

The Claremont City Council held a meeting on Wednesday, January 12, 2011, 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 Council Thomas Burnham

Also present were:

Guy Santagate, City Manager

MAYOR'S NOTES

Stevens High School Student Council Update

None

Ms. Messier said there was mention in the newspaper last week of a transportation route between Lebanon and Claremont and that the Upper Valley Lake Sunapee Regional Planning Commission was involved.

Mayor Cutts said that last week she received feedback about the road maintenance from the last snow storm in reference to the public transportation stops, sidewalks and parking areas downtown. She passed the information to the City Manager for his review.

REPORT OF THE SECRETARY

A motion was made by Mr. Burke and seconded by Mr. Lewis to accept the minutes of the December 8, 2010, City Council meeting.

Roll Call Vote: Motion carried 9-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Fiske Free Library Board of Trustees

Mr. Austin nominated Cynthia Densmore to seat # 8 of the Fiske Free Library Board of Trustees.

Roll Call Vote: Motion carried 9-0.

Historic District Commission

Mr. Austin nominated Cynthia Densmore to seat #2, of the Historic District Commission.

Ms. Messier thanked Ms. Densmore for her dual service.

Roll Call Vote: Motion carried 9-0.

Tax Increment Finance District Advisory Board – River Road

Mr. Bergeron nominated William Greenrose to seat #2 of the Tax Increment Finance District Advisory Board – River Road.

Roll Call Vote: Motion carried 9-0.

Mr. Austin nominated Robert Porter to seat #4 of the Tax Increment Finance District Advisory Board – River Road.

Mayor Cutts thanked Mr. Porter for reapplying.

Roll Call Vote: Motion carried 9-0.

Acceptance of \$8,025.00 Power Fire Hose Roller

Fire Chief Peter Chase said that the Claremont Firefighters Association donated the power hose roller which will help rolling up the hoses. The Fire Department has over 5,000 feet of fire hose. The supply line weighs 110 pounds and has to be lifted into the truck. This will save time and prevent injuries.

A motion was made by Mr. Koloski and seconded by Mr. Lewis to accept the \$8,025.00 Power Fire Hose Roller.

Roll Call Vote: Motion carried 9-0.

Motion re: Indemnification of City Officials and Employees

Mr. Santagate said the state revised the law January 1st to include the health officer and the welfare overseer. This will make us current with state law. Any act committed outside the scope of authority or the office of the covered individuals is not covered. Any act that is malicious is not covered. Acting in good faith is covered.

A motion was made by Mr. Burke and seconded by Mr. Raymond that the Claremont City Council, pursuant to RSA 31:105 and RSA 31:106, agrees to indemnify and save harmless any person elected, appointed or employed by it and any member or officer of its governing board, administrative staff or agencies, including but not limited to city councilors, city manager, representatives to commissions, municipal boards and committees, health officers and overseers of public welfare, of and from personal financial loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property, as well as any such personal financial loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of any act or omission constituting a violation of the civil rights of an employee or any other person under any federal law if such act or omission was not committed with malice. Any such indemnification shall apply only if the indemnified person was acting within the scope of employment or office at the time of the accident resulting in the injury, damage or destruction and/or if the indemnified person was acting within the scope of employment or office at the time of such act or omission.

Bernie Folta, Ward 3, wondered if the nature of the indemnification is that he, as an appointed board member, is covered under the City's insurance policy. Mr. Santagate said yes.

Roll Call Vote: Motion carried 9-0.

CITIZEN'S FORUM

Frank Sprague, Ward 2, reminded the Council about the issue of the outdoor wood fired hydronic heaters. He said he e-mailed the Council with his observations and perceptions from the October Council meeting about the seasonal ban on wood boilers. He said one of the comments from Mr. Austin was that we need to tweak the proposed ordinance and he e-mailed suggestions to the Council. Mr. Sprague talked about the farmer who had spoken against the ban at that meeting and that the farmer's second boiler is a non-conforming one. He talked about RSA 125-R:7 that Attorney Jane Taylor said "handcuffs" the City from defining a nuisance. He encouraged Council to get a second opinion. He said there are some inconsistencies between the ordinance and the RSAs (i.e. permitted fuels). He said the description of a nuisance was nonsensical as it includes "noise limitations." He said he owns a wood boiler and he operates it in a responsible manner. He said a lot of users are reasonable and shut them down in the summer. Rules are needed for some people. He asked Council to follow through and to look at his proposed tweaks.

CITY MANAGER'S REPORT

Mr. Santagate said marketing of the City had been mentioned previously. He talked about some free marketing/publications/stories that have been done on Claremont over the last year. They include *Kearsarge Magazine*, *Claremont Rising*, *Signs of Revival in a Long Dormant City*; *New Hampshire ToDo*, *Coming Along at a Clip Claremont!*; *Valley Business Journal*, *Claremont Carefully Nurtures Its Economy With Investments, Renovations*. We continue to promote the City. We are poised well for the future. We are making pretty good progress in tough times. *Business NH Magazine* points out that we have the fifth fastest growing company in New Hampshire (Red River Computer Company). We are open to new ideas, but we are conscious of costs. Sometimes a combination of new and old isn't bad and we have to ease into changes.

Mr. Santagate said in terms of snow removal, we have had two wallops. When citizens call, we respond back to them and they are very understanding. Snow removal priorities are plowing the streets first, sidewalks the next day (or when we can get there) and then the last step is snow removal. With a storm of this magnitude, we can't get to the sidewalks until the next day. The Fire and Public Works Departments clear out around the fire hydrants. We ask citizens to be understanding, but if there is an issue, please let us know and we will address it.

Mayor Cutts asked how many pieces of equipment there are to clear sidewalks. Public Works Director Bruce Temple said there are three sidewalk machines. They use two and keep the third in reserve. Sidewalk machines cost about \$110,000 each. There are 16 plow routes, 3 or 4 sidewalk plow routes; they clear fire hydrants, 8 pump stations, sewage plant and water plant. They try to cover the City roads three times. There are 120 miles of road. Pleasant Street is difficult to plow; some businesses open at 5 a.m., so Public Works works around them. They will use 300 tons of salt today at \$70 per ton. Mayor Cutts said she had received feedback about public transportation drop off points not being clear. Mr. Temple said Public Works does not work after 10 p.m. unless there is an emergency. Some areas have drifting snow, so those areas have to be done again the following day. It is difficult to buy a sidewalk plow to fit older sidewalks that are less than the standard 5 feet wide, so some of the neighborhood sidewalks don't get done. A lot of those were done by hand way back when there were 40 people in the field, now there 28.

Mr. Austin said he has received similar complaints. He made a suggestion to hire a private contractor to cover some of those areas at night such as was done in the past. Mr. Temple said it would be cost prohibitive. Today's storm will cost about \$12,000-\$15,000. Mr. Austin asked what the cost difference would be to hire a private contractor versus City staff doing the pickup. Mr. Temple said it is hard to say, but it is expensive.

Mr. Santagate said of the outdoor wood boilers, that he is working with State Representative John Cloutier and State Senator Bob Odell. Under state law the City has no right to measure air quality. To determine if wood burning smoke is harmful to health, he asked Fire Chief Peter Chase to call other communities to find out what they have adopted. They talked to Keene; Newport; Lebanon; Laconia; New London; Franklin; Hartford, Vermont; White River Junction, VT; Springfield, VT and none of them had any local regulations or restrictions regarding the

installation or operation of wood boilers. The newer wood boilers burn much cleaner, but the older ones were grandfathered in. Mr. Austin asked if the other communities had received similar complaints. Chief Chase said those communities are looking toward the state for guidance as it is statewide issue. He said when these were designed they were for winter heating, not heating hot water. The smoke in the summer does cause problems.

Mr. Bergeron asked why DES (Department of Environmental Services) doesn't monitor air quality. Chief Chase said they won't do residential. Mr. Santagate said this issue has been brought to Senator Odell's attention. Mr. Bergeron said the City has the authority to shut down a boiler if they are burning illegal substances (i.e. rubbish).

Mayor Cutts said the ordinance limited wood boiler operation to the winter season. She recapped part of that discussion. She asked about the farmer's second (nonconforming) boiler that Mr. Sprague referred to. If it is determined to be nonconforming and action was taken on it, might the Council receive the ordinance for reconsideration. Mr. Santagate said Staff wanted to do research and talk to the state for clarification before bringing it back to the Council.

Chief Chase said the boiler at the farm doesn't have to come into compliance with the proposed ordinance because of its size. It is over 350,000 btus and is considered a commercial unit. The farmer has a home on the property that his son lives in with an outdoor wood boiler which would be affected by the ordinance and he was opposed to his son having to turn off his residential outdoor wood boiler because it is used to heat hot water.

Mr. Burnham asked about stack requirements. Chief Chase said we look to the manufacturer's recommendations, but the new ordinance had specific requirements.

Mr. Lewis asked if permits are required for installation and how many have been installed without a permit. Chief Chase said a permit is required and the Planning Department has notified owners of known boilers without a permit of that requirement. If they can prove that the boiler was installed before the City passed its current ordinance, they would be grandfathered and would have to meet zoning codes and electrical standards, otherwise they have to meet current codes.

NEW BUSINESS

2011 City Fee Schedule – Public Hearing

Mr. Bergeron is concerned that there are fees for things that businesses are required to have. Mr. Santagate said that generally these are user fees and if they are not charged to the user then the costs will be added to the tax rate. We talk to other communities and try to determine the real costs for the fees that are not used by the general public. We try to be reasonable.

Mr. Bergeron asked about the Disconnect and Re-connect Fire Alarm System from Municipal Circuit and if it affects the schools. Chief Chase said it is paid once and it does affect the schools. We have a program where fire alarm maintenance people can be certified to work on

the box, but right now, when someone works on the fire alarms, the Fire Department has to go out to turn off its portion and then return later to turn it back on. The fee is to encourage fire alarm maintenance people to be certified so they can do the job themselves.

Mr. Koloski asked about False Alarm or Nuisance Alarm After Two. Chief Chase said this usually applies when the systems are not maintained or appropriate technicians are not working on the system.

Mr. Burke asked about Seasonal Games Field Reservation (One Field) Hourly Light Charge. Parks and Recreation Director Scott Hausler said the \$100 is based on the true cost of the lights.

Mayor Cutts asked about the increase in the cost of the Summer Pool Passes. Those fees are being increased and the pool is not in great shape. She said it results in a disincentive to maintain a healthy lifestyle. Mr. Hausler said the fees haven't been adjusted since 2008 and costs continue to rise. The increases don't cover the actual expenses. Mayor Cutts asked if the plan to increase the fees was shared with the users. Mr. Hausler said no. Mayor Cutts doesn't think this is in the best interest of the citizens.

Mr. Burnham asked if that was for a 10-week period. Mr. Hausler said that depends on the weather.

Mr. Koloski doesn't share the same concern. We are trying to cover expenses by people who use the facilities.

Mr. Bergeron asked how much revenue will be generated. Mr. Hausler said the additional amount would be \$300-\$400. Mr. Bergeron asked if there is any designation between residents and non-residents. Mr. Hausler said we don't sell passes to non-residents.

Mr. Burke compared daily fees versus the passes and to him it seems fair, but he agreed with Mayor Cutts saying it would be nice to put some work into the facilities. It is a nominal fee to offer swimming.

Mayor Cutts said these increases won't make a big difference. Mr. Hausler said that if Council wants to offer the pool for free, that revenue would have to be made up elsewhere. It is not a lot of revenue. If there is a hardship, there are scholarships available. Mayor Cutts said that she does not use the pool.

Mr. Koloski asked about the Abutter's Notice in Planning. Ms. Walter said this was never included before.

Mr. Bergeron asked about LCHIP (Land and Community Heritage Investment Program). Ms. Walter said we are putting in what was missed before.

A motion was made by Mr. Raymond and seconded by Ms. Messier to adopt the 2011 City Fee Schedule.

Mayor Cutts opened the public hearing.

Bernie Folta, Ward 3, suggested that things that are used for reference (i.e. Master Plan), should be placed on the City's website then staff would not be bothered by those requests and those things would be available to citizens at no charge. He also suggested that the voter checklist (which he receives copies of) be posted on the website.

Mayor Cutts closed the public hearing.

Mr. Burke agreed the Master Plan should be online. Mr. Santagate said he will check with Planning and Development Director Nancy Merrill to see if it can be done and get back to the Council.

Roll Call Vote: Motion carried 8-1 with Mayor Cutts voting no.

Resolution 2011-7 Enter Into Multi-Year Lease Purchase Agreement for Fire Truck –
Public Hearing

Chief Chase said this process started last April to replace a 1989 fire engine. It is a 20-25 year piece of equipment. It will be the fourth fire truck he has purchased for the City, totaling \$1.5 million. We use a single stream manufacturer and it works very well. The truck is built in Ocala, Florida. We ended up with two proposals, from HME and Emergency One. We estimated the cost at \$450,000, but prices came in the \$385,000 range. There was only a \$9,300 difference between the two bids; however, there are a number of exceptions in the low bid. HME is offering a pre-emission diesel engine (new 2007 model) which doesn't meet current standards; the fire truck cab standard is 8 feet, theirs is 127 inches wide and the Fire house doors are 129 inches wide; in reference to crash testing, this company meets the minimum standards and Emergency One exceeds the standards for crash test; there were also a number of other smaller issues. He is recommending the City go with the Emergency One proposal which exceeds the specifications. We have had excellent service from Emergency One. Also Emergency One vehicles are consistent to work on and to use. This is a 10-year lease purchase. We will sell the 1989 truck with over 100,000 miles on it. Emergency One is the second largest fire apparatus manufacturer in the world.

Mr. Bergeron asked about the payment. Chief Chase said they offered a 10-year lease with 4.69% interest. Mr. Bergeron asked about a deposit. Chief Chase said there is none. Mr. Bergeron supports Chief Chase's recommendation.

Mr. Burke asked if there was a buyer for the 1989 truck. Chief Chase said no. We will work with a national dealer for a 10% fee and we will get a better return. Mr. Burke asked where the money would go that is received from the sale. Chief Chase recommends that it go to the apparatus escrow account or toward a payment on the new truck.

Ms. Messier asked if there had been any issues in the past with Emergency One. Chief Chase said they typically find “bugs” within the first six months, but there is a one year warranty. Emergency One is a very reliable company.

Mr. Santagate said that money has been set aside over time and it will be paid for out of the operating budget. He said \$1.8 million of the City’s budget is for capital items (i.e. police cruisers and Public Works equipment). This will not add to the tax rate as it is already built into the budget.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Resolution 2011-7 Enter Into Multi-Year Lease Purchase Agreement for Fire Truck.

Mr. Raymond 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.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mayor Cutts will schedule a joint meeting with the State Senator and Representatives in February. She asked Council to e-mail her any avoid dates.

Mr. Bergeron asked Mr. Santagate to arrange a meeting with some Council members, the Planning and Development Department and business leaders to discuss some problems the businesses are having with the Planning Department. Mr. Santagate will discuss the process for this with the Mayor and Mr. Bergeron.

Mr. Burke has heard the same complaints, especially lack of communication. Mr. Santagate talked about some of the issues (i.e. developer wants the City to design the project instead of hiring an architect to design it; apartments meeting codes in some of the upper floors in the downtown buildings; code issues for bringing Granite State College into the City; and code issues for Structural).

Mr. Austin would like to readdress the outdoor wood boiler ordinance. He would like an agenda item to discuss it some more.

Mr. Koloski asked about a response for a pending Conservation Commission application. There was a discussion about the appointing authority to the Conservation Commission. Mayor Cutts said she will look into that.

Mr. Koloski asked for written guidance (i.e. Council Rule) for filling a Council vacancy. Mayor Cutts will talk with Ms. Taylor. Mr. Santagate said that between the RSA and the Charter, the Council’s authority is spelled out, but the process is up to the Council. Ms. Messier said if the

process is included in the Council Rules then it is locked in, but if it is a policy, it can be changed.

Mr. Koloski asked about reaching out to the school board to not schedule its meetings opposite Council meetings. Mayor Cutts said that she has reached out to them, but to no avail.

Mr. Burnham said the process for filling the vacancy was very efficient and worked very well.

Bernie Folta, Ward 3, said in reference to issues with planning/zoning, as an Upper Valley Lake Sunapee Regional Planning Commission commissioner, he has heard that people stay away from Claremont due to friction. However, those problems may be in the past. Mr. Bergeron said the issues he referenced have happened in the last 1 ½ years.

Mr. Burke asked for information about what website enhancements are planned. Mr. Santagate said that could be done.

Mayor Cutts said in reference to the Google application that they chose Stanford. They may have another application process and we will be contacted.

Mr. Koloski said he had received a citizen complaint that a municipal parking sign had become a hazard, so he shared that information with Mr. Santagate and it was taken care of. Mr. Koloski noted the Council seat on the Airport Advisory board is only for one year and would be expired. Mayor Cutts asked Mr. Santagate to have Planning look into it.

Mr. Bergeron asked for an update on CVS. Mr. Santagate said they expect to go ahead in the spring. Mr. Bergeron asked about signing property agreements. Mr. Santagate said that is up to CVS.

COMMITTEE REPORTS

Master Plan Committee

Mr. Burke said four chapters had been reviewed at the Planning Board meeting and will be reviewed again at the next one. Public is invited to attend and give input.

Claremont 250th Anniversary Committee

Mr. Burke said the meeting last night was cancelled due to the weather and they hope to reschedule by the end of the month.

CONSULTATION WITH LEGAL COUNSEL

None.

Mayor Cutts offered sympathies for the lives lost in Arizona.

ADJOURNMENT

At 8:55 p.m., a motion was made by Mr. Burke and seconded by Mr. Bergeron to adjourn.

Roll Call Vote: Motion carried 9-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council