

The Claremont City Council held a meeting on Wednesday, March 14, 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

Mr. Irish congratulated the Stevens High School Varsity Cheerleaders. He said he told his daughter that cheerleading is not a sport, but after watching the hard work they do, he said he was wrong.

Ms. Messier talked about two economic development stories in the newspaper: River Valley Community College received a \$4.9 million grant for manufacturing training programs in Claremont and W.H. Silverstein (Timberpeg, Real Log Homes and Yankee Post & Beam) received a loan from the Business Finance Authority to help buy their building.

Mr. Burnham said Arrowhead has officially closed for the season. He said for vacation week they got close to \$2,000. He said it was a successful season with their snowmaking abilities. He asked for volunteers to help during the summer.

REPORT OF THE SECRETARY

A motion was made by Mr. Koloski and seconded by Mr. Raymond to accept the minutes of the February 8 and 16, 2012, City Council meetings.

Mr. Bergeron abstained as he was not at the meeting.

Roll call vote: motion carried 8-0 with 1 abstain (Mr. Bergeron).

APPOINTMENT TO BOARDS AND COMMITTEES

Conservation Commission

Mr. Raymond nominated Dianne Harlow for re-appointment to seat #1 of the Conservation Commission. Mr. Irish seconded.

Voice vote: motion carried 9-0.

Fiske Free Library Board of Trustees

Ms. Messier nominated James Allen to seat #1 of the Fiske Free Library Board of Trustees. Mr. Austin seconded.

Voice vote: motion carried 9-0.

Frances J. Tolles Home Trustees

Mr. Formidoni nominated Linor Mentillo to seat #7 of the Frances J. Tolles Home Trustees. Mr. Austin seconded.

Voice vote: motion carried 9-0.

Historic District Commission

Mr. Raymond nominated Kristin Kenniston for re-appointment to seat #1 of the Historic District Commission. Mr. Koloski seconded.

Mr. Raymond nominated Cynthia Densmore for re-appointment to seat #2 of the Historic District Commission. Mr. Koloski seconded.

Voice vote for both Historic District Commission seats: motion carried 9-0.

Mr. Raymond said there are other vacant board seats and invited the public to apply.

Zoning Board of Adjustment

Ms. Messier nominated Carolyn Greenslet Towle for re-appointment to seat #1 of the Zoning Board of Adjustment. Seconded by Mr. Raymond.

Voice vote: motion carried 9-0.

Mayor Neilsen talked about City Councilor appointments to boards.

Mr. Burnham nominated Mr. Koloski to the Conservation Commission. Mr. Bergeron seconded.

Voice vote: motion carried 8-0 with 1 abstain (Mr. Koloski)

Mr. Irish nominated Mr. Raymond to the Claremont Development Authority. Mr. Koloski seconded.

Voice vote: motion carried 9-0.

Mr. Irish said he was on the Conservation Commission as a citizen; he asked if he can continue in that seat. Ms. Taylor said she will have to check and get back to him with the information.

Ms. Taylor said Council action is needed for the Council Representative and Council Alternate for the Planning Board because those two positions are, by statute, by vote of the Council.

Mr. Irish nominated Mr. Austin to seat #9 City Councilor (ex officio) for the Planning Board. Mr. Raymond seconded.

Voice vote: motion carried 9-0.

Mr. Burnham nominated Mr. Bergeron to seat #A-5 City Council Alternate (ex officio) for the Planning Board. Mr. Koloski seconded.

Voice vote: motion carried 9-0.

Mr. Burnham asked if a Councilor was serving on the Parks and Recreation Commission. Mayor Neilsen said he didn't know and that he thought there was a Council seat for Historic District Commission.

Ms. Taylor said that Dorée Russell, the Planning Department and she can update the list for the next meeting.

OLD BUSINESS

Moody Avenue and Washington Street Intersection

Mr. Koloski asked to be excused because he is the property owner next to this property. Mayor Neilsen said the conflict of interest is only if Mr. Koloski stands to gain from the action. Mr. Koloski said it may affect his property values. Mr. Koloski stepped down.

Police Chief Alex Scott said in August or September 2010 a citizen petition was filed regarding the Moody Avenue and Washington Street intersection, particularly Arrowhead Motors and Dunkin' Donuts. Mike McCrory, City Planner, reviewed the situation and made three recommendations: 1) that it be referred to the Traffic Advisory Committee (TAC) for review, 2) that property owners in question be provided with a copy of the petition (that was done) and 3) for the City to continue to enforce the Codes and site plan conditions of approval. Chief Scott said he has reviewed the accident data three times and determined that it is more of a perception of a problem than an actual problem at this intersection. From January 1, 2010, to today, there have been 327 accidents on Washington Street and 7 are related to that intersection. Of those, 2 were in the parking lot of Dunkin' Donuts; 3 accidents were caused while making a left turn from Washington Street onto Moody Avenue; the last 2 of the 7 were vehicles making a left turn from Moody Avenue. None were related to the concerns brought to the City's attention. Many intersections on Washington Street have higher accident rates (i.e. Bowen and Washington Street, Arthur Street and the T-bird and McDonald's area). There have been zero accidents on Moody Avenue. It doesn't make sense to direct law enforcement resources to a perceived problem.

Chief Scott said the TAC reviewed this and, with Planning and Development Department, coordinated with the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) to apply for a road safety audit which is focusing on Washington Street from Parsons Avenue to Winter Street. Included is the accident data over a three-year period. They did an on-site review of the intersections. A draft audit review is being finalized. In reference to site plan enforcement, starting in September 2010, the Planning Department has been working with Arrowhead Motors to keep vehicles behind the red painted line resulting in substantial compliance. In February 2011, Arrowhead Motors was served a notice of violation for the flashing sign. It may flash date, time, and notice of public events. There has been substantial compliance. In the fall of 2011, Arrowhead Motors enclosed a structure on the site which was not consistent with the site plan; application was made and now they are in compliance. There have been ongoing efforts by the City to address those issues. In reference to the allegation that nothing has been done, a lot has been done. He does not recommend directing expenditures toward Moody Avenue as there are other areas with bigger problems.

Mr. Irish said he keeps hearing about lack of communication. He asked if information has been presented to petitioners. Chief Scott said Mr. Fowler has been at a number of TAC meetings, but he does not know if the other petitioners have the information.

Mr. Bergeron asked about the site plan. Chief Scott said there is a red line that vehicles are to stay behind that indicates the edge of the right-of-way. According to the site plan, there is a curb cut that is required to be blocked by vehicles. Many of the vehicles that are creating concern are in compliance.

Mr. Burnham asked about corner restrictions. Chief Scott said there is a red line indicating the clear area. Overall they are in substantial compliance.

Mr. Bergeron asked if the site plan indicates the size vehicle that can park there. Chief Scott said no.

Mr. Raymond said it is common courtesy to put the larger vehicles in back and smaller vehicles, such as motorcycles, in that corner. Chief Scott said that vehicles can stop at the stop bar and then proceed closer to the intersection for a better view.

Mr. Irish said he had a conversation with Mark Limoges, Arrowhead Motors, and he believes other Councilors have too. He asked what Mr. Limoges and Rusty Fowler want Council to do.

Mayor Neilsen said, in reference to other site plans, that there is a measurement for how many vehicles are allowed, however this plan does not state that. Chief Scott said that limits were established as a result of lessons learned from old plans. He noted that the traffic volume on Washington Street now equals that on Route 12-A in Lebanon.

Rusty Fowler, Ward 3, said the report doesn't account for near misses and hand signals given with them. He doesn't want tall vehicles parked on the corner. He said vehicles are parked all the way to the road (even on the 5-foot right-of-way where there used to be a sidewalk). He asked that the curb in front of Dunkin' Donuts be put back and the sidewalk on Moody Avenue be put back in front of Arrowhead Motors. He asked if Council can order a site review of the approved site plan. Ms. Taylor said to the best of her knowledge, the Planning Board has complete jurisdiction over the site plan. Mr. Fowler said that the Planning Board Chairman visits Dunkin' Donuts on a daily basis and he has said yes there is problem at that intersection. Mr. Fowler asked Council for an opinion. Mayor Neilsen said that Council doesn't have the authority to do that. He suggested that Mr. Fowler talk to the Planning Board. Mr. Fowler said he has tried to resolve this with Mr. Limoges, but Mr. Limoges does not want to work with him.

Bernie Folta, Ward 3, affirmed Mr. Irish's question about communication with petitioners. He agreed with Mr. Irish about its importance.

Mr. Koloski returned to the Council table.

Sale of City-Owned Property

Mr. Santagate said this was on the agenda because Mr. Koloski asked and Council agreed to sell some of the City-owned property. He talked about the procedure for Sale of City-Owned Property that was adopted by a prior Council. The Conservation Commission has voted to do an inventory of the City's natural resources. The City received seven responses to a Request for Qualifications. Mr. Santagate said Mr. Bergeron is on the City Center Committee and it is looking at downtown properties. Department heads are looking at the properties and will make suggestions about whether or not to hold any of them for use by the City. It is up to the Council to adopt or to change the procedure. Mayor Neilsen suggested Council review the process and come back to the next meeting with recommendations or changes.

Mr. Bergeron asked if the City will be held liable for people who get hurt while using the vacant City properties. Mr. Santagate said we are liable. We have to do a survey of the properties and do a search of the deeds to determine property lines.

Mayor Neilsen talked about an interim process and asked if Councilors know of anyone using a vacant City property to bring that information and we could send a letter to the abutting addresses asking them to remove items.

Mr. Irish asked if signs could be installed indicating City-owned properties. Mr. Santagate said that enforcement is an issue. If someone sees an issue, bring it forward and the City can determine the steps to take.

Mr. Koloski said he is frustrated to just be getting this paper tonight. He said he will leave the meeting with nothing being done. Mr. Santagate said there is time because we have to do an inventory. We are not asking for action tonight; this was passed out for information. He said he didn't know what third party Council wants to turn this over to. Mr. Koloski said there is no third party, but the City used to establish committees and get more input from the community. He suggested after the natural resources study comes in that it go to a committee and then the committee would make recommendations on how to proceed.

Mayor Neilsen agreed that the natural resources study is important. He asked Mr. Koloski who should set the parameters. Mr. Koloski said Council should. Mr. Koloski said he would also like to see Council goals (later discussion).

Mr. Irish said one of the properties is the old National Guard Armory and according to the newspaper it is being considered for a dispatch center. Mr. Santagate said he won't comment on that until the minutes are unsealed.

Mr. Bergeron agreed with Mr. Koloski that some pieces of land are so small that you can't do anything with them. He agreed this should have been in the packet.

Ms. Messier asked what the natural resources study will include. Nancy Merrill, Planning and Development Director, said it is a review of all City properties; we will probably see the highest value in the agricultural properties. It will review every kind of habitat. These are assets and will be looked at for economic development purposes.

Ms. Messier asked about the City Center Committee reviewing properties in the City center. Mr. Bergeron said the City center goes to Chestnut Street; it encompasses a lot of property. Mr. Bergeron said we need to keep some properties for future development (wetland rules). He said the main goal is to set up the downtown for re-development. Ms. Merrill said this will be done by the end of August.

Mr. Irish said the City Center will be included in the natural resources inventory.

Ms. Merrill said the natural resources inventory contract should be negotiated within the next few weeks; the report should be finished by the end of the year and the City Center by the end of August. Ms. Messier said she was on board for looking at the liability issues on the vacant City-owned properties.

Mr. Koloski said he would like to prioritize and to establish a committee to start reviewing, after the next meeting, the list of liabilities. He said Council is here to protect citizens against liabilities.

Mr. Burnham suggested Public Works Department employees have a list of City-owned properties and to make a note of what vacant properties are being used by citizens.

Mayor Neilsen said for Council to look at the list to see if changes are needed.

Pigskin 5K Road Race and Tread Setters New Community Center Fundraising Proceeds

Scott Hausler, Parks and Recreation Director, talked about the 5K Road Race and introduced Ashley Dance from Tread Setters. Ms. Dance said this was to benefit the New Community Center. They expected 75 and had 192 runners/walkers; it was a huge success. They had 14 sponsors including Crown Point Cabinetry (sponsor for naming rights), North Country Smokehouse, etc. The group presented a check for \$3,000 to the Council for the New Community Center.

New Community Center Update

Scott Hausler, Parks and Recreation Director, showed a PowerPoint presentation for the Project Update.

- Site Construction Schedule Begins
 - January 24th regular scheduled project meetings begin
 - Winter construction schedule is discussed
 - Design and construction documents are finalized and code reviews are conducted
 - Permits are issued and site work begins
 - Permits are issued for the building, electrical, plumbing, mechanical
 - Tracking mats are built and clearing and grubbing begins to shape the site
- Site Work Begins
- House Demolition
- Site Work
- Underground Storm Water Treatment
- Storm Water Treatment System
- Footprint Begins to Take Shape
- Additional Soils Needed for SW Corner of Project
 - SW corner material removed so we could use more suitable materials for foundation footings

- One solution provided by contractor was to utilize material from berm of Rail Trail (south side)
- Conservation Commission called in to hold a special meeting and approved the use of materials for the project
- Con Com Approves Rail Trail Material Use
- Section Cleared for Use
- Rail Trail Material Used
- Drainage Installation
- Near Complete (Storm Water Control Under Parking Lot)
- Trail Connector Relocated
- Site Work
- Project Update
 - To date
 - City receives word on success of emergency management grant for generator system for New Community Center project. Grant was submitted by Fire Chief Bergeron
 - Footings, foundations and pool shells scheduled to start end of March
 - Weekly meetings continue with contractor and building committee
 - Project meetings to begin soon for approval of interior finish color schemes from architect

Mr. Burnham said that water system is designed so the water goes back into the aquifer on the site.

Mr. Hausler said the catch basin on South Street has been rerouted (big part of project).

Mr. Austin asked where the water on the Rail Trail is coming from. Mr. Hausler said it starts at Arrowhead and comes down. The drainage system under the soils will capture the water that was flooding the trail.

Mr. Bergeron said he sees changes everyday. It looks good.

CITIZEN'S FORUM

Bernie Folta, Ward 3, said that March 11-17 is Sunshine Week, annual commemoration of the public's right to know. This has been going on for 12 years. It is sponsored by the American Society of Newspaper Editors and the Reporters Committee for Freedom of the Press. He said he sent an e-mail about this to the Council and will send copies to those who ask; he gave his phone #542-3233.

Ordinance 525 Library Board of Trustees – Second Reading – Public Hearing

The purpose of this proposal is to update the Claremont Code provisions establishing the Library Board of Trustees. The primary change is a reduction in the number of members of the Board from 9 to 5, which was requested by the current Board. The proposed ordinance also provides

for alternate members, establishes terms and the requirements for a quorum. These provisions codify the current practice, which had previously been authorized by resolution.

Enactment of this Ordinance will improve the ability of the Library Board of Trustees to act in a timely and efficient manner.

A substitute ordinance is being submitted to correct a reference in proposed Section 2-232(c). There is no substantive change.

Ms. Taylor said this change to the ordinance was brought forth at the request of the current trustees. The change from 9 members to 5 members will make it easier to get a quorum. This is a substitute ordinance because of a typographical error (“commission” should be “trustees”).

Mike Grace, Library Director, said since he has been here, it has always been a challenge to get 9 people on the board. They only have 4 active members on the board currently.

A motion was made by Mr. Raymond and seconded by Ms. Messier to adopt Ordinance 525 Library Board of Trustees.

Mr. Raymond read the explanation of proposed action.

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

Roll call vote: motion carried 9-0.

Ordinance 526 Update Fire Code – Second Reading – Public Hearing

The purpose of this proposed change is to adopt the most recent version of the State Fire Code, as adopted by the State Fire Marshall's Office in 2011.

Enactment of this Ordinance will update the Claremont City Code and bring it into compliance with state law and regulation.

Fire Chief Bergeron said this ordinance puts us in line with the state fire code. The City is allowed to adopt more stringent rules, but not less stringent.

A motion was made by Mr. Koloski and seconded by Mr. Bergeron to adopt Ordinance 526 Update Fire Code.

Mr. Koloski read the explanation of proposed action.

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

Roll call vote: motion carried 9-0.

Comcast Broadcasting Issues

Mr. Santagate said we have gotten calls about the conversion, frozen screens, etc., so he asked Comcast for an update.

Tuck Rainwater, Comcast Director, Government and Community Relations, passed out a handout titled Comcast's Digital Network Enhancement "World of More."

- What is Comcast's Digital Network Enhancement
 - Comcast's initiative to move to a digital only format
 - At the conclusion of the migration, all video customers will receive digital signals with a converter box, Digital Transport Adapter (DTA) or a third-party device equipped with a CableCARD
 - 94% already have equipment needed. This affects those that just plug into the wall
- Why is Comcast doing this
 - Comcast's Digital Network Enhancement (DNE) will enable us to deliver the benefits of digital cable to all customers on all TV sets, and enable flexibility for launching new video and non-video services
 - Modern TVs may have quam tuners and won't need a DTA
- How will Comcast's Digital Network Enhancement be implemented
 - 1. We are migrating Expanded Basic channels to digital carriage eliminating the analog carriage of these channels;
 - 2. We are introducing the Digital Transport Adapter (DTA) which delivers the all-digital Limited Basic and Expanded Basic line-up, depending on subscription;
 - 3. We are upgrading Standard Cable customers to Digital Starter and providing them with a converter box for their primary outlet;
 - 4. We are providing all Expanded Basic customers with up to 2 DTAs at no additional monthly charge;
 - 5. We are migrating all Limited Basic channels to digital carriage – eliminating the analog carriage of these channels;
 - 6. We are providing all Limited Basic customers with 1 DTA for their primary outlet and up to 2 DTAs for their additional outlets at no additional monthly charge;
 - 7. We are providing Family Tier and Digital Economy customers with up to 2 DTAs at no additional monthly charge
- Initial Letter to Limited Basic Customers

Mayor Neilsen said the DTAs have range of 100 to 300 channels. It is simple to install.

Mr. Rainwater said the first round of channel adds will be March 22nd. The next round of migration will be April 10th, the second round will be April 24th and May 30th will be the end of the process. There is no end date to request free boxes.

Mr. Austin asked about not being able to watch the Weather channel. Mr. Rainwater suggested he call customer service to help troubleshoot.

Mr. Bergeron asked about the increased cost for extra channels. Mr. Rainwater said that process was distinct from this; it is a routine process.

There was a discussion about the broadcasting problems with Channel 8, CCTV (Claremont Community Television). Mr. Rainwater said it was signal level problems and was resolved. Keith Druhl, CCTV Executive Director, said if there is an audio issue with Channel 8 to call 1-877-COMCAST and they can troubleshoot.

Ms. Messier asked Mr. Druhl to pass on to the Claremont Community Television Board that the report they submitted was very well put together.

Mr. Rainwater talked about the letter that was sent to customers. Mayor Neilsen reminded everyone to keep the letter as it has their customer ID number on it that will be needed for the DTA boxes.

Bernie Folta, Ward 3, said he is not a Comcast cable subscriber. He said Comcast carries CCTV over the cable. Comcast is a monopoly provider. Comcast does not cover the whole city. Within the last year or two, the City negotiated a new franchise agreement with Comcast to be the provider. He said it would be good to know where the areas are that are not served by cable and what the plans are to cover the whole City. He thinks CCTV plans to go directly over the internet.

Review of Prior Council Decisions Related to the City Manager

Mr. Santagate said this came about as a result of the Mayor's questions. Mayor Neilsen talked about Mr. Santagate's original contract and when the Council made modifications in 2008. Mr. Santagate said that was documented in the minutes (copies the 2008 minutes were provided to the Council). Mr. Santagate asked Mayor Neilsen what the question was. Mayor Neilsen said the initial reason he wanted to know what lead the Council to start contributing to Mr. Santagate's retirement account in August 2008. Mr. Santagate asked what the minutes say. Mayor Neilsen said the minutes say they checked with an attorney and if there were no prior or current obligations, the Council was going to make this contribution. Mr. Santagate said the reason that happened was when he came here, there were problems with the City, so he said when he can make progress with the City he would postpone taking retirement (he is the only that had the right to waive that). He postponed taking the benefit from 2001 to 2008. In 2008, the Mills were done and the City was moving in the right direction; Council said it would provide him with a pension. He said no one talks about the eight years that nothing was contributed, which by law you had to do. Mayor Neilsen said when Mr. Porter left, he was making \$60,000, but when Mr. Santagate came to the City, he requested \$90,000 and no benefits. Mr. Santagate said one of things that was talked about was to hire the best (Mayor Neilsen signed that contract). Mayor Neilsen said there was no waiver; it wasn't included in the contract. Mr. Santagate said he is entitled to that under NH law. Mr. Santagate said he gave

back the \$10,000 bonus awarded by the Council. By law he said he is about \$170,000 below where he could have been. To make it look like his pension is a raid on the City funds is inappropriate. Mayor Neilsen said he wants to understand what the Council's thought process was. Mr. Santagate said he was not at those meetings. Mayor Neilsen said the only thing specific in the minutes is that a legal opinion was rendered that said Mr. Santagate was not owed any prior or current obligations. He doesn't fault Council for doing that, he wants to know what the thought process was. Mr. Santagate noted that he doesn't take the health benefits. He pays his own health benefits. He said if Mayor Neilsen wanted, he would be willing to talk about what was owed.

Mr. Irish clarified that a couple of years Council put more money into the City Manager's salary to keep the salary from becoming stagnant. Mr. Santagate asked if extra money was given to bring the salary up, why the salary started out at \$90,000 in 2001 and today it is \$100,000. He said that is an average of 1% increase per year and by contract he was entitled to whatever the employees got. Mr. Santagate said the point was that if he got the health insurance and retirement that everyone else is entitled to, then \$170,000 would be owed to him today. He said he is not pursuing that. If there is a quarrel with the 2008 vote, you have to call your attorney and go back there. Mr. Irish talked about the minutes from 2008 and said he has not seen the legal opinion. He questioned whether the City owes Mr. Santagate money. Mr. Santagate said he is not pursuing that.

Mr. Bergeron talked about the minutes and asked what the argument was about. Mayor Neilsen said there is none. He said before he had the public minutes, he asked questions. He was provided public and non-public minutes to understand the process. He is happy that in 2008 there was a legal opinion that stated Mr. Santagate was not owed any prior current obligations and Mr. Santagate seems to be okay with it; we're moving on.

Bernie Folta, Ward 3, said this issue arose from a list of questions Mayor Neilsen asked at the February 8th Council meeting. He said he transcribed the minutes and will transcribe this meeting. He offered a copy of the transcribed minutes. He said it was disconcerting that a legal opinion would have been gotten in writing. He thinks Mayor Neilsen's question about future liability is appropriate.

Steve Raymond, Ward 1, thinks the Council should back up Mayor Neilsen for asking questions.

Mr. Koloski said he believes without an updated legal opinion, we have a liability hanging out there and he doesn't like to leave things lingering. He questioned if an employee is entitled to something by state law, how it can be waived. He would like a legal opinion.

Ms. Taylor clarified on the legal opinion that she was not the attorney, it was Matt Upton. She cannot confirm if there was or was not a written opinion. To the best of her knowledge, there was no written opinion. Just because the minutes are unsealed, documents involving personnel matters are not permitted to be made public. In reference to the retirement system, it is a requirement to participate in the state retirement system, but the chief administrative official is the only individual at the municipal level that can waive it and not participate.

Mr. Irish said that an employee is saying the City owes him money, so the Council has a fiduciary responsibility to get a legal opinion. Mr. Santagate said this is an employee issue and the issue was created tonight. Mayor Neilsen said they didn't talk about performance or personnel, they talked about public minutes. He agreed with Mr. Koloski that without the legal opinion available, how does the City know if there is a future liability. Mr. Santagate this goes back to the Council and its attorney. He said if he had enforced the original contract, he would have been \$170,000 richer today. He is not pursuing anything. He asked if the Council is pursuing this, why ask him questions. Mayor Neilsen said there are a couple of Councilors that think there might be a potential liability.

Mr. Irish read from the transcript provided by Bernie Folta.

Mr. Santagate asked why the Council was asking him these questions. He was not at those meetings as documented by the minutes. Mr. Santagate said he made pretty good sacrifices on behalf of the City for eight years. All he wanted was acknowledgement and thanks for not taking the retirement contribution and for waiving the health benefits; he's not looking for mitigation.

Mr. Bergeron said if there was an agreement to the contract, you can't go back. Also, he said Mr. Irish doesn't speak for all Councilors. This is beginning to look like a witch hunt.

Mr. Burnham said as of January 1, Mr. Santagate is getting contributions to his retirement and he is happy. Mr. Burnham said he is confident that Mr. Santagate won't demand the \$170,000.

Mr. Formidoni said unless Council wants to make a motion to pursue this, it is done.

A motion was made by Mr. Irish to get a legal opinion as to whether or not the City owes or has a financial liability, past or present, to the City Manager as a result of the contract. Seconded by Mr. Koloski for discussion.

Mr. Irish talked about his understanding that Councilors were meeting behind closed doors with the City Manager about this topic without telling the rest of the Council.

Mr. Koloski said he will vote no because he is comfortable with what was said tonight.

A motion was made by Mr. Burnham and seconded by Mr. Austin to move the question.

Roll call vote to move the question: motion carried 9-0.

Roll call vote: motion failed 1-8 with all Councilors voting no except Mr. Irish.

NEW BUSINESS

Resolution 2012 – 11 Authorize Transfer of Fundraising Money to New Community Center Capital Reserve Fund – Public Hearing

Mary Walter, Finance Director, said a Capital Reserve Fund was established in 2005 for receiving donation money for the New Community Center. When the Parks and Recreation Department has events, the money has to go back into the General Fund unless it is designated to go somewhere else. She pointed out that the word “therefore” was misspelled and would be corrected in the final version. This is a request to transfer the \$3,000 from the Tread Setters into the Capital Reserve as well as to allow any future fundraising amounts that are designated for the New Community Center to be deposited there as well as long as the amount is under \$5,000.

A motion was made by Mr. Bergeron and seconded by Mr. Austin to adopt Resolution 2012 – 11 Authorize Transfer of Fundraising Money to New Community Center Capital Reserve Fund.

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 9-0.

New Marketing Video

Mr. Santagate said part of the Planning and Development budget is marketing. He said we got a phone call from Hidden Gems which is headed up by Terry Bradshaw. The program is *Insights with Terry Bradshaw*. The video will be shown on Fox Business once and 19 times on CNN regionally. The video cost \$19,800 and we’ve got the rights to it. Their objective is to educate viewers on hidden gems where people work, live and play. The video was aired as part of the Council meeting.

This will go up on the City’s website. Ms. Merrill said it will also go on You Tube and CCTV.

Motion to Authorize Application for Support of Homeland Security Grant for Mobile EOC/Command Vehicle Enhancement Project

Fire Chief Rick Bergeron said he is also the Emergency Management Director. This grant was started last fall after Tropical Storm Irene. When FEMA (Federal Emergency Management Agency) came in to the City, the Fire Department’s car #1 was used for transport for preliminary damage assessments. The vehicle is funded by the City of Claremont; maintenance and operating expenses are paid by the City, but it was being used to support state and federal emergency management activities which allowed us to use it as the local match for the grant. This grant is for 50% federal funding; the City’s 50% is the value of the vehicle itself. One of his goals is to enhance technology in the Fire Department. This allows the Emergency Manager

or the Incident Commander access to a communication point at the rear of the vehicle. Additionally, the current radio will be transferred to a fire department truck currently without a mobile radio.

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 of various equipment for the Emergency Management command vehicle, including a laptop computer, dual head mobile radio and other miscellaneous items, the Claremont City Council hereby authorizes acceptance of the New Hampshire Emergency Management Performance Grant in the amount of \$14,107.00 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.

Councilor Bergeron strongly supports this. He said the community has been lucky, but if an emergency hits, we'll need it. He also thanked Chief Bergeron for getting the grant for the generator at the New Community Center.

Mr. Burnham agreed with Councilor Bergeron.

Roll call vote: motion carried 9-0.

Public Works Presentation

Bruce Temple showed a PowerPoint presentation about roadway reconstruction projects.

- 2012/2013 Projects
- Paving Program
 - Overall budget for roadway improvements \$1,430,000
 - Bond (2012-2013) \$1,100,000
 - Capital Budget \$150,000
 - Street Management \$100,000
 - Cemetery \$40,000
 - Bridge Money \$25,000
 - Sidewalks \$15,000
- Stringer Lane will get rebuilt
- Wolcott Street is narrow – to be rebuilt
- Little Lane is a future project
- Bonmark Drive
- Coy Bridge Deck built in late 1970s
 - Take asphalt off, remove membrane and refurbish and resurface
- 2012/2013 Paving
 - Ward 1
 - Myrtle Street (finish coat)
 - Mulberry Street

- Ward II
 - Pine & Denison Ave.
 - Piper Hill
 - Stringer Ln (rebuild)
- Ward III
 - Foisy Hill Road
 - Dustin Heights (Pamsha & Grannis)
 - Bonmark Drive
- Paving with water line replacement
 - Wolcott Street
 - Camden Avenue
 - Spencer Avenue
 - Mt. View Cemetery
- 2012 Project
 - Belmont Street/Hartford Street
 - Roadway reconstruction with storm water drainage and water line improvements
 - Coy Bridge (1973)
 - Bridge deck surface repairs
 - Partial rehabilitation of 190' span over the Sugar River
 - Will close bridge for about 6 weeks
- Contingent on Funding (Additional Future Projects)
 - Paddy Hollow Road
 - Elm Street
 - Pappas Road
 - Laurel Street
 - Buena Vista Road
 - Centennial Street – Chellis Street
 - Cottage Street – Severance Street – Henry Street – Baker Street
 - Grove Street
 - Lea Street & Brookside Avenue
 - Maple Avenue – Buena Vista to Drapers Corner
 - Myrtle Street – into the Bluff area
 - Pearl Street
 - Sullivan Street
 - Central Street
 - Grissom Lane
 - Truck traffic tearing up the road
 - Year repair (expensive)

Mr. Temple said this is 38,000 sq yds of resurfacing (18,000 lineal feet); 3 streets with new water line; includes reconstruction of 2 streets (Stringer and Belmont); and in addition, he is re-crushing old asphalt to put on gravel roads (we maintain 15-16 miles of gravel roads).

Mr. Raymond asked about the Drapers Corner project and if the section of Maple Avenue, toward Bible Hill will get repaved. Mr. Temple said yes.

Mr. Bergeron asked if this could be put on CCTV (Claremont Community Television). Mr. Temple cautioned that we don't have the exact paving numbers, yet. It is out to bid now.

Mr. Irish said he would like to see it on the website as well.

Ms. Messier said in reference to Tropical Storm Irene that we got 5 inches of rain and that the culvert and drainage work that has been done has helped us to handle that. Mr. Temple said that Sugar River Drive had to be closed for 12 hours due to flooding (the culvert has since been replaced). In the last six years, we have received over \$850,000 from FEMA that was used for drainage and culvert work.

Mr. Temple said you may see paving this year and putting on chip seal next year.

Bernie Folta, Ward 3, said he thinks it is important to have a plan. He asked if those items listed as "contingent on funding" would be done anytime soon.

Steve Raymond, Ward 1, talked about East Green Mountain Road; there are 16 or 17 homes there; he said nothing is being done up there. He said they need a good base on the road.

Mr. Temple said in reference to Mr. Folta's question that those items listed are about a 4-5 year reality. We need \$750,000 every year. There are other streets that need work. In reference to Steve Raymond's questions, 2-3 years ago, when residents couldn't get through, Public Works people worked on Sundays to haul in gravel. One year they hauled in over \$10,000 worth of gravel. He knows it needs a base; years ago someone made a farm road into a housing development, but it is not something he can deal with today. He will put in the April packet the amount of money that has been spent in the last 6 years on East Green Mountain Road. He knows it needs paving as well as 15 miles of other gravel roads that need paving. Public Works puts a lot of effort into gravel roads. Last week they put 3,000 tons of select product on gravel roads so residents could get to their properties.

Mayor Neilsen asked Council to think seriously about doing a \$10 or \$15 million bond tied to a 10-year road project.

CITY MANAGER'S REPORT

None

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Irish asked to put on the agenda the procedure for City-owned property and Council Rules review.

Mr. Koloski asked for an update on the Vashaw property off Central. He asked for a copy of the tax collection policy (i.e. how long before the City steps in to take a property for back taxes). He would like Council to have a set of goals for upcoming meetings.

Mr. Bergeron asked for an executive session next month to get updates on employee contracts. Mr. Santagate clarified that it would be a non-public session.

Mr. Koloski asked for an update on online motor vehicle registration. He said he spoke to Charlestown and he has the information they use. Mr. Santagate said he talked to the State Senators on this issue; there is a concern that the state will take the income that is generated by this activity.

Mayor Neilsen asked Mr. Santagate for an update on the water contract at the next meeting. Mr. Burnham said there are things in there that you have to be knowledgeable about. He said there are two companies that are playing with each other, so watch out. He said one company did not record some results and the others who want the contract are bad mouthing them. Watch out for them. He said he gets water calls all the time.

Mr. Burnham said he talked to someone from Weathersfield and found out their delinquency rate was higher than a lot of other communities, so they changed how they do business. He will try to get information from them.

Bernie Folta, Ward 3, said in reference to the conversation about the City Manager's contract he had questions about who the City Solicitor represents, works for and reports to. He said he intends to do some research.

Mr. Koloski asked to have that question answered.

COMMITTEE REPORTS

Claremont 250th Anniversary Committee

None

Claremont City Center Project – Steering Committee Report

Mr. Bergeron said things are moving rapidly. There will be another focus group March 27th. They will hire a zoning consultant; the core has 9-10 zones. They plan to come before the Council and Planning Board in the fall for zoning changes.

CONSULTATION WITH LEGAL COUNSEL

None

At 10:37 p.m. a break was called; Mr. Austin was excused and did not return from break.

NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3 II(d) – REAL ESTATE

A motion was made by Mr. Raymond and seconded by Mr. Burnham to enter into a non-public session pursuant to RSA 91-A:3 II(d) – Real Estate and to invite Sheriff Michael Prozzo, Police Chief Alex Scott, City Attorney Jane Taylor, City Manager Guy Santagate and Clerk to the Council Dorée Russell into the non-public session.

Roll call vote: motion carried 8-0

Mr. Santagate indicated a non-public session was held on this issue last fall, which he has not discussed because the minutes were sealed. He said he agrees with consolidating a dispatch center and introduced Sheriff Prozzo to explain the proposal.

Mr. Prozzo said the discussion about whether or not we should have a county-wide dispatch goes back to 1986. Sullivan County has 46 agencies (police, fire and EMS) that are spending \$1.2-\$1.4 million annually. There are three dispatch centers in Sullivan County: Claremont, Newport and Charlestown. With consolidation, service can be provided at a lower cost over time. Dispatch is only one part of the puzzle. The Armory could also be used for public health as well as a training facility. They have lost the training site in Keene. Currently, for what everyone is paying, we get one dispatcher in each facility. If there is a big emergency, that one person is overburdened. The plan is to have a County dispatch with three people on duty 24/7 with the exception of about a 6-hour period where there will be two people on duty. The County Commissioners, County Administration, Sheriff Prozzo and Chief Scott think there would be a better product for about the same or less money. They are on the fringe of making this work. He said Mr. Santagate and Chief Scott have been very supportive of this. His request was to ask the City to deed the Armory to the County for \$1 to make a county dispatch, public health facility and training facility. The facility will have showers, a kitchen and they will put in a generator. There is a meeting scheduled next Thursday, March 22, 6 p.m., in Newport to answer questions of funding, etc. Everyone has to buy in. If Newport doesn't buy in, he can't recommend this to his board. This will be user funded. There are three controlling issues here: technology, finances and politics.

Chief Scott said his dispatchers have told him they are very concerned. Even a personal injury accident creates a lot of communication (cell phone users calling 911). This consolidation is the only viable route to go. Even if all don't participate, he would try to get consolidation on a smaller scale.

Mr. Koloski asked, in reference to the natural resources inventory, how many acres are included. There are 5 acres. The building sits in the middle. He said the Conservation Commission had talked about the green space.

Mr. Irish said for him as a Councilor it is a no brainer, but as an abutter, he was not sure. He asked if abutters will get a say. Mr. Irish said he wasn't sure if he was an abutter. He talked about an easement in his deed that may abut this property. Ms. Taylor said she was not aware

that Mr. Irish may be an abutter and that it may create a conflict of interest. She said she was not comfortable having further discussion on the subject with him in the room.

Mr. Irish said as a sitting Councilor he had a right to hear this discussion even if he did not participate and he refused to leave the room. Councilors agreed that even the appearance of a conflict meant Councilor Irish should step down and leave the room. Ms. Messier said that if it was a public session, he could sit in the audience, but since it is non-public, he would have to leave the room.

Mayor Neilsen exercised his right to ask Mr. Irish to leave the non-public Council session. Council agreed.

At first Mr. Irish refused to step down arguing that as an elected official he had a right to remain. Further discussion took place among the Council with Councilors agreeing that Mr. Irish should leave the room. At that point, Chief of Police Alex Scott stepped forward and said that Mr. Irish knew coming into the non-public session that there may be a conflict of interest and that it was now time to do the right thing and step down. Eventually Mr. Irish complied with the Chief's demands and left the room at 11:23 p.m.

Ms. Taylor said that a site plan review for this project would be for information only because government projects are not required to follow site plan procedures under state law. The Planning Board role would be advisory only.

Mr. Raymond asked if the County would pay property taxes. Sheriff Prozzo said no.

Mr. Burnham asked if this project could include Windsor and Weathersfield on the other side of river. Sheriff Prozzo said anything can happen. Technology is there to do a lot of that.

Mr. Raymond asked if this dispatch service will cost Claremont less. Sheriff Prozzo said he doesn't have the numbers yet. Chief Scott said it is not a big cost saving measure in the short term, but it would be a way for the City to get where it should be.

A motion was made by Mr. Bergeron and seconded by Ms. Messier saying that the City is in support of development of a County dispatch center and to offer the Armory to Sullivan County for \$1 and other consideration for use as a regional communication, public health and training facility. However, should the project not go forward for any reason within 60 days, the offer shall be withdrawn.

Roll call vote: motion carried 7-0.

A motion was made by Mr. Koloski and seconded by Mr. Raymond to exit the non-public session.

Roll call vote: motion carried 7-0.

Council returned to public session.

At 11:39 p.m., Mr. Irish returned to the Council table. He asked, before the meeting resumed, Mayor Neilsen to join him in the kitchen. When they returned to Council Chambers, Mayor Neilsen said Mr. Irish had asked what right Mayor Neilsen had to ask Mr. Irish to leave. Mayor Neilsen referred to Council Rule 6. Mr. Irish disagreed. He said he was insulted to be asked to leave the meeting.

The motion from the non-public session was repeated.

A motion was made by Mr. Bergeron and seconded by Ms. Messier saying that the City is in support of development of a County dispatch center and to offer the Armory to Sullivan County for \$1 and other consideration for use as a regional communication, public health and training facility. However, should the project not go forward for any reason within 60 days, the offer shall be withdrawn.

Mr. Irish said as a potential/possible abutter he would abstain.

Roll call vote: motion carried 7-0 with 1 abstain (Mr. Irish).

A motion was made by Mr. Koloski and seconded by Mr. Burnham to unseal the non-public Council minutes from the November 9, 2011, Council meeting.

Mr. Irish abstained as he was not a member of the Council at that time.

Roll call vote: motion carried 7-0 with 1 abstain (Mr. Irish).

ADJOURNMENT

At 11:48 p.m., a motion was made by Mr. Raymond and seconded by Mr. Bergeron to adjourn.

Voice vote: motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council