

Council Meeting

April 13, 2005

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The Claremont City Council held a meeting on Wednesday, April 13, 2005, in the Council Chambers of City Hall.

Members of the Council present were:

Deborah Cutts  
Heather Giannuzzi  
Christopher Irish  
Mayor Scott Pope  
Bruce Temple  
Roger Formidoni (arrived late)  
Andy Austin  
James Neilsen, IV

Absent:

Michael Prozzo

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.

### **MAYOR'S NOTES**

Mayor Pope welcomed Michael Grace, the new City Librarian.

Mayor Pope noted that Home Depot would be opening soon.

Mayor Pope said Governor Lynch will be in town Friday at 9 a.m. His visit will culminate at Crown Point Cabinetry at 11:45 a.m. Mr. Santagate reminded everyone that the roundtable at the Sugar River Valley Technical Center will be on cable.

Mrs. Cutts said that the City Council is putting together a team to participate in the American Cancer Society Relay for Life. It is a Walkathon and will take place on the 13<sup>th</sup> and 14<sup>th</sup> of May.

### **REPORT OF THE SECRETARY**

**A motion was made by Mr. Neilsen and seconded by Mr. Irish to accept the Minutes of the March 9, 2005, City Council Meeting as submitted.**

**Motion carried 7-0.**

### **APPOINTMENT TO BOARDS AND COMMITTEES**

Airport Advisory Board

Seat 4

**A motion was made by Mr. Temple and seconded by Mr. Austin to nominate Mike Wilson to Seat 4.**

**Motion carried 7-0.**

Conservation Commission

Alternate Seat #7A

Ms. Giannuzzi asked if Michael Demars is an active Planning Board Representative. Mayor Pope stated that he is.

**A motion was made by Ms. Giannuzzi and seconded by Mr. Austin to continue this application to the next meeting or until he informs us of his plans.**

**Motion carried 7-0.**

Fiske Free Library Board of Trustees

Seats 1, 4, 6

**A motion was made by Mr. Temple and seconded by Ms. Giannuzzi to nominate Tori Milan to Seat 1.**

**Motion carried 7-0.**

**A motion was made by Ms. Giannuzzi and seconded by Ms. Cutts to nominate Richard Moody to Seat 4.**

**Motion carried 7-0.**

**A motion was made by Mr. Neilsen and seconded by Mr. Austin to nominate The Honorable Judge Jack Yazinski to Seat 6.**

**Motion carried 7-0.**

**OLD BUSINESS**

Social Service Awards

Mayor Pope explained that the Social Services sub-committee met at a noticed meeting on April 6, 2005.

The following funding requests were made:

<b>Organization</b>	<b>Amount Requested</b>
Claremont Soup Kitchen, Inc.	\$10,000.00
Community Transportation Services, Inc.	\$2,500.00
Connecticut Valley Home Care	\$5,000.00
Headrest	\$7,000.00
Milestones Children's Center	\$1,500.00
Southwestern Community Services, Inc.	\$5,000.00
Sullivan County Hospice, Inc.	\$5,000.00
Sullivan County Nutrition Services	\$10,000.00
Trusting Hands Home Health Care	\$2,000.00
West Central Behavioral Health	\$5,000.00
Youth And Family Services Department	\$5,000.00
Total Requested	\$58,000.00

The following amounts were approved:

<b>Organization</b>	<b>Amount Approved</b>
Claremont Soup Kitchen	\$5,400
Headrest	\$3,000
Youth and Family Services	\$2,250
West Central Services	\$3,000
Community Transportation Services	\$900
Sullivan County Nutrition Services	\$4,500
Milestones Children's Center	\$750
Sullivan County Hospice	\$4,500
Connecticut Valley Home Care	\$2,700
Southwest Community Services	\$2,700
Trusting Hands Home Health Care	\$900
Total Approved	\$30,000.00

Mr. Irish asked if the maximum donation was \$5,000. Ms. Giannuzzi and Mr. Irish agreed that last year's committee adopted it as part of the criteria. Mr. Austin stated the Claremont Soup Kitchen had two separate considerations, one was for the Soup Kitchen and the other was for the Food Pantry.

Mr. Neilsen stated the committee considered the value of the service to the community to determine dollar amounts.

Mayor Pope said this is the hardest work he's done on the Council. There's a lot of need out there. There is no perfect tool and there is no perfect criteria for making these decisions. He supports these allocations.

**A motion was made by Mr. Austin and seconded by Mr. Irish to accept the Social Services breakdown as presented.**

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

Ordinance #458 Weight Limitation, Winter Street – 2<sup>nd</sup> Reading – Public Hearing

Ms. Taylor explained that the level of truck traffic that is looking for a shortcut to Interstate 91 by going up Winter Street is increasing. This Ordinance limits commercial vehicles that have a gross weight of 10,001 pounds or more from using Winter Street for through traffic. Note that there are exceptions for deliveries, providing services or going to a specific address. This Ordinance does not apply to government, city and state vehicles.

Ms. Giannuzzi thinks the Ordinance is very important. She stated several big businesses are coming into the City and asked if we could get a truck route to help prevent road problems.

Mr. Irish wants to push hard for a truck route. He commends the Traffic Committee on the work they have done. He stated Winter Street is not a good place for an 18-wheeler.

Mayor Pope read the Ordinance into the record.

Mayor Pope opened the public hearing. No one spoke.

**A motion was made by Mr. Austin and seconded by Mrs. Cutts to pass Ordinance #458 Weight Limitation, Winter Street, as read.**

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

**CITIZEN'S FORUM**

Jacqueline Elliott, Ward 1, asked if she could get some cold patch on Case Hill Road. She said there is quite a "moonscape" going on out there. She said she has called DPW and left requests. She would be most appreciative if anyone could advance her cause.

Ms. Elliott also spoke as a representative for Claremont citizens to the NH/VT Solid Waste Project. She stated tomorrow evening there would be an important meeting of the New Hampshire District Committee followed by the Joint Committee Meeting. She strongly encourages attendance especially at the New Hampshire District meeting where there are two resolutions before the committee to be voted on. One has already been approved by the Vermont District Committee and holds many concerns because it seems to be taking decision making power on very important issues going forward to 2007 and placing them in the hands of very few people and eliminating a lot of people from the active process of decision making. As a representative for Claremont citizens, she has a particular concern about it. The NH District meeting will be at 6:15 p.m. at the Sugar River Valley Technical Center and the Joint Committee meeting will be at 7 p.m.

Judith Moriarty, Ward 1, asked Mr. Santagate about the reassessment of the Wheelabrator incinerator. She expressed her opinion that the resolution that NH District is arguing tomorrow night is no good for us because Claremont will not have a voice in this whole thing and these will be strangers that are making decisions that will affect our community and our future, so she recommended they vote no. She recommends holding up on spending the \$50,000.

## **NEW BUSINESS**

### Solid Waste Committee Update

Duncan McCutchan, representative from the Trash Advisory Committee, passed out a handout. The Committee has been researching other avenues for the solid waste disposal situation in Claremont. The final report is almost done and the Trash Advisory Committee will come before the Council in May or June with recommendations. He briefly explained the handout. He gave a "heads up" to the Council that there are at least four large grant proposals that have gone out from Sullivan County having to do with solid waste. One has gone to the CEDS looking at the feasibility of various alternative strategies for dealing with solid waste. There is a USDA grant for over \$100,000 looking at the same thing on a regional scale. There are two other grants that have gone to the EPA that have to do with communities in Vermont. The New Hampshire Municipal Association works with city councilors and selectboards across the state and they have put together a training forum on solid waste issues for Sullivan County on May 26<sup>th</sup> at Newport High School.

Mr. Irish asked about item I. Local Petition Regarding the Future Wheelabrator Waste Incinerator. Mr. McCutchan explained that about a year ago, there was a group in town that circulated a petition and requested the Trash Advisory Committee include the petition in the packet for the record.

Ms. Giannuzzi asked when we can expect to hear back about these grants. Mr. McCutchan said the two largest, CEDS and USDA amount to \$170,000 and they will know by the end of April or the beginning of May. Mr. Gruber, author of one of the grant proposals, will give an update at the training session.

Ms. Cutts asked Mr. Formidoni to speak about his position on the alternate resolution that had been talked about earlier. Mr. Formidoni said the resolution is to create a committee of six people, none of whom are Claremont representatives, to negotiate disposal of the ash landfill, the land that Wheelabrator sits on, the land that sits behind Wheelabrator and other transitional issues. The committee will examine options and present them to the Joint meeting for selection. The fear is that they can be very selective about what options they examine and what they present. Mr. McCutchan stated there are no Newport or Claremont reps on that committee.

Mr. Santagate stated that he was under the impression that at the last meeting, the committee had come to some consensus that no options were closed and that they wished him to begin exploring all options that might be on the table. Is that something the committee has endorsed or is it still being held by the committee? Mr. McCutchan thinks it is still under discussion and they are trying to look at all options on table.

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Robert Woodman said he thinks a motion was made to have the City Manager find out where the trash is going to go. Mr. McCutchan didn't think that a motion had been made and he didn't think that a formal conclusion had been made. Mr. McCutchan said they are meeting very soon and he will be in touch with the City Manager. Mayor Pope said he is looking forward to hearing more about it.

Mayor Pope clarified that Mr. McCutchan would bring options or a report to the Council in May. Mayor Pope suggested that they hold a Workshop in May for it. There was a consensus from the Council to hold a Workshop in May.

Mayor Pope received the "William Gallagher Resolution" regarding the Solid Waste District. There was also a Sullivan County Regional Refuse Disposal District Resolution. These resolutions were both asking for adoption by April 14<sup>th</sup>. Due to the timing, they could not be appropriately posted. The Sullivan County Resolution was put in the mail March 31<sup>st</sup> and attached is a sheet that Townsend, Vermont, had already voted on this at this point.

Mr. Santagate clarified that he talked to the Attorney and the Council cannot take a formal vote on either of these resolutions tonight, because they were not properly noticed. However, there is nothing to stop the Council from coming to a consensus of opinion to send a message tomorrow night that the Council is in favor of one resolution or the other and that the Council will hold a formal vote. If time were of the essence, the Council could call a special meeting and officially adopt a position. His understanding is there is one resolution that has been proposed officially and that is that a process would be in place that would set up subcommittees to examine issues and that decisions would be made based on subcommittees and never coming back to the majority. He would be concerned about any organization that was setting up a process that didn't come back for a majority vote of the entire board. Mr. Gallagher's concern is the process won't be open, won't be public and will be decided by a minority. If that is the case, Mr. Santagate would support Mr. Gallagher's resolution at that point. Mr. Santagate's position is to say to the Project hold off; if we have the facts wrong, tell us. But, if Mr. Gallagher is right, then we have a concern about how that process will be played out by the Project. He has a concern about the \$33,000 voted by the Project for legal fees. He will ask the question, one of these days, why would Claremont pay anything toward a group that is paying legal fees to sue Claremont?

Mr. Temple asked Mr. Santagate for a one minute response about why everything with Solid Waste NH/VT trash business has to be secret. Mr. Santagate said that these are complicated issues. Everyone involved is going to watch their own backyard. Claremont's best interest have never been served by the Project. There are two issues, the price and the impact.

### Road Construction Schedule Update

Paul Fredette, Public Works Director, talked about the Road Construction Schedule. The Sugar River Drive project has been advertised and the bids will be opened at the end of the month. Dunning Street construction will be starting on Monday with a five-week construction period. There is some good news; the State said there is an additional \$1 million available for the water projects. Those projects have been estimated at \$7 million and in the first round of SRF about one year ago, we got about \$5.5 million. Now we are up to \$6.5 million and anticipate, as the

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project moves on, the rest of the money will be there. The intersections being talked about tonight are intersections that reconfigure roads. The three intersections are South and Broad Streets; Summer, Tyler and Mulberry Streets; and Pleasant and West Pleasant Streets.

Eric Reitter, CMA Engineers, stated the purpose for the changes at the Mulberry, Summer and Tyler (Prospect) intersection is to square it up. Sidewalks and pedestrian access have also been addressed.

At the Pleasant/West Pleasant intersection, the intent is to bring Pleasant into a 90° intersection with West Pleasant Street. Eliminating the islands will provide a wider pavement surface and include a turning lane from West Pleasant Street onto Pleasant Street.

The South Street/Broad Street intersection currently has four entrances to the middle school. They propose to leave the existing western entrance as an entrance only lane. The Broad Street entrance would be eliminated. The third entrance would be an exit only lane. The island in the center of Broad Street will stay. The other entrance on Broad Street on the western side will be eliminated. All lanes in this area are 11 to 12 feet wide and will have minimal impact to existing properties.

Mr. Temple asked about the culvert by the old railroad track. Mr. Reitter said it is being replaced, as well as an 8-inch sewer main.

Mr. Temple asked about curbing and no parking at that intersection. He asked if there will be any opportunity to widen it and put in parallel parking.

Mayor Pope explained that there can be 10-15 cars in front of the air quality station during events. Sometimes there are so many cars that people have to park at Arrowhead during events at the Middle School. Disnard School is a good example of how they give room for the buses to turn out. Mr. Reitter explained the school board would like to add another lane or widen the pavement in front of the school. Mayor Pope noticed the parking lot in this design adds about 50% parking.

Mr. Santagate stated the Pleasant/West Pleasant Street Intersection Improvements would have a minor affect on 1-2 properties. The change has not been discussed with the property owners. Mr. Fredette stated the change would increase the "greenfront" for those residents. Also, the driveway that is coming onto Pleasant Street is close to the intersection. Mr. Fredette will talk to that neighbor before going out to bid.

Mr. Fredette said he would get back to the Council about the parking area at South/Broad and discussions with the School Board other than that, he plans to put the projects out to bid.

Mr. Irish asked when all three projects will be done. Mr. Fredette stated before Thanksgiving. They are trying to get Broad/South done during school break.

Mayor Pope said he looks forward to hearing construction updates.

Discretionary Easement for Barn Preservation – Public Hearing

David McMullen, Assessor, gave an overview. The main objective is to preserve barns and agricultural buildings. A barn owner can apply to the community for a Preservation Easement. It's a discretionary easement of the Council. The barn owner has to show the Council that there is a public benefit. He recommends a visit to the two barns that are up for consideration to see if they meet the specifications. If there is merit, then an agreement is drawn up outlining the preservation program that the barns will have to maintain over a minimum of a 10-year period. The Council must decide if it wants to reduce the barn's value 25%-75% of its current assessed value in exchange for a preservation easement. That value is locked for the next 10 years. Any improvements made to the barn will not be captured in the tax rate until the expiration or renewal of the easement.

Ms. Giannuzzi asked what the benefits are to the public if the easement is granted. Mr. McMullen stated there are 5 tests that need to be reviewed. They are: 1) Public interest and benefit; 2) Historic and agricultural significance; 3) Degree to which tax relief will help preserve the structure; 4) Use of the structure; and 5) Degree to which the building's preservation reinforces other local and state goals and policies. He stated that it would be a tax reduction on the barn for 10 years.

Ms. Cutts asked if there will be any oversight to insure the structures are maintained and/or repaired. Mr. McMullen stated the easement has to be drafted and then he becomes the "barn police." There will have to be a forward movement on the preservation. If not, then penalties will kick in.

Mr. Irish asked what happens if the property is sold within 10 years. Ms. Taylor stated the easement runs with the land and remains in effect.

Mr. Austin questioned if we're looking at a big tax impact. Mr. McMullen doesn't suspect that it involves major dollars. Mr. Austin is in favor of keeping old barns.

Mayor Pope opened the public hearing.

Hawkins, 295 Windsor Rd.

Clay Hawkins stated that his barn is historical because there is a marker on the property that says Lafayette stopped there. The old part of the property predates 1825 when the main part of the house was built on Route 12A. In the history of Claremont, there is a picture of their house with the barn taken before 1896.

The barn is on the tax rolls for \$46,000 assessment. He is looking for an easement to save tax dollars to maintain the barn. Currently, it is used for a few animals and to store hay. It is surrounded by 26 acres of hay and corn fields.

Mr. Austin stated that it is a serious commitment. For 10 years you have to maintain the upkeep and show continuing improvements. Mr. Hawkins is in the process of getting an evaluation on some of the repairs needed to keep the barn in the current condition; he is hoping to keep it looking as nice as it is now and also as functional. Mr. Austin stated that was the problem that

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Mr. Hunter ran into last year that he needed to continue putting money into the property in order to maintain it as he went along. There were questions about it at that time.

Mr. Hawkins stated that would be part of the commitment that would be made. If his taxes were reduced for 10 years, he would put that money back into the barn.

Mr. Irish asked what happens at the end of 10 years if the repairs are not done. Mr. McMullen stated that the statute provides a penalty provision.

Gentle, 540 Red Water Brook Rd.

Mr. Raymond Gentle, Ward 3, stated the current barn was rebuilt on the site of a previous barn which was destroyed by fire. They know the existing farmhouse was built in 1847 and the Freeman family purchased the property in 1865. The Freeman family gave him a videotape of photos that show the original barn on the property in the early 1900s. Handwritten notes found on the 2<sup>nd</sup> floor wall of the current barn state the barn raising started on June 21, 1947.

He stated that as far as being a familiar local landmark, when you refer to the old Freeman farm, locals know exactly where it is. There is unobstructed visibility of the barn from a public road. People frequently stop to view the animals in the barn yard. The barn is a classic Gambrel, dairy bank barn with a drive-in second floor on the field side. Future plans for repair and renovation include continued repair of the exterior siding, paint, electrical improvements, addressing drainage issues and roof maintenance.

He encourages agri-tourism, its economic benefits to Claremont and they proudly display their Farm Bureau and Tree Farm signs on the barn facing Red Water Brook Road. He hopes the Council will act favorably on the application.

Mayor Pope closed the Public Hearing.

Ms. Giannuzzi clarified that barn owners will maintain the property at the level that is agreed to be acceptable. She asked how it works if the barn is gutted and technically no longer historical. Ms. Taylor said the statute has a penalty provision if it is not preserved as stated in the easement. It almost functions like a current use situation. The easement would be released and a penalty is assessed.

Ms. Taylor stated that the easement is meant to encourage the maintenance of the barns and the amount of money used to maintain them is not equivalent to the amount of tax reduction. The agreement is that the owner will do what it takes to keep the barn in good repair.

Ms. Taylor stated a decision is not required tonight. She questioned the Assessor how the deduction percentage gets determined. Mr. McMullen stated that it is up to Council to determine what reduction level is in the public's benefit and then he comes up with the dollar figure.

Mayor Pope stated that it would behoove the Council members to look at the barns before the May Council meeting.

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Mr. Temple asked if it is appropriate for Council to receive a cataloging of barns in our community. He thinks there are a lot of historic barns around Claremont. He stated that he thought the Historic District Commission should sign off on the barn.

Ms. Cutts stated she is not sure that the Historic Commission has authority. She supports the initiative.

Mr. Neilsen was glad for Mr. Temple's comment. He stated the tax revenue reduction for a number of barns could be significant.

Mayor Pope asked if the barns are on the tax maps. Mr. McMullen said he may be able to run a query.

Mayor Pope said the Council may want to get a general idea of how many barns are in town.

Mayor Pope said the Council needs to look at the research and look at the barns. He asked for a general idea of how many barns are out there.

Mr. McMullen said the statute also applies to agricultural buildings. He thinks he can get a list of them as well.

Mr. Irish stated we have 60 days to act upon the application. A Public Hearing is required to provide an opportunity for local Historic Commissions or others to express support for barn preservation efforts.

**A motion was made by Ms. Cutts and seconded by Ms. Giannuzzi to continue the matter.**

Mr. Neilsen asked if a motion to continue means that it would be on next month's agenda. Mayor Pope confirmed it would.

**Motion carried 8-0.**

Resolution 2005-13 Approve Supplement Appropriation to 2005 General Fund Budget for \$25,000 for Police Department Part Time Line Item and \$3,000 Drug Enforcement Line Item – Public Hearing

Police Chief Alex Scott stated the purpose is to allow the City to expend unanticipated revenue payback from the school. When the grant funding ran out last year, the school Resource Officer was paid ½ by the school and ½ by the City. There is \$28,000 available and the intention is to use \$25,000 for a part-time line item which is referenced in Ordinance #460 (below). The other \$3,000 will be used for a drug enforcement initiative to cover undercover overtime.

**A motion was made by Mr. Neilsen and seconded by Mr. Austin to accept Resolution 2005-13 Approve Supplement Appropriation to 2005 General Fund Budget for \$25,000 for Police Department Part Time Line Item and \$3,000 Drug Enforcement Line Item.**

Mayor Pope opened the public hearing. No comments were received.

Mayor Pope read the resolution into the record.

**Roll call vote: Motion carried 8-0.**

Ordinance #460 Amending the Non-Union Employee Classification Plan – 1<sup>st</sup> Reading – Public Hearing

Ms. Taylor stated that it amends the merit plan job classification listing only. It inserts two positions, with the Information System II position salary already included in the 2005 budget.

Chief Scott explained that this position would be a part-time Police Detective/Prosecutor. The desired qualifications would be a retired law enforcement officer with 20 years of experience and out of Group 2. That limits the number of hours that the officer can work. It also means that they typically have benefits coming from the retirement system, so we pay them at an hourly rate with no benefits. It is a savings to the Police Department as well as a benefit. We gain an employee with 20 years experience who can act as a mentor for junior officers. This position, in particular the Prosecutor position, would allow us to free up a full time officer to be put back on the road.

Mr. Formidoni asked for a clarification of the term prosecutor. He asked if it requires a law degree. Chief Scott said it does not.

Chief Scott stated that once it is formalized, the job will be posted. Chief Scott stated police officers prosecute misdemeanor level offenses and below. They also do probable cause hearings for felonies. Primarily everything that happens in the District Court is done by a police officer. He has started working on a Regional Prosecutor project. If the Regional Prosecutor came about, this position would go away.

Ms. Giannuzzi asked how many hours this person will work. Chief Scott said 30 hours; under the retirement system, he can work up to 32 hours.

**A motion was made by Mr. Temple and seconded by Mr. Irish to accept Ordinance #460 Amending the Non-Union Employee Classification Plan which would create Information Systems II, Grade 9, and Part-time Police Detective/Prosecutor, Grade 7; noting that the Personnel Advisory Board has reviewed and voted to support these changes. Mr. Neilsen added to the motion: on first reading and set for second reading and Public Hearing at our next scheduled meeting.**

Mayor Pope opened the Public Hearing. No comments were received.

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

Ordinance #459 Condominium Development and Conversion – 1<sup>st</sup> Reading – Public Hearing

Ms. Taylor explained that this Ordinance is a proposed change to the Zoning Ordinance which would enact a condominium regulation for both new and conversion condominiums, residential and non-residential, in all zones of the city. She recommended that, due to the length, the Ordinance not be read into the record. She recommended that we provide copies of the Ordinance in the City Manager's office, City Clerk's office, Library, Planning and Development and maybe the website. The purpose of the Ordinance is to provide an additional form of development within the city. It defines what a condominium is. With common ownership, there is usually not a subdivision. However, the City will want to know where the roads are and what the utilities will look like. There are requirements that a Condo would need to show to the Planning Board. There are density regulations included. There are specific provisions for converting existing structures into condominium units. The Planning Board endorsed this Ordinance as it was presented.

Ms. Giannuzzi reported that there will be a letter from the Planning Board by the second reading recommending approval.

**A motion was made by Mr. Austin and seconded by Mr. Temple to accept Ordinance #459 Condominium Development and Conversion on first reading.**

Mayor Pope opened the Public Hearing.

Robert Woodman, Ward 3, talked about Section 4 Site Plan Review Requirements: #9, When the development contains four (4) or more buildings, the main road shall be dedicated to the public. He thinks we have enough problems with the Public Works' budget by not doing #9. The condominium project on Block Avenue is owned by one person. We had an apartment complex on Winter Street that converted to a condo project. We had a hard time collecting the back taxes on those projects. He remembers Water Street was supposed to have a high class restaurant, a store and 100 units of subsidized housing. We got over 140, no store and no restaurant. He sees a slippery slope coming up.

Mr. Woodman stated that if we accept this as written, it could be a big burden on the highway department.

Mayor Pope closed the Public Hearing.

Mr. Neilsen liked the point Mr. Woodman brought up because when Claremont Arms was developed, it was not condos and then it became condos. Based on this description, there are more than four buildings, so the thoroughfare would have to be City maintained. He thinks it is a valid point. He asked when a four or more building condominium project comes to Claremont, are we prepared to pick up that type of responsibility.

Ms. Taylor clarified the road provision; for the City to accept roads in existing condominium developments, they would have to go through the normal petition process to be accepted. For new developments with four or more buildings, the road would have to be built to City standards.

**Roll call vote: Motion carried 8-0.**

Ms. Taylor asked if her suggestion for distribution of copies of the Ordinance is acceptable to the Council. Mayor Pope said yes.

Resolution 2005-14 CROP Zone Designation – Downtown – Public Hearing

Mr. Santagate explained that the Community Reinvestment Opportunity Program (CROP) is an economic development tool. Under certain conditions, new buildings or renovations of old buildings that were on industrial/commercial sites are entitled to an abatement on their state small business tax. It has no relationship to local taxation. This is about the State encouraging economic development in New Hampshire in a CROP Zone for business development. We are asking that the Council adopt this CROP Zone that will allow businesses in the Downtown TIF District to benefit from the provisions of that State law. The extension to the Downtown TIF would help any qualified developer take over a vacant building that had previously been used for industrial/commercial purposes. He urged the Council to adopt the Resolution.

**A motion was made by Mr. Austin and seconded by Mr. Temple to adopt Resolution 2005-14 CROP Zone Designation – Downtown.**

Mr. Temple asked if this CROP Zone incorporated the Sawtooth building. Mr. Santagate said that it did. Mr. Temple asked if the CROP Zone would prevent us from knocking down the Sawtooth. Mr. Santagate said that it would not.

Mayor Pope opened the Public Hearing. No comments were received.

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

Mayor Pope explained that for Item H, Street Light Replacement – Public Service of New Hampshire, their representative could not make it up here this evening.

Resolution 2005-12 Raise and Appropriate up to \$50,000 From Fund Balance for Soliciting Additional Specialized Legal Assistance Pertaining to Solid Waste Issues – Public Hearing

Mr. Santagate explained that the NH/VT Solid Waste project comes to an end in 2007. There are a series of complicated issues that have to be addressed: the 5 acres on which Wheelabrator has the first right of refusal, the 50 acres the Project owns off Grissom Lane, the 90 acres for the Ash Landfill in Newport, and the liabilities and responsibilities for the closure. The tax is another issue and it is perpetual. As issues get complicated, everyone will watch out for their own interest and we want to watch out for ours. When we go to the negotiating table, we want to be more knowledgeable than we have been in the past. This money will go toward specialization. We will go out for an RFQ.

**A motion was made by Ms. Cutts and seconded by Mr. Irish to accept Resolution 2005-12 to Raise and Appropriate up to \$50,000 from Fund Balance for Soliciting Additional Specialized Legal Assistance Pertaining to Solid Waste Issues.**

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Mr. Temple stated that he does not fully understand the emissions out of the smokestack, particularly with respect to Vermont that has such strict environmental rules and regulations with respect to development. He is really surprised that a citizen's group from the Vermont side of the river has never brought any legal action to have the emissions controlled from that stack. He is hoping that our Legislative Delegation in Sullivan County is beginning to be able to work on Legislation in Concord that protects citizens all over the state from this happening again.

Mayor Pope opened the Public Hearing.

Jacqueline Elliott, Ward 1, appreciates the interest the Council is taking. She stated Mr. Temple is correct about the strictness of the regulations in Vermont, in fact the state has regulations in place that discourage incinerators from being built there. She states that Vermont law brings into question whether Vermont continues to have the right to send their trash here to be incinerated unless the best available control technology is utilized at that facility. There seems to be a provision that this becomes pertinent when new contracts for disposal are being negotiated.

Robert Woodman, Ward 3, thinks \$50,000 will be a good investment. He stated we may want a person that is well versed in tax laws.

Mayor Pope closed the public hearing.

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

Mayor Pope stated the Project resolutions due dates are tomorrow.

Ms. Giannuzzi asked Mr. Formidoni what are his thoughts. Mr. Formidoni said that he is in favor of voting against the resolution as presented by the Chair of the New Hampshire District.

Mr. Irish is in favor of voting against both resolutions.

Ms. Taylor said this is not a formal agenda item. The Council cannot take a formal vote, but they can take a consensus.

Mr. Formidoni said that he is a voting member of the NH/VT Solid Waste Project and so are Mr. Woodman and Ms. Elliott. Claremont has 3 votes.

Ms. Elliot stated the resolution is before the New Hampshire District for a vote. Vermont has already voted in favor of the resolution. When the original resolution was passed out at the last New Hampshire District meeting, she had concerns. She voiced her concerns and the effort has resulted in this alternate proposal. Should the first resolution be voted down, she presumes we would have the opportunity to present the alternate resolution. Unless the New Hampshire District accepts the resolution, unchanged, we will be in a bartering situation to discuss what an alternative would be.

Mayor Pope asked if they did not accept the first resolution, they would not have a vote on the second resolution.

Ms. Elliott thinks the alternate resolution could be brought before the district committee.

Mr. Neilsen stated that we are opposed to the original resolution, but what about the other towns?

Ms. Elliott said her hope is that Sullivan County will see the benefit of this alternate resolution.

Mayor Pope asked the representatives what their vote would be on the original resolution. Ms. Elliott – no, Mr. Formidoni – no, and Mr. Woodman – no.

Mr. Irish asked the representatives what their vote would be on the alternate Gallagher resolution. Mr. Formidoni – yes, Ms. Elliott – yes, and Mr. Woodman – no.

Mr. Formidoni wanted to point out that this is still only the beginning. This vote is no referendum on anything, but it's a start.

Mr. Irish asked what would be the most helpful thing to say tonight that will help in the meeting tomorrow. Ms. Elliott asks that the Council would not accept the Resolution that's been accepted by Vermont and would put their favor on the alternative Resolution.

Mr. Woodman stated the Project should continue; because there would be no impact on the tax, otherwise there will be a \$4 tax rate increase. There is no big demand on public services. This is a contract project; we got rid of the trash and the price of getting rid of it is not much different than taking it to Rochester or Bethlehem after paying the freight.

Mr. Irish asked what would be helpful for tomorrow night. Mr. Formidoni said that a consensus that the resolution that has been passed by Vermont is not supported by this Council, but they are in favor of the alternate Resolution.

There was a consensus of the Council reflecting Mr. Formidoni's statement.

**A motion was made by Mr. Irish and seconded by Ms. Cutts to direct the Mayor to construct a letter expressing our unanimous consensus vote this evening.**

**Motion carried 8-0.**

## **CITY MANAGER REPORT**

### Monadnock Park Track Update

Mr. Santagate noted that the contract was signed and awarded to Bazin Brothers Trucking, Inc. Construction will begin between May 16<sup>th</sup> and 23<sup>rd</sup>. They are expecting a September completion. The project is on track and ready to go.

Mr. Irish asked about paving the parking lot. Mr. Santagate said that the Track was going to be a show piece and finishing off the parking lot would enhance the project. He talked to Paul Fredette, Public Works Director, to see if they could get a finished parking lot for a cheaper price

and if so, they would put it under a City bid, but the project would pay for it. Mr. Santagate wants to see the parking lot finished off.

Mr. Neilsen asked if the project ran short of money, would the City use part of the \$300,000 that was already committed to do the paving project.

Mr. Santagate explained that no funds had been committed to the parking. He said that it was only a suggestion and would like to withdraw it from the table. It was a way to help get a better price and he did not want it to appear that the City was incurring more expenses.

Mr. Temple stated that it makes sense to go that route, if the City can get a cheaper price.

Mr. Santagate does not want to create a controversy. He was the one to suggest the paving. No one approached him.

Mr. Irish does not want Mr. Santagate to take the suggestion off the table. He agrees that he would like to see a finished parking lot instead of gravel.

Mr. Santagate will get together with Mr. Fredette to see if they can get a lower price, but if not, then Mr. Santagate will ask them to see if funds can be raised to finish it off.

Mr. Temple reiterated this is no different than if the school system had some paving work done under the City contract, as long as someone keeps track of the tonnage and funds.

#### Aquarion Contract Update

Mr. Santagate gave an update on the Aquarion contract. We continue to save about \$200,000 a year over what our actual cost was prior to Aquarion assuming the responsibility. Aquarion gave us a breakdown of costs for the upcoming year. The 2.4% increase was a result of salary, utilities and chemical increases as well as laboratory, operating, sludge (compost) and other cost reductions. The 2.4% increase was included in the 2005 budget which was submitted to and approved by the Council on November 23, 2004.

Mayor Pope asked how much was put in the budget. Mr. Fredette said two line items cover the contract operations of the plant. The one for the Wastewater Treatment Plant is \$766,555 and the other one is for the Water Treatment Plant at \$162,603 for a total of \$929,158 which is the 2005 budget that was presented.

Mr. Fredette stated that there are two other line items in the budget called Additional Services for Aquarion to replace a pump or other major piece of equipment, if needed.

Mayor Pope confirmed that he had checked his budget numbers before the Council meeting and he wanted people to know that "this was straight up."

#### **FUTURE AGENDA ITEMS AND DIRECTIVES**

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Ms. Giannuzzi asked why there is no City Council representative on the Zoning Board and if we should have one. There are a lot of changes going on in Claremont and issues that the Council should be aware of. She thinks someone should be on that board.

Mayor Pope asked what needs to be done. Ms. Taylor said there is no impediment to having a City Council representative on the Zoning Board.

Mayor Pope will talk to the chairman of that board.

Ms. Giannuzzi asked about a truck route. She is really concerned because Home Depot will be opening soon and we will be seeing trucks coming through the city. Lowe's will be breaking ground within the next couple of months. We need to discuss this now.

Mr. Neilsen asked if the culvert on Bank Avenue will be put back on a future agenda. At that time, Mr. Irish was satisfied the action was offered and it wasn't accepted. Ms. Giannuzzi believes they checked the Roberts Rules of Order that night and if it didn't have a second, it was dropped.

Mr. Austin noted that the stop sign in front of City Hall was too far back from the intersection. There are a lot of people not stopping.

Mayor Pope received a letter, addressed to the Mayor and the City Council, asking for a license plate from New Hampshire. Mr. Irish may be able to help out with a State of New Hampshire House plate.

## **COMMITTEE REPORTS**

No committee reports.

## **ADJOURNMENT**

**11:07 p.m. A motion was made by Mr. Temple and seconded by Mr. Formidoni to adjourn.**

**Motion carried 8-0.**

Respectfully Submitted,

Dorée Russell  
Clerk to the Council