

The Claremont City Council held a meeting on Wednesday, April 9, 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 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

Absent:

Ward I Councilor Carolyn Towle (excused)

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

School Update

Mr. Santagate said he had recently met with the school superintendent and the superintendent had agreed to meet and update the Council on a quarterly basis, but unfortunately Dr. McGoodwin couldn't make it tonight.

At 6:31 p.m. Ms. Lovett arrived.

Proclamation – Donate Life Month

Tracy Pope, Ambassador for the New England Organ Bank, talked about organ/tissue donation. April is National Donate Life Month. Mayor Neilsen presented a Donate Life Month proclamation to her.

Ms. Messier said May 31st will be the 12th annual planting of flowers in the city center. If needed, the rain date will be June 1st. They will plant 1000 plants. Heart of Claremont is a sponsor.

Mayor Neilsen said Monday, April 21, 4:30 p.m., at the Sullivan County Complex in Unity will be the dedication of the new wood chip boiler facility.

Mr. Bergeron asked to be placed on next month's agenda to report on a presentation given by PSNH that he attended.

REPORT OF THE SECRETARY

Mr. Reed asked to make corrections to pages 14 and 19 of the March 12 minutes.

Ms. Lovett asked to make corrections to pages 2 and 4 of the March 31 minutes.

A motion was made by Mr. Koloski and seconded by Mr. Simonds to accept the minutes of the March 12 and 31, 2014, City Council meetings as amended.

Voice Vote: Motion carried 8-0

APPOINTMENT TO BOARDS AND COMMITTEES

Personnel Advisory Board

A motion was made by Mr. Koloski and seconded by Ms. Lovett to appoint Patrick Howe to seat #3 of the Personnel Advisory Board.

Mr. Reed and Ms. Lovett noted they had spoken with applicant Brenda Hannah. Ms. Hannah had also applied for a seat on the Historic District Commission (HDC).

Mayor Neilsen talked about filling the different seats on the PAB (one appointed by the City Manager: Don Limoges; one appointed by the Council: Patrick Howe and; one appointed by those two: currently James Miles) and after Mr. Howe's appointment, it would be up to Mr. Limoges and Mr. Howe to determine if Mr. Miles stays in seat #2.

Roll call vote: motion carried 8-0.

Historic District Commission

A motion was made by Mr. Raymond and seconded by Ms. Messier to appoint Brenda Hannah to seat #3 of the Historic District Commission.

Voice vote: motion carried 8-0.

Zoning Board of Adjustment

A motion was made by Mr. Raymond and seconded by Ms. Lovett to appoint David Nichols to seat #4 of the Zoning Board of Adjustment.

Voice vote: motion carried 8-0.

Claremont 250th Anniversary Committee

A motion was made by Ms. Lovett and seconded by Mr. Reed to appoint Allison Zito to seat #7 of the Claremont 250th Anniversary Committee.

Voice vote: motion carried 8-0.

Mayor Neilsen said it was with regret that he accepted Russell Fowler's resignation from the Planning Board. Mayor Neilsen announced that he had appointed James Short to seat #6 and that he had appointed Marilyn Harris to seat #1 of the Claremont Planning Board. He announced there are vacant Alternate Planning Board seats that citizens can apply for.

CITIZEN'S FORUM

Michelle Springer and Amanda Minkler, Ward 2 residents and co-chairs for the Relay for Life, announced this is the 11th year for the Relay for Life. It will take place June 27-28, 6 p.m. to 10 a.m. at River Valley Community College. There will be a survivor social 1-4 p.m., May 4th at Simply Comfort restaurant.

Dennis O'Sullivan, Sullivan County Sheriff's Office, is running for Sullivan County Sheriff and he requested to speak. Mr. Koloski invited him to speak and Council concurred. Mr. O'Sullivan talked about his background and goals if elected.

Bernie Folta, Ward 3, talked about a session he went to at the UNH Law School, Making Participation Legal: Building a Stronger Infrastructure for Public Engagement.

Rebecca MacKenzie, Ward 2, said she was representing Sullivan County Recycles. She said their goal is to increase recycling in Sullivan County. They will be a discussion: Cutting Waste and Saving Dollars, on Wednesday, April 23rd, 6:30 p.m. – 8:30 p.m., at the Sugar River Savings Bank in Newport, NH. She invited the Council to attend.

Claremont 250th Anniversary Committee

Bill Carpenter, Ward 3 resident and Co-chair of the 250th Committee, said he had just received notice of another donation of \$9,000, but they still need more. He said the Alumni Parade will have the Wells Fargo Coach. Retro Ball (May 3rd, Common Man) tickets are available. Construction will begin the week after next on the sculpture. Construction of the base will begin

in early May. September 20th is Birthday in the Bricks. Mr. Koloski said you can go to Claremont250.com to get information.

Main Street Update

Bruce Temple, Public Works Director, said the City had received \$487,000 federal money through Senator Shaheen's office for the Main Street Project. The project area will be from Leo's store to Opera House Square. It will cost about \$100,000 for engineering design services. He announced a public meeting on May 13, 6 p.m., at the CSB Community Center. Next week notices will go out to abutters and will be published in the newspaper. The design process is expected to be complete in late fall and then it will go out to bid in spring 2015.

Mayor Neilsen asked for North and Main Project timeline. Mr. Temple said it is in the final design stage. It will be 15-18 months before it goes out to bid.

OLD BUSINESS

New Community Center Update

Mark Brislin, Parks and Recreation Director, showed a PowerPoint presentation, Claremont Community Center April Report.

- Claremont Community Center Programming March 2014
- Statistics for March
 - 5,870 active members
 - 2,803 membership packages
 - Hosted 44 meetings and parties
 - 12,953 members checked into the facility
 - 1,387 guest passes were sold
 - 14,340 guests used the facility for March
 - 138,161 total patrons
 - \$0.26 Cost Recovery Prior to Opening
 - \$0.62 Cost Recovery of New Facility

Mr. Simonds asked about changing the hours of operation. Mr. Brislin talked about doing surveys to find out what hours patrons would like.

There was a discussion about cost recovery and fees. Ms. Lovett stated that in January we agreed to review the Fee Schedule in March and it is now April.

Mr. Bergeron asked about the review of the Community Center after the first year of operation. Mr. Santagate said the March books were not closed yet. He said in May we will look at all the budgets.

Sale of City-Owned Property Update

This will be in Non-Public.

39 Central Street

Kurt Beek, Project Manager, provided a break-out of estimated costs of the 39 Central Street structure demolition. He said remediation would be required before demolition of the structure. Mr. Santagate said demolition fees will be in the budget.

Ms. Lovett asked about NHDES petroleum fund reimbursement. Mr. Beek said the City does not own the property and DES has been made aware of a potential release of petroleum in that structure.

Mayor Neilsen asked about the City taking ownership of the property and then demolishing it. Ms. Taylor said if the City takes ownership, we become the responsible party forever for the on-site pollution and hazardous materials.

Ms. Taylor said an environmental assessment has been done. The next step is remediation. The City can facilitate remediation of an abandoned property without taking ownership. If we get documentation from DES that the site was remediated, we may be able to do something with the site.

Smoking Ban Public Hearing

Mr. Santagate said it is up to the Council to decide what options it would like to see included in the ordinance for a smoking ban.

Ms. Taylor said she and former Parks and Recreation Director Scott Hausler started working on this several years ago. There is no state law regulating outdoor smoking or authorizing municipalities to do so. Smoking is a legal activity. If Council wants to enact a ban and link it to public health and safety, then they could probably enact a local ordinance (i.e. at the playground, swimming pool). She recommended following the Laconia model (i.e. name specific parks and where you can't smoke). She noted that there is already a certain level of smoking ban in Monadnock Park. She recommended a strong purpose statement to justify under the Council's powers. She would incorporate state law by reference and include curtilage (steps and entrance areas). Most referenced communities include smoking equipment or devices (i.e. e-cigarettes). If Council recommends moving forward with the ordinance, signage should be included. She suggested fines for first, second and third offenses and to allow removal from the facility or park for violation of the ordinance.

Mr. Bergeron opposed a smoking ban when there are no other people in the park or events. There needs to be a compromise. Some taxpayers are smokers. Don't take away people rights.

Ms. Lovett suggested the Parks and Recreation Commission work on this and then present it to the City Council.

Mayor Neilsen opened the public hearing.

Bernie Folta, Ward 3, was happy with this process. He doesn't have an opinion on the smoking issue.

Steve Raymond, Ward 1, agreed with Mr. Bergeron. He doesn't think Council should discriminate against smokers.

Arthur Adams, Chestnut Street, said to be careful how you define things. He talked about the nicotine patch and that you don't want to discourage ways of stopping smoking such as e-cigarettes. He said you need to specify what you are trying to prohibit.

Jim Feleen, Ward 2, said the Parks board members were receiving complaints about smoking and they had drafted a proposed ordinance. He said he would be happy to jumpstart that again.

Jeff Coburn, Ward 1 resident and Parks and Recreation Commission member, said this will be placed on their next meeting agenda on the 14th.

David Putnam, Ward 2, said the school properties are tobacco-free zones. He said he asked Police Chief Alex Scott about prohibiting smoking at sports events. Chief Scott said no tobacco is allowed on the track.

Mayor Neilsen closed the public hearing.

Mr. Koloski would like to see this go back to the Parks and Recreation Commission (PRC) for definition. He doesn't have a problem with smoking in parking lots. He was curious what Arrowhead Recreation has to say.

Mayor Neilsen said there should be areas where people can congregate to smoke. He was in favor of this going to PRC.

Ordinance 535 Amending the Non-Union Employee Classification Plan – Second Reading

The purpose of this proposed change is to align various changes to the listing of job classifications adopted by amendment to the Merit Plan since February 2013, pursuant to Section 51 of the Claremont City Charter and Section 2 of the Merit Plan, and to enact a new 2014 Non-Union Employee Pay Schedule, replacing the Pay Schedule adopted April 11, 2007. The proposal also moves the position of Superintendent Parks & Facilities from Grade 8 to Grade 9, Superintendent of Recreation Programs and Part Time Police Accreditation Coordinator from Grade 7 to Grade 8 as a result of the re-pointing process which showed increased job duties for

these positions. The Personnel Advisory Board has reviewed and approved the proposed changes.

Enactment of this Ordinance will: 1) update the non-union employee classification schedule and 2) adopt a new Pay Schedule for non-union City employees, pursuant to Section 25 of the City Charter, which will permit all non-union city employees to become eligible for a merit pay increase in calendar year 2014, as approved by prior budget action of the City Council.

Mary Walter, Finance Director, said this is the second reading; there will be a third reading and public hearing at the next meeting.

Mr. Reed talked about amending the ordinance to remove grades 12 and 11 from the proposal so that the \$2,000 pay increase would only go for grades 10 through 5.

Ms. Walter said not all department heads got raises. The \$2,000 was buy back for them paying into health insurance.

Mr. Koloski wants to know when the PAB will review this again.

Ms. Taylor said the PAB is to advise Council concerning personnel policies. They are an advisory board. Their only decision-making responsibility is when they hear appeals from Merit Plan employees. Council can make decisions independently from the PAB.

Mayor Neilsen said the grading is done by an outside source. Council controls setting the scale.

Mayor Neilsen asked to move this to the third reading next month and if Council does not have input from the PAB, Council does not have to vote to approve it that night.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Ordinance 535 Amending the Non-Union Employee Classification Plan on second reading.

Mr. Raymond read the explanation of proposed action.

Roll call vote: motion carried 8-0.

NEW BUSINESS

ATV Usage on Trails

Mr. Santagate said he met with NH DOT (Department of Transportation). DOT said ATVs should be banned from a portion of the trail, but they have not provided documentation. US DOT agreed with NH DOT.

Ms. Taylor said this is the 2.7 miles of rail bed that was abandoned from the gate on Washington Street over to Pleasant Street. The City contributed \$64,000 to purchase it outright from the state

in June 1999. NH DOT has decided this was funded through a federal law that says ATVs are banned. No one has been able to find the original grant documents. The City has thought it was funded under a provision that does allow ATVs. We have letters stating there are no use restrictions. The state has not been able to produce documents to back up their statements. The City could request a waiver from the Federal DOT, but waivers are not usually approved.

Police Chief Alex Scott said until this is resolved, he would recommend not giving permission to the SCATV Club. The funding needs to be clarified to determine ATV use.

Mr. Santagate said another option would be to pay the approximately \$285,000 reimbursement the federal government.

Ms. Lovett suggested getting the State Senators and Representatives involved.

Chief Scott said the Quitclaim Deed should be the controlling document. The deed is silent on restrictions except for the right-of-first refusal to the state.

Ms. Taylor also would not recommend approving this. ATVs can't go out on the trails until May 23rd, so we have additional time to review.

Mark Carrier, Trail Administrator, Sullivan County ATV Club said the only trail that is open is the Rail Trail from the gate to Newport and all the other trails will be closed until May 23rd.

Arthur Adams, Chestnut Street, said he lives on the trail and for the first couple of years, there was signage for no motorized wheel vehicles. He believes the trail was not intended for other than pedestrians. He talked about liability of potential insurance claims being made against the City. He suggested looking at old Argus newspaper articles about no wheeled motorized vehicles on the trail.

Mr. Carrier believes the landowner would be covered by insurance unless the landowner is negligent.

Holly Carrier, President, Sullivan County ATV Club, said their club cleans up the trails. She is not aware of any other groups doing clean up. Children are required to take a safety class.

John Lucas, Ward 3, said he never saw signs on the trail banning ATV use. Believes it is unfair for ATVs to be excluded and he asked Council for consideration. They have been responsible for the trails.

Terri Lambert, Meriden resident and SCATV Club member, suggested looking at the North Haverhill trail for suggestions, since they allow ATVs.

Mr. Adams asked Chief Scott about the requirement for ATV drivers to be licensed and the registration requirement for the ATVs.

Chief Scott said OHRVs are registered yearly. Under a certain age has to have a safety course. A license is not required. If a drivers license is suspended, you can't drive an ATV.

Diane Harlow, Ward 3, Certified NH Fish and Game Safety Instructor, said 12-16 year olds have to have a safety course. Over 16 years old with no license, you have to have a safety course. Since 2001, 150-200 kids have gone through the safety courses. A small percentage of people are not using the trail correctly.

Mr. Bergeron said if ATVs are banned, the state should show us the proof.

A motion was made by Ms. Lovett and seconded by Mr. Koloski to table this and put it on the May 14th agenda.

Roll call vote: 7-1 with Mr. Raymond voting no.

Sullivan County ATV Club Annual Trail Permission

Not addressed at this meeting.

City Center Initiative – TIGER Transportation Grant

Nancy Merrill, Planning and Development Director, said when the City Center Steering Committee HUD grant ended, the Steering Committee ceased to exist. She asked Council to reinstate the committee for one year to advise the City on City Center initiatives. This would be a new committee with up to 12 City residents or business representatives. Meetings would be once a month. It would be advisory to Planning and Development and to Public Works as we look at neighborhood stabilization, business climate and transportation.

A motion was made by Ms. Messier and seconded by Ms. Lovett to authorize the City Manager or his designees to reconstitute the City Center Project Steering Committee as the City Center Initiative Committee to include up to 12 City residents to provide citizen input to the Planning and Development and Public Works Departments on upcoming projects and grant opportunities, said committee to meet monthly through June 30, 2015.

Voice vote: motion carried 8-0.

Bruce Temple, Public Works Director, asked for permission to apply for a TIGER (Transportation Investment Generating Economic Recovery) grant. It is a Federal Highway Administration program with 80% federal funding and 20% local match. Up to \$120 million is available nationwide. The application is due April 27. This program involves rebuilding streets and sidewalks. The project would begin at the Citizen Street bridge to Esersky's bridge; it would tie into the Main Street project; it incorporates West Terrace to Elm Street, Schmitt Street, Spring Street to North Street, Belding Street to North Street and then up to Route 120 which incorporates our Safe Routes to Schools grant. At least half of this project has been designed and met review process and approval from NH DES.

A motion was made by Mr. Koloski and seconded by Mr. Bergeron to authorize the City Manager or his designees to undertake all such actions as may be required to apply for a United States Department of Transportation "Transportation Investment Generating Economic Recovery Grant," commonly referred to as a "TIGER Discretionary Grant," for funding of City road and sidewalk construction and reconstruction projects.

Voice vote: motion carried 8-0.

Renew Licensing Agreement Map 152-7

Ms. Merrill said Gary LeClair grows crops on 10 acres of a 35 acre City-owned parcel. He pays property taxes on that portion. This is the annual licensing renewal.

A motion was made by Mr. Bergeron and seconded by Mr. Koloski to authorize the City Manager or his designees to negotiate and enter into a License Agreement with Gary LeClair to use a portion of Parcel 152-7 for agricultural use for one (1) year, renewable annually upon approval by the City Council.

Voice vote: motion carried 8-0.

Resolution 2014 - 4 Raise and Appropriate \$1,000 for Charter Commission from Fund Balance – Public Hearing

Ms. Taylor said the Charter Commission has some expenses; the largest chunk was having representatives from NH Municipal Association come to one of the Commission meetings. The Commission will have advertising and publication costs as well. Money was not included in the City's budget because we didn't know we would have a Charter Commission.

A motion was made by Mr. Raymond and seconded by Ms. Lovett to adopt Resolution 2014 - 4 Raise and Appropriate \$1,000 for Charter Commission from Fund Balance.

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

Roll call vote: motion carried 8-0.

Ordinance 536 Conforming Article V, Merit Plan, Claremont City Code – First Reading

The purpose of this proposed change is to align the revisions to the Merit Plan, as approved by the City Council, with Part II, Chapter 2, Article V, Merit System, of the Claremont City Code in order to eliminate inconsistencies between the Code provisions and the Merit Plan.

Enactment of this Ordinance will: 1) conform the Code with the Merit Plan by removing inconsistencies between the two enactments; and 2) update the Code by removing provisions

(already removed from the Merit Plan) that are no longer in compliance with either state or federal law.

Ms. Taylor said with the Merit Plan changes, we need to update the Merit System to reflect the Council actions.

Mayor Neilsen said on page 7, in the longevity chart, it should be \$600, not \$6,000 (not a substantive change).

A motion was made by Ms. Lovett and seconded by Mr. Koloski to adopt Ordinance 536 Conforming Article V, Merit Plan, Claremont City Code on first reading and to put it on the May agenda.

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

Voice vote: motion carried 8-0.

Motion to Accept \$25,000 Gift from National Field Representatives, Inc. for the 250th Handsnowandthen Sculpture

A motion was made by Mr. Bergeron and seconded by Mr. Simonds to accept, with sincere appreciation, the donation of a gift of \$25,000 from National Field Representatives, Inc. for the 250th "Handsnowandthen" Memorial Sculpture to be located at the Visitors Center Green.

Voice vote: motion carried 8-0.

Motion to Accept \$10,000 Gift from Claremont Savings Bank for the Claremont 250th Anniversary

A motion was made by Mr. Bergeron and seconded by Mr. Raymond to accept, with sincere appreciation, the donation of a gift of \$10,000 from Claremont Savings Bank for the Claremont 250th Anniversary celebration.

Voice vote: motion carried 8-0.

Motion to Accept \$10,000 Gift from Satzow Family Fund of the NH Charitable Foundation for the Construction of the Sculpture for the 250th Anniversary

A motion was made by Mr. Raymond and seconded by Mr. Reed to accept, with sincere appreciation, the donation of a gift of \$10,000 from the Satzow Family Fund of the New Hampshire Charitable Foundation for the construction of the 250th "Handsnowandthen" Memorial Sculpture to be located at the Visitors Center Green.

Voice vote: motion carried 8-0.

CITY MANAGER'S REPORT

Mr. Santagate said the week of April 28th will be street sweeping. The week of May 5th we have requested the County prisoners to sweep and clean the City center. May 12th will be the Citywide clean up. Weed spraying will be done. The trash receptacles will be put back in place.

In reference to the Cy Pres petition, Mr. Santagate and Ms. Taylor were in court today. He said Ms. Taylor did a spectacular job explaining why we believe this is a trust and why we can't break that trust. His question is who has the authority to dispose of or improve the property. He believes the economic life of the building is over. He talked about moving the stone with the GCC name on it to the CSB Community Center. The City has asked the Court to allow any funds raised from the disposal of the property to be used toward the CSBCC.

Mr. Santagate said the committee created tonight was a good idea. He noted there are 179 seats with 48 vacancies on City boards and committees. We want people to apply to fill the vacancies we have to give residents a chance to have input.

Mr. Santagate said in reference to the Assessing Department that he wrote to the commissioner notifying him that we intended to go ahead with a statistical revaluation. If we don't hear from him, we assume it is okay to go ahead. We sent out an RFP for the revaluation and a proposal has been forwarded to DRA for review. We are close to signing a contract. Valuation notices will be given to property owners before the new tax bill is sent out.

FUTURE AGENDA ITEMS AND DIRECTIVES

Ms. Lovett said we need to schedule budget meetings in May. We need to put Peter Wright, CEO Valley Regional Hospital, on the May agenda. We need to schedule a goals and objectives strategy workshop.

At 11:35 p.m. Ms. Lovett left Council chambers.

After discussion, Council decided to have budget meetings May 6, 13 and 20, from 6 p.m. to 10 p.m. The regular Council meeting will be May 14th. Final adoption of the budget will be on the 20th. Council wants to have May 22nd available in case extra time is needed to finish the budget.

Ms. Messier asked about putting the City Manager's Report further up on the agenda. Mayor Neilsen said you have to change Council Rules to move it.

Mr. Simonds said multiple people have come to him about the signage in front of City Hall. Mr. Santagate said that replacement of the sign is in the works.

Mr. Reed asked if repairs can be made to the roof of the church next to fire house. He said he mentioned it to Mr. Santagate who is looking into it.

Mr. Bergeron said he would like to meet with Mr. Koloski and the people downtown to see if a taskforce is needed. He will tell them about the City Center Initiative to see if they are interested in volunteering.

Mr. Koloski said a resident off Washington Street is upset about Dunkin' Donuts and Moody Avenue and the traffic pattern there. Mr. Santagate said Dunkin' Donuts owns the house next door and Dunkin' Donuts has submitted a site plan to rebuild the shop and change the traffic pattern.

Mr. Koloski said a resident asked about the process to change a street name. Mr. Santagate said Council has the authority to name streets.

COMMITTEE REPORTS

Business Corridor – Steering Committee

None

NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3,II(d) - Real Estate

Postponed.

CONSULTATION WITH LEGAL COUNSEL

ADJOURNMENT

At 11:57 p.m., a motion was made by Mr. Koloski and seconded by Mr. Simonds to adjourn.

Voice vote: motion carried 7-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council