

The Claremont City Council held a meeting on Wednesday, March 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 III Councilor Nicholas Koloski
Mayor James Neilsen, IV
At-Large Councilor James Reed
Ward II Councilor Charlene Lovett
At-Large Councilor Kyle Messier
At-Large Councilor John Simonds

Absent:

Ward I Councilor Carolyn Towle (excused)
Assistant Mayor Victor Bergeron (excused)

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

General Aviation Proclamation

Mayor Neilsen read a proclamation naming the month of March as General Aviation Month.

REPORT OF THE SECRETARY

A motion was made by Ms. Lovett and seconded by Ms. Towle to accept the minutes of the February 5, 2015, City Council meeting.

Mr. Simonds said he was not present at that meeting so he abstained.

Voice vote: motion carried 6-0 with 1 abstain (Mr. Simonds).

A motion was made by Mr. Simonds and seconded by Mr. Raymond to accept the minutes of the February 11, 2015, City Council meetings as corrected.

Ms. Lovett said on page 6, under Amtrak Update, 8 lines from the bottom “Ms. Lovett talked about articles the Committee has had published about Claremont’s train station including having one in Amtrak’s Great American Station newsletter.” She said the Committee did not publish the articles Amtrak wrote the articles. Mayor Neilsen suggested changing it from the Committee doing it to Amtrak.

Ms. Lovett said on page 7, last line “Station Ad Hoc Committee to present numbers to the Council...” rather than to present numbers, it was supposed to be “to present the cost of the decals to the Council...”

Voice vote: motion carried 7-0.

A motion was made by Mr. Simonds and seconded by Mr. Koloski to accept the minutes of the February 25, 2015, City Council meetings as corrected.

Mr. Reed said on page 2, “when asked about receiving donations...” he said he asked about receiving donations, so state “Mr. Reed asked about receiving donations...” he also wanted to put in there that he thanked her for her dedication to the clients and the people of the community.

Voice vote: motion carried 7-0.

APPOINTMENT TO BOARDS AND COMMITTEES

None

CITIZEN’S FORUM

Cheryl Jones, Ward 3, Maple Avenue resident, said she has lived in Claremont since 2002. She read a letter to Claremont taxpayers explaining why taxes are so high. She said the school is the highest part of the taxes and at the last election, only 15% of the voters showed up to vote.

Mayor Neilsen asked Mr. Santagate about the status of Mr. Limoges’ issue. Mr. Santagate said the City is about to meet with Mr. Limoges again.

OLD BUSINESS

2015 City Fee Schedule Revised – Public Hearing

Police Chief Alex Scott said the Call for Service and the Incident/Accident fees were flipped.

Mr. Reed asked about charging a fee for VIN checks. He said most garages charge a fee for that. Chief Scott said he will check with other Police Chiefs for next year.

A motion was made by Mr. Koloski and seconded by Ms. Lovett to accept the changes to the 2015 City Fee Schedule.

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

Roll call vote: motion carried 7-0.

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.

City Solicitor Jane Taylor answered questions that were raised at the last Council meeting. As for shopping carts, there is not anything we can put into an ordinance that would make shop owners responsible for someone taking the carts off premises without permission. Staff can review to see if something can be put into site plan regulations for containment of stored carts outside the building.

Chief Scott said that when the Police see the carts, they are addressed. The Police will occasionally collect up carts and return them to the appropriate stores.

Ms. Taylor said penalties for repeat offenders (i.e. those that clean up, junk up, clean up, junk up, etc.) are not authorized by state law; only increased penalties for a continuing offense is allowed. In reference to graffiti, she has added provisions regarding this, based on ordinances from Hooksett and Manchester.

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

Ms. Lovett read the Explanation of Proposed Action into the record.

Roll call vote: motion carried 7-0.

Motion to Accept Property from AmeriGas

Ms. Taylor said that last July Council had authorized the City Manager to negotiate a settlement agree with the EPA (Environmental Protection Agency) to facilitate the remediation effort at the old gas plant. The EPA has negotiated with AmeriGas, the ultimate owner, for cleaning up the site. The EPA has determined the City has no responsibility for the hazardous material(s) on that site. The EPA had originally thought the City had responsibility for the site. The EPA is

entering into a Settlement Agreement and Order with AmeriGas to clean up the site. They both want the City to take ownership of the site after remediation. There is no signed agreement yet. AmeriGas proposes to clean up the site, and to excavate and haul away the majority of the contaminated earth. The portion that is not excavated and hauled away will be stabilized so that it is impervious and then they will cap the site. It will cost about \$4+ million to remediate. The DES (Department of Environmental Services) and EPA will supervise the remediation. The State Historic Preservation and AmeriGas have entered into an agreement to record the site's history. An informational panel that tells the history of the site will be installed once the project is done. The state has also asked AmeriGas to try to salvage some of the plant's historic mechanisms. AmeriGas has agreed to also remediate two parcels of City-owned property where the pollution from that site has leached into the property. They have agreed to replace the sewer main that runs along and through the gas plant property (from Broad Street, down Cul de Sac, across the gas plant property, up by the bank and toward the Visitors Center). They will give the City \$75,000 to establish a contingency fund for the property. AmeriGas will hold the initial groundwater management permit and be responsible for the monitoring of the test wells. That permit will be for five years. They will warrant the cap and landscaping for one year after EPA signs off on the work. The City will not have the liability for pollution activity of the prior owners. If the City doesn't authorize the agreement with AmeriGas, the EPA will clean up the property, but they won't "dig and haul," they'll only treat the area. Mr. Santagate said the site will never be pristine, but it will be developable. Ms. Taylor said there will be an activity use restriction on the site issued by DES.

Mr. Koloski said this is a win-win. It affects the area by the bow string bridge and that someone is interested in restoring that bridge.

Ms. Taylor said the EPA wants to start this spring. She believes they are required to have a 45-day comment period.

Ms. Lovett asked if there is a cap we can put on for liability after the 5-year monitoring. Ms. Taylor said the City has no liability for past deeds, but we'll be responsible for monitoring it after five years. If future remediation is needed for post activities, we will go back to the EPA.

Mr. Reed asked for an estimated cost of monitoring after the 5 years. Ms. Taylor estimated \$2,000 to \$3,000 a year. Mr. Reed asked if the \$75,000 will be segregated. Ms. Taylor said yes. Mr. Reed asked about the restrictions. Ms. Taylor said we don't have a complete list yet. She has confirmed with DES that in the future it may be possible to amend the Activity Use Restriction, if appropriate.

Mr. Koloski talked about leaving the area as open/green space and about possible grant funds for putting a viewing platform out there or band shell.

A motion was made by Mr. Raymond and seconded by Ms. Towle to authorize acceptance of a Quitclaim Deed for approximately 1.6 acres of land, now or formerly owned by SG Propane of N.H., Inc., located on Lower Cul de Sac Place and identified on the City's tax maps as Parcel 120-110, contingent on completion of certain removal and remediation

actions on the Parcel pursuant to the final Administrative Settlement Agreement and Order between AmeriGas Partners, L.P. (AmeriGas) and the United States Environmental Protection Agency and signature of an Agreement between AmeriGas and the City. The City Council hereby authorizes the City Manager or his designees to execute all documents and undertake all actions as may be required to accept said property from AmeriGas, said Quitclaim Deed to be recorded at the Sullivan County Registry of Deeds.

Roll call vote: motion carried 7-0.

NEW BUSINESS

Capital Improvements Plan

Finance Director Mary Walter explained the Capital Improvements Plan (CIP) process. She said the gross capital costs are estimates. Fiscal Year 2015-2016 will be put into the departments' budgets. It adds 47 cents to the budget if approved by Council during the budget process. This does not include water/sewer as they have their own enterprise funds. Having a CIP helps with grant applications. She said things need to be looked at for funding such as the copper on the City Hall roof which will cost about \$700,000. The pay-as-you go capital items amount to \$2.57 on the tax rate. The year after next, we will close out the River Road TIFD (Tax Increment Finance District) and then debt payments for the Downtown TIFD will come from the General Fund. Mr. Santagate said the option would be to take it out of Fund Balance. Ms. Walter said the majority of the costs in the CIP go to streets and roads. She said this does not need Council approval; it needed and received Planning Board approval in February. Council approval comes through the budget.

There was a discussion about the fire station roof leaking. Fire Chief Rick Bergeron said there is \$5,800 left from a grant that can be used for the roof. Ms. Lovett asked about grants for restoration and Mr. Reed talked about LCHIP (New Hampshire Land and Community Heritage Investment Program). Chief Bergeron asked Mr. Reed to forward the information to him.

Ms. Walter said the CIP total over 6 years is about \$19 million with about \$3 million offsetting income.

Bernie Folta, Ward 3, asked who was on the CIP committee.

Ms. Walter said the numbers from the CIP for 2015-2016 go into the department's budget request and then the City Manager decides what gets presented to the Council. The CIP committee is made up of the Planning Board Chair, City Planner, Planning and Development Director and Finance Director. Department heads give the CIP committee their information.

Motion to Re-Approve Investment Policy

The Investment Policy was placed in the Council packet for Councilors to review before this meeting.

A motion was made by Mr. Simonds and seconded by Mr. Raymond that pursuant to RSA 47:6 and RSA 48:16, hereby re-adopts the City of Claremont Investment Policy, as amended, and authorizes the City Manager or his designees to take such actions as may be necessary to implement said Investment Policy in accordance with state law and regulation.

Ms. Taylor said the amendments are statutory changes.

Roll call vote: motion carried 7-0.

Motion for Post Office Parking Lease

Ms. Walter said the Post Office had asked to extend its current lease, but because the City doesn't know what it wants to do with the property, it was agreed they would go with a month-to-month lease. This starts at the end of the current lease.

A motion was made by Ms. Lovett and seconded by Mr. Raymond to authorize the City Manager to enter into a month-to-month lease agreement effective September 1, 2015 with the United States Postal Service for a ground lease of certain premises located at 140 Broad Street, Claremont, at an annualized rent of five thousand two hundred eighty dollars (\$5,280.00) per year, said premises to be used as a parking area by the United States Postal Service, its invitees, agents and employees.

Roll call vote: motion carried 7-0.

Resolution 2015-23 Supplemental Appropriations from Sale of Surplus Equipment –
Public Hearing

The City was able to find a purchaser of the surplus equipment for unanticipated revenue of up to \$4,300.00. The City now would like to appropriate this unanticipated revenue to Claremont Fire Department machines and equipment budget.

Chief Bergeron said the Fire Department sold 25-year old air packs to a company that refurbishes them and they sell them. They assume the liability.

A motion was made by Mr. Raymond and seconded by Mr. Simonds to adopt Resolution 2015-23 Supplemental Appropriations from Sale of Surplus Equipment.

Mr. Raymond read the resolution into the record.

Mayor Neilsen opened the public hearing.

Bernie Folta, Ward 3, wondered about the vehicle Chief Bergeron talked about and where it is in its lifecycle.

Ms. Lovett thought the unanticipated revenues should be put toward capital items.

Chief Bergeron said the Fire Department sold a ladder truck and that money went into capital reserve. He said it made sense for this smaller amount to go into an operating budget account for smaller items.

Roll call vote: motion carried 7-0.

Resolution 2015-24 Public Works Winter Budget – Public Hearing

This is a request to overspend the Public Works Streets and Roads 2015 Budget, as approved, by up to \$150,000.00 for unanticipated highway maintenance expenses related to winter storm activity. Such department over-expenditures shall not exceed the total bottom line appropriated for 2015.

A motion was made by Mr. Simonds and seconded by Mr. Koloski to adopt Resolution 2015-24 Public Works Winter Budget.

Mr. Simonds read the resolution into the record.

Ms. Walter explained that there will be more bad weather coming. As we get closer to year end, she'll come back to ask to take money from specific departments to fund this.

Mr. Reed asked where the \$150,000 amount came from. Ms. Walter said she worked with Public Works Director Tom Woodley and Assistant Director Scott Sweet to get the average costs for winter storms and they estimated needing \$36,000 for overtime, \$10,000 for gas and diesel, \$10,000 for vehicle repairs, \$43,200 for 600 more tons of salt, \$16,600 for sand, \$24,000 for gravel, and \$8,500 for stone, which comes to \$148,300, rounded to \$150,000.

Ms. Walter said the majority of the \$150,000 will come from unfilled positions.

Mayor Neilsen opened the public hearing.

Bernie Folta, Ward 3, said that the Council can suggest an alternate place to get the money. He talked about unexpended contingency funds.

Mr. Koloski said he has been monitoring other communities and the \$150,000 for Claremont is a smaller amount. He said he appreciated the per storm information in the packets. He asked how much is typically overspent in the Welfare budget. Ms. Walter said it is typically about \$40,000-\$60,000 which comes from Fund Balance, but it does not look like they are going to need it this year.

Roll call vote: motion carried 7-0.

CITY MANAGER'S REPORT

Mr. Santagate said the budget is put together about 15 months before the end of the cycle. We cannot have a deficit in the total budget. He can move line items within departments. To go between departments or take the money from Fund Balance, requires Council approval. We think we can find the money in other budgets. He said he attended an entrepreneurship class at River Valley Community College. Business Development Coordinator Zach Williams did a spectacular job putting that together. There were three presentations on proposals to develop businesses in Claremont. Mr. Santagate said one proposal will actually happen on Pleasant Street. He sees the need to help people with an incubator or business plans. They hope to continue the class next year. He attended Senator Jeanne Shaheen's rountable about the expanding drug problem, especially prescription drugs. Several police departments were represented, including Claremont. He said Police Chief Alex Scott said pharmacy companies are making a lot of money, but not contributing to solving some of the issues that are coming from there.

Mr. Santagate talked about CanAm and Jewell Trucking and that CanAm is planning to buy the property that Jewell is on and then expand. Jewell will move to another lot in Syd Clarke Park. There is potential for economic development and more jobs in Claremont.

Mr. Santagate said that the CIP committee rated items by importance. The CIP is a 6-year plan with the first year going into the budget, if it is funded. He will see what can be funded in the operating budget and then it's ultimately the Council's decision.

FUTURE AGENDA ITEMS AND DIRECTIVES

Ms. Lovett said she received a request from Michael Charest, member of a citizen group, asking to be added to the second meeting in April. Mayor Neilsen had previously asked Ms. Russell to put that on the agenda. Ms. Lovett asked about putting the sewer ordinance discussion on a future agenda. Mayor Neilsen said it is already scheduled for one of the April meetings. Ms. Lovett asked for a Downtown TIFD tutorial. She said the website doesn't have minutes for the Downtown TIFD Board and there are several vacant seats on the board.

Mr. Santagate asked what the Council wants for the sewer discussion. Mayor Neilsen said it was unanimous at the previous meeting that the Council wants the City to be responsible for the service line from the property line to the main and then Council decided to look at the whole ordinance to see if other changes are needed. Mayor Neilsen said he didn't care what else was changed as long as this is changed. Mr. Santagate said he was concerned that Council did not have all of the information available about the impact to be able to make that decision. Mayor Neilsen said he didn't care because he believes the impact would be minimal. He said Council has been told it would cost about \$5,000 for each repair and that there are about six occurrences a year for a total of about \$30,000 a year and that would be for a department that has a \$3 million enterprise fund.

Assistant Public Works Director Scott Sweet asked how Public Works would be able to determine where the plug is or if there is an issue with the individual's sewer line.

Mayor Neilsen said the property owner shouldn't have to be responsible for a blockage from the property line to the main. He said the property owner shouldn't have to dig up the City street to repair a pipe the property owner has no control over. Mr. Sweet said he has a list of issues that it could cause and he would like Council to look at that. Mayor Neilsen said regardless of the information that Mr. Sweet will bring forward, he won't be swayed.

Mr. Santagate said he wanted to make sure it was understood that those expenses will be moved to the water/sewer rate payers.

Mr. Koloski said it was discussed during construction to put a CCTV (Claremont Community Television) feed into the Claremont Savings Bank Community Center (CSBCC), but it didn't get done. He thinks as part of the renewal of the Comcast agreement, a live access point in the CSBCC should be added.

Ms. Towle would like an update on the JSL (Junior Sports League) building and what we are doing with it.

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

COMMITTEE REPORTS

Business Corridor – Steering Committee

None

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 9:21 p.m., a motion was made by Mr. Simonds and seconded by Mr. Reed to adjourn.

Voice vote: motion carried 7-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council