

The Claremont City Council held a meeting on Wednesday, December 12, 2012, in the Council Chambers of City Hall.

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

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 Kyle Messier  
At-Large Councilor Thomas Burnham

Also present were:

Guy Santagate, City Manager  
Jane Taylor, City Solicitor

## **MAYOR'S NOTES**

### Stevens High School Student Council Update

None

Mayor Neilsen showed a holiday greeting card given to Council from Claremont Opera House.

Mr. Koloski asked to add anything new in the City (i.e. ribbon cuttings/new business openings) to Mayor's Notes. He suggested reaching out to the Claremont Chamber of Commerce or the Planning Department for those announcements.

Mr. Bergeron said the Kiwanis Club received 771 names for the Kiwanis Cares Program.

Mr. Burnham said Arrowhead will try to open in a couple of weeks and that they need volunteers.

## **REPORT OF THE SECRETARY**

**A motion was made by Mr. Koloski and seconded by Mr. Austin to accept the minutes of the November 14, 17 and 28, 2012, City Council Meetings.**

**Voice vote: Motion carried 8-0.**

## **APPOINTMENT TO BOARDS AND COMMITTEES**

### Airport Advisory Board

**A motion was made by Mr. Irish and seconded by Mr. Formidoni to re-appoint Keith Raymond as the City Council Representative to the Airport Advisory Board.**

**Voice vote: Motion carried 8-0.**

### Frances J. Tolles Home Trustees

**A motion was made by Mr. Raymond and seconded by Mr. Bergeron to appoint Claire M. Dole to seat #1 of the Frances J. Tolles Home Trustees**

**Voice vote: Motion carried 8-0.**

### Tax Increment Finance District Advisory Board – River Road

**A motion was made by Mr. Raymond and seconded by Mr. Irish to re-appoint Harvey Hill to seat #1, William Greenrose to seat #2 and Robert Porter to seat #4 of the Tax Increment Finance District Advisory Board – River Road**

**Voice vote: Motion carried 8-0.**

At 6:37 p.m. Ms Messier arrived.

### Claremont 250<sup>th</sup> Anniversary Committee

**A motion was made by Mr. Koloski and seconded by Mr. Bergeron to appoint William Binder to seat #5 of the Claremont 250<sup>th</sup> Anniversary Committee.**

**Voice vote: Motion carried 9-0.**

## **OLD BUSINESS**

### New Community Center Update

Scott Hausler, Parks and Recreation Director, showed a PowerPoint presentation for the New Community Center.

- Project Update
  - Generator installed
  - Mechanical and electrical contractors still on site

- Interior painting & ceiling tile grids
- SSG swimming pool preparing pool for plastering
- Membership sales begin
- Soft openings and ribbon cutting event
- Showed pictures of generator arrival, generator is now installed allowing the New Community Center to be an emergency facility; memorial wall will include written history of the facility; locker room; windows installed; gymnasium; main entrance reception area; elevator installed; elevated walking track; windows looking into aquatic center; nearly completed lighting in pool area
- Grand Opening Celebrations Scheduled
  - Volunteers working on opening celebration activities
  - February 11 through February 15 soft opening events being scheduled
  - February 16 grand opening and ribbon cutting ceremony
- Get Your New Community Center Membership Pass Today
  - Sample monthly rates: \$10 per month Youth & Senior Citizens, \$25 per month Families (2 to 4 members)

Mr. Raymond asked if the generator is surrounded by a fence. Mr. Hausler said it is secured by locked doors and will have additional landscaping around it. There is no plan to install a fence at this time. Mr. Santagate said the generator and the facility will be a big benefit to the community during an emergency.

Ms. Messier asked about fees. She has heard from constituents that they are concerned about how low the fees are. She pointed out Springfield charges \$700, Lebanon \$1,000 & Mansfield, CT \$600. She asked about the difference in fees. Mr. Hausler said this is a public facility that is publicly funded, whereas CCBA in Lebanon is not public. Those other facilities don't receive public funding. The current community center facility is a public facility. Mr. Hausler mentioned the Ballard & King study from 2004. Mayor Neilsen said Parks and Rec staff had done a different projection and those were the numbers he wants to hear. When this started, the plan was to pay approximately \$500,000 over revenues. It was stated this would not increase the tax rate as the same money that was spent on the old facility would be spent on the new facility. He talked about making the gap between City funded and self sufficiency as narrow as possible. He said the bond also needs to be covered. Mr. Hausler said they took the Ballard & King model and worked it into the recommendations that he has presented several times. The revenues are lower, but he wanted to be very conservative.

Mr. Hausler showed some of the slides from his budget presentation.

- Previous Meeting
- Fee Example Overview
  - He reminded everyone these are not public facilities
  - Mayor Neilsen asked if childcare is included. Mr. Hausler said if demand is there, then we will look at it. There is a space in the facility that can be used as a play area. That was taken out of the operating budget, however, he suggested volunteers might take it on.

- Area Facility Amenities
- Cost Recovery and Net Cost Models
  - Cost recovery Ballard & King model was corrected to 58% instead of 61%
- Community Center Options

Mr. Santagate reviewed why we went ahead with this. Claremont Savings Bank contributed \$3 million; the old facility is falling apart and will cost millions to repair; we didn't want to let the \$3 million go; the location is great; low interest rates on the loan; 25-30% construction discount. This was not a choice between this and the school, but it will greatly benefit the school. He talked about how it is paid for. There are only two departments that are paid by the users and they are the Water and Sewer Enterprise Systems. Every other department is subsidized. Review of fees is an ongoing situation. We are not trying to hurt any business downtown. We are trying to make a place for people to go that is affordable.

Mr. Burnham said Council will closely watch the numbers on this. He thinks it is one of the most important things we've done this year. It will help promote the City and move it forward.

Ms. Messier said the Mansfield, CT, facility is a municipally supported facility. It looks similar with a fee of \$590 versus our \$300. Mr. Hausler said they require more cost recovery, so they have to generate more revenue.

Mr. Irish said when this started, the building was not supposed to be paid by the City. To say it is not going to be a tax issue is not a true statement; we are paying the bond, however, the operating budget was always to be funded by taxes.

Mr. Austin asked if the bond repayment has been figured in. Mr. Hausler said no. Mary Walter, Finance Director, said when the proposal was presented, two bonds were projected to be paid off in 2013 and those debt payments would be picked up by this new bond. So, the net payment to the taxpayers will not change. She looked at some other municipally run community centers in other states and the family rates ranged from \$75 to \$499 per year.

Mr. Koloski wasn't concerned about the other states; prices need to be comparable in our region. He was on the fence about the vote. He will monitor it closely.

Mr. Bergeron said he wanted to build this for the future. It is a community-run facility and taxpayers will have to shoulder some of the burden. He asked if fees will cover the cost to run the facility. Mr. Hausler said the budget is about \$960,000 and revenues are expected to be just under \$500,000. The programs are what we currently offer. Ms. Walter gave the amount that has been subsidized from 2004 to 2013: 2004-70%, 2010-82%, 2012-78% and in 2013 we are expecting 48%. We are hoping it will be more successful because we used the lower numbers. Mr. Bergeron said we will watch and if needed, fees will go up.

Mr. Raymond reminded everyone that we have been funding, through taxpayer dollars, three buildings that are falling apart. He hopes this will help move the City forward.

Mayor Neilsen asked if any member of the public wished to speak on this item.

Bernie Folta, Ward 3, said he was opposed to the New Community Center, however he intends to use it. He hopes others will also. He asked to let citizens look at the numbers. He asked to have the information on the City's website.

Discussion of 2011 Audit with Melanson and Heath

Finance Director Mary Walter introduced Frank Biron, President, and Patrick Mohan, Supervisor for the City's audit, from Melanson and Heath.

Mr. Biron discussed the audit opinion. The City is in accordance with generally accepted accounting principles with no exceptions. He talked about the City's cash on hand and its liabilities. There is not a lot of General Fund cash on hand; at best, it is a break even situation. He said the Mill District Tax Increment Finance District (TIFD) is operating at a deficit and that Ms. Walter has a plan for the two TIFDs. General Fund has improved, but still has a negative balance, so we need to keep an eye on it. When the River Road TIFD closes, the surplus will go to the General Fund which can be used to offset the deficit.

Mayor Neilsen asked about the River Road TIFD and if, after it closes, will the money generated go to the Grand List. Mr. Biron said yes. Mayor Neilsen asked if we need to cover the shortfall of the Downtown TIFD going forward. Mr. Biron said yes.

Mr. Santagate talked about accounts receivable and that they are golden because they have such high interest rates and in his opinion they should be used as surplus and not a negative on the books. He asked what the terms are for major deficiencies in an audit. Mr. Biron said "significant deficiencies" and "material weakness." He said neither of these has been identified for the City. The Management Letter reports some areas that can be improved and have been brought to the City's attention for its awareness. The City has done a very good job at maintaining its books.

Mayor Neilsen said there is always something to be improved, but with no significant deficiencies or material weaknesses, that is tremendous.

Mr. Biron said the Single Audit Report is required for federal compliance because of the amount of grant money the City has received and there were no findings there.

Mr. Mohan said when they got here City Staff was very helpful. He went over the Management Letter. There are six comments and four of them are from the prior year. The letter discusses establishing Fund Balance goals and the City is moving toward that; prepare for new accounting standards, GASB 54; monitor Mill District TIFD deficit (there is a plan in place); gross up accounting records (that is being dealt with); new issues: obtain actuarial study (it has been done), develop more formal risk assessment process, internal controls are sound, but suggested make it more formal. Overall the audit went fairly smooth.

Bernie Folta, Ward 3, asked why it takes so long to get the prior year audited. He talked about monitoring things as they go. There is a Finance Report in the monthly Council packet. He wondered how useful it is and if it represents the best practice. His impression was that the majority of the Council is financially illiterate. He hoped processes improve.

Mr. Biron said the audit was completed mid- to late-August and the report was sent to Council by Labor Day. Mayor Neilsen said it takes up to 60 days after the close of the year for all the numbers to come in. The audit is done in April and then we typically get the report in August. He commended City Staff; this is a good audit.

## **CITIZEN'S FORUM**

Priscilla Stevens, Ward 3, talked about the boil water order and asked how notification could be better. Mayor Neilsen said this is the first time an incident like this has happened. We will talk about reverse 9-1-1 (mass notification). The management team will look at priorities of notifications.

Bernie Folta, Ward 3, said the monthly Planning and Development Department report to the Council has business indicated in it that might cover what Mr. Koloski asked about. He talked about the City's new website and that he has high expectations for it.

Cynthia Howard, Ward 2, said she feels the City can be tougher in its negotiations for health insurance; we can change the Charter to be able to join forces with the school district; and we can adopt a spending cap to level fund the budget when needed. She hoped that NH would soon be a right to work state. We have \$1.8 million worth of independent consultants and contractors in the budget.

## **NEW BUSINESS**

### Jaffrey Selectman – State Aid Grant

Don MacIsaac, Selectman from the Town of Jaffrey, talked about Delayed and Deferred State Aid Grants and he asked for a resolution of support from the Council. He talked about how delayed/deferred state aid grants affect Jaffrey. He said he is doing this with the encouragement of Governor Lynch; he is forming a coalition; and they have partnered with the NH Municipal Association. There are 125 delayed/deferred projects from 60 communities statewide. Jaffrey has the largest at \$6 million. The projects were approved, but not completed and therefore are not getting funded.

Mr. MacIsaac showed a PowerPoint presentation:

- Jaffrey's State of the Art WWTF (Wastewater Treatment Facility)
  - \$18 million project
- Key Data on WWTF
  - Cost \$18 million; 1/3 federal grants; 1/3 town funds; 1/3 state aid grant

- Major Revenue Sources (Jaffrey)
  - Top 5 sewer users in state
  - State aid 6%
- Jaffrey's Sewer Major Long Term Debt
  - Sewer \$12.2 million = 78%
- Jaffrey's High Sewer Rate
  - Doubled since 2007
  - Under 1,000 users
- State Aid to Municipalities (Excluding Education)
- State Environmental Funding
  - Pollution control (wastewater) steadily decreased
- Other State Aid Funding Effects
  - Meals & rooms distribution share decreased to 26%
  - State revenue sharing suspended
  - State retirement normal contribution reduced to 0%
- Downshifting Effects on Jaffrey
  - Loss of SAG (State Aid Grant) \$216,000 rate increase - \$1,000 = \$0.48
  - Total Downshift \$525,500 rate increase \$1.16 per thousand
- Jaffrey is Mad as Hell
- SAG Loss is a Disappointment
- Loss of SAG is Unfunded Mandate
- Loss of SAG is Distrustful
- Situation is Frustrating
  - State continues to pay on projects they have funded, but recognizes the delayed/deferred statutory obligation
- Could Get Worse
  - Municipalities cannot afford major infrastructure improvements
  - There are projects being withheld because of uncertainty
- Time for Action
  - Restore funding for current projects and fund existing delayed/deferred projects
- What is Jaffrey Doing
  - Formed, together with NHMA, a coalition of municipalities with delayed/deferred SAGs
  - Reached out to other communities
- How Can Claremont Help
  - Support this effort to restore funding for delayed/deferred state aid grant projects
  - Issue a resolution showing your support
  - Circulate your resolution among your legislative delegation, include state senator

Mr. Bergeron asked where Mr. MacIsaac expects the state to get money (i.e. income or sales tax). Mr. MacIsaac said this is an obligation of the state and it is the state's problem where it comes from.

Mr. Koloski asked if any other communities have issued resolutions. Mr. MacIsaac said yes.

Mr. Irish asked if the resolution speaks to Jaffrey or unfunded mandates. Mr. MacIsaac said it was specific to Jaffrey. Mr. Formidoni asked if the resolutions from other communities were specific to those towns/cities or unfunded mandates. Mr. MacIsaac said all the resolutions deal with delayed/deferred state aid. Ms. Walter asked if these included Shared Revenues and/or retirements. Mr. MacIsaac said no.

Mr. Austin asked about meeting with state reps on this. Mr. MacIsaac said this needs to get into the state budget.

Mayor Neilsen said he is sympathetic to Jaffrey's situation, however, Claremont wants to look at all the things that are not funded. He doesn't know how helpful it would be for Claremont to send in a resolution as this does not currently apply to us.

Mr. Raymond asked if the state aid grants were for water and sewer. Mr. MacIsaac said yes as well as landfill closure.

Mr. MacIsaac said when he met with Governor Lynch on this, the Governor said the strategy should be to form a coalition. Mr. MacIsaac said DES supports what they are doing. He said this is a way of downshifting.

Mr. Burnham said this could affect us in the future.

Mr. Bergeron said the resolution should specifically say that the state should fund all promises and mandates. Mr. MacIsaac said he thinks that could be referenced in a resolution.

Mr. Irish said it is the Representatives' jobs to balance the budget and that it is property tax driven. He doesn't agree with the downshifting mentality; they are doing their jobs to balance the budget.

Mayor Neilsen said he is bothered that the money was promised, but after the vote was taken, the project was not funded.

Mr. Santagate said at the heart of this is the bigger picture which is that there is no partnership with the state. We are on our own. He said the Council is reluctant to go in on just one issue.

Mr. MacIsaac said for the resolution you can address delayed and deferred grants as well as adding other issues. The state backed out of its obligation.

Mr. Koloski asked if Council passed the resolution, what would be the obligation. Mr. MacIsaac said there would be no financial obligation; just give the information to the newspapers, etc.

Mr. Bergeron said we have complained to our legislators that they need to stop downshifting.

Mr. Koloski asked about Jaffrey filing a lawsuit against the state. Mr. MacIsaac said that is an option, but they wanted to pursue this course first.

Mr. Irish said politically they don't have a prayer, but with a binding contract, they should win a lawsuit. Mr. MacIsaac said they met the requirements and then built a plant with the understanding they would get their 30%.

Mayor Neilsen said we will talk to the City Manager and Representatives and will give it serious consideration. Mr. MacIsaac said he would really appreciate the support.

#### Eagle Scout Project – Bat Houses

Scott Hausler, Parks and Recreation Director, and Connor Theroux, Eagle Scout, showed a PowerPoint presentation:

- Eagle Scout Bat House Project by Connor Theroux
  - Connor Theroux and Boy Scout Troop 38 built bat houses for the City's parks
  - Wood, paint and tools were donated by Home Depot, LaValley's, Marro's, Sherwin Williams
  - Showed pictures of his scout troop building the houses
- Bat houses have been set up in Monadnock, Veterans and Moody Parks

Mr. Hausler said the bats help combat nuisance insects in the parks.

Councilors thanked Mr. Theroux and his troop.

**A motion was made by Mr. Bergeron and seconded by Mr. Koloski to extend the meeting until all have had a chance to make their presentations. Voice vote: motion carried 9-0.**

#### Discussion of Disposition of GCC Facilities

Ms. Taylor was asked to explain legal issues regarding the future of the GCC facilities once the New Community Center is occupied. She showed a PowerPoint presentation:

- The E. Charles Goodwin Community Center
- History of GCC
  - 1942 – Establish by gift of Mary A. Goodwin
  - 1949 – Remainder of Mary Goodwin's estate left in trust for benefit of GCC
  - 1957 – Trust established by will of Josephine M. Bailey for benefit of GCC
  - 1950 – Indoor pool dedicated as "Goodwin-Bailey Swimming Pool"
  - 1975 – "Anthony Zotto Gymnasium" opened
  - 1976 – Funds having been expended, dedicated Trust Funds closed
- Purpose & Administration Under Terms of Gift
  - Building and surrounding property "to provide a program of activities which shall insure the moral, physical and mental welfare of all participants"
  - GCC to be governed by special committee of 9 persons "of whom at least three shall be women"

- City required to provide an executive director
- GCC “shall be opened to all persons, regardless of race, color or creed”
- City must provide “necessary funds for the proper supervision and maintenance of the Community Center and its activities”
- History of Parks & Recreation Commission
  - Each park was governed by separate committee formed upon its donation or acquisition
  - Playgrounds were also governed by a separate commission
  - Efforts to combine administration of parks & playgrounds began in 1940’s
  - Parks & playgrounds combined into “Park Commission” as part of transition to city form of government (Ordinance #5)
  - New “Park Commission” to be advisory to the city manager regarding “parks, playgrounds, and the like”
- Concerns
  - What happens to GCC facilities when they are vacated
  - What happens to GCC Commission when it has no facilities to oversee
  - What is the role of the Parks & Recreation Commission going forward
- Required Legal Action
  - To use GCC facilities for any purpose other than recreation or to sell property, must obtain approval of the Court:
    - Demonstrate that is impossible, impractical, etc. to continue to carry out provisions of the Trust
    - To sell must have independent appraisal of property
    - Proceeds of sale would be redirected by Court to purpose as near as possible to original intent of Trust
    - Required parties to *Cy Pres* action are the City, Atty. Gen. Dir. of Charitable Trusts and GCC Commission
  - Ms. Taylor said if the Court approves, she would recommend extinguishing the Trust which means the GCC Commission goes away.
    - GCC Commission will cease to exist upon Court approval to end Trust and change use or dispose of property
      - Recommend as part of Court filing that GCC Commission be merged with Parks & Recreation Commission, with transition of membership
      - Also recommend appropriate update of Claremont City Code
- Next Steps
  - Council authorization to proceed with *Cy Pres* action to end Trust and request permission to sell or to use GCC facilities for other than purpose stated in the Trust
  - If Court authorizes sale of land and buildings:
    - City obtains independent appraisal of property
    - Council may be required to hold public hearing on disposal of the property

Mr. Bergeron asked about demolition. Ms. Taylor said that could happen if the City is authorized by Court to retain the property for another purpose.

Mr. Burnham asked about keeping the main building and pool (get rid of the gym) and putting the historical society there. Ms. Taylor said that would be Council's decision. The building has to be used for recreation unless we go to Court.

Mr. Formidoni sees no reason not to move forward with this.

**A motion was made by Mr. Bergeron and seconded by Mr. Irish to authorize the City Manager to proceed with actions as may be required to dissolve the Trust and to dispose of the property.**

Mr. Irish asked how long this would take. Ms. Taylor said hopefully something could be done in 2013.

Mr. Bergeron asked if, when the New Community Center is up and running, these buildings would be "mothballed." There was some discussion about it, but Mary Walter, Finance Director, reminded everyone that there is no money in the budget for electricity, heat, water or sewer for the GCC once the New Community Center is opened.

Mr. Koloski made a motion to amend the motion to mothball the buildings. After discussion, he withdrew the amendment.

**Roll call vote: motion carried 9-0.**

Jim Feleen, Ward 2, said the outdoor basketball court was acquired separately from the buildings. He questioned whether or not the brick building may or may not be in the Trust.

Ms. Taylor said this only applies to the property in the Trust; it does not include the basketball court, but the buildings are included in the Trust.

Jeff Coburn, Ward 3, asked about the two boards. Ms. Taylor said disposition of the Trust determines disposition of the GCC Commission.

Motion for Multi-year Contract for Utility Partners

Bruce Temple said this is for operation of the water and wastewater treatment facilities. It is for 4½ years; the half a year covers the first six months and then it will be on the fiscal year.

Ms. Messier asked if we currently use Utility Partners and if we are satisfied. Mr. Temple said they are the current operators of the facilities and yes, the City is very satisfied with their work.

Mr. Burnham said the state does not recommend going more than three years on a contract. He asked if there are any increases in the agreement. Mr. Temple said for the first six months, they held the previous year's price. As of July 1, the price is tied to the cost of living. Mr. Burnham

repeated his recommendation to only go with a three-year contract. Mr. Temple said there is an option in the contract for non-renewal.

Mr. Bergeron referenced the boil water order and asked if there was an error in the water test reading. Mr. Temple said there was no way of knowing. Mr. Bergeron said he agreed with Mr. Burnham.

**A motion was made by Mr. Raymond and seconded by Mr. Irish to hereby authorize the City Manager to enter into a multi-year agreement with Utility Partners LLC for a four and one-half (4½) year term to operate, maintain and repair the City's water and wastewater treatment facilities in the base monthly amount of \$77,863.33 (\$23,775.17 for water and \$54,088.16 for wastewater), said amounts having been raised and appropriated in the 18-month 2014 fiscal year budget for the water and sewer departments.**

Mr. Burnham said this is a new company formed in the Carolinas. Mr. Temple said Utility Partners has been around for a long time. It is a NH company. Its parent office is in Georgia. Prior to them, the operator was United Water and Aquarion.

Mr. Koloski said he will vote no as the last time the Council was told it would be given a copy of all contracts ahead of time and none was given. Going forward he would like to see that.

Mayor Neilsen said these are complex contracts and that Staff is going over them. If necessary, Staff could approve this for one year at a time, however Council needs to approve multi-year contracts.

Mr. Burnham said he would vote no because he would not like to see the City get into a 4 ½ year contract; he would rather go with a 3-year contract.

Bernie Folta, Ward 3, said he had sympathy with Mr. Koloski. The opposite view is that Councilors rubber stamp City commitment without reading what they are approving. He suggested that it be put on the website.

**Roll call vote: motion carried 6-3 with Messrs. Koloski and Burnham and Mayor Neilsen voting no.**

Resolution 2012-23 Withdrawal of Up to \$50,000 from Water Non-Capital Reserve Fund  
– Public Hearing

Withdrawn

Resolution 2012-24 Overspend Welfare Budget Up to \$35,000 – Public Hearing

Ms. Walter said we usually request to overspend around \$40,000; this is for \$35,000.

**A motion was made by Mr. Formidoni and seconded by Mr. Irish to adopt Resolution 2012-24 Overspend Welfare Budget Up to \$35,000.**

Mr. Formidoni read the resolution into the record.

Mr. Koloski said he would like to see a vote of “no” with a letter of concerns sent to our Representatives.

Ms. Walter said the Code doesn't allow Finance to overspend the Welfare budget without Council approval.

Mayor Neilsen talked about reviewing the Welfare guidelines.

Mr. Bergeron said this should be on the agenda to discuss early next year.

Mr. Irish agreed with Mr. Koloski. He asked what would happen if this were voted down. Welfare Director Suzanne Carr said that is unknown as it has never been done. Clients have a process to follow for assistance. If they are eligible, we have to help them.

Ms. Taylor clarified that if Ms. Walter were to authorize an appropriation without Council approval, she could be removed from office. Mr. Santagate said he would not knowingly spend money without Council approval.

Mr. Formidoni said if the vote is no that would put two City employees at risk. Voting this down would not solve the problem. Mr. Bergeron agreed.

Mr. Koloski said after this discussion that he would not do that to either one.

Mr. Bergeron said he would vote yes. He will ask to put this on the agenda in January. He agreed you can't do this to these two people.

Bernie Folta, Ward 3, said he is not a lawyer, but he said that laws need to be interpreted. He asked about case law that provides guidance on municipality responsibility.

Ms. Taylor said there are a number of court cases and the results are usually that the municipality is wrong and has to pay the bill.

Mr. Koloski asked when the meeting would be with the Reps.

**Roll call vote: motion carried 9-0.**

Motion for Annual Approval of Identity Theft Prevention Program

Ms. Walter said this establishes that we have an identity theft prevention program and that we are doing best practices. Nothing has changed from last year.

**A motion was made by Mr. Irish and seconded by Mr. Raymond that the Claremont City Council, pursuant to the "Fair and Accurate Credit Transactions Act of 2003," the "Red Flag Clarification Act of 2010" and Federal Regulation Title 16 Part 681, hereby approves the City of Claremont Identity Theft Prevention Program and authorizes the City Manager or his designees to take such actions as may be necessary to implement said Identity Theft Prevention Program in accordance with applicable federal and state law and regulation.**

**Voice vote: motion carried 9-0.**

Resolution 2012-25 Encumbrance Budget – Public Hearing

Ms. Walter said this includes projects that we held off doing because of uncertainty of fund availability or the projects couldn't get done this year. She said we need to amend the resolution to add \$6,000 for downspout/roofing work on City Hall. The work cannot be done until the spring. The total is now \$230,475. The fund is 415 roofing and general City Hall Maintenance.

**A motion was made by Mr. Raymond and seconded by Mr. Austin to adopt Resolution 2012-25 Encumbrance Budget as amended.**

Mr. Raymond read the resolution into the record.

Mr. Formidoni asked how this will show up in the financial statements. Ms. Walter said the auditor will encumber them as if they were spent in 2012.

Mr. Bergeron asked about the Information Technology Server; Ms. Walter said we just couldn't get it done and it will carry over. Mr. Bergeron asked about the Library boiler; Ms. Walter said there were no bids so we will rebid. Mr. Bergeron asked about the Highway alarm; Ms. Walter said Public Works is working with the Fire Department to tie its fire alarm into the wireless fire alarm system.

Mr. Burnham said the money should go back to the General Fund if it is not spent. Mayor Neilsen said if that happened, then the department would have to request the same amount again and put it on the taxrate again. Mr. Burnham was not swayed; he thinks department heads should spend the money they are given.

Mr. Bergeron disagreed; spending every last dollar is like asking for trouble.

Mr. Koloski agreed with Mr. Bergeron and that it will force hasty decisions.

Ms. Walter said Council may see some hold backs next year depending upon the Governor's budget.

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

**Voice vote: motion carried 8-1 with Mr. Burnham voting no.**

Ms. Walter thanked Treasurer Lisa Richmond for all work she did on the audit.

CALEA Accreditation Update

Police Chief Alex Scott showed a PowerPoint about CALEA (Commission on the Accreditation of Law Enforcement Agencies).

- CALEA: Setting the Standard
- CALEA's Current Programs
- CALEA's Founders
- International Client Base
  - Canada
  - Mexico
  - Barbados
  - United States
- Accredited NH Agencies
  - Claremont
  - Dover
  - Durham
  - Goffstown
  - Hudson
  - Laconia
  - Lincoln
  - Manchester
  - Nashua
  - UNH Police
  - NH Liquor Commission
  - Strafford County
- Process Overview
  - 88 standards for recognition
- Return on Investment
  - International recognition as a professional public safety agency and service provider
  - Policies and practices that are consistently reviewed and updated
  - Greater accountability within the agency
  - Reduced risk and liability exposure through accepted "best practices"
  - Increased community advocacy and involvement
- Pictures Receiving the Award
- The Claremont Police Department an Internationally Accredited Agency

Chief Scott said Bill Wilmot was instrumental in the process.

Bernie Folta, Ward 3, congratulated the Claremont Police Department. He is pleased that the Claremont Police Department posts the Police Commission meetings.

Cynthia Howard, Ward 2, asked what the cost is for accreditation. Chief Scott said it is an ongoing contract fee with CALEA for \$4,000 a year.

Mr. Irish congratulated the Police Department for this.

Resolution 2012-26 Establish Capital Reserve for Parks Access Road Improvements –  
Public Hearing

Ms. Walter said last year \$40,000 was budgeted for a capital reserve for parks access road improvements. We need to establish a capital reserve before the Trustee of Trust Funds can accept the money. It needs to be transferred before year end.

**A motion was made by Mr. Raymond and seconded by Ms. Messier to adopt Resolution 2012-26 Establish Capital Reserve for Parks Access Road Improvements.**

Mr. Raymond read the resolution into the record.

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

**Roll call vote: motion carried 9-0.**

Reverse 9-1-1

Chief Scott said that questions came up about this with the boil water order last week. We used the tools that we had available for notifications, but we could do better. What we need is a mass notification system which is a bit different from Reverse 9-1-1. The state will have Reverse 9-1-1, but we are not sure of the parameters and if the City would be able to use it. He and the Fire Chief talked to some vendors. The cost would be \$6,000 to \$8,000 a year. We would have about 92% of community coverage. There would be a user platform to allow anyone else to sign up to receive notifications. It would be used in instances such as last week. It would be map based and notifications could be made to individual neighborhoods of such things as road construction that affects them or a missing child. The system is relatively easy to use. We hope to have something in place soon.

Fire Chief Rick Bergeron talked about using this as part of the emergency action plan for the City and for notice to downstream property owners of dams who are now using pagers.

Chief Scott said these systems can be used with text and e-mail. We hope to find the money in the budget at the end of this year.

Mr. Irish asked if this could be coordinated with the schools. Chief Scott said the information that is used is different.

Ms. Messier asked if this system will accommodate cell phones. Chief Scott said they would have to opt in.

Mr. Koloski asked about looking for grants. Chief Bergeron said this is a subscription service, so grants don't apply. Mr. Koloski asked if this would be for emergency service only. Chief Scott said it could be used for public notifications.

Chief Scott said it is recommended to use this regularly to keep current with it. Parameters will be set to determine what notifications are sent out.

Mr. Bergeron said it should be strictly for emergencies and criteria should be set of its use.

Ms. Messier asked when it would be in place. Chief Scott said he hoped by the end of January.

#### Motion to Accept Bequest and Establish Trust Fund

Ms. Taylor said the 1940 will of George W. Paul left money to the City to establish a Trust Fund to benefit the "worthy poor." In the mid- to late-90s a distribution was made to the City. The City was also the residuary beneficiary and now that Margaret Dube, last surviving beneficiary, has passed away, the remaining funds come to the City, again to set up a trust, for the worthy poor. The accounts are holding approximately \$90,000, but we will only be able to use the interest.

**A motion was made by Mr. Koloski and seconded by Mr. Austin that the Claremont City Council hereby authorizes the city manager, or his designees, to accept a bequest of funds, as residuary beneficiary of the estate of George W. Paul, and undertake all actions as may be required to establish the "Mary Ann Paul Fund," with the income thereof to be used for the aid of the worthy poor of the City.**

**Voice vote: motion carried 9-0.**

#### **CITY MANAGER'S REPORT**

Mr. Santagate said the website work continues. We are within a few months of completion.

Mr. Santagate said a school improvement program regarding proposed Stevens High School renovations will be held Saturday at Stevens High School auditorium 10 a.m.-12 noon.

Mr. Santagate said we need dates for a Council/Reps meeting. Mayor Neilsen said the consensus was to meet other than during a regularly scheduled Council meeting night. Ms. Messier asked to include the state senator as well. She requested the meeting be scheduled for 7 p.m. on a Wednesday.

Mr. Santagate said on the water contamination that the test was taken on Tuesday; we were notified Wednesday afternoon. We routinely test 5 locations in the City twice a month. Tests are sent to an independent laboratory; it takes 24 hours to mature; when the lab finds a problem, it notifies DES (Department of Environmental Services) first and then the City; then he met with DES and notification was made to the public. We called the school and hospital to get the word out and then we sent out press releases. The plan was implemented appropriately however not everyone was notified. As part of the post-event review, we determined that our Emergency Management Plan worked as designed, but that we need better tools for notification. The mass notification system prices are coming down, which will make a mass notification system affordable.

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

Ms. Messier wants to meet with the State Reps and Senator.

Mr. Formidoni would like a presentation on Welfare guidelines.

Mr. Irish wants on the next agenda to talk about a School Board seat sitting on the Council and vice versa.

Mr. Bergeron asked to receive a copy of the RSAs and Welfare guidelines before any Welfare presentation.

### **COMMITTEE REPORTS**

#### Claremont 250<sup>th</sup> Anniversary Committee

None

#### Claremont City Center Project – Steering Committee Report

None

### **CONSULTATION WITH LEGAL COUNSEL**

None

### **ADJOURNMENT**

**At 11:07 p.m., a motion was made by Mr. Raymond and seconded by Ms. Messier to adjourn.**

**Voice vote: motion carried 8-1 with Mr. Koloski voting no because the last three items on the agenda were not discussed (Claremont 250<sup>th</sup> Anniversary Committee, Claremont City Center Project – Steering Committee Report and Consultation with Legal Council).**

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council