

The Claremont City Council held a meeting on Wednesday, May 14, 2014, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Neilsen at 6:00 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

Absent:

At-Large Councilor John Simonds

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

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

A motion was made by Ms. Messier and seconded by Ms. Lovett to go into Non-Public Session pursuant to RSA 91-A:3,II(d) – Real Estate and to invite Mr. Santagate, Ms. Taylor, Planning and Development Director Nancy Merrill and Dorée Russell into the session.

Roll call vote: motion carried 8-0.

Ms. Merrill said one bid had been received for the vacant City-owned lot on North Street, Tax Map 107, Lot 340. Ruth Thompson had bid \$1,500 for the .31 acre lot. It has an assessed value of \$35,900 and is in a PR zone. Ms. Thompson proposed to keep it as green space or to expand parking for her abutting apartment building in the future. Ms. Merrill recommended not accepting the bid as it was too low.

Ms. Merrill said a bid was received for Map 177-4 on Charlestown Road. The assessed value is \$45,200 and the bid for the 11.6 acre lot from Frank Sprague was \$20,000. He wants to keep it as green space and do some maple sugaring. Only part of the lot is B2; the rest is RR2. There

was discussion about surrounding lots that were listed for sale for over \$300,000, but it would cost about \$200,000 to make this lot buildable.

A motion was made by Ms. Lovett and seconded by Mr. Raymond to come out of the Non-Public Session.

Roll call vote: motion carried 8-0.

Public session resumed.

A motion was made by Mr. Raymond and seconded by Ms. Towle to decline to accept the offer to purchase City-owned land located at Tax Map 107, Lot 340 (North Street) to Ruth Thompson for \$1,500.00 and to authorize the City Manager or his designees to re-advertise said property for sale.

Voice vote: motion carried 8-0.

A motion was made by Mr. Bergeron and seconded by Ms. Lovett to authorize the City Manager or his designees to negotiate, execute and undertake all such actions as may be required to convey City-owned land located at Tax Map 177, Lot 4 (Charlestown Road) to Frank and/or Heidi Sprague for \$20,000.00, and to accept all proceeds related thereto for deposit into the applicable City account.

Voice vote: motion carried 8-0.

MAYOR'S NOTES

Claremont 250th Anniversary Committee

Bill Carpenter, Co-chair Claremont 250th Anniversary Committee, talked about the successful Retro Ball; the Hale exhibit at the Visitors Center; selling license plates and calendars; erection of the sculpture in August/early September with the lighting of it on October 26; Birthday in the Bricks on September 20 (they are close to having raised enough money for all the rides to be free); restaurants will be open with food specials for September 20. They have fundraised \$92,000, but still need more. Donated parking meters will be for sale during Alumni Weekend. The mailing address is: Claremont 250th Anniversary Committee, 24 Crescent Street, Claremont.

Stevens High School Alumni Proclamation

Mayor Neilsen presented the Stevens High School Alumni proclamation to Robert Stringer.

PSNH Report by Victor Bergeron

Withdrawn

Ms. Messier announced flower planting on Saturday, May 31, 9 am to noon, rain date is Sunday.

Ms. Lovett said the Claremont Farmers Market opens May 22, 4-7 p.m.

REPORT OF THE SECRETARY

A motion was made by Ms. Lovett and seconded by Mr. Reed to re-accept (re-accept with the previously omitted additions) the minutes of the March 31, 2014, City Council meeting

Voice vote: motion carried 8-0.

A motion was made by Mr. Koloski and seconded by Mr. Bergeron to accept the minutes of the April 9, 2014, City Council meeting with stated corrections.

Mr. Koloski gave the correct names for Relay for Life during Citizens Forum: Michelle Springer and Amanda Minkler.

Ms. Lovett asked to add under New Community Center Update: Ms. Lovett stated that in January we agreed to review the Fee Schedule in March and it is now April.

Voice vote: motion carried 8-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Parks and Recreation Commission

A motion was made by Ms. Lovett and seconded by Ms. Towle to appoint Ernest Rehrig to seat #3 – At Large of the Parks and Recreation Commission.

Voice vote: motion carried 8-0.

Tax Increment Finance District Advisory Board – River Road

A motion was made by Ms. Lovett and seconded by Mr. Raymond to appoint David Gobin to seat #2 of the Tax Increment Finance District Advisory Board – River Road.

Voice vote: motion carried 8-0.

Claremont City Center Initiative

A motion was made by Mr. Raymond and seconded by Ms. Towle to appoint Martin Davis to seat #1 of the Claremont City Center Initiative.

Voice vote: motion carried 8-0.

A motion was made by Mr. Bergeron and seconded by Ms. Lovett to appoint Thomas Rock to seat #2 of the Claremont City Center Initiative.

Voice vote: motion carried 8-0.

A motion was made by Mr. Raymond and seconded by Mr. Reed to appoint David Putnam to seat #3 of the Claremont City Center Initiative.

Voice vote: motion carried 8-0.

Mayor Neilsen pointed out there are still vacant seats for this initiative and he invited citizens to volunteer.

CITIZEN'S FORUM

No one spoke.

OLD BUSINESS

Ordinance 535 Amending the Non-Union Employee Classification Plan – Third Reading – Public Hearing

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 in grade 6 there is 1 person, grade 7 there are 5, grade 8 there are 2, grade 9 there are 14, grade 10 there are 6, grade 11 there are 3 and grade 12 there are 6. The budget that is being presented to the Council has additional increases for 1 person in grade 6, 3 people in grade 7, 2 in grade 8, 10 in grade 9, 3 in grade 10, 1 in grade 11 and 3 in grade 12. Everyone will get a raise in January, but 14 out of the 37 will not get one in July.

Mr. Santagate said it is the Council's responsibility to set the cap and we are asking Council to move some of those caps. We have done comparatives with several communities. He talked about pointing of the grades and that the job descriptions are sent to an outside company and they set the grade levels.

Mayor Neilsen asked if the Personnel Advisory Board (PAB) would review the results of the grading. Mr. Santagate explained the make-up of the PAB and that it is an advisory board. The Council is the ultimate deciding authority.

Ms. Walter said this is not to ask to give pay increases, but to give those grades and salary ranges for those positions. To get to the numbers listed, Ms. Walter said she looks at the salaries in comparable communities and at the Consumer Price Index (CPI). It has been seven years since the last adjustment. The decision to give Merit Plan employees raises is ultimately made by the City Manager; he cannot go above the cap that is approved by Council.

Mr. Bergeron asked if the City can justify that salary structure. Mr. Santagate said if the salaries don't get straightened out, we could lose good employees. We are a tight margin city and have been level-funded for several years and part of that was because we've had no salary increases. Employees are now contributing to their health insurance.

Mr. Bergeron said he doesn't agree that part-timers should be paid the same as full-timers. Ms. Walter said if they are doing the same work, they should get the same pay rate and part-timers don't get insurance.

A motion was made by Mr. Koloski and seconded by Ms. Towle to adopt Ordinance 535 Amending the Non-Union Employee Classification Plan.

Mr. Koloski read the explanation of proposed action into the record.

Ms. Walter said there is also money in the new budget for part-timers. She calculated those amounts based on the salary survey, but that doesn't mean directors will give employees those amounts.

Mayor Neilsen opened the public hearing.

Bill Carpenter, Ward 3, said he is a public service employee (not the city). He said in reference to paying part-timers less than full-timers, that if he goes on leave from his job, his employer cannot hire someone part-time and pay them less. He urged Council to adopt this. He said "brain drain" is very costly.

Anthony Shepard, Claremont Police Department and Merit Plan employee, said he is not head of the department and was hired almost 8 years ago. He said he believes Mr. Bergeron's constituents want to get valued/qualified members of the government working for them, but you have to pay for that. He has been an attorney for 25 years (prosecuting attorney in Merrimack and Cheshire County Attorney offices) and a police officer for 13-14 years; he is an EMT and a

drug recognition expert. He was hired because of his background and education to be the prosecutor; and he is a Lieutenant. He said 10-15 officers have left since he came here. He believes it is because of lack of pay increases. Merit Plan employees are still fighting to get a fair salary.

Steve Raymond, Ward 1, said all employees deserve raises. He asked how many homes are going up for sale because they can't afford to stay in Claremont. He asked what we are going to do about people leaving because they can't afford it.

Mayor Neilsen closed the public hearing.

Ms. Towle said she supports the change because: 1) the budget is level-funded; and 2) turnover costs double. We need to retain employees.

Mr. Bergeron said he is not against giving people good raises, but he has to ask questions.

Roll call vote: motion carried 8-0.

Ordinance 536 Conforming Article V, Merit Plan, Claremont City Code – Second Reading – Public Hearing

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 Council had adopted changes to the Merit Plan earlier and that resulted in the Claremont City Code being out of sync. This is a housekeeping measure. It doesn't change anything that has already been done. The typographical error discovered last meeting has been corrected.

A motion was made by Ms. Messier and seconded by Mr. Raymond to adopt Ordinance 536 Conforming Article V, Merit Plan, Claremont City Code.

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 8-0.

Sale of City-Owned Property

None

New Community Center Update

Mark Brislin, Parks and Recreation Director, gave an update of the Community Center. Claremont Community Center May 2014 Report; 159,931 Total Patrons; \$0.26 Cost Recovery Prior to Opening; \$0.63 Cost Recovery of New Facility.

Peter Wright, Valley Regional Hospital

Peter Wright, VRH CEO, introduced Oliver Herfort, Chief Medical Officer, and Margaret Down from The Dartmouth Institute (TDI). He talked about TDI, accountable care organizations and improving healthcare outcomes in communities. TDI has partnered with the hospital to do a health survey. It is an anonymous survey, done by an independent third party. It will be used to get a baseline of the health of the community. Later on they will remeasure to determine tangible improvements.

Ms. Down said the survey takes 15 minutes to complete. It will be available in e-mail format and it can be taken at survey stations May through November. They hope to present the results at a forum in November.

Mr. Wright said this initiative costs the City nothing. He appreciates the support for this.

Mr. Santagate talked about the partnership with the CSB Community Center. Mr. Wright said it is really good working with the CSBCC.

Ms. Lovett said the objective is to get as many people to take the survey as possible to get a picture of community health and then make decisions where we want the community to go. Ms. Down said information will go out to the newspaper, CCTV, social media, etc.

Establishment of Capital Reserves for Claremont Savings Bank Community Center

Mr. Santagate said he is not asking the Council to do anything tonight. This will come forward next month. We want to set this up to preserve the CSBCC building and equipment.

Community Center Fees

Mr. Brislin showed CSBCC fees: Snapshot Comparison of Cost of 1 Year of Operation; CSBCC Rates; Current Membership Package Totals.

Councilors discussed the fees and cost recovery. Mr. Brislin said he can reevaluate the 10% membership discount that was offered. He does not anticipate a fee increase this year.

There was discussion that this facility was never meant to be self-sustaining and there are other things in our community that are not self-sustaining either (i.e. Opera House, JSL, Transfer Station). Some of the Councilors thought an analysis of the fees and taking a look at the cost recovery for other communities was a good idea.

Mr. Santagate said if we are going to use cost recovery, we should be consistent and look at all areas, i.e. the transfer station. When we pay the bond, we still have an asset (the building). Health is a major thing for the community and the community center is very important to fight obesity, and also for social activities.

Parks & Recreation Commission – Smoking Ban

Jim Feleen, Ward 2 resident and Parks and Recreation Commission (PRC) member, said the PRC submitted a proposal of an absolute 24/7 ban on smoking in any City park. It included a 100 foot buffer zone around each park. They feel this should be in place regardless of any or no activities in the park. Otherwise enforcement could be a nightmare.

Mr. Bergeron said Council had asked the PRC for a compromise not a complete ban. He will vote no. Mr. Feleen said they considered a compromise and rejected it.

Councilors discussed the possibility of restricting the number of people wanting to rent facilities without the ability to smoke outside; they questioned the 100-foot buffer lines; they suggested there should be designated smoking areas; and they were concerned about enforcement.

Mayor Neilsen opened the floor for public comment.

Police Chief Alex Scott said there should be no smoking in Monadnock, Barnes and Veterans Parks and at the playground at Moody Park because of the youth sports. We should start with those parks to see how it goes and then expand it.

Mr. Wright agreed with Chief Scott.

Steve Raymond, Ward 1, used to be a heavy smoker. He thinks it is a disgrace that people being stripped of their rights to smoke. There are not enough programs to help people to quit smoking.

Dr. Herfort said he deals with the consequences of patients smoking every day. This is a small step toward reducing smoking in parks (areas of recreation).

Mr. Wright and Dr. Herfort were in favor of a smoking ban park wide.

Ms. Taylor said this would have to be put in ordinance form and noticed as an ordinance.

Ms. Lovett said that smoking is problematic at the Farmers Market. Mr. Raymond asked to include Broad Street Park.

There was consensus of the Council to support a smoking ban in Monadnock, Barnes and Veterans Parks, the playground at Moody Park and Broad Street including the sidewalks surrounding it.

Ms. Taylor clarified Council wants a complete ban on smoking in Veterans Park, Monadnock Park, Barnes Park, the playground area of Moody Park and Broad Street Park. She will work with Chief Scott for violation provisions. She will work on a buffer definition for the playground area at Moody Park.

ATV Usage on Trails/Sullivan County ATV Club Annual Trail Permission

Ms. Taylor gave some background information. In August 1993 NH Department of Transportation (NH DOT) approved the City's acquisition of the 2.7 miles of abandoned rail bed. The acquisition was completed in 1999; the City paid \$64,000 and the federal government paid \$258,000. There were no statements in a September 1998 letter to former City Manager Robert Porter and a Quitclaim deed of 1999 banning motorized vehicles on that property. Motorized vehicles have been using the trail since beginning. Grant documents were destroyed by DOT 3 years after the grant was completed. Approximately \$63,000 in grant money and \$26,000 raised by Sullivan County ATV Club (SCATV) has been spent on maintenance and enhancements on the Rail Trail. That doesn't include the \$17,000 spent on the crossing at Market Basket. There are four options: discontinue use of motorized vehicles on the trail, apply to the federal highway administration for an exception, develop an alternative trail for motorized vehicles, or construct an alternative non-motorized trail in the same general corridor or pay back the approximately \$285,000. For tonight, SCATV divided their trail permission application into two pieces. One piece covers City-owned property and Class 6 roads and the other piece covers only the portion of the Rail Trail between the gate at the Newport end and the traffic signal at Market Basket. It doesn't include the rest of the Rail Trail or the Arrowhead area. It's up to Council whether it wants to move forward with the exception process to allow motorized vehicles on some or all of the trails.

Mr. Santagate and Ms. Taylor said neither side can provide proof that motorized vehicles are or are not authorized on the trail. Ms. Taylor said there is a process for a waiver.

Mark Carrier, Trail Administrator for SCATV, said without approval, the City would probably not be covered by the state's insurance for the trail usage by motorized vehicles.

Mr. Koloski would like to see us apply for this waiver and approve the other section of the trail.

Brian Bunnell said this would close his access to the rail bed, so he would have to truck his ATV down to Market Basket.

Brian Bunnell (different Brian Bunnell), said he sells registrations for ATVs from his facility. He suggested the clubs could look into private insurance to cover them.

Rick Demenico moved to Claremont because of the ability to ride ATVs in this area. He likes to go out on the trails with his daughters. He talked about ATVs being used by injured veterans. He said taking away this privilege will affect a lot of things.

Holly Carrier, SCATV President, said losing the Rail Trail will cause businesses to lose money because ATVers won't go to restaurants, etc. If they lose the trail, she personally will not clean the trails and they won't be able to help out with the SHS Alumni Day Parade.

Theresa Lambert, Plainfield resident and SCATV member, said this is her way to get outside. There is 20 years of precedence, 20 years of grant and aid money and lots of work has been done on the trail.

Mr. Koloski talked about a communication he had received from Chris Irish stating he was in favor of opening the trail system for the SCATV.

Ms. Towle would like to see us work something out to get the ATVers back on the trail.

A motion was made by Mr. Bergeron and seconded by Mr. Reed to grant permission for another year and to apply for the waiver provided the City is supplied with insurance.

After discussion about liability issues for the City and the desire to apply for the waiver, **Messrs. Bergeron and Reed rescinded the motion and the second.**

A motion was made by Mr. Koloski and seconded by Mr. Raymond to authorize the city manager, or his designees, to take such actions as may be necessary to apply for an exception to applicable state and federal law and regulation for the purpose of permitting motorized use of the City's Rail Trail.

Voice vote: motion carried 8-0.

A motion was made by Mr. Raymond and seconded by Ms. Lovett that the Claremont City Council, pursuant to RSA 215-A:15, hereby authorizes the city manager, or his designees, to take such actions as may be necessary to issue a written Permission for Wheeled Vehicle Trail Access to the Sullivan County ATV Club for a period of one year from the expiration of the current Permission. This Permission is for use of designated City-owned land and class VI highways, which lists are to be included with the Permission Form and is subject to all City and state rules and regulations pertaining to use of ATVs and other off-highway recreational vehicles on public property. This Permission is granted subject to the following conditions:

- 1. The City may close one or more trails or roads to ATV use for reasons including but not limited to trail conditions, maintenance and public safety.**

Voice vote: motion carried 8-0.

Pool Demolition

Mr. Santagate asked if Council wanted to go ahead with demolition of the outdoor pool.

A motion was made by Mr. Bergeron and seconded by Ms. Towle to authorize the City Manager to put out an RFP/RFQ for demolition of the outdoor pool.

Mr. Koloski asked about saving any salvageable goods. Tim Herson, Superintendent of Parks, said the diving board is at the CSBCC; the slide may not work in the current environment; the pool cover has no value; the lifeguard chairs are at CSBCC; the fencing is an odd height, so is probably not usable.

Mayor Neilsen opened the floor for the public to speak.

Bruce Plough, Ward 1, thinks it is time to get rid of the pool. That is a good area to have a park.

Steve Raymond feels the same way.

Mayor Neilsen closed public comment.

Ms. Walter asked Council when she gets the results from the RFP that the City can demolish the pool. Council said yes.

Roll call vote: motion carried 8-0.

NEW BUSINESS

Personnel Advisory Board

Mr. Bergeron asked who gave Don Limoges authority to appoint someone to the Personnel Advisory Board (PAB). Several Councilors said it was the Council's responsibility because Council had not made an appointment to the PAB.

PSNH Smart Start Program

Nancy Merrill, Planning and Development Director, said the City had contacted PSNH (Public Service of NH) to use the Smart Start Program to retrofit all the lights in the Parking Garage. We can use LED lights. The lights can be dimmed to 30% and when someone comes in, they would light up to full strength. We are eligible for a \$12,000 rebate. The remainder would be paid over 20 months just paying what we pay now. After that we would save \$25,000 a year.

Signage in City Right-of-Way

Mr. Bergeron recused himself as this is a Kiwanis project and he is a Kiwanis member.

Gene Lattuga spoke representing the Kiwanis Club. He showed a 24-inch Kiwanis emblem sign to be placed at each entrance to the City: Charlestown Road, on Route 120, in front of Wayne McCutcheon's house and by Tractor supply on Main Street.

Ms. Lovett asked if we do this for Kiwanis, what the plan is for other organizations. The response was that they would all be individual signs.

A motion was made by Mr. Raymond and seconded by Ms. Lovett to authorize the City Manager or his designees to negotiate and enter into a non-exclusive, multi-year license agreement with the Kiwanis Club of Claremont, N.H., a not-for-profit corporation (the "Club"), to place certain signs identifying the Kiwanis Club in and on the surface of the City-owned right-of-way. This license shall be effective only upon receipt of such regulatory permits and approvals as may be required in compliance with all applicable codes and regulations, including approval as to location by the City's Director of Public Works. This license shall also be personal to the Club and shall terminate automatically upon removal of such signs or upon the Club's dissolution for any reason. The Club shall be responsible for all costs related to construction and maintenance of the authorized signs placed in and on City-owned property, and the City shall retain the right to remove any such sign if it is not maintained or if it is determined, in the City's sole discretion, to be a hazard to public safety.

Voice vote: motion carried 8-0.

Resolution 2014 - 5 to Accept and Expend \$128,155 NH Emergency Management Hazard Mitigation Grant – Public Hearing

This resolution will allow the acceptance and expenditure of \$128,155 NH Emergency Management Hazard Mitigation Grant for construction of drainage improvements to the Tyler Brook corridor. The City's portion of the project will be \$81,845 which will have no impact on the tax rate.

Fire Chief Rick Bergeron said this is for storm water improvements on Tyler Street.

A motion was made by Ms. Lovett and seconded by Mr. Koloski to adopt Resolution 2014 – 5 to Accept and Expend \$128,155 NH Emergency Management Hazard.

Ms. Lovett read the resolution into the record.

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

Roll call vote: motion carried 8-0.

CITY MANAGER'S REPORT

Mr. Santagate showed a DVD, “Made in Claremont” which shows manufacturing in Claremont.

FUTURE AGENDA ITEMS AND DIRECTIVES

Mr. Koloski spoke on behalf of the Claremont 250th Anniversary Committee and said they wanted to ask permission to make repairs to the City-owned wooden benches in the downtown area and that the benches would be named for individuals. Ms. Taylor said it would be up to the Council to accept or reject a proposal.

Mr. Koloski asked for permission to hang the 250th banner around the bandstand when it is removed from across Pleasant Street when the SHS Alumni banner is hung up. When the Alumni banner comes down, the 250th banner will be rehung across Pleasant Street. Mr. Santagate said that was okay.

Mr. Bergeron asked the Mayor to talk about two meetings a month. Mayor Neilsen said there is the regular meeting in June and then a quarterly meeting on June 25th. From that point forward, they will work on having a regular meeting and then try to develop an agenda for a workshop forum for the second meeting.

COMMITTEE REPORTS

Business Corridor – Steering Committee

None.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 11:54 p.m., a motion was made by Ms. Messier and seconded by Ms. Towle to adjourn.

Voice vote: motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council