

The Claremont City Council held a meeting on Wednesday, July 14, 2010, in the Council Chambers of City Hall.

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

Members of the Council present were:

Ward II Councilor Keith Raymond
Ward I Councilor Victor Bergeron
Ward III Councilor Nicholas Koloski
Assistant Mayor Andrew Austin
Mayor Deborah Cutts
At-Large Councilor Adam Burke
At-Large Councilor Christopher Lewis
At-Large Councilor Kyle Messier
At-Large Councilor Jeffrey Goff

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Stevens High School Student Council Update

None

2010 Preservation Achievement Awards

Mayor Cutts said that NH Preservation Alliance 2010 Preservation Achievement Awards had been given to the City of Claremont for Outstanding Rehabilitation and Revitalization of the Monadnock Mill District and to Claremont Development Authority for Outstanding Rehabilitation and Reuse of the Oscar Brown Block. She accepted the awards on behalf of the City. Mr. Santagate said the awards speak for themselves and that he was delighted.

REPORT OF THE SECRETARY

A motion was made by Mr. Koloski and seconded by Mr. Bergeron to accept the minutes of the June 9, 2010, City Council meeting as corrected.

Mr. Burke said under Mayor's notes that the word basketball should be baseball.

Ms. Messier and Mr. Lewis were not at the June meeting so they abstained.

Roll Call Vote: Motion carried 7-0, with 2 abstentions (Ms. Messier and Mr. Lewis).

APPOINTMENT TO BOARDS AND COMMITTEES

Tax Increment Finance District Advisory Board – Downtown

Mr. Burke nominated Allen Damren to Seat #5 of the Tax Increment Finance District Advisory Board – Downtown. Seconded by Mr. Lewis.

Roll Call Vote: Motion carried 9-0.

Frances J. Tolles Home Trustees

Ms. Messier nominated Vicki L. Landry to Seat #5 of the Frances J. Tolles Home Trustees. Seconded by Mr. Koloski.

Roll Call Vote: Motion carried 9-0.

Claremont Planning Board

Mayor Cutts said there was a Claremont Planning Board application in the Council packet. This is a Mayoral appointment and she will notify the Council when a decision is made.

OLD BUSINESS

Sullivan County ATV Club Wheeled Vehicle Trail Permission

Scott Hausler, Parks and Recreation Director, said that Jim Feleen had a presentation. He had met with the Sullivan County ATV Club and the Shugah Valley Snowriders.

Mayor Cutts said the Sullivan County ATV Club last month came before the Council for its annual trail permission. Action was taken last month, but there were notice issues. She asked if any comments had been received by the Council. Ms. Messier said she had heard from Jim Feleen.

Arthur Adams, attorney, lives on Chestnut Street and his property backs up to the trail. He said he has observed motorized wheeled vehicles traveling at high rates of speed (in excess of 40 or 50 mph). He and his wife walk on the trail. They have been threatened by some people. He has seen an increase in cars driving on the trail. He was concerned that if federal money was used for the Rails to Trails, USC Code does not allow motorized wheeled vehicles on the trail. He suggested the Council look into it. He questioned what the insurance covers and what the City has for insurance. He asked if riders have insurance and if it is not enough coverage, who pays. He talked about the Great Lakes judgment and compared it to a lawsuit on the trails. He talked

Council Meeting

July 14, 2010

Page 87

about speed limit signs being torn down and that there is not a lot of speed enforcement. He suggested reasonable Police patrols. Without them, speeding will continue and injuries will happen.

Martha Adams said the house next to them is an apartment and there are always small children present. She has a concern that they may get hurt because there is no barrier between the house and the trail. She has seen ATVs driving down Chestnut Street.

Steve Raymond, Ward 1, talked about the insurance carried by the wheeled vehicles and asked if it would cover private property owners.

Mr. Keith Raymond asked to recognize Ken Domey, Sullivan County ATV (SCATV) Club member, Unity resident, and President for Statewide Association for Off Highway Vehicles. Mr. Bergeron asked if there was any objection from Bill Cote, SCATV, and there was none. Mr. Domey responded about the insurance. If they have written permission from the landowners, the state of NH provides \$2 million in liability insurance. There is a 15 mph speed limit in the area Mr. Adams talked about. When signs are put up, someone takes them down. SCATV is working with Public Works Director Bruce Temple to put up more permanent signs. Enforcement money is paid to police departments statewide for enforcement. The state trail from Home Depot to Newport is sunrise to sunset use only. Every vehicle is supposed to be registered. For vehicles that are not, they try to get pictures of the machines and riders and report to the police for enforcement. They have done a lot of work to make the trails walkable.

Bill Cote, President SCATV Club, agreed with Mr. Domey. Mr. Cote said he receives a lot of calls about the trails, but he has not received any from Mr. Adams. The Club works with the police department when needed. The approved speed limit from Home Depot to the bridge is 10 mph and the rest is 15 mph. They have talked about lowering all speed limits to 10 mph. SCATV Club does trail patrol. Mr. Raymond clarified the area they are talking about is the bridge that crosses the Sugar River by S.G. Reed to Chestnut Street. Mr. Cote said they have applied for about \$16,000 grant money for the trail system maintenance. They will use part of it for calcium chloride for dust control, in particular on Washington Street.

Mr. Burke asked Police Chief Alex Scott about patrolling the Rail Trail. Chief Scott said he will ask the Council to accept and expend an OHRV (Off Highway Recreational Vehicle) grant of \$2,475 which would equal 55 hours of patrol (covers from date of approval to June 30, 2011). Beyond that, the Police Department doesn't have the manpower for OHRV enforcement.

Mr. Bergeron asked about any complaints about the trails that have been received. Chief Scott said he didn't know the number received and offered to bring the information to the Council. Mr. Bergeron said some people have driven ATVs down Edwards Street. He has seen cars riding on the trail including one on Washington Street. There is a problem.

Mayor Cutts agreed attempts to enforce are ineffective. She noted at the pedestrian bridge there is a physical barrier that would prevent vehicles from driving on the bridge and she asked if that

Council Meeting

July 14, 2010

Page 88

could be done on the trails. Mr. Domey suggested trail gates with openings for ATVs could be installed, however he would have to discuss it with Mr. Cote.

Mayor Cutts asked about the grant funding for enforcement patrols. Chief Scott said it would allow only 55 hours from approval date to June 30, 2011. Mayor Cutts asked if there was any revenue from the enforcement activities. Chief Scott said no; all ticket revenue goes to the state.

Mr. Koloski asked if the City lowered the speed limit on the trails where the revenue from violations would go. Chief Scott said he would have to check on the City's authority to change the speed limit, but the revenue for an OHRV complaint would go to the state.

Mr. Austin asked about penalties for violations. Chief Scott said they are similar to regular motor vehicles offenses (\$45-\$125).

Mr. Burke asked Ms. Taylor about the laws in reference to wheeled motorized vehicles on the Rail Trail. Ms. Taylor said she would have to look into it.

Mr. Goff asked how many violations there have been in 12 months. Chief Scott will check.

Mr. Koloski asked if the City had looked at the state-provided liability insurance. Ms. Taylor said she doesn't have a copy. Mr. Cote said he will get one for the City.

Mr. Bergeron asked about the tentative trail approval. Mayor Cutts said it was approved for one year, but could be terminated with 30 days notice.

Mr. Koloski said he had seen Jim Feleen's presentation before the Conservation Commission and asked if action was required as it had not been noticed. Ms. Cutts said no action was required, but if Mr. Feleen was looking for a recommendation, Council would be happy to hear that request in the future. Mr. Feleen said he believed his presentation would have an impact on the decision Council made about the Trail Permission.

Jim Feleen said he was making the presentation on behalf of a volunteer community group. He said he sits on the Parks and Recreation Commission and Community Center Commission, but he was not at the meeting in that capacity. He said the Claremont Rail Trail stretches from Pleasant Street (across from LaValley's) over to Broad Street, to Chestnut Street, to behind S.G. Reed trucking, out Washington Street and then connects with the state-owned Rail Trail and continues to Newport. The section from LaValley's to the metal gate past Home Depot is city owned. From there toward Newport is state owned. His interest is from Pleasant Street to the bridge behind Helie's Carpet and S.G. Reed that crosses the river. The trail in that residential area ranges from 60 to 120 feet wide. He said the Conservation Commission has jurisdiction over the Rail Trail. The project is to clear the brush, prune the trees, clear out the dead trees, clean up the vegetation and trash, grade the surface, fix drainage issues, add surface material where it is needed and open the corridor from LaValley's to the river. The section of the trail from Chestnut Street to the river borders Monadnock Park. This project will make a clear green space. There are seven city-owned acres in the middle of a farmer's field; they had talked about

swapping acreage and moving it toward the park which would add acreage to Monadnock Park. He presented this to the Conservation Commission and he said they were enthusiastic and told him to move forward. In addition, the Conservation Commission approved an application to the Claremont Savings Bank (CSB) Foundation and Mr. Feleen's group was given \$5,000.

He showed a PowerPoint

- Claremont Rail Trail Improvements
 - Upgrade from LaValley's to iron bridge behind Helie's Carpet
 - Create a more desirable trail for bicycles, strollers, walkers and runners
 - Continue collaborations for future improvements
- Crossing on Chestnut Street
 - Entrance to the trail is tunnel-like and visually unattractive
 - Trail corridor is 60 feet wide
- Crossing on Broad Street
- Current conditions between Broad Street and Chestnut prior to turn off
- Rail Trail turn off – South Street & Broad
 - Drainage issues on Broad Street side and up toward Arrowhead
- Pleasant Street Entrance
 - By American Plate Glass
 - Trail is 75 feet wide at that point
- Northern Rail Trail Grafton County (Lebanon to Mascoma)
 - He showed this as an example of what Claremont's trail could look like
 - Well maintained and appealing
- Open Entrance/Multi Use Surface
- Identified Crossings and Access Gate
 - Example of kinds of gating available
- Open Tree Canopy

The pictures of the trail around Mascoma are what he would like to do for the Claremont trail.

He said there are two problems: ATV use is incompatible with walking, strollers and bicycles and a surface other than asphalt will be torn up by motorized wheeled vehicles. He had a meeting with the ATV and the snowmobile clubs and they came close to a consensus. Mr. Feleen said he can accept a compromise this year in which they do what they want to do from LaValley's to the turn off at Arrowhead (clear all the brush, trees and vegetation, improve and finish) the surface provided the ATVs are prohibited from that section. From the turn off back to the bridge by Helie's they will do the trees, vegetation, brush and trash clearing, but they will leave the surface as it is.

Mayor Cutts asked about the money from CSB and that it was to work on City-owned property. Mr. Feleen said CSB has a foundation and that on behalf of the Conservation Commission, he was authorized to apply for a grant for this project. Mr. Feleen wrote and Steve Wood, Chair of the Conservation Commission, signed the application. They were awarded \$5,000 and the money is to be used as he described here.

Council Meeting

July 14, 2010

Page 90

Mayor Cutts recapped that if the Trail Permission were to be signed tonight, three citizens who spoke would suggest the Council not approve it and also the Conservation Commission endorsed Mr. Feleen submitting an application for monies to improve a section of the trail (she is in agreement with improving the trail) with some conditions.

Mr. Koloski asked for clarification of who owns the Rail Trail. Mr. Feleen said the City owns the trail by deed, however the Conservation Commission is in charge of it. Mr. Goff asked about ownership of the trail. Ms. Taylor said the process is that the Conservation Commission would review whatever Mr. Feleen discussed with them. Then they would make a recommendation to the Council for approval/disapproval. Mr. Santagate believes that Council is the only approving authority for action involving City-owned property. This item is complicated and may need to be on the future agenda. Mr. Goff agreed this may require future council action and maybe a public hearing, so he asked about tabling the discussion although he acknowledged that this is not an agenda item so there is nothing to table.

Mayor Cutts noted this agenda item was for discussion about the approval of the Wheeled Vehicle Trail Permission that had been approved last month. Council can make future requests to discuss continuation of ATV use on City-owned property.

Mr. Goff asked what the timeframe was to start the project. Mr. Feleen said mid-August depending on weather.

Ms. Messier said Mr. Feleen cannot proceed with work on City-owned property without Council approval and there are still questions about how to proceed.

Mr. Burke said Council needs an answer about allowing motorized wheeled vehicles on the trail.

Mr. Raymond asked about the timeline and who would do the work. Mr. Feleen said members of the snowmobile club have the equipment and expertise for the project. Student Conservation Association members also will volunteer to help.

Mr. Bergeron asked when the presentation was given to the Conservation Commission. Mr. Feleen said he thought it was at the June meeting. Mr. Bergeron said any action at this time to limit users of the trail was not proper without more information. He asked Mr. Feleen if the intention was to not allow the ATVs on that part of the trail for a year. Mr. Feleen said he has a project ready to move forward that will improve the community. They have a dilemma to work through and have been able to find some common ground. Mr. Bergeron mentioned the work and money the ATV club has put into the trail and asked if Mr. Feleen's intention is to keep the ATVers off that part of the trail. Mr. Feleen said yes.

Mr. Koloski asked if boards can approve grant applications on behalf of the City and which ones. Mayor Cutts talked about boards applying for and accepting money to do work on City-owned property. She sees this as needing Council action. Mayor Cutts suggested a motion be made to continue this item to the August Council meeting.

Council Meeting

July 14, 2010

Page 91

Ms. Taylor concurred with Mr. Santagate that this should be a new agenda item. She said it is correct that Council has the “purse strings” and can accept and expend money. She would like to do some research on boards obtaining funds independently. She would like to clarify the Conservation Commission’s jurisdiction over the Rail Trail. Mayor Cutts agreed this should be a new agenda item. Ms. Taylor reminded the Council that it could vote to revoke the Trail Permissions effective 30 days after a vote of the Council.

Mr. Lewis asked Mr. Feleen if he wanted a discontinuation of use of portion of trail permanently and was it a part of the condition for approval by the Conservation Commission or is it because Mr. Feleen doesn’t want the work they will do to be undone by OHRVs. Mr. Feleen said the ATV issue was not discussed at the Conservation Commission. Surface materials will be impacted by trail bikes. Ideally, he would like no motorized wheeled vehicles from LaValley’s to the bridge behind Helie’s. At the meeting with the ATV club, he thought a compromise had been made where he would do his thing from LaValley’s up to the turn off at Arrowhead and then do brush and vegetation work back to the river and leave the surface on that side alone and revisit the ATV use of that bridge to the turn into Arrowhead for next year. Mayor Cutts asked if the granting of the money was contingent upon discontinued use by the ATV club. Mr. Feleen said the Conservation Commission did not discuss it, however he has been told informally that the bank is a bit concerned.

Mr. Lewis said we need more conversation surrounding this. He is in favor of improving City facilities, but he doesn’t feel comfortable moving on this without hearing from the ATVers and other users of the trail. That brings in revenue. Widening the path may offer the possibility to share the area. He would be happy to put this on a future agenda. He suggested the parties involved look for common ground to use the space.

Mr. Koloski asked if a portion of the trail is discontinued for ATV use, who would be liable for the insurance for that section.

Mr. Bergeron agreed with Mr. Goff about waiting to get a legal opinion and moving this discussion to a future meeting.

Mayor Cutts said she will put this on as a future agenda item for August.

Mr. Adams said it may be advisable for Ms. Taylor to look into the USC code.

Roger Wright, Ward 3 and Trail Administrator for the Sugah Valley Snowriders, said years ago they needed to get permission from the City to use the trails and also from the Conservation Commission to use the Rail Trail. In regard to grants, he acquired a grant, pending City Council approval, for \$7,000 for the same section including Arrowhead. He would like to see all the permissions come from one place.

Bernie Folta, Ward 3, said he is not a lawyer, but he likes to read the law. He said his impression is that the Conservation Commission is special under NH law and that it has the ability to receive and expend money.

Mr. Burke said the Conservation Commission has its own budget.

Ordinance 515 Historic District – Second Reading – Public Hearing

The purpose of this proposal is to update the Claremont Code provisions establishing and regulating the actions of the City's Historic District Commission, including bringing it into compliance with state law. Included in these changes are a reduction in the number of members of the Commission from 7 to 5 and a change in the quorum requirements to permit action by a simple majority vote. The current provisions prohibit any action by less than a two-thirds vote of the membership. The proposed ordinance has been submitted for review by the Planning Board, as required by Section 22-5 of the Claremont Code. The Planning Board had requested several clarifications, which have been incorporated into the proposal. If the Council votes to adopt the proposed ordinance on first reading, the Planning Board will forward its recommendation to the Council for consideration at the second reading and public hearing.

Enactment of this Ordinance will improve the ability of the Historic District Commission to act in a timely and efficient manner and will bring the Claremont Code provisions relating to the Historic District Commission into compliance with state law.

Nancy Merrill, Planning and Development Director, said these are changes to the zoning ordinances for the Historic District Commission. Most changes are administrative and bring the City's ordinance into Conformance with state law. This changes membership from 7 to 5 members and voting from a 2/3 requirement to a simple majority.

A motion was made by Mr. Burke and seconded by Mr. Raymond to adopt Ordinance 515 Historic District on second reading.

Mr. Burke read the Explanation of Proposed Action into the record.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

Mayor Cutts asked for clarification in the ordinance. On page 4 it references RSA 677:1-14. Per Ms. Taylor, it should read RSA 677:4.

Roll Call Vote: Motion carried 9-0.

CITIZEN'S FORUM

Norman Lessard, Ward 2, talked about skateboarders and bicycles riding on the sidewalk creating an unsafe condition on Pleasant Street. He also talked about congregating people on

Pleasant Street causing people to have to try to navigate around them. He asked for enforcement of the Codes.

Steve Raymond, Ward 1, talked about the Chestnut Street road repairs and the lids that are above the pavement. He thanked Mayor Cutts for getting the No Parking signs posted on the hill in Monadnock Park. Mr. Santagate said Public Works has to raise and repair the fixtures, exercise valves, and then the final pavement will be done, which is how it is normally done. Mr. Temple said every structure is raised (in this case 1-1 ½ inches) after the base coat of paving is put down. Weather permitting, they will be working in the area next week. There are a whole host of water valves, sanitary sewer and catch basins that have to be checked for repairs. Contract completion is scheduled for the end of September.

Claire Lessard, Ward 2, said to make Claremont a better place, people could clean in front of the stores, although she wasn't sure if the responsibility was the property owner's or the City's. She asked about using Welfare recipients or the county program to get jail inmates to do the work. People need to clean up more often than just on "green up" day.

Mr. Koloski asked since a response was given to Mr. Steve Raymond, that a response also be given to Norman Lessard. Mayor Cutts said she planned to put this under Future Agenda Items. Mr. Lessard said this has been discussed many times with Police Chief Alex Scott, but it does not get resolved. The timeframe when it is the most problematic is when school gets out. Chief Scott said Mr. Lessard has been making the police aware of his concerns for a number of years. Chief Scott said he looks for other merchants to also make him aware of their concerns. Over the last couple of years, the Park Patrol program has been used, from May to October, for enforcement issues on Pleasant Street. Retired Deputy Chief Sonny Lunderville fills that position. Last year they had a Highway Safety grant for bike and foot patrols), so something is being done. Chief Scott said Mr. Lessard had previously suggested a police officer be assigned to Pleasant Street only, but that is not something that can be done. They do the best they can with available staff.

Mr. Goff said he was uncomfortable with where the public forum went as this put department heads on the spot and he preferred not to do that.

NEW BUSINESS

Naming of City-Owned Property

Mayor Cutts asked to defer this item as more information needs to be obtained. Mr. Santagate said we need to have specific property information. Mayor Cutts will ask the Conservation Commission for that.

Resolution 2010-13 Accept and Expend \$8,695 US Department of Agriculture
Community Facility Program Grant for Trailer – Public Hearing

Bruce Temple said this is to apply for and then expend a grant for a trailer to help move heavy equipment. 35% will be paid by the USDA and 65% will be paid by the City and it will be split between cemetery, highway and water budgets.

A motion was made by Mr. Bergeron and seconded by Mr. Austin to adopt Resolution 2010-13 Accept and Expend \$8,695 US Department of Agriculture Community Facility Program Grant for Trailer.

Mr. Bergeron read the resolution into the record.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

Mr. Goff asked about the formula that was used to charge each account. Mr. Temple said it was determined by how much each department will use it.

Roll Call Vote: Motion carried 9-0.

Resolution 2010-11 Expend “Fire Act” Grant for Washer/Extractor & Drying Cabinet –
Public Hearing

Peter Chase said this is to allow his department to spend grant money that has already been approved. They used the high bid of \$16,000 to apply for the grant. Low bid was \$11,205, so they will use the additional grant money to install the equipment.

A motion was made by Mr. Koloski and seconded by Ms. Messier to adopt Resolution 2010-11 Expend “Fire Act” Grant for Washer/Extractor & Drying Cabinet.

Mr. Koloski read the resolution into the record.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

Roll Call Vote: Motion carried 9-0.

Mr. Goff asked about the lights for the Tahoe. Chief Chase said Whelen will do it on their schedule and it will cost about half of what another company estimated. One warning light has been mounted on the vehicle.

Resolution 2010-12 Accept and Expend Unanticipated Revenue – Public Hearing

Mary Walter, Finance Director, said the state allows boiler plate language to accept and expend unanticipated revenues. In this resolution, if the amount is under \$5,000, staff would not have to

come to Council to accept or expend. She suggested giving a list to the Council quarterly of the revenues that had been received.

Mr. Koloski said this takes away public input and is poor marketing. He likes citizens to see that departments are going after these grants. He likes public input and will vote no on this. Ms. Walter said sometimes departments have to wait to spend the money. Ms. Walter said most of the grants are from the state. Typically staff would come before the Council to apply for the grant; accept the grant; raise and appropriate the money in department budget to be able to spend it; then a report is sent to DRA (Department of Revenue Administration). Mr. Santagate said we're not taking it out of the limelight, we're just cutting down on the number of times it appears before the Council. Staff would come back whenever Council wants a report (monthly or quarterly).

Mr. Bergeron said when he worked for the City, departments used to be able to accept donations and then report to the Council, but that changed because Wheelabrator was giving funds to departments, so the Council changed it to require approval of all donations. He thinks a report should be done monthly. \$5,000 limit is sufficient.

Mr. Burke agreed with Mr. Bergeron and would like a monthly report. Ms. Walter said we use that information as a marketing tool. Over \$17 million has been received in 9 years. Mr. Burke thought it would be good to have this under Mayor's Notes. Mayor Cutts asked about grants with budget matching funds. Ms. Walter said those would still be approved by the Council.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Resolution 2010-12 Accept and Expend Unanticipated Revenue.

Mr. Raymond read the resolution into the record.

Mayor Cutts opened the public hearing.

Bernie Folta, Ward 3, questioned the wording "public hearing on the action to be taken." He agreed this was okay for under \$5,000.

Mayor Cutts closed the public hearing.

Mr. Goff asked when a three-step process was needed for grants under \$5,000. Ms. Walter said when there was a missed step. Mr. Goff said that as a new Councilor it was a learning experience to understand the intent of the grants. Ms. Walter said other communities have done it and it would be more efficient.

Mr. Lewis agreed with more efficiency. He felt it was important to talk to department heads to hear how it affects the department. He doesn't need Directors to come to Council to apply for the grants, but he wants to hear about it afterward.

Mr. Koloski said he would like to hear from the departments regardless of the amount of the grant.

Mr. Burke said the language is vague. Additional language is needed.

Ms. Taylor said that is enabling statutory language (Council shall hold a prior public hearing on the action to be taken). Certain grant funds received for less than \$5,000 would still have to come to Council because they require certification from Clerk to the Council.

Mr. Bergeron pointed out that the resolution does not include the work "prior." Ms. Taylor said Council could amend the resolution to add it.

Mayor Cutts doesn't want to lose the celebration opportunity and communication with department heads. Department heads could report under Old Business on a quarterly basis.

Messrs. Raymond and Bergeron withdrew their motion.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Resolution 2010-12 Accept and Expend Unanticipated Revenue with amended wording ...hold a prior public hearing on the action to be taken.

Mr. Goff asked about putting in a sunset date. Ms. Taylor said that is within Council discretion.

Mr. Austin would like quarterly reporting added in. Mayor Cutts said that will be added to the agenda. Ms. Walter said it could be placed under either Old Business or Mayor's Notes. Mayor Cutts preferred to put it under Old Business. Mr. Bergeron agreed it should be done monthly. Council agreed to put it under Old Business. Ms. Walter said her goal was to give a report monthly and quarterly to have department heads come in under Old Business. This information is used for economic development.

Mr. Lewis would like to see what grants are received and expended every month. He doesn't necessarily need to see department heads as long as someone gives that information.

Ms. Messier will vote yes and would like a monthly written report and quarterly department head report. Mayor Cutts agreed. Mr. Bergeron said under \$5,000 is sufficient to get a written report.

Mr. Goff will vote no. He feels it is critical to have the conversation with department heads.

Mr. Bergeron would like to look at this if it is more efficient. Mayor Cutts agreed.

Roll Call Vote: Motion carried 6-3 with Messrs. Koloski, Lewis and Goff voting no.

Resolution 2010-14 Accept and Expend \$2,475 OHRV Enforcement Grant from NH Fish and Game – Public Hearing

Chief Scott said this is the 7th year participating in this grant process. In 6 years, 2510 OHRVs (Off Highway Recreational Vehicles) have been checked; 45 summons issued; 167 warnings; and 38 juvenile warnings. This is the only mechanism to patrol OHRV trails. This is critical funding to maintain a safe and law abiding trail system.

Mr. Burke asked about a summons versus a warrant. Chief Scott said non-registration will not get a warning. Officer discretion is similar to a motor vehicle stop.

Mr. Lewis asked if there has been a decrease in OHRV issues since accepting these grants. Chief Scott didn't have an answer. The number of OHRVs on the trails has gone down and enforcement has gone down with less grant money. They have responded to 24 OHRV calls since January 1, 2010. Mr. Lewis asked if there are more ways to inform the public about sharing the trails. Chief Scott said education, enforcement and engineering.

A motion was made by Mr. Burke and seconded by Mr. Lewis to adopt Resolution 2010-14 Accept and Expend \$2,475 OHRV Enforcement Grant from NH Fish and Game.

Mr. Burke read the resolution into the record.

Mayor Cutts opened the public hearing. No one spoke. She closed it.

Roll Call Vote: Motion carried 9-0.

Ordinance 516 Dogs – First Reading

The purpose of this proposal is to update the Claremont Code provisions establishing and regulating dogs, including clarification of definitions and enforcement authority and changes in state law since the last general update to Chapter 4, Article II in 1985. The proposed ordinance was at the recommendation of the Parks & Recreation Commission and the Police Department.

Enactment of this Ordinance will update and clarify the provisions of the Claremont Code relating to dogs.

Chief Scott said there are issues with dog feces on City sidewalks. It is important to point out this requires dog owners on City streets or sidewalks and in the parks to pick up after their dogs. This requires the owner to have the ability to pick up after dog.

Scott Hausler showed Bag It and Trash It flyer. This has been a problem in the parks, in particular Moody Park (playing fields, playgrounds). He listed the number of bacteria, diseases or parasites that can be transmitted. Disposal can be done in the trash; flushed down the toilet or buried in the ground. He is ready to promote this effort. He estimated 30-40% of households have dogs.

Mr. Bergeron has gotten calls about the problem downtown. Dog owners have responsibilities to clean up after their dogs.

Mr. Burke asked about having a bag dispenser on Pleasant Street. Mr. Hausler said it could be mounted to a City sign post. Different designs are available.

Mr. Raymond would like some flyers for his business. Mr. Hausler will print them when the ordinance passes. Mr. Hausler said they are looking for sponsors. Stations are \$350 and \$100 for bags.

Mr. Austin asked about a receptacle. Mr. Hausler said each station has a receptacle under the bag dispenser.

Mr. Koloski asked about the term “under control of owner.” Chief Scott said it means under control by leash or verbally.

A motion was made by Mr. Austin and seconded by Mr. Burke to adopt Ordinance 516 Dogs on first reading.

Mr. Austin read the Explanation of Proposed Action into the record.

Mayor Cutts endorsed this and noted the fines. She was concerned about the City’s ability to enforce it. She agreed with having the educational brochure. She would like to see the fine added to the brochure. Mr. Hausler said if the ordinance was approved, the brochure will be put on the City’s website.

Chief Scott said the leash issue is being monitored.

Roll Call Vote: Motion carried 9-0.

Mayor Cutts thanked the public group for the work that was done on this.

CITY MANAGER’S REPORT

Mr. Santagate said the CIP (Capital Improvement Program) will cover 6 years (2010 – 2015). The first year is a budget/funding year. The other years are plan years. Projects will be identified and we will be realistic with the funding. The last CIP was done in 2003. When it is ready, it will go to the Planning Board; they will make a recommendation to the Council (hopefully by September); and then the Council will make the final approval.

Mr. Santagate talked about the 40th year celebration at the Marion Phillips Apartments. Progress has been made. When he first got here, 30-40 residents would be in his office with complaints; they have come a long way. He commended the management and the tenants’ association for how they get along.

CVS will come before the Council for road discontinuances no later than September.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mayor Cutts would like to add to the August meeting a discussion of the Rail Trail and the CSB Foundation money; jurisdiction issue; list on the agenda whatever action is needed to be taken by the Council. Mr. Goff would like clarification of the change of use of the trail as part of this. Ms. Taylor said the things she had written down for research was authority of board or commission to accept a grant, jurisdictional issue over the Rail Trail, motorized wheeled vehicles on the trail under federal law and the authority to authorize specific work on the trail. Mr. Lewis said if it is within the jurisdiction for the Conservation Commission to accept the grant and wheeled motorized vehicles can be on that trail, he would recommend Mr. Feleen go back to them to resubmit the request as from what he understood, Mr. Feleen's presentation to the Council was not the same as his presentation to the Conservation Commission.

Mr. Austin asked about line painting, including crosswalks. Mr. Santagate said weather permitting, it will be done within the next couple of weeks.

Mr. Koloski asked if the City would assume insurance liability if a portion of the trail was discontinued.

Ms. Walter asked if motorized wheeled vehicles included motorized wheel chairs. She doesn't want to have an ADA liability.

Mr. Austin asked about a property that has rubbish piled high. Mr. Santagate said Code Enforcement would need to address that.

Mr. Goff asked about banning smoking in the parks. Ms. Taylor said Mr. Hausler had previously asked her to start research, which she is doing.

Mr. Goff asked about the portable disposable signs on Washington Street. Mr. Santagate said the signs are illegal and it is a matter of enforcement. We have codes that will address it.

Mr. Bergeron asked to find out what it would cost to have constituents call in to meetings. Mr. Lewis said that would be a great item for the CIP. Mr. Bergeron asked about unregistered cars that are for sale and sitting on people's lawns. Mayor Cutts said that is an enforcement issue.

Mayor Cutts asked Mr. Santagate to look at the overall enforcement and come back in September to engage in a discussion about enforcement.

Mr. Bergeron asked about a telephone pole that is 3 inches off the edge of the road at the Pine Hill Trailer Park. Mayor Cutts asked Mr. Santagate to look into that and to get back with Mr. Bergeron.

Mr. Koloski asked about e-billing; debit/credit card payments; public parking garage signs.

Mr. Lewis would like clarification on grants (under \$5,000) reporting.

Mayor Cutts said in reference to enforcement, she would like to invite or include the Police Commissioners.

COMMITTEE REPORTS

Master Plan Committee

None

Claremont 250th Anniversary Committee

None

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 10:43 p.m., a motion was made by Mr. Austin and seconded by Mr. Goff to adjourn.

Roll Call Vote: Motion carried 9-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council