeds, and authorizes the City Manager, or his designees, to execute said Agreement and take all such actions as may be required to permit installation of electrical service upon said easement.

Roll Call Vote: Motion carried 7-0

Acceptance of 2003 Homeland Security Grant Program Part II Funds in the Amount of \$31,422.56 for the Purchase of Portable Radios for the Fire Department

Chief Chase thanked Mr. Prozzo and Police Chief Alex Scott. He stated that Sheriff Prozzo helped clarify that there is more than one Homeland Security Grant available, but the one that Claremont qualifies for is the Homeland Security Grant Program Part II which is not threat-based. Homeland Security identified that one of the biggest problems nationwide is interoperability, emergency services (fire, police, medical) are not able to talk to each other at an emergency incident. Our interoperability will be improved at emergencies. There is no local match; it is fully funded.

Ms. Giannuzzi asked if Golden Cross Ambulance can communicate with Fire and Police during an emergency.

Chief Chase explained that they are updating their equipment and because they are a private contractor, the criteria is a bit different than for the Municipality. The Fire Department is a licensed non-transport ambulance service, so that allows us to apply some of these radios to the EMS side and in the event of a major medical disaster, we could give some radios to Golden Cross, if needed.

A motion was made by Mr. Austin and seconded by Mr. Irish to accept the 2003 Homeland Security Grant Program Part II Funds in the Amount of \$31,422.56 for the Purchase of Portable Radios for the Fire Department.

Mayor Pope offered his congratulations and Mr. Prozzo thanked the Chief.

Motion carried 7-0.

Acceptance of Anonymous Donation of \$12,000 for Equipment for the Police Department Cruiser Fleet

Police Chief Alex Scott explained that the donor saw a need for equipment and donated it. Chief Scott asked the Council to accept it with sincere thanks.

A motion was made by Mr. Formidoni and seconded by Mr. Austin to accept the Anonymous Donation of \$12,000 for Equipment for the Police Department Cruiser Fleet with thanks to the anonymous donor.

Motion carried 7-0.

Mayor Pope asked Chief Scott and Chief Chase to keep track of these grants so, when requested, we could get a good number.

Resolution 2005-10 Authorization to Borrow \$3 Million for Road Improvements – Public Hearing

Paul Fredette, Public Works Director, introduced Bill Straub and Eric Reitter from CMA Engineers. He explained that the City is working with them on a plan to reconstruct our deteriorated infrastructure and to build a maintenance program. Tonight's meeting is the required public hearing so that in February we can ask the Council to authorize the City Manager to borrow \$3 Million for 15 years for road improvements. The \$3 Million combined with our budget appropriation for 2005 and 2006 minus the debt service will give us about \$4 Million to spend in the next two years on road improvements. The debt service on a \$3 Million bond will be about \$280,000 per year.

The \$4 Million, in the next two years, and the anticipated appropriation of \$750,000 on an ongoing basis will allow the City to spend \$470,000 a year on road reconstruction and maintenance projects. That is two and a half times the annual expenditures for roads in the years

1990 to 2001. In the future, if the City can catch up on road reconstruction projects and not let roads degrade to the point they are today, we will be able to save \$4 for every \$5 that it costs to improve the roads today.

There are four issues to be looked at to determine which roads we should be spending money on: 1) condition (ranges from acceptable to poor); 2) use of the road (a major road that is in fair or acceptable condition may be repaired ahead of a smaller road that is in poor condition); 3) leveraging utility money (grants are tied to them and we are saving 15% to 20%); and 4) the degradation curve of the roads.

Bill Straub, Principle of CMA, presented the Roadway Inventory Evaluation. He stated the bottom line is to establish a capital improvements plan for roadways. The City of Claremont has about 120 miles of roads and 30% (approximately 42 miles) of them were sampled for the Evaluation. The roads were rated 4 (Acceptable), 3 (Fair), 2 (Marginal) and 1 (Unacceptable). It is cheaper to maintain roads than to let them deteriorate and then replace them.

Eric Reitter, Project Manager, CMA Engineers, proposed that the City use the following Methods/Techniques for reconstruction: 1) Shim and Overlay; 2) Pavement Reclamation and Overlay; and 3) Full Depth Reconstruction. He reiterated that it is cheaper to maintain than to replace deteriorated roads. He explained that the City should set aside maintenance project money to maintain the roads and the capital improvements money for the significantly more expensive infrastructure projects.

Mr. Reitter showed a map of the roads that were inventoried and their status. There are 4.6 miles of roads in acceptable condition, 20.4 miles in fair condition, 15.1 miles in marginal condition and 2.1 miles in unacceptable condition.

Mr. Straub's overall recommendation is to repair roadways and move as many from the "reconstruction" mode to the "maintenance" mode as we can with the capital dollars available.

Mr. Temple asked if these projects will be out this summer. Mr. Fredette replied that the Engineers have been asked to have the plans ready for design review by March 1st and then have the plans out for bid in March. One slow down is the roads that have sewer in them; they are Charlestown Road, Belding and Summer Streets. We've asked Department of Environmental Services to advance us the money for the sewers. We may not get the money until April, which would put those projects out to bid in mid-April.

Mr. Temple stated there are maintenance (overlay paving) projects that need to be done and he asked if that funding will come out of the \$650,000 appropriated in this year's budget.

Mr. Fredette stated we are budgeting \$60,000-\$80,000 a mile for overlay and \$1.1 Million a mile for reclaim and overlay. We will start with a mile of overlay in the first year, but the streets haven't been determined.

Mr. Temple was hoping to encourage DPW to get some paving done somewhere. Mr. Santagate replied that we don't want to pave a street that will require more extensive work in a couple of years.

Mr. Fredette suggested that when the bond issue comes up for the next vote that the Council should earmark about \$75,000 to \$80,000 for overlay work. Currently that is not in the plan.

Mr. Temple believes the Council should decide to have some paving done and DPW should decide where the work should be done. Mr. Fredette agreed that if the Council directs the amount of money to be used for the paving, then DPW would make the decision which roads should be done.

Mr. Prozzo stated that we should be able to do some maintenance to the 57 miles of roads that are in fair condition, so they don't deteriorate further. He would like to see a recommendation from Mr. Fredette for maintenance as well as capital. If that recommendation requires more money, then that is what the City Council is there for.

Mr. Temple would like to know from Mr. Fredette what the plans are for spending the \$660,000 that was budgeted for 2005.

Mr. Santagate stated that the bond will be voted on at the next meeting and he asked if the Council would direct that "X number of dollars" be set aside for paving only.

Mr. Fredette stated that the \$4 Million that is available for these improvements is all the money that is available and it has been directed toward capital improvements. There is no extra money; however he will apply the amount that is directed by the Council, from the \$4 Million, toward overlays.

Mr. Santagate wanted to clarify that the bond will be paid out of a line item that has already been established in our budget.

Mr. Irish agreed with Mr. Prozzo and Mr. Temple, he doesn't want the Council to dictate, but would prefer DPW bring a list of roads to the Council. Mr. Fredette agreed.

Ms. Giannuzzi stated the presentation and discussions were very clear and she feels we need to follow the recommendations. Maintenance needs to be continued as we go ahead with the capital projects. She would like us to think about truck routes through our City for a later date.

Mr. Temple asked Mr. Fredette to generate a list of roads that could be overlaid in 2005 for our next meeting.

A motion was made by Mr. Irish and seconded by Mr. Prozzo to adopt Resolution 2005-10 Authorization to Borrow \$3 Million for Road Improvements.

Mr. Irish read the Resolution into the record.

Mayor Pope opened the Public Hearing.

No comments were received.

Mayor Pope closed the Public Hearing.

Roll call vote: Motion carried 6-1 with Mayor Pope voting no.

(City Solicitor's Note: Under provisions of RSA 33:8-a, vote has advisory effect only.)

CITY MANAGER REPORT

None

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Prozzo asked if we had a final cost on Washington Street. Mr. Fredette stated not yet.

Mr. Temple asked if we could get Enhancement money for sidewalks on Charlestown Road.

Mayor Pope reminded everyone that Social Service Applications are available at the City Manager's office.

Mayor Pope stated that any Audit questions should go to Mary Walter.

Mayor Pope asked for information to be given at the next Council meeting or in the very near future about Historic District – Assessing. Mr. Irish explained that they were reviewing the Historic District Assessing Report.

Mr. Prozzo asked if another workshop will be planned. This time of year is a good time to do it.

Mayor Pope stated Mr. Temple had suggested the 10-year plan be an agenda item.

Mr. Temple stated from Doc Staples to the High Bridge is on the agenda for Mar. 5th. We need to have a meeting and write a letter to the Commissioner that we are behind that project.

Mayor Pope would like to schedule the Workshop for Feb. 23rd, tentatively.

Mr. Prozzo asked if we could invite the Governor to the meeting.

Ms. Giannuzzi would like to get an update on some of the big projects in town, such as Home Depot and Lowe's.

Mr. Austin asked to set goals at the workshop.

Mr. Santagate stated he was hoping to take vacation February 10th-24th.

Mayor Pope said he would make a phone call and work through it.

COMMITTEE REPORTS

No reports.

ADJOURNMENT

At 10:00 p.m. a motion was made by Mr. Prozzo and seconded by Mr. Temple to adjourn.

Motion carried 7-0.

Respectfully Submitted,

Dorée Russell
Clerk to the Council