

The Claremont City Council held a meeting on Wednesday, October 8, 2014, 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 were:

Guy Santagate, City Manager  
Jane Taylor, City Solicitor

## **MAYOR'S NOTES**

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

William Carpenter, Chairman of the Claremont 250<sup>th</sup> Anniversary Committee, said the "Birthday in the Bricks" event went well. He thanked the Police and Council for their support and Hanover & Sunapee for the traffic warning signs. He said the Committee has been asked to do the event again. A company in the City would like to sponsor the event. The "Ourhandsthenandnow" sculpture is up at the Visitors Center Green. Sculpture lighting will be October 26, 6:30 p.m., and he hopes the Governor will speak. On the 26<sup>th</sup> at 4 p.m. there will be a musical event at the Opera House to showcase the music commissioned for Claremont followed by lighting the sculpture at 6:30 p.m. November 21<sup>st</sup> is the final musical event. They still need more money to make the rest of the wish list happen.

Councilors shared their good words about the 250<sup>th</sup> Committee, sculpture and events.

Mr. Koloski said the NH Commissioner of Cultural Resources will be here on the 26<sup>th</sup>. Mr. Koloski explained to the public that there were no taxpayer dollars involved in the sculpture; it's all donations.

Mr. Carpenter said all of the 250<sup>th</sup> Anniversary events have been done since December with only seven committee members.

Mr. Santagate said the event speaks for itself; it was a booming success and a credit to the Committee. He said the Governor's office confirmed the Governor will be here on the 26<sup>th</sup>, but we don't know the exact time yet.

#### School Update

Dr. Middleton McGoodwin, School Superintendent, said that there is a connection between the school and City; each cannot be successful without the other. He talked about challenges, which he considers opportunities. He talked about security at the schools and that adults and children must feel safe in school. Subjects discussed: Must Learns = clarify expectations, cross-grade ownership, intervention, academics is focus. He is working on updating policies for background checks. He talked about the furnace explosion that happened a week ago at Claremont Middle School. No one was hurt. The school and City worked together on that event. The school will start sending out pdf copies of the agenda, minutes and all the documents instead of sending paper copies, unless someone needs a paper copy. The information will also be placed on the school's website. He talked about identifying priorities for the 2016 budget. On a quarterly basis, at the school board meetings, they will talk about academic achievement goals. He sees challenges, but also improvements in the Claremont schools.

#### Department Reports Questions and Answers

Ms. Lovett talked about the Finance Overview Expense Summary which did not itemize the Community Center or the Library; she asked when the Finance Director determines when to itemize those. Mr. Santagate said it depends when you book those expenses. It's a matter of timing. She asked about the TIFD being "slightly" over budget when it is at 77%. Mr. Santagate talked about the recent 18-month conversion and said that we can make a presentation to explain this. There are no major issues.

Ms. Lovett talked about the Fire Department report and that Joey's on the River had no fire alarm system connected to the Fire Department. Ms. Taylor said she thought it may have been grandfathered. Mr. Santagate said we can talk to the State Representatives about changing the law.

For Parks and Recreation, Ms. Lovett had questions about Total Deferred Revenues and is concerned that expenses continue to go up. Mr. Santagate said it is the result of the accounting method and he'll be glad to explain it in the future. Councilors discussed the need for an update on the cost recovery. Mayor Neilsen said we should have a good handle on the Community Center expenses by February, so we can talk about the fee structure before the budget comes up. Mr. Santagate said we can put this on the next agenda.

Bernie Folta, Ward 3, asked if Mr. Santagate had a written projection that when the Downtown TIFD reaches maturity, it will be able to pay for the bond.

Mayor Neilsen said citizens may have received a flyer selling insurance for the water/sewer service lines from the main to the property. The company, HomeServe, has been flagged in four different states for bad business practices.

Ms. Taylor said another company, American Waterworks, is offering the same thing and the City put a notice on the website that they are not sponsored by the City.

Ms. Lovett had questions about the Police Report. Ms. Messier said the Police Commission is in charge of the Police Department and questions should be directed to the Police Commission. Mr. Santagate said Police report to the Council on the budget only. Mr. Santagate said we can bring the Police Commission to the Council to explain how they operate. Ms. Lovett asked why the arson in September was not in the Fire Department report. Mr. Santagate will ask the Fire Chief to answer that. Ms. Taylor suggested the Fire Department doesn't have sole control over the determination of arson. Police and the Fire Marshall's office usually make the final determination.

Ms. Lovett would like to have a cost analysis for winter burials and summer burials (same fee for both), and disposing of trash at the Transfer Station. It's the same fee per bag regardless of size.

Ms. Lovett questioned how Claremont Community Television (CCTV) operates with a negative Net Income of \$23,000. Mr. Santagate said we will have to have CCTV Executive Director Keith Druhl come in to explain that. Mayor Neilsen clarified that she is wondering how expenses get covered until they receive their next allotment.

#### Pancreatic Cancer Awareness Month Proclamation

Mayor Neilsen presented a proclamation to Lorraine Potvin for Pancreatic Cancer Awareness Month.

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

**A motion was made by Mr. Koloski and seconded by Ms. Towle to accept the minutes of the September 9, 10, and 24, 2014, City Council meetings.**

Ms. Lovett said September 10, page 2, 3<sup>rd</sup> paragraph from the bottom, "Ms. Lovett asked about Interest on Taxes being higher than expected." Should be "Ms. Lovett asked about the revenue of Interest on Taxes being higher."

Ms. Lovett said on September 24 that she was not here at 6:30 p.m., she arrived about 7:35 p.m.

Mr. Reed said September 10, page 8, after roll call vote, he asked to notify department heads and he specifically asked that Chief Scott's department be notified.

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

## **APPOINTMENT TO BOARDS AND COMMITTEES**

### Trustees of Trust Funds/Board of Cemetery Trustees

**A motion was made by Ms. Messier and seconded by Mr. Simonds to re-appoint Tawnya Courtemanche to seat #2 of the Trustees of Trust Funds/Board of Cemetery Trustees. with thanks for continuing to serve.**

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

### Transfer Station Ad Hoc Committee

Mayor Neilsen would like three citizens and two Councilors on the Transfer Station Ad Hoc Committee to look at any way to reduce the deficit at the Transfer Station and whether or not it is financially feasible to put more effort into recycling. We have about a year plus remaining on the City's current contract. Mr. Santagate pointed out that on October 3<sup>rd</sup>, an ad for applicants for the Transfer Station Ad Hoc Committee was posted in the Eagle Times. We have received only one application (from Robert Picard). Mayor Neilsen will wait until other applications have been received and then he will make the appointments.

Bernie Folta, Ward 3, said the posting doesn't give a deadline to receive applications. Mr. Santagate said the posting is open until the seats are filled. Mayor Neilsen would like to see people apply by the end of October. If no other applicants come forward, the committee will be made up of Council members. We want input from citizens.

## **CITIZEN'S FORUM**

Debora Matteau, Ward 1, is opposed to the proposed Charter change. Going from searching nationally to hire a professional City Manager to electing someone who has lived here for a year is a big risk for Claremont. She believes the change will be used as a way to oust people. Elected officials are difficult to remove. Under the new Charter, the mayor has veto power and it would take six aldermen to overturn the ruling. It doesn't give voters a greater voice. The Charter change will not change our taxes. Everyone who serves on a board or commission will have to declare their political party. She hopes everyone votes no.

Joe Osgood, Ward 2, made a correction; he said the Charter states that no committee shall be all one political party. He asked people to vote for the Charter change.

Dianne Harlow, Ward 3, recognized and thanked the group for cleaning up the Rail Trail.

## **OLD BUSINESS**

### Department Update – Library

Michael Grace, Librarian, showed a PowerPoint presentation about the Fiske Free Library. He talked about its history and where we are now. In addition to books, the Library offers wireless

access, computer sessions, programs for children and adults, history and genealogy resources, e-books, audio books, and a meeting room. He talked about where the Library is going including online resources, automation system (replace in the next year or so), wireless services (wireless printing), space utilization (more meeting/study space, collaborative programs, makerspace), technology training and Claremont's memory.

Councilors thanked Mr. Grace for the information and the Library staff for all of its good work.

Bernie Folta, Ward 3, wondered if the old financials and annual reports could be scanned and digitized.

Mr. Grace said they have a Vital Records Project where Jeanine Perry, volunteer, did the scanning into the computer.

### JSL Update

Ms. Taylor said the City owns the JSL (Junior Sports League) building. The City acquired the building in 1962. Claremont Junior Sports League was formalized in 1947 and was considered a voluntary association with the intent to support Goodwin Community Center (GCC). In January 1962 the JSL filed documents to become a nonprofit corporation. They didn't do anything else and they were administratively dissolved by the state in 1977. There are no additional documents on file at the state regarding filings or creation. In 1962, JSL entered into a lease with the City for one year and agreed to be responsible for heat, lights, maintenance and all repairs. The lease was never renewed. In 1987 Council minutes, the JSL promise to install a sprinkler system, which they didn't, was referenced. With Council's direction, the City sent demand letters for financial records on August 28, 2014, to Robert Knight, Dawn Holt, Thomas Sheehan and Yvonne Shuey. We received a telephone response from Dawn Holt saying she hadn't been involved with the JSL for five years. We received a response from Robert Knight indicating: he hadn't been a member of the JSL board for three years; the JSL was never a part of Parks and Recreation; the financial records for 2012 and 2013 are at the office of Accountant Steve Nemi (Ms. Taylor has not been able to contact Mr. Nemi); financial records for 2010, 2011 and 2014 are in the building and need to be retrieved by the JSL; and the JSL board is planning to seek legal counsel. We did not receive a response from Yvonne Shuey and a follow-up letter was sent to her September 26<sup>th</sup> and we have not heard any response. Even though they were administratively dissolved in 1977, the Claremont Junior Sports League obtained a tax ID number under the name Claremont Junior Sports League. They filed a federal tax return for 2007 and 2008, which creates another problem. For a NH organization to be organized as a not-for-profit, it has to be a corporation. The JSL filed for federal tax exemption as a 501(c)4 which is a government entity, as opposed to a private non-profit; it was revoked by the IRS on May 15, 2012. It doesn't appear to be a properly organized non-profit. There may be financial records at the JSL building. They belong to whoever put those files together, not the City. Absent a court process, Ms. Taylor is not comfortable just seizing the records. She asked for Council direction.

Councilors discussed JSL property that is still in the building that needs to be removed; securing and winterizing the building; inventorying the property; and they would like to know the cost to close down the building and the cost to run it until the next budget.

**A motion was made by Ms. Lovett and seconded by Ms. Towle to conduct a complete inventory with appropriate documentation of the contents of the JSL building and within 60 days have individuals obtain their personal property with proof of ownership.**

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

157 Pleasant Street Update

Mr. Santagate said the City does not own the building at 157 Pleasant Street, but we have permission from the Court to demolish and lien the property for demolition costs. There is a common wall and the City's culvert runs under the building, which makes demolition complicated. We hope to award the contract and have it done before the snow flies.

Mayor Neilsen said in reference to the Charter change vote, that the Council's silence can be construed as the Council is in favor of the change, so at the October 22 Council meeting, any Councilor can stand at the podium at Citizens Forum to speak about it.

**NEW BUSINESS**

Citizen Request to Use Wheeled Vehicle on the Rail Trail

Judith Wells, Ward 1, is requesting T&M Masonry/Construction be able to use a portion of the Rail Trail behind her property at 11 Edgewood Street to repair the foundation of her garage and replace the retaining wall to her property. The contractor will use a mini excavator and one-ton truck. This would improve the look of the trail and make the wall safe.

Ms. Taylor said permission was not given because Council voted not to allow motorized vehicles on the Trail. She encouraged the contractor to contact the City's interim Planner about different ways this might be accomplished. Ms. Wells said her property is fenced with a chainlink fence; there are gardens, trees, bushes and a huge maple tree to get around. Ms. Taylor said one exception of the federal law prohibiting motorized vehicles on the Rail Trail is for maintenance, but it is maintenance of the Trail only. Last meeting Council authorized applying for a TAG grant with a condition that we do not allow motorized vehicles on that Trail. If we allow this to move forward, it would jeopardize both the waiver application and the grant.

Steve Wood, Ward 3, speaking as a private citizen (he is chair of the Conservation Commission), said he looked at the property and suggested asking if it would be possible to get a waiver to access the trail from an unnamed road from the corner where Edgewood meets with Belmont; the road runs into McGlaflin's cornfield. That road crosses the trail. From that point to her property is about 300 feet. It would be more than 600 feet on the Trail to come from Chestnut Street. He suggested letting the agency know the circumstances. Going in that way with heavy equipment would keep the equipment away from the wetlands areas.

Ms. Taylor is willing to go back to DOT with that request.

Community Garden Renewal – Public Hearing

Mark Brislin, Parks and Recreation Director, showed a PowerPoint presentation about the Community Gardens on Sugar River Road. Council approved the Garden two years ago. Currently there are 17 garden plots in a 100 ft x 60 ft area and there is room for expansion. They are proposing to add another 100 ft x 60 ft area for 17 additional garden plots. Expansion will allow more people to enjoy gardening opportunities. They would like to pursue use of onsite water, offer outreach gardening classes and expand the amount of time granted to use the property. Gardeners have expressed interest in non-till sites for crops such as asparagus.

There was discussion about neighbors being notified of this request.

Marty Davis, Ward 2, Coordinator for the Community Gardens this summer, said the only complaint received this summer was because a neighbor thought some chairs that were placed in the garden were unsightly and they were moved. They are working with Public Works to see if they can use an empty shed for storage of gardening tools. He asked for permission to use the area for 10 years.

The plans to expand toward the river will have to be coordinated with Primex.

Mayor Neilsen asked Mr. Brislin to work with Ms. Taylor for a motion on the timeframe. Council agreed. Council agreed on 5 years with review on the 5<sup>th</sup> year. This will be placed on the October 22<sup>nd</sup> Council meeting.

Change Name of Bonmark Drive – Public Hearing

John Tursky, Ward 3, requested the name of Bonmark Drive be changed. The developer, Tony Usko, derived the name from his daughter, Bonnie, and son, Mark. Mr. Tursky said Bonnie Usko Johnson was recently convicted of a felony and the family no longer resides in Claremont, so he wants to change the name. Mr. Tursky received mixed reviews from his neighbors about the name change. He said an adjoining road, Bonnie Lane, was also named for Bonnie Usko.

The City currently has no process in place to change street names.

Mr. Koloski has been contacted by three neighbors that are opposed to the name change.

Ms. Messier said she would like to have a survey of all property owners that would be impacted by the change.

Bill Carpenter, Ward 3, lives on Bonmark Drive and he is opposed to the name change. He said he has heard that Tony Usko is opposed to the name change.

There was a discussion about notifying abutters about proposed street name changes and it was suggested to use reverse 9-1-1 (Code Red) to make the notifications. Fire Chief Rick Bergeron said it can be used, but there would be a fee if it is not an emergency.

Council agreed to put this issue off until we establish a process. At the November 12, 2014, Council meeting, Ms. Lovett asked to add this sentence: Ms. Lovett stated the need to have a process for naming of streets captured in an ordinance.

Resolution 2015-13 to Raise and Appropriate \$10,000 to Pay Investigator – Public Hearing

On July 9, 2014, the Council voted to retain a private investigator to review the City's actions with regard to property located at 54 Windsor Road; and the Mayor, on behalf of the City Council, entered into a contract for investigative services with Ulrich Litigation Support, LLC at a cost not to exceed \$10,000.00. The 2015 operating budget did not contain an appropriation for this purpose. This resolution will raise and appropriate the sum of up to \$10,000.00, said sum to be taken from fund balance (with no impact on the tax rate), for the purpose of paying for the services of Ulrich Litigation Support, LLC.

Mr. Bergeron had a meeting with the investigator on Monday; he is nearing the end of the investigation. Within two weeks Mr. Bergeron will be notified when the report will be ready.

**A motion was made by Mr. Simonds and seconded by Mr. Raymond to adopt Resolution 2015-13 to Raise and Appropriate \$10,000 to Pay Investigator.**

Mr. Simonds 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.**

Water & Sewer Line Update

Mr. Santagate introduced Tom Woodley as the new Public Works Director. Mr. Woodley will come back later to the Council with this information.

Discussion of Funding for Bible Hill/Ledgewood Drainage

Mr. Santagate talked about the bigger picture of the estimated costs for storm water drainage throughout the City.

Mr. Woodley showed a PowerPoint presentation about drainage issues – prioritizing projects and funding them.

- Charlestown Road impacted areas: Charlestown Road from Buena Vista to Grissom Lane; highway, water and sewer; Claremont Country Club area; Ledgewood Drive area; Longsdale Ave./Girard area; Bible Hill area; estimated costs = \$7,600,000 (\$2 million will be funded from water/sewer enterprise funds).

- Tyler Brook corridor impacted areas: East Street; Pleasant Street; RR crossing south of Prospect Street; Mulberry Street crossing; Myrtle Street culvert; Tyler Street culvert; Sullivan Street culvert outlet; estimated costs = \$2,835,000.
- Other areas that need to be addressed (i.e. undersized culverts): Foisy Hill area, 155 acres which includes drainage along Skyline Terrace, Cat Hole Road, Thrasher Road and Foisy Hill; Half Mile Road; Pappas Hill Road; Whitewater Road (only entrance into the Whitewater Reservoir which is the City's main supply of drinking water); Washington Street (by Coldwell Bankers); estimated costs are unknown at this time.

How should we prioritize and fund these issues? Out of 192 drainage complaints over the past 2 years, complaints received: Bible Hill – 12, Broad – 6, Tyler – 6, Maple – 6, East Green Mountain – 5, Pappas Road – 2, Half Mile Road – 1, Ledgewood – 1.

Public Works maintains 126 miles of roadway (20 miles are gravel), 35 miles of sidewalk, 12 bridges, 2,000+ signs, 1,700 catch basins and 40 downtown street lights/poles.

Mr. Santagate talked making the Charlestown Road area a TIFD (Tax Increment Finance District). Another option would be to bond the project. We would look for grants. State revolving loan fund would be for only a small portion of the project. Tyler Brook is another major area we need to look at. Charlestown Road would be the first area to be looked at. The second area would be Tyler Brook. The question is how to fund these. Mr. Woodley said these areas will have to be done as a whole, not piecemeal. Maintenance is important and they can do some of that. Mr. Santagate said in reference to the engineering report that McFarland Johnson has completed the field work and they are on track for an October 10 finish. Mr. Woodley said they have done some maintenance on the Ledgewood area drains, but maintenance won't cure the issues.

Duane Hjulstrom, Ward 3, lives in the last house on Ledgewood. He said the drainage ends up in his front yard. He has been able to deal with it until about 3-4 years ago. He is in favor of moving ahead to get something done.

Bernie Folta, Ward 3, asked about other than municipal taxes in a TIFD. Mr. Santagate said the county and school have to agree to waive their portion.

Mayor Neilsen said he and Mr. Santagate will discuss a date to look at various funding tools and having a tutorial on financial tools.

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

Mr. Santagate said Ms. Towle had asked about the energy report. He passed out a spreadsheet of the City departments' implementation of the recommendations. There has been a lot of work done for energy savings, for example, street lighting upgrade = savings of \$136,000 a year. We used the savings to pay the bill for the upgrades. PSNH estimates \$2 million savings over the life of the project.

## **FUTURE AGENDA ITEMS AND DIRECTIVES**

Ms. Lovett would like to review City Code Chapter 4, Article III, Cats; Chapter 11, Article III, Nuisances on Private Property; Chapter 14, Article II, Transfer Station and Article III Hazardous Waste. She has received complaints on these. She said according to the current Charter, ordinances are supposed to be reviewed every 5 years. Ms. Taylor said we would need to dedicate an attorney just to do that.

Mr. Bergeron asked about the City buying computers for Councilors for Council business. Ms. Taylor said some communities have gone that way and they find there are problems (too many 91-A issues).

## **COMMITTEE REPORTS**

### Business Corridor – Steering Committee

None

### Claremont Cable Advisory Committee

Mr. Bergeron said the Claremont Cable Advisory Committee met and he was made the chairman. They are reviewing a questionnaire to be sent to Comcast. There will be meetings on Saturday, October 18<sup>th</sup>, 10:00 a.m., John Goodrich Room of the Sugar River Valley Regional Technical Center and Thursday, November 6<sup>th</sup>, 6:30 p.m., in Council Chambers at City Hall to hear complaints/ideas from the public.

## **CONSULTATION WITH LEGAL COUNSEL**

None

## **ADJOURNMENT**

**At 11:30 p.m., a motion was made by Ms. Messier and seconded by Mr. Simon ds to adjourn.**

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

Respectfully Submitted,

Dorée M. Russell  
Clerk to the Council