

The Claremont City Council held a meeting on Wednesday, February 11, 2015, 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 Carolyn Towle  
Ward III Councilor Nicholas Koloski  
Assistant Mayor Victor Bergeron  
Mayor James Neilsen, IV  
At-Large Councilor James Reed  
Ward II Councilor Charlene Lovett  
At-Large Councilor Kyle Messier  
At-Large Councilor John Simonds

Also present:

Guy Santagate, City Manager

#### **MAYOR'S NOTES**

Mr. Bergeron thanked Fire, ambulance, and EMS personnel for responding to him during his medical emergency.

Ms. Lovett said the Transfer Station Ad Hoc Committee meets on Mondays at 5 p.m. in Council Chambers and they are looking for volunteers.

Ms. Towle said that Cemetery Foreman John Wadleigh retired after 36 years of service to the City.

Mayor Neilsen said that Timothy Bergeron retired from the Fire Department after 31 years. He said it was posted on Facebook that at 1 a.m. someone took a photo of Public Works removing snow from the City streets.

Mr. Santagate said that we had to rent bigger trucks to remove some of that snow.

#### **REPORT OF THE SECRETARY**

**A motion was made by Mr. Raymond and seconded by Mr. Simonds to accept the minutes of the January 14, 2015, City Council meeting with changes.**

Ms. Lovett said under City Manager's Report, third paragraph, second sentence to add "criteria for the train stop and complete the sidewalks to the school."

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

## **APPOINTMENT TO BOARDS AND COMMITTEES**

### Historic District Commission

**A motion was made by Ms. Messier and seconded by Ms. Lovett to re-appoint Kristin Kenniston to seat #1 of the Historic District Commission.**

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

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

**A motion was made by Mr. Raymond and seconded by Ms. Messier to appoint Harvey Hill to seat #1, of the Tax Increment Finance District Advisory Board – River Road.**

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

**A motion was made by Ms. Messier and seconded by Ms. Towle to appoint Robert Porter to seat #4, of the Tax Increment Finance District Advisory Board – River Road.**

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

### Zoning Board of Adjustment

**A motion was made by Mr. Reed and seconded by Mr. Simonds to re-appoint Amy Richardson to seat #A3 of the Zoning Board of Adjustment.**

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

## **CITIZEN'S FORUM**

Chuck Allen, Ward 3 resident and Arrowhead Recreation Club (ARC) member, said that February is Winterfest month and he listed the activities for the month. He said they are looking for volunteers for the Cardboard Sled Race and that they are using the new groomer.

Mr. Raymond said that he got a call from Stan Woodman and that ARC needs judges for the Cardboard Sled Races to be held on February 21<sup>st</sup>.

## **OLD BUSINESS**

### Ordinance 541 Board of Appeals – Second Reading – Public Hearing

The purpose of this proposal is to revise the existing Board of Appeals and delete the Code Review Board to bring the City's building code and fire code appeals process into compliance

with state law. Neither board has been active for several years because of inconsistencies with state statutes and case law.

Enactment of this proposed Ordinance will provide an appeals process for administrative decisions made by building code and fire code inspection officials that complies with state law.

**A motion was made by Ms. Messier and seconded by Ms. Towle to adopt Ordinance 541 Board of Appeals on Second Reading**

Ms. Messier read the explanation of proposed action into the record.

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

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

**NEW BUSINESS**

Water/Sewer Line Maintenance Fees – Public Hearing

Mr. Santagate said in most of the 12 communities that were surveyed by Public Works, the property owner was responsible for the water/sewer line maintenance from the house to the main. In only 3 communities the property owner was responsible from the property line to the main.

Mayor Neilsen said the ordinance changed in 2003. At that time, Beauregard Village and other areas had a lot of problems with roots, etc. in the pipes. The decision was made that the City would not go on to private property for line maintenance. He thinks it is a good compromise for the City to change the ordinance so that the property owner is responsible for the pipe to the property line and the City is responsible for the service line on the City's property. Councilors agreed that the City should be responsible for the line on the City side of the property. Councilors also agreed that it was time to review that ordinance as it has been a few years since it was reviewed.

Mayor Neilsen said he thinks we should get public input before the ordinance is written.

Mr. Santagate said the Council can change where the expense goes, but can't eliminate the expense. When we review the ordinance, we may have to review the water and sewer rates, or it may have to come from general fund.

Mayor Neilsen opened the public hearing.

Steve Picano, Ward 1, said his line has been cameraed and the problem is in the road. The cost of the repair that is on the property owner side is \$600, but the price for the work that was in the middle of the road was \$5,000. He praised Public Works Director Tom Woodley for the work he is doing clearing the snow. Mr. Picano said he is paying the flat rate on the sewer, so he shouldn't have to pay for repair on the City side of the sewer.

Joe Osgood, Ward 2, talked about sewer lines that travel across more than one property and City easements. He said the ordinance should say the property owner's responsibility should go to the property line and from there it should be the City's responsibility and the City should have easements across the other properties.

Bernie Folta, Ward 3, questioned the data on the survey. He talked about receiving a sewer insurance notice, but Councilors told him it had been brought up before and it is a scam. Mr. Folta said that if the ordinance is changed, there would be a risk for the City and he asked about insurance coverage for the City. He liked the Mayor's idea of getting public input before changing the ordinance.

Paul LaCasse, Ward 2, said if the water and sewer are enterprise funds and they are supported by the rate payers, why charge them for any repairs. Mr. Santagate said the City owns the water and sewer pipes. State law requires that water and sewer be enterprise funds and they have to stand on their own.

Steve Picano, Ward 1, compared his water and sewer bills to someone from Keene and from Concord and he said Claremont is paying more and getting less.

Mayor Neilsen closed the public hearing.

Mayor Neilsen asked to have a review of the water and sewer ordinance on a future agenda.

Mayor Neilsen asked to have the directors of Public Works and Planning & Development Departments at the second meeting in March, March 25<sup>th</sup> to talk about the current process.

Also, Mayor Neilsen said the date for the second meeting in February is February 25<sup>th</sup>.

#### Arrowhead Update

Mark Brislin, Parks & Recreation Director, said this is an update on the wetlands permit and clearing trees at Arrowhead.

Ms. Messier said she has property that abuts Arrowhead, so she recused herself and stepped down from the Council table.

Mr. Brislin said he met with Pathways Consultants and Arrowhead to discuss the details of the wetlands permit. Pathways worked with Arrowhead and Mr. Burnham to get exact measurements of the area that they would like to expand. The proposed project will result in approximately 51,700 square feet encompassing the entire snow tube run. The primary area of tree clearing and grading will result in limited impacts within the wetland jurisdiction of the eastern side of the snow tube run along the current tree line. The proposed project will implement necessary improvements to the existing snow tube run to accommodate a wider grooming machine and to establish a pedestrian access on the east side of the snow tube run

The project is intended to widen and realign the existing snow tube run to create four 14-foot wide lanes, separated by a 3-foot wide by 2-foot high berm between lanes.

**A motion was made by Mr. Raymond and seconded by Ms. Lovett to authorize the City Manager or his designees to remove certain trees on the easterly boundary of City-owned land at Arrowhead Recreation Area, said removal to be undertaken in consultation with the City's forester, consideration of the wetlands assessment by Pathways Consulting, and confirmation of the easterly boundary of the City's property in the area of the proposed tree removal, any funds to be realized from the tree removal to be used to defray the costs involved.**

Mr. Simonds said he was approached by Mrs. Stockwell, 49 Chase Street, asking if the tree clearing will affect the buffer zone. Mr. Brislin said he doesn't believe it will.

Councilors asked about the buffer zone being in the deed when the City purchased Arrowhead. Mr. Santagate will ask City Solicitor Jane Taylor to take a look at that.

Mr. Bergeron said people are worried that filling in the berm will have an effect on flooding in the spring. Mr. Brislin said according to the permit, the wetland will not be impacted by the project.

Mr. Koloski said this will go before the Conservation Commission so if the City has a concern, it can contact a member of the Conservation Commission.

Mr. Bergeron said removal of some of the trees is important because some are ready to fall down and that is a safety concern.

**Roll call vote: motion carried 8-0, 1 abstain (Ms. Messier had stepped down).**

During the roll call, Messrs. Bergeron and Simonds had expressed concern about verifying the buffer zone in the deed.

Ms. Messier returned to the Council table.

#### Endorsement to Reform/Increase State Aid for Education

Mayor Nielsen talked about the need for the state to look at revenue streams other than the property tax. This is for Claremont to send a letter endorsing that request.

Mr. Santagate read from an e-mail sent by a Webster Selectman asking the Council to vote to support: "that the State of New Hampshire provide a comprehensive meaningful system of funding for State Education needs. To see if the Town will vote to ask our Governor and our state legislators to reform state funding for education with that reform to be directed to significant reduction of property taxes." Mr. Santagate said the property tax is the wrong tax. He said Representative Cloutier has a bill in to abolish the property tax and Mr. Santagate agrees.

Mr. Santagate noted that Claremont's tax bill is in the middle range for municipalities of the state.

Bernie Folta, Ward 3, asked if the state abolishes the property tax, what will replace it. He said if you want to abolish a tax, you should have suggestions for a replacement.

Mayor Neilsen said the letter of support should be generic.

Ms. Messier said for Claremont, property taxes are divisive and negative; she supports any reform that reduces property taxes.

It was the consensus of the Council that the City send a letter of support.

#### Amtrak Update

Ms. Lovett said the Amtrak Ad Hoc Committee's top three priorities are signage, transportation, and passenger comfort and safety. Amtrak signs have been provided free of charge by Amtrak and they have been installed by Public Works. There is bus transportation to and from the train stop Mondays through Friday in the morning and they are working on an evening bus schedule. The morning bus transportation costs have been shared by CATS (Community Alliance Transportation Services) and the City. They are exploring weekend bus service. CATS submitted a grant application package for a bus shelter. If approved, 80% will be paid by the feds and 20% by the City. The estimated cost of the shelter is \$25,000. John Lambert, Claremont Cycle Depot, owns the area where train passengers park and he worked with PSNH (Public Service of NH) to improve the lighting in the parking area. We don't have a traditional train station; we have e-ticketing. The Committee worked with Wheelock Travel and travelers can go there to purchase train tickets and get train information. Ms. Lovett talked about articles that Amtrak had published about Claremont's train station including one in Amtrak's Great American Station newsletter. The Committee is investigating having a bike tour event where bikes and passengers can be transported on the Vermonter Rail Line. She said the Committee is looking for approval to go forward with the possibility of a bike tour event that would be co-sponsored by the Parks and Recreation Department. The funds raised from the event will be shared between Parks and Recreation and the Amtrak Ad Hoc Committee perhaps to pay for the bus shelter or whatever the need is. They are shooting for June 13-14 for the bike event.

Ms. Messier asked about putting this information on the website.

#### Transfer Station Update/Decal

Ms. Lovett said there is no system in place to assure that only Claremont residents are using the Transfer Station. She said non-residents are using it. The Transfer Station Ad Hoc Committee recommends adopting a sticker/permit system to be put in place by April 1, 2015. The Committee will work out the details with Public Works at the next Committee meeting. This would help track how many households use the Transfer Station. Newport residents don't have a transfer station, but are given the option to use private haulers, drop off trash at Casella's or the Claremont Recycling Center (now Recycling Services); the name causes confusion for some

people as they think it means Claremont's Transfer Station. Casella charges 25 cents per pound of trash and Claremont Transfer Station charges \$3 per bag regardless of the weight. Ms. Lovett said she has spoken to some people who live in Newport and they use our Transfer Station.

Ms. Messier said the Committee is still gathering information, so she disagreed about adding a system that may change in the near future. She suggested posting a sign at the Transfer Station that it is for Claremont residents only and using a clicker to determine the number of people that use it.

Mr. Santagate noted that Recycling Services on Industrial Boulevard will pay people for their recyclable materials; the Transfer Station does not pay for recyclables.

Mayor Neilsen said it costs the City money to dispose of the recyclables.

Mr. Santagate said Casella doesn't charge to recycle.

Ms. Lovett said the Committee was looking for a vote on the decal system tonight.

Mr. Santagate said there is a \$160,000 deficit at the Transfer Station and he thought that is what the Committee was going to address.

Ms. Lovett said the decal request is to help minimize the subsidy for the Transfer Station. They have been working with the Public Works Director and the Transfer Station employees in reference to implementing a weighing system and using volunteers to see how that would work before bringing it to the Council.

Joe Osgood, Ward 2 resident and Transfer Station Ad Hoc Committee member, said the Committee found that people from Newport were paying \$3 per bag to dispose of their rubbish at the Claremont Transfer Station and they were probably bringing in recyclables as well. The Committee feels that problem should be addressed tonight. He said the decals are the most practical way to help stop it.

Mr. Santagate said that the Public Works and Finance Departments both need to be involved.

Bernie Folta, Ward 3, said he attends the Transfer Station Ad Hoc Committee meetings and he thinks this is a solid recommendation. In reference to Claremont residents subsidizing recycling, he suggested some deficit of the Transfer Station could be for the public good and there could be user fees for trash disposal.

Ms. Lovett said the expense of the decals would be paid for by the purchase of a second decal (\$5 recommended fee) per household. The first decal would be free. She asked to be able to move forward to get information. The decals would be in addition to the current punch tickets.

Mayor Neilsen asked to put this item on the February 25<sup>th</sup> agenda in order for the Transfer Station Ad Hoc Committee to present the cost of the decals to the Council and then the Council

can vote. Ms. Lovett said she would not physically be at that meeting, but would try to be there by telephone.

Ordinance 542 Code Enforcement Actions – First Reading

The purpose of this proposal is to revise the various Code provisions relating to property maintenance, fire code, nuisance and zoning enforcement to allow code enforcement officials, or their designees, broader enforcement powers to issue citations and prosecute offenses under any municipal code, ordinance, bylaw or regulation, as permitted by state law. The proposal also establishes consistent penalties for code enforcement violations.

Enactment of this proposed Ordinance will strengthen the regulatory framework for the City's code enforcement, provide consistent penalties and update various provisions to reflect changes to state law.

**A motion was made by Mr. Simonds and seconded by Ms. Towle to adopt Ordinance 542 Code Enforcement Actions on first reading.**

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

Councilors said the following things had been discussed at the November 19<sup>th</sup> meeting, but were not included in the ordinance: graffiti, shopping carts, and placing a lien on a property for repeat offenders.

Councilors questioned if nuisance would be broad enough to cover shopping carts. There was a question about the legal responsibility of retrieving and keeping shopping carts on the store property and about having a shopping cart management plan.

Mayor Neilsen asked to postpone taking action in order to clarify when business shopping carts end up off premise, who is responsible for them and how do we deal with them; include something that addresses graffiti; and placing a lien on a property for repeat offenses.

Resolution 2015-22 Transportation Alternative Program Grant for Improvements to the Claremont Rail Trail Funding – Public Hearing

The Council, by motion dated September 24, 2014, authorized application for New Hampshire Department of Transportation, Transportation Alternatives Program (TAP) grant funding for the purpose of a “Neighborhood Connectivity and Rail Trail Improvement Project” (the Project) for trail and safety improvements to the City's Rail Trail, including new sidewalks and improved access on East Street. The City has been notified that it has been awarded a TAP grant in the amount of \$477,519.20 to fund the Project. The City will provide local matching funds in the amount of \$119,379.80 (to come from Fund Balance to have no impact on the tax rate) for a total Project amount of \$596,899.00.

Kurt Beek, Project Manager, said this covers new sidewalks on East Street and improvements to the Bobby Woodman Rail Trail from Pleasant Street to Chestnut Street and pedestrian signals at Chestnut and Broad Street.

Mr. Santagate said this is a spectacular grant for the City. Safety was a big part of it as there are no sidewalks on East Street and this will give a lighted pedestrian crossing. This, along with the \$250,000 Safe Routes to Schools grant will bring in about \$727,000 from outside money. The design work will start this spring.

**A motion was made by Ms. Messier and seconded by Mr. Simonds to adopt Resolution 2015-22 Transportation Alternative Program Grant for Improvements to the Claremont Rail Trail Funding.**

Ms. Messier read the resolution into the record.

Mr. Beek said East Street was chosen after Department Heads looked at areas with the greatest need and stakeholder requests. East Street and the Rail Trail are used by students.

Mr. Beek said it will be an asphalt concrete sidewalk with a concrete curb.

Mr. Bergeron said the ATV Club has asked if the grant will affect the trail waiver. Mr. Santagate said it will not affect it.

There was discussion about the amount in fund balance. Mr. Santagate explained there are two different methods used to arrive at the balance and the method we are using shows we have a healthy balance. He also talked about the water and sewer work that needs to be done in Main Street which may make that a \$3 million project. We have to be careful how we use those funds.

Mayor Neilsen opened the public hearing.

Bernie Folta, Ward 3, suggested the Council may want to see the list of needs Mr. Beek spoke of.

Cynthia Howard, Ward 2, said this is part of the Obama Administration's Green Initiative. She would rather see the \$119,000 spent on roadway repairs or come back to the taxpayers. She said this contributes to the country's \$18 trillion debt.

Mayor Neilsen closed the public hearing.

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

Acceptance of Donation of Window Shades for CSB Community Center from Claremont Glassworks

Mr. Raymond recused himself and stepped down as he is the owner of Claremont Glassworks.

**A motion was made by Mr. Bergeron and seconded by Mr. Simonds to accept with sincere appreciation a donation of six (6) window shades valued at \$1,764.00 for the Claremont Savings Bank Community Center from Claremont Glassworks, Inc.**

Mr. Santagate thanked Claremont Glassworks. Mr. Brislin said the big beautiful windows at the CSB Community Center create a glare and the window shades take care of that. CSBCC is very appreciative of the donation.

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

Mr. Raymond returned to the Council table.

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

Mr. Santagate said he attended the Sullivan County Delegation meeting; they offered tours of the facilities and he received some good information. He also attended the legislative breakfast at River Valley Community College (RVCC) with the local Representatives and Senator; he keeps stressing the need for an educated work force that will lead to better paying jobs and will help bring industry to the City. He talked about partnerships with RVCC, the schools and Valley Regional Hospital. He said Staff gets kudos for all the work they do to get the grants we have received.

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

Ms. Towle asked where we stand with highway funds for the winter. Mayor Neilsen asked for an overview of what has been spent (% used) in relation to the total Public Works budget and to give it to the Council in next month's report.

Ms. Lovett recapped the requests that have been made tonight: review the utilities ordinance at the second meeting in March; vote on the Transfer Station Ad Hoc Committee's recommendation for decals at the February 25<sup>th</sup> meeting; and discuss finance advisory committee at that meeting. Mayor Neilsen said we will also discuss the budget hearing schedule. Ms. Lovett asked about the resolution to Mr. Limoges' complaint. Mr. Santagate said the City met with Mr. Limoges and we are looking at a plan.

Mr. Reed said three people had told him about a pothole by McDonald's on Washington Street and he wondered if a workorder has been issued for that to be filled. He asked about having Department Updates on the agenda. Mayor Neilsen said he will discuss that with Mr. Santagate.

Mr. Bergeron wants to know the status of applying for the ATV Trail waiver. He asked about the demolition of the building on Pleasant Street. Mr. Koloski said that information was in the Planning and Development Department Report – contract has been signed and demolition is scheduled for winter 2015.

Mr. Koloski asked if Council's blessing is needed for the bike event. Mr. Santagate said he has spoken with Mr. Brislin about this and he is okay with it. Ms. Lovett said Parks and Recreation

will be a co-sponsor (there will be many sponsors). It was the consensus of the Council to go ahead with the bike event.

Mr. Koloski said in reference to the Claremont 250<sup>th</sup> Anniversary Committee, they are getting together with the Parks and Recreation Commission, Parks and Recreation Department and the Conservation Commission to discuss the Sculpture. He'll follow up later.

Ms. Towle would like to know the status of the ATV Rail Trail waiver. She reminded the Council that Amtrak did a trial run with putting bikes on the train.

Mr. Raymond would like to know the status of the ATV Rail Trail waiver.

Mr. Santagate said he asked the Feds about any trail waivers they have approved and was told they have never approved a waiver.

Mayor Neilsen asked if we purchase that part of the Trail, can we pay for it in installments.

## **COMMITTEE REPORTS**

### Business Corridor – Steering Committee

None

## **CONSULTATION WITH LEGAL COUNSEL**

None

## **ADJOURNMENT**

**At 9:37 p.m., a motion was made by Ms. Lovett and seconded by Mr. Reed to adjourn.**

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

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council