

The Claremont City Council held a meeting on Wednesday, May 11, 2005, in the Council Chambers of City Hall.

Members of the Council present were:

Michael Prozzo
Deborah Cutts
Heather Giannuzzi
Christopher Irish (Arrived Late)
Mayor Scott Pope
Bruce Temple (Arrived Late)
Roger Formidoni
Andy Austin
James Neilsen, IV

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

The meeting was called to order by Mayor Pope at 6:31 p.m.

MAYOR'S NOTES

Mayor Pope announced that we have closed on the Mill buildings. The restaurant signed late last week.

Over the weekend, Mayor Pope noticed Northern Lights (people who do the Christmas lighting of the park) were picking up the Christmas lights; he thanked them and wanted them to know that the community appreciates everything that they have done.

It was brought to Mayor Pope's attention by Ms. Cutts that National Nurses week is May 6th through May 12th and Mayor Pope recognized the nurses in our community.

Mayor Pope noted that the Track ground breaking is scheduled for Monday, May 16th, at 8:30 a.m. Mr. Santagate noted that it is a sports complex with an 8-lane track that will host state meets. Mr. Santagate thanked the anonymous donor for the \$600,000. It will include portable bleachers, lights for night activities, and a parking area close to the track. Completion is expected in September or October of this year.

Mayor Pope reminded everyone that the Relay for Life starts Friday at 6 p.m. and ends Saturday at 12 noon. Ms. Cutts stated the Council team will be walking. She thanked the Relay for Life coordinators, noting they made things easy.

Council Meeting

May 11, 2005

Page 77

Mayor Pope stated the New Hampshire Community Technical College graduation exercises are Friday, May 20th, and he congratulated the graduating students.

Mayor Pope announced two people have taken part in the Roads Scholar program at the University of New Hampshire Technology Transfer Center and have received Senior Roads Scholar Certificates; to achieve that they have to have done 70 hours or 14 one-day sessions plus complete requirements to become Levels One and Two Roads Scholars. Congratulations to Henri Frechette and Dean Hooper, Public Works.

Mayor Pope thanked and recognized public service people (fire department, police department and the ambulance service) for the great work they do for our community.

REPORT OF THE SECRETARY

A motion was made by Mr. Formidoni and seconded by Mr. Neilsen to accept the Minutes of the April 13, 2005, City Council Meeting as written.

Motion carried 7-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Continuance of Conservation Commission Board

Mayor Pope accepted Michael Demars' resignation from the Planning Board with regret and deep gratitude from the City for service well done.

Conservation Commission Board Alternate Seat #7A

A motion was made by Ms. Giannuzzi and seconded by Mr. Prozzo to appoint Michael Demars to the Alternate Seat #7A.

Motion carried 7-0.

Claremont Community Television (CCTV) Board

Seat #4

A motion was made by Mr. Prozzo and seconded by Ms. Giannuzzi to reappoint Ronald Landry to Seat #4.

Motion carried 7-0.

Zoning Board of Adjustment

Seat #5

A motion was made by Mr. Prozzo and seconded by Ms. Giannuzzi to appoint Tracy L. Pope to Seat #5.

Motion carried with 6 Councilors voting for and Mayor Pope abstaining.

OLD BUSINESS

Social Services Funding Reconsideration

Organization	Funds requested	Previous figures	Suggested Individual Allocations 2005
Claremont Soup Kitchen	10,000	5,400	5300
Headrest	7,000	3,000	2850
Youth and Family Services	5,000	2,250	2200
West Central Behavioral Health	5,000	3,000	2950
Community Transportation Services	2,500	900	850
Sullivan County Nutrition Services	10,000	4,500	4450
Milestones Children's Center	1,500	750	700
Sullivan County Hospice	5,000	4,500	4450
Connecticut Valley Home Care	5,000	2,700	2700
Southwestern Community Services	5,000	2,700	2700
Trusting Hands Home Health Care	2,000	900	850
Totals	58,000 Requests		30,000 (Budget Line Item Cap)

Mayor Pope explained that when the allocations were presented at the last Council meeting, the numbers contained a \$600 error. The actual figures came up to \$30,600. Changes have been made to get to the \$30,000 line item. He takes responsibility for the error and is bringing it back to the Council to make sure it is done properly as it is a distribution of funds.

Mr. Neilsen also accepts responsibility, because he was running the calculator that night.

A motion was made by Mr. Austin and seconded by Mr. Neilsen to reconsider the previous vote.

Motion carried 7-0.

6:50 p.m. Mr. Temple arrived late.

A motion was made by Mr. Neilsen and seconded by Mr. Austin to amend the previously approved amount to the revised figures that are being presented tonight.

Motion carried 8-0.

Ordinance #459 Condominium Development and Conversion – 2nd Reading – Public Hearing

Mayor Pope read a letter from the Claremont Planning Board endorsing the Condominium Development and Conversion into the record.

Mr. Santagate commented that we are confident this Ordinance provides another avenue that will help promote and encourage ownership of residential and commercial units in Claremont. It allows and encourages ownership and investment into the community.

Ms. Taylor explained the Ordinance has been available for review at the Library, City Manager's office, the City Clerk's office and the Planning office as well as on the City's web site as a pending Ordinance. The state has very stringent regulations on registration of condominium developments and also of conversion of apartments or other forms of buildings to condominiums. The local community still needs to have some review process. For most communities around the country, it is done through the site plan process and that is what is being recommended in this ordinance. Subdivision review is not appropriate because of the nature of a condominium; you own 100% of your unit and share ownership of common properties (lawn, sidewalk, exterior of the building, etc.). If you own a condo, you own from the walls in. The common portion is from inside the walls (the plumbing behind the walls) out. The City needs to be able to review plans for this type of development such as where the water and sewer will go, density issues, or whether it's appropriate for the location. It can be townhouses or multi-units in one building.

Ms. Taylor was asked why a development with four or more buildings requires the roadways to become city streets. She responded that all the condo ordinances she could find adopted by other communities seemed to set that as a base standard. There is a concern with 911; with more than two independently owned structures on a roadway, it cannot be a driveway. There is also a quality issue here. If the roads become city streets, then they must meet city construction requirements. It also gives better control over how utilities are placed.

Ms. Taylor stated there has been a lot of concern in the community about density and quality. The density requirements in this ordinance reflect the requirements the Council already adopted last year in the B-1 District. It was done so you don't end up with too many different criteria in different districts. The other issue is that in 2002 when a Special Residential Use Permit was created for the Mill District, residential use of any of those structures was limited to 25% of the total building. One result was you didn't have very many people trying to reuse the buildings with any kind of residential use. This proposal deletes that 25% limitation, but it also sets strict restrictions on the size of units and the number of bedrooms that would be permitted. This Ordinance applies to the entire City.

A motion was made by Mr. Neilsen and seconded by Ms. Giannuzzi to approve Ordinance #459 Condominium Development and Conversion on second reading as presented.

Mayor Pope opened the public hearing.

Robert Woodman, Ward 3, asked if one person can own all the condos in any building. Ms. Taylor said that when condominium documents are originally filed, the developer owns them all. It is possible, unless there is a limitation in the condominium documents, for one entity to buy up all the condominiums. The question then becomes whether or not if after the original developer sells to individual owners, the condominium project is bought up by one entity, whether or not if those condominiums are then offered for resale, it becomes a condominium conversion subject to the state's conversion registration process. It is really a more complex question than just saying yes or no.

Mr. Woodman said the project on Winter Street was apartments and then was converted to condos. Then we had to take them back for back taxes. He doesn't want us to go down that "slippery slope" again. He has seen promises by developers. In Heritage Drive, we were promised a high class restaurant and a store. At the eleventh hour, we got another 45 subsidized units.

Ms. Taylor stated that is probably the best argument in favor of this Ordinance. One of the reasons some of these situations were allowed to arise is because there was no regulatory scheme to govern what happened with condominiums. One of the issues that came up before the Planning Board was whether or not the City could, by Ordinance, put a restriction on the number of units that any one individual or entity could own. The sense from the Attorney General's office is that a government body has no right to restrict the alienability of private property. However, the proposed ordinance requires, as part of the site plan review process, that proposed condominium documents be submitted to the Planning Board. The Planning Board can enter into a "give and take" with any developer on that issue. This gives better controls.

Mayor Pope closed the public hearing.

Mr. Austin raised the question, when a developer registers with the state, does he also have to register his intent with the City. Ms. Taylor stated the developer would need to get local approval before registering with the state.

Mayor Pope stated the Ordinance has been available in several places throughout the City and, therefore did not read it into the record.

Roll Call Vote: Motion carried 8-0.

Ordinance #460 Amending the Non-Union Employee Classification Plan – 2nd Reading – Public Hearing

Mr. Santagate stated that these two positions have been presented to the Personnel Advisory Board and they were approved. One person is being added to the Information Systems area as a grade 9. The other is a part-time police detective. The funding was included in this year's budget. He asked the Council to adopt Ordinance #460 Amending the Non-Union Employee Classification Plan.

A motion was made by Ms. Cutts and seconded by Mr. Prozzo to accept Ordinance #460 Amending the Non-Union Employee Classification Plan on second reading.

Mayor Pope opened the public hearing.

Mayor Pope read Ordinance #460 into the record.

Mayor Pope closed the public hearing.

Roll Call Vote: Motion carried 8-0.

CITIZEN'S FORUM

Tom Donovan, Ward 2, is excited about what's happening in the Mill District and appeared to give a legislative update. He said air quality is important and there is a bill that would allow a moratorium on the burning of construction and demolition (C&D). We need to study it and while they do, they would have a moratorium on C&D. It's in the Senate and he begs everyone to call Senator Odell to ask him to support the bill for cleaner air.

Mr. Donovan said the minimum wage bill improves quality of life. The minimum wage is \$5.15 per hour and we need to change that.

Mr. Donovan stated the County budget is before the Executive Finance Committee. It will be voted on at the end of June at the County Convention. The nursing home has been quasi-privatized through Genesis. It has a different approach.

Mr. Donovan apologized to Dillon Jackson who passed away from blastoma . Mr. Donovan promised he would fight the air issues. It seems the medical issues are off the table.

Jacqueline Elliott, Ward 1, said the good news is the solid waste issue is beginning to be hopeful, promising and perhaps a little exciting. Recently, \$100,000 has been granted from the U.S. Department of Agriculture to apply to the issue of solid waste planning in Sullivan County. There will be a workshop on May 26, 7 p.m., at the Newport Middle School. She encourages participation. The bad news: NH/VT Solid Waste Project announced at an Executive Committee Meeting (non-public) by the Chairman of the Joint Committee Meeting of the Project, Mr. T.J. Alexander, Sunapee, that there would be instances where Claremont representatives would not be allowed in certain meetings. She is asking the Council to reiterate its position that all representatives from this community have access to all meetings of the Project (public or non-public). She encouraged involvement.

David Belisle, Ward 3, spoke about the International Residential Code for One- and Two-Family Dwellings. He said the code has a controversial history in this state. A few years ago, we adopted a statewide building code made up of the International Building Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code and International Electrical Code. At a code seminar last month, he was told there was enough opposition to the International Building Code that a majority of the communities in New

Council Meeting

May 11, 2005

Page 82

Hampshire were going to throw it out. He hopes we find out what the problem is before we adopt it.

Mr. Belisle spoke about residential sprinklers. His opinion is that they are not economical.

Mr. Prozzo referred to Ms. Elliott's statement that Claremont representatives are being left out of a meeting. Mr. Formidoni clarified that the issue came up regarding the tax abatement issue and that there would be more negotiations as the Project applies for an abatement of taxes and the loss of tax revenue that would ensue from that. There was talk of excluding the Claremont reps from that process because of conflict of interest. There was no motion to that affect; it was just suggested.

Mayor Pope said there is a meeting on May 25th to discuss some of the issues with the Solid Waste subcommittee and maybe we could get some clarification about this for that meeting as well.

Mayor Pope asked when the minimum wage issue would go before the Committee. Mr. Donovan believes that both C&D and the minimum wage will be heard on May 17th.

Mr. Woodman said to put Ms. Elliott's fears to rest, the only thing that was in the Executive Session was that Wheelabrator was going to let the records be given to the Project and the City.

Mayor Pope noted that the Farmer's Market will open on June 16th.

Mayor Pope closed the Citizen Forum.

NEW BUSINESS

Bike/Walk to Work Proclamation

Mayor Pope read the proclamation into the record.

Ruth Preston, Greater Claremont Chamber of Commerce, said the Moose Lodge has offered to let people leave their cars at the Moose Lodge while they bike or walk to work. Valley Regional Hospital is encouraging their employees to be a part of this. There are some nice give-aways. Everyone who participates is eligible for a state prize. This is the same weekend as the Criterion which races around Broad Street and Pleasant Street. The Pleasant Street merchants have put together a project called Art to Go, using old bikes. They will be auctioned off the day of the Criterion. Hannafords is providing a free breakfast.

ATV Use of Class VI Roads

Ms. Taylor explained that the Sullivan County ATV Club had requested to have the City's Class VI road opening coincide with the State's May 23rd opening. This suggested motion would permit the ATV users to obtain a Special Use Permit.

Mr. Prozzo asked if this date would change every year. Ms. Taylor said that it would not. She said that we may want to look at this Ordinance before next year to get the whole permitting process in sync with what the state has.

A motion was made by Mr. Prozzo and seconded by Ms. Giannuzzi to authorize the City Manager, or his designees, to take such actions as may be necessary to issue a written class VI highway usage permit to individuals and organizations to operate Off Highway Recreational Vehicles (OHRVs) on the City's class VI roads from May 23 through June 1, 2005, thus permitting such use to coincide with the State of New Hampshire's opening of its OHRV trail system for the 2005 season.

Alan Raymond, Sullivan County ATV Club President, said this change will cut down on the confusion. A lot of riders go by the state date and don't realize the City has a separate date.

Mr. Santagate said that if the change is approved tonight, it will give the City time to bring the ordinance in compliance with the state.

Mr. Raymond recommended that the City look at the wording, off highway recreation, because it could be interpreted that any motorized vehicle, once it leaves the highway, is off highway. He suggested being careful with the wording so that you are not impacted by a large impact vehicle such as jeep or a truck. What we are looking for are minimum impact vehicles, ATVs that are less than 1,000 lbs and have less than 5 lbs of air in the tires, which cause less damage during mud season than a 4,000 lb pickup. Ms. Taylor said that the motion is limited specifically to OHRVs. It does not open the class VI roads early to the other vehicles that may have reason to use the class VI roads.

Mr. Formidoni asked if off highway means that it is equipped to run off highway or that it is not licensed for a highway. Ms. Taylor stated that OHRV is a very specialized definition under state law.

Ms. Taylor read the state definition of OHRV from RSA 215-A:1 VI. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle.

Mr. Raymond said he thinks the state is going to go by weight and air pressure in the tires.

Mayor Pope asked that as the state works through that, please work together so that our ordinance is pretty tight to the state's.

Motion carried 8-0.

Ms. Taylor said that neither one of these proposals involves requiring sprinklers. Building codes currently require fire detection devices. There has been a Code Enforcement sub-committee and these ordinances are reflective of parts 1 and 2 of that sub-committee's recommendations. The State adopted a building code a couple of years ago. Ordinance #461 is purely housekeeping. The purpose of the change is to bring the City's building codes into line with what the state has adopted. It applies state law to the local environment. It adds a notice requirement and a penalty requirement for violation.

Ken Walsh, Interim Building and Code Enforcement Officer, stated the codes have been in effect since 2000. The International Building Code is applicable to everything except a one- or two-family building code. The state did adopt the International Residential Code in 2002 for modular home construction.

Ms. Taylor made note that copies of the Codes that are referenced in Ordinance # 461 will be available in the Planning and Development's and City Clerk's offices as required by State law.

Mayor Pope read Ordinance #461 into the record.

A motion was made by Mr. Prozzo and seconded by Ms. Giannuzzi to adopt Ordinance #461 Buildings and Building Regulations on first reading.

Ms. Taylor clarified that both of these Ordinances are not for property maintenance. Additions to buildings will have to be built to Code, but existing structures will not have to be retrofitted.

Mr. Irish came in late at 8:45 p.m.

Roll call vote: Motion carried 9-0.

Mayor Pope called for a 10 minute break.

Ordinance #462 International Residential Code for One- and Two-Family Dwellings – 1st Reading

Ms. Taylor said that this Ordinance is part 2 of the recommendations of the Council's Sub-Committee on Code Enforcement. This specifically addresses one- and two-family dwellings. Modular homes that are being constructed in the City today are currently being required by the state to follow this code. It is not fair to require someone who has a modular home to follow a different set of standards from someone who has a stick-built home. This makes the construction process more user friendly. Because this has been developed by the International Codes Council, it complements the others that we are using.

Mr. Walsh said that this applies to new structures and portions of structures that are being altered, or renovated.

Mayor Pope read Ordinance #462 into the record.

A motion was made by Mr. Neilsen and seconded by Mr. Austin to accept Ordinance #462 International Residential Code for One- and Two-Family Dwellings on first reading and set for a second reading and public hearing.

Roll Call Vote: Motion carried 9-0.

Fire Truck Replacement

Fire Chief Peter Chase stated that in 1998 the City Council adopted a fire apparatus replacement plan. It was determined that \$94,000 be set aside for fire apparatus replacement. Since the plan was implemented, we have purchased a rescue truck. The next purchase, in 2001, was a combination ladder/pumper (quint). We combined two pieces of equipment which was cost effective. That vehicle cost about \$470,000 and has a life expectancy of about 25 years. In 2001, we bought the quint on a 10-year lease purchase with a pay off in 2010. Currently, Engine 4, 1980 pumper, has maxed out its life expectancy and is due to be replaced. There is \$234,297 in the bank. The Fire Department has put together 53 pages of specifications. The manufacturer is estimating that it will cost approximately \$370,000. There is about a standard 300-day bill time. He coordinated with the Finance Director to see how this can be done within the operating budget. Right now the \$94,000 is split into two segments; just over \$60,000 goes to the annual lease payment on the quint and \$34,000 is rolled over into escrow to purchase the next fire truck. We can go with a 5-year lease purchase. We can put \$200,000 down when the vehicle is delivered and then each year for 5 years, make an approximate \$35,000 payment. There will be no additional impact on the Fire Department budget. He is asking the Council for permission to go out for bid and then he will come back to the Council with the results and ask to make the purchase.

A motion was made by Mr. Neilsen and seconded by Mr. Irish to authorize Chief Chase to pursue the purchase of the next piece of fire apparatus in the fire replacement plan.

Motion carried 9-0.

Airport Hangar

Fire Chief Chase said with the Airport Advisory Board and the Airport Master Plan, they petitioned the state since this is the first year that Entitlement money is available to build a municipal aircraft hangar. This will be a money-making proposition for the City. Every time someone buys an airline ticket in the United States, there is a tax for airport improvements that goes to Washington. The money is divided into two pots, entitlement and discretionary. That money can be tapped into by all the airports in the country that are FAA certified, as our airport is. We get approximately \$150,000 a year in entitlement money. If Washington approves an improvement at the airport, we can use that entitlement and we only have to match 2 ½%. Last year's entitlement was not completely spent, so this year we have \$250,000. We thought building a 6-unit T hangar would be feasible. The construction industry is busy, so we only received 2 bids. One bid had to be thrown out because the bid bond was missing. This is a two part project; it's building a 6-unit T hangar and improving and reconstructing a portion of the taxiway to go with the hangar. The project came at \$302,000 for the hangar, which is \$44,000

more than what is dedicated, and \$122,000 for the taxiway improvement. We are over budget as far as entitlement goes. We talked with FAA and NH DOT and they told us to submit a request for funding for the total cost of the project, the taxiway and the hangar. Now they are looking at splitting the project in two, because discretionary money (the other pot of money) can be used for taxiway construction and improvement. The City has \$124,000 in the airport reserve fund. The airport reserve fund is generated from taxes on buildings that are on airport property. We have enough money between our entitlement money and the airport reserve to build the hangar. We have asked the Feds to give us the discretionary money to build the taxiway. They are considering it. We are asking the Feds to split the project into discretionary and entitlement money. If they agree to do that, he will come back to the Council to ask for \$44,000 out of the \$124,000 that is in the airport reserve to build the hangar and just match the taxiway improvement with 2 ½%. The total project is well over \$400,000, including engineering, the taxiway and the hangar.

Mr. Austin asked if we make anything off the gas that we sell. Chief Chase said we make approximately 50 cents per gallon.

Mr. Austin asked if there was a waiting list to use the hangar. Chief Chase said there are 10 people already waiting. Chief Chase said the rent for the hangar would be approximately \$180 per unit/month.

Mayor Pope asked how many flights per day/week are there. Chief Chase said that the last survey showed about 10,000 operations (take off or landing) per year.

Mayor asked for a consensus of the Council for the \$44,000. The Council agreed.

Infrastructure Project Update

Paul Fredette, Public Works Director, handed out a sheet containing 2005 Project Summaries. He said most of the construction starts are holding where we had anticipated them. Maple Avenue had sewer problems and a 20-foot deep manhole with questionable structural integrity. There are some lead water goosenecks that need to be replaced. They've asked Dubois and King to modify their schedule so they can rebid the project this year with the utilities.

The Dunning Street project is going very well. The big problem has been water working its way up when they are compacting the soil. They are currently negotiating a \$35,000 change order. He doesn't see a slippage in the construction timeframe.

The Elm/West Terrace and Belding project is on schedule. The State said the status of that review is that it is nearing the top of pile. That project has both water and sewer in it.

Thrasher Road is delayed, not cancelled.

Next month Mr. Fredette will submit an updated summary that will also include costs.

He noted the Sugar River Drive bid was opened. The Engineer's estimate is \$120,000 and the apparent low bid is \$124,000.

Frank Underwood, President, Underwood Engineers, Inc., said that Thrasher Road is a marginal (benefit) project. The water pressure will be marginal when the project is built. He thinks it would be prudent to look at the project one final time. He said he has no problem recommending not doing the project, because we would not derive the expected benefit.

Mr. Santagate asked if the problem should have been caught during the design phase. Mr. Underwood said when he got to end of the project and he saw the numbers (29 pounds of pressure and the national minimum is 20 pounds), he thinks it was worth looking at. Mr. Santagate asked Mr. Underwood if he concludes this won't go forward, would Mr. Underwood make the city "whole." Mr. Underwood said he would have that discussion. If it's 29 pounds of pressure and it would work, he would say it's a system that is acceptable. If there's nothing out there and didn't work and he didn't catch it, he would sit down and talk about it.

Mr. Irish asked Mr. Fredette if a column with a targeted completion date could be added to the summary sheet. Mr. Fredette said most of the completion dates would be Thanksgiving Day because the plants close around Thanksgiving.

Mr. Fredette said he is currently looking to hire one of the firms to provide a contract administrator to oversee the consistency of the projects. Each firm that had design responsibilities would have a resident on the project. The primary benefit to the City would be consistency.

Letter Insertion in Tax Bill Mailing

Ms. Walter, Finance Director, had submitted a request to the Council to include a letter in the tax bill mailing that reminds the public of its obligation, under Claremont City Code Section 16-104, Procedures, to ensure their buildings are properly numbered. Properly numbered buildings make emergency response thereto quicker and, therefore, make the occupants of those buildings safer.

A motion was made by Mr. Prozzo and seconded by Mr. Irish to insert the letter in the tax bill mailing.

Motion carried 9-0.

Authorization of Multi-Year Vehicle Lease Agreement-DPW

Mr. Fredette explained that we are in the process of changing the lease holding company from MSG to Tatonka. By taking the annual budget and adding 3% each year, we have turned the fleet around at Public Works. There are about 46 pieces of "rolling stock" at Public Works. Thirty-three of those vehicles are year 2002 or newer. By 2010, we will have completely replaced the fleet since the year 2000. There are advantages to changing the lessor; one is that one-half of the fleet will no longer be collateralized, we will take full ownership. This motion is a reaffirmation of the 2002 motion.

Mr. Santagate stated this is just a transfer to a different company. There is a non-appropriation clause.

Mr. Neilsen asked why the lease company will not continue to hold the collateral. Mr. Fredette explained that it is a different leasing company. Tatonka would only collateralize newer vehicles.

A motion was made by Mr. Prozzo and seconded by Mr. Austin to authorize the City Manager to enter into a multi-year agreement for the lease of vehicles and related equipment for the Department of Public Works and Highways. The proposed lease agreement contains a termination clause in the event of non-appropriation of sufficient funds.

Mr. Fredette stated that with the leasing program, he has been able to reduce the maintenance staff from 5 to 2 ½ people.

Motion carried 9-0.

Resolution 2005-15 Indemnification of City Employees and Elected and Appointed Officials – Public Hearing

Ms. Taylor explained that this is a general resolution to provide statutory protection to elected and appointed officials as well as City employees. She further explained that you are protected from liability for actions taken, in good faith, within the scope of your duties.

Mayor Pope read the resolution into the record.

Mayor Pope opened the public hearing.

Robert Woodman said the Resolution does not state “in good faith” as Ms. Taylor had said. He believes that the way this document is written, a person can steal half the City treasury and they would be covered.

Ms. Taylor clarified that negligence and acting in good faith are not necessarily the same thing. You can act negligently, because anybody is capable of making a mistake. This indemnification does not cover acts taken in bad faith or outside the scope of your duties. For example, if a Councilor walks off with City property, this would not protect them.

A motion was made by Mr. Prozzo and seconded by Ms. Giannuzzi to adopt Resolution 2005-15 Indemnification of City Employees and Elected and Appointed Officials.

Ms. Giannuzzi expressed concern that the phrase “of any act taken in the performance of their respective duties” should be clearer. She thinks it is giving too broad a scope. Ms. Taylor answered that if an employee or elected official is to be sued or investigated for some reason that

is political, there may be costs, such as legal costs, that's not necessarily covered by insurance, but that is something the City would have to defend.

Motion carried 9-0.

CITY MANAGER REPORT

Mr. Santagate gave an update on the preservation of barns. He said the Assessor is doing some research; there is very little activity around the state. He hopes to come back in June with recommendations on the kind of policy and how to enforce/regulate it.

FUTURE AGENDA ITEMS AND DIRECTIVES

Ms. Cutts stated she thought NH passed a state mandate requiring children, 16 years and under to wear bicycle helmets. She was wondering where Claremont stood on that. Also, she was checking to see if we are enforcing the curfew. She is looking for an update on the Antioch grant (recycling). Mr. Formidoni said that meeting would be on May 26th.

Ms. Giannuzzi asked for a truck route. She asked if a sign can be put up cautioning about the light at Home Depot.

Mr. Irish said the bike helmet law passed the House. There will be a \$35 fine per child per incident if caught without helmet.

Mr. Prozzo asked what we are doing about buying gas for City vehicles. Mr. Fredette has sent letters to local vendors asking if they are interested in bidding.

Ms. Cutts said the Relay for Life would be May 13th, Friday, 6 p.m., and ends Saturday at noon at the Claremont Middle School track.

Mayor Pope said last year's event drew 200-300 people, had music and raffles.

Mayor Pope said we have been asked to have a meeting on May 25th with the Solid Waste sub-committee to discuss their findings.

Mr. Irish would like to have that meeting at Wheelabrator.

COMMITTEE REPORTS

None presented.

ADJOURNMENT

At 10:47 p.m., a motion was made by Mr. Temple and seconded by Mr. Prozzo to adjourn.

Motion carried 9-0.

Respectfully Submitted,

Dorée Russell
Clerk to the Council