

The Claremont City Council held a meeting on Wednesday, January 11, 2012, in the Council Chambers of City Hall.

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

OATH OF OFFICE FOR COUNCILORS, MAYOR AND ASSISTANT MAYOR

Gwen Melcher, City Clerk, administered the oath of office for the Mayor, Assistant Mayor and Councilors.

Members of the Council present were:

At-Large Councilor Keith Raymond
Ward I Councilor Victor Bergeron
Ward III Councilor Nicholas Koloski
Assistant Mayor Andrew Austin
Mayor James Neilsen, IV
At-Large Councilor Christopher Irish
Ward II Councilor Roger Formidoni
At-Large Councilor Thomas Burnham

Absent:

At-Large Councilor Kyle Messier (excused)

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

REPORT OF THE SECRETARY

A motion was made by Mr. Koloski and seconded by Mr. Austin to accept the minutes of the December 7 and 14, 2011, City Council meetings.

Messrs. Irish and Formidoni abstained as they were not present for those meetings.

Roll Call Vote: Motion carried 6-0 with 2 abstain (Messrs. Irish and Formidoni).

MAYOR'S NOTES

Stevens High School Student Council Update

None

Mayor Neilsen asked Mr. Bergeron to be the Sergeant-at-Arms and Mr. Bergeron agreed. Mayor Neilsen asked Mr. Bergeron to monitor the time for agenda items to help keep the meeting on track.

APPOINTMENT TO BOARDS AND COMMITTEES

Historic District Commission

Mr. Raymond nominated Deb Cutts to seat # 3 of the Historic District Commission. Mr. Austin seconded.

Roll call vote: motion carried 8-0.

Parks and Recreation Commission

Mr. Koloski nominated Steve Lizotte to seat #1 Ward 1 of the Parks and Recreation Commission. Mr. Irish seconded. Mr. Raymond said Mr. Lizotte is not extending his term, he is just moving to a different seat.

Roll call vote: motion carried 8-0.

Mr. Koloski nominated Jolene Tenney to seat #4 At Large of the Parks and Recreation Commission. Mr. Austin seconded.

Roll call vote: motion carried 8-0.

Mr. Irish asked if Mr. Santagate had appointed anyone to fill his vacated seat on the Police Commission. Mr. Santagate said no.

CITIZEN'S FORUM

None

NEW BUSINESS

Redistricting Update – Senator Odell

Senator Bob Odell talked about redistricting as it applies to the state Senate. By federal Constitution, lines are redrawn every 10 years. Districts can have a deviation no greater than 10%. There are 24 state senators; 6 districts are not changing (in southern part of the state). Nineteen senators agreed on the plan to redistrict. Sen. Odell said he was not happy with this change. Each district has about 55,000 people. Charlestown and Claremont will go to the 5th District which includes Hanover, Lebanon and Lyme. The new District 8 has changed a lot with 50% of the communities being new to the District. This takes effect December 5th when the new

Legislature is sworn in. Sen. Houde has asked that Grantham, Croydon and Springfield be restored to the 5th District; to make up for the change, Sen. Houde asked to move Charlestown back to the 8th District. The plan will be voted on next week. Sen. Odell said Sen. Houde is an attorney, taught at Vermont Law School and now works for Dartmouth Hitchcock Medical Center. Sen. Odell said that Senators represent everyone in the state. He talked about the work he has done as a Senator including helping to bring Granite State College to Claremont; PSNH (Public Service of NH) buyout of Central Vermont Power to help lower electric rates in this area; and the Mill District Project. If the redistricting goes forward, it will not change his commitment to Claremont. He said it has been an honor to represent Claremont. A lot of progress has been made in Claremont. He thanked those that have served in office during his time as well as the citizens.

Councilors thanked Senator Odell for his work and commitment to the City.

Motion to Accept Emergency Management Performance Grant for \$140,108 for
Emergency Generator from Homeland Security

Rick Bergeron, Fire Chief, said this is to fund a generator for emergency power for the New Community Center (NCC). This will help provide emergency shelter with emergency power when needed. The City's match is being provided through the construction of the NCC. Funding through FEMA will purchase and install a diesel generator at the NCC. It will power the entire building. It is tied into emergency management; emergency management is a community-wide effort.

Mr. Irish asked what size generator it is. Chief Bergeron said he didn't have the paperwork available at the meeting. It is ample enough to power the entire building. He believes it is 800 or 1200 amps.

A motion was made by Mr. Koloski and seconded by Mr. Raymond that whereas the City of Claremont has received notice of the award of grant funds from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management (the "State") for the purchase and installation of an emergency generator to be located at the City's new Community Center, the Claremont City Council hereby authorizes acceptance of the grant in the amount of \$140,108.00 from the State and further authorizes the City Manager or his designees to execute all documents and undertake all actions as may be required for the acceptance of this grant.

Mr. Bergeron asked if the building is wired to accept a generator. Chief Bergeron said not originally; it was part of this process, so it will be.

Mr. Irish asked about the timetable to spend the grant. Chief Bergeron said when he applied for the grant, he was able to select when we would receive payments which will be as each part is completed.

Bernie Folta, Ward 3, wondered about the capacity and if it will power only certain portions of the building and not, for example, the pool. He would like to have seen the specifications on the generator as well as the Council packet on the City's website (more transparency and more feedback).

Roll call vote: motion carried 8-0.

Resolution 2012 - 7 Rice Reservoir Tree Planting – Public Hearing

Bruce Temple, Public Works Director, said this is for what was not done last year. He was not able to use the \$10,000 (that Council had approved) last year for the replanting. He would like to use it this year.

A motion was made by Mr. Bergeron and seconded by Mr. Koloski to adopt Resolution 2012-7 Rice Reservoir Tree Planting.

Mr. Bergeron read the resolution into the record.

Mayor Neilsen opened the public hearing. No one spoke. He closed it.

Roll call vote: motion carried 8-0.

Resolution 2011 - 30 Ratification of Welfare Overspending 2011 Budget – Public Hearing

Mary Walter, Finance Director, said this is for expenditures in 2011. She had requested to overspend the Welfare budget up to \$100,000 last year, but the expenses were more that. She had requested guidance from DRA (NH Department of Revenue Administration) and was told to cover the expenses and then to ask for ratification at the January Council meeting. This is a ratification of the overspending of up to an additional \$6,000.

Ms. Walter also noted that there are no legislative Bills being presented that would further define residency.

Mr. Irish asked what the total expense will be. Ms. Walter said the total Welfare budget is around \$500,000, but this includes everything, not just direct services.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Resolution 2011 - 30 Ratification of Welfare Overspending 2011 Budget.

Mr. Raymond read the resolution into the record.

Mr. Bergeron said the state Representatives told us they would look into this issue. Ms. Walter said there is a Bill pending that would allow the City to seek reimbursement from the town where a person, who is seeking assistance, came from.

Mr. Koloski confirmed that even if Council were to vote no, this would still go through. He said he will vote no to make a point.

Mr. Formidoni asked for residency clarification. Sue Carr, Welfare Director, said that by state law, there is no residency requirement to get assistance from the City.

Mr. Austin said we sometimes go back to the other towns to seek reimbursement. Ms. Carr said we used to, but there was an error by the state that suspended that entire RSA, so she could not legally go after towns or families for reimbursement.

There was further Council discussion about residency requirements and Councilors agreed of the need to keep after the Legislators to fix this.

Mayor Neilsen opened the public hearing. No one spoke. He closed it.

Mr. Koloski said he is going to vote no and suggested that if everyone else did, it might grab a headline and something might get done. Mayor Neilsen said the problem with voting no is that money has already been spent and if the entire Council votes no, it would put the City in an awkward position.

Mr. Irish said he will vote no. The money has already been spent and maybe this will get someone's attention.

Mr. Raymond said this is to clean up last year's budget. He will vote yes, but we need to speak to the state Reps and Senator to change this at the state level.

Mr. Bergeron said he agreed with Messrs. Koloski and Irish, but will have to vote yes to transfer the money.

Mr. Koloski said the City still has to transfer the money regardless of the vote; this is just a formality. Ms. Walter said state law states we have to, but the City Code says the Finance Director shall not spend any money unless it is appropriated. She suggested that if Councilors wanted to make a point, that they should send a letter to the Delegation. Mayor Neilsen said Council could send a strong letter if desired, but the money needs to be accounted for.

Roll call vote: motion carried 6-2 with Messrs. Koloski and Irish voting no.

Review of Council Rules

Mayor Neilsen said he had asked to look in particular at Rules 13, 15, 17, 22, 24 and 27. He wanted to talk about how Council discussions were to be conducted in accordance with Council Rules.

Mr. Irish talked about Rule 11 City Solicitor and that the city Solicitor does not decide any parliamentary rules. That should be done by Mayor, Councilors and *Robert's Rules of Order*.

Mayor Neilsen talked about Rule 15 Limitation of Debate. He would like Councilors to adhere to this as much as possible. He is trying to eliminate back and forth dialogue between Councilors and the person standing at the podium. He talked about how Councilors can request a Rule change. He said he will try to keep the meeting on track with the agenda.

Mr. Koloski said in reference to Rule 15 said that he will continue to ask questions in order to be comfortable before he votes or else he will have to vote no if he has not had his questions answered satisfactorily. Mayor Neilsen said if more information is needed, Councilors need to ask permission to ask more questions. Mr. Bergeron said that it is Councilors' jobs to ask questions for clarification. Mayor Neilsen said this is meant to stop the back and forth discussion with Councilors and the person at the podium.

Mr. Burnham said he expects to be able to ask the questions he needs to understand the issues.

Mayor Neilsen said that if there is an issue with the Rules, Councilors have the right to present a written request to change them. He said he intends to enforce the Council Rules.

Mr. Irish noted these Rules have been in place for years. He talked about Rule 16 Voting and Rule 34 Anonymous Communications. He said that Councilors need to know the Rules.

Mayor Neilsen, again, invited Councilors to submit any requests for changes in writing at the next meeting.

Motion to Adopt Credit Card Policy

Mary Walter, Finance Director, said we have been working hard to get this going. We will start in Central Collections first. GASB laws require us to have a policy in place. Lisa Richmond, Treasurer, has been working on this and it needs to be finalized before we can get credit card processing into the City.

A motion was made by Mr. Koloski and seconded by Mr. Irish that whereas the City of Claremont has authorized payment of all amounts due to the City of Claremont from property taxes, sale of utility services, or other fees or charges by use of a credit card, debit card or electronic transfer by enactment of Ordinance #523, the Claremont City Council hereby adopts the Credit Card Processing and Security Policy (the "Policy"), as presented, and authorizes the City Manager or his designees to take such actions as may be necessary to implement the Policy in accordance with applicable federal, state and local law, ordinance, regulation and rule.

Mr. Formidoni asked if people can call in with their card number to make a payment. Ms. Richmond said no because of security reasons. People will be able to pay online or come in to the counter. Ms. Richmond said that web-based transactions have less security requirements.

There was discussion about the policy. It was not included in the Council packets.

Mr. Koloski withdrew his motion and Mr. Irish withdrew his second. Mayor Neilsen asked to have this put back on the next agenda.

2012 City Fee Schedule – Public Hearing

A motion was made by Mr. Koloski and seconded by Mr. Irish to adopt the 2012 City Fee Schedule.

Mr. Irish asked if Parks and Recreation fees are for now or are they for the new building. Mr. Santagate said they are for now; we will come back to the Council when changes are needed.

Mr. Koloski talked about the layoff affecting one of the building inspectors and the possibility of delays, and that the Site Plan Review Residential Application is increasing from \$100 to \$200. Mayor Neilsen noted there was a typographical error and said with this change, the minimum should be \$200, not \$100.

Tracey Thibault, City Planner, said the site plan and subdivision fees were reviewed with other communities of similar size and we found our fees were slightly lower than the other communities.

Mr. Irish asked about adding credit card fees to the Finance Department. Ms. Walter said it is all going through a third party and they are charging the fees, so the City doesn't charge fees.

Mr. Bergeron asked about the new fees for Management Information Systems (MIS). Ms. Thibault new fees were not added, instead previous whole fees were broken down into parts for different types of data. Usually this data is requested by engineers. The fees have been determined by what it costs us and what other communities charge. Most of this comes from the cost for aerial photos (\$45,000); we are due to do it again in 2013.

Mr. Koloski said he understands the need to remain competitive and he asked about the Waiver Request Legal Notice fee of \$50. Ms. Thibault said notices were being made and we needed to charge for them, but the fee wasn't on the Fee Schedule.

Bernie Folta, Ward 3, talked about the Assessing Property Record Cards and that he would like to have a file of all of them for analysis. He suggested that since this is stored information, it should only cost \$10. Mayor Neilsen said the cost would be a question for Assessing.

Mr. Irish asked about changing 3 ½ Floppy Disk to Any Media. Mayor Neilsen asked Mr. Santagate to check with Assessing to see if they can accept thumb drives, DVDs, etc. and the cost for the database. Mr. Santagate said we can check with Assessing.

Roll call vote: motion carried 8-0.

Resolution 2012 - 8 Rescind Remaining Unused Monies Appropriated for Maple Avenue Sewer - \$690,445 - Public Hearing

Bruce Temple, Public Works Director, said this is to turn back the unused line of credit. In April 2010, we borrowed up to \$1.5 million for work on the Maple Avenue sewer. The project is complete and there is a balance of \$692,859 that we would like to turn back to NH Department of Environmental Services (DES). The money will go back into the pool to be lent to other communities.

A motion was made by Mr. Irish and seconded by Mr. Bergeron to adopt Resolution 2012 - 8 Rescind Remaining Unused Monies Appropriated for Maple Avenue Sewer - \$690,445.

Mr. Irish read the resolution into the record.

Mayor Neilsen opened the public hearing. No one spoke. He closed it.

Roll call vote: motion carried 8-0.

Resolution 2012 - 9 Apply/Accept/Expend \$1.1 Million NH Department of Environmental Services State Revolving Fund Loan-Bog Sewer Project – Public Hearing

Mr. Temple said that behind the Earl Bourdon Centre, a sewer line has collapsed. Water enters the pipe from nearby wetlands and then gets treated at the sewer plant. We have paid for preliminary engineering work. We are asking to borrow and expend up to \$1.1 million for repair of that sewer line. This has been identified on the Capital Improvements Plan (CIP).

Mr. Bergeron asked about the location. Mr. Temple said it goes behind the Bourdon Centre and ties into the opposite end that was just finished. Mr. Bergeron asked if the new parking lot the Bourdon Centre is working on will have any effect. Mr. Temple said he is being kept in the loop on that project.

A motion was made by Mr. Raymond and seconded by Mr. Formidoni to adopt Resolution 2012 - 9 Apply/Accept/Expend \$1.1 Million NH Department of Environmental Services State Revolving Fund Loan-Bog Sewer Project.

Mr. Raymond read the resolution into the record.

Mr. Neilsen opened the public hearing.

Bernie Folta, Ward 3, asked about how this ties in with the Earl Bourdon Centre parking lot CDBG (Community Development Block Grant). He said it sounds like this is not a direct connect to their project.

Mr. Temple said this sewer collects from Bible Hill Road and Charlestown Road.

Roll call vote: motion carried 8-0.

Resolution 2012 - 10 Apply/Accept/Expend \$2.2 Million NH Department of Environmental Services State Revolving Fund Loan-Elm St./Washington St. Sanitary Sewer Pump Stations – Public Hearing

Mr. Temple said this is for two critical pump stations; one is on Elm Street which is over 40 years old and one is on Washington Street, across from McDonald's. Both need repairs and upgrades. At Elm Street, they will construct a new pump station. At Washington Street, they will refurbish and rehab the inside. The Washington Street location has only two of three pumps working. These loans have state forgiveness, meaning on \$2.2 million they will forgive about 25% off the top, in addition, we will have a low interest rate of 2.5% to 3% over a 20 or 30-year note. We have paid for the preliminary design on both projects.

A motion was made by Mr. Bergeron and seconded by Mr. Raymond to adopt Resolution 2012 - 10 Apply/Accept/Expend \$2.2 Million NH Department of Environmental Services State Revolving Fund Loan-Elm St./Washington St. Sanitary Sewer Pump Stations.

Mr. Bergeron read the resolution into the record.

Mr. Bergeron thinks this is necessary. If these fail, there would be dire health consequences. Mayor Neilsen agreed.

Mr. Formidoni asked if these have been added to the debt burden for this year's budget. Mr. Temple said no. Repayment will start in 2013 or 2014.

Mr. Austin asked if this fits in with the CIP. Mr. Temple said yes.

Mayor Neilsen opened the public hearing. No one spoke. He closed it.

Mr. Temple said these programs are funded by the US Environmental Protection Agency. The state of NH has to have its match. If the state cuts state aid, this could be one of the affected programs. If that happens, the costs will fall on the enterprise fund. The 25-30% forgiveness and low interest loan is critical to the City.

Roll call vote: motion carried 8-0.

Motion to Authorize Application for Support of Homeland Security Grant for Radio Repeater

Police Chief Alex Scott said this is through the NH Department of Safety and requires permission to apply for it. This grew out of an exercise with Valley Regional Hospital (VRH) that showed communication issues throughout the building for both police and fire. If there is a problem with emergency response, it generally centers on communication. This will provide a

repeater at VRH to boost radio communication throughout the building. The grant amount of \$47,000 is based on a quote from the supplier.

A motion was made by Mr. Koloski and seconded by Mr. Raymond to authorize the City Manager, or his designees, to undertake all actions and to execute all documents as may be required to apply for a New Hampshire Department of Safety, Division of Homeland Security and Emergency Management Grant for the purchase and installation of a radio communications repeater inside Valley Regional Hospital.

Mr. Neilsen thanked the Chief for pursuing this grant and having the best interest of Claremont at heart. Chief Scott said that the thanks should go to Bill Wilmot, Accreditation and Grants Coordinator, for getting the job done.

Roll call vote: motion carried 8-0.

Mr. Koloski asked Chief Scott to extend a welcome from the Council to Police Officer Eric Fosterling and Police Recruit Tyler Hughes.

CITY MANAGER'S REPORT

Mr. Santagate said the City asked Louis Gendron, who is on the Earl Bourdon Centre board, to approach the county to apply for a \$500,000 CDBG grant for parking at the Earl Bourdon Centre as the City was not able to apply for the grant at this time. There will be a public hearing on Tuesday, January 17, 3 p.m., at the Sullivan County Health Care Nursing Home, 5 Nursing Home Drive, Unity. If awarded, the money will be used for parking (add 19 spaces) for the meals program at the Earl Bourdon Centre. He thanked the county commissioners for their cooperation.

Mr. Santagate talked about the LGC (Local Government Center) Elected City Officials Workshop, Saturday, February 11, 9 a.m. to 1:30 p.m. If Councilors are interested, they can contact the City Manager's office and arrangements will be made.

Mr. Santagate said that Andrew Fennelly, Claremont Housing Authority Director, was recently awarded Fellow Emeritus of the American College of Health Care Administrators, in recognition of professional achievement and continuous adherence to the ethical and professional standards of the College. Mr. Santagate congratulated him and said that he has done a great job at the Claremont Housing Authority and the Frances J. Tolles Home. He has done a lot of renovations at the Home to bring it up to code. When we are ready, we will come before the Council with proposals related to the Tolles Home. He thanked Mr. Fennelly, City Attorney Taylor and the Francis J. Tolles Home Board for their work at the Home.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Koloski would like an update on the layoffs to see how we are standing with each department.

Mr. Irish asked to have review of Council Rules and the credit card policy on the next agenda.

Mr. Burnham asked that a list of city properties that are not needed by the City have a value put on them and give the list to all the real estate agents in the City to sell the properties. He suggested offering the properties to adjacent property owners.

Mr. Raymond talked about a community in another state that had empty lots and the city gave the lots to the adjacent property owners as a way to get the properties back onto the tax rolls. He suggested Claremont give away the empty properties or sell them cheaply.

Mr. Koloski said we need to act upon the list. If the lot is being used by anyone, there is a liability to the City. He would rather the City collect taxes on those properties.

Mr. Bergeron said there are 67 vacant lots that the City owns. He suggested appointing two Councilors to work with the City Manager and to come back to the Council with a report next month. Mr. Burnham volunteered to work on this. Mayor Neilsen said he would try to work something out with Mr. Santagate.

Mr. Koloski asked for a map to go along with the list of City-owned properties.

Mr. Bergeron asked for an update of the Drapers Corner Project. Mr. Santagate said we are in the final stages with the legal documents. We believe we will start in the spring. Most of the major things are done; there are only some minor things with the property owners.

Bernie Folta, Ward 3, talked about procedure and wondered if having two Councilors going forth with a task and meeting with the City Manager created a committee. If a committee was created, it would be a public issue and would have to follow procedure. Mayor Neilsen said he would discuss it with the City Manager before going further.

COMMITTEE REPORTS

Claremont 250th Anniversary Committee

Mr. Santagate said there are only a couple of people left on that committee. He suggested offering help from Parks and Recreation to move it forward and to tie it in with some of the events done by the City. If it is okay with the Council, he will contact both people serving on the committee to see about the City having a larger role.

Mr. Koloski supported that. He was on the committee, but meetings were stopped.

Mr. Irish said the Chamber of Commerce asked for City involvement. He volunteered to be the Council representative.

Claremont City Center Project – Steering Committee Report

Mr. Bergeron said he is one of the Co-chairs of this committee; Mr. Raymond is also on the committee. This is an 18-month program under a HUD grant. The street surveys have been done. They are beginning to look at the core of the City. There are 10 zones in the downtown core. They are in the process of reviewing procedures of how to fix that. One of the charges from HUD is to come back to the Zoning Board, Planning Board and the City Council with recommendations of where they think zoning should change. They still have to meet with three focus groups. He would like to continue on the committee.

CONSULTATION WITH LEGAL COUNSEL

None

Mr. Burnham said Arrowhead is up and running with the help of the snowmaking equipment. One-third of the hill is covered with snow. The deck is almost finished. There is a new roof on the storage building. There is a lot happening during February Winterfest: the first weekend they will have fireworks and on Sunday they will host Rolling Thunder (money raised will go to the veterans in this area). There is a lot going on at Arrowhead.

Mr. Bergeron said the Kiwanis Club will be working at Arrowhead and will offer free skiing and tubing for kids.

ADJOURNMENT

At 9:13 p.m., a motion was made by Mr. Raymond and seconded by Mr. Burnham to adjourn.

Voice vote: Motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council