

The Claremont City Council held a meeting on Wednesday, July 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 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 (by phone)
At-Large Councilor Kyle Messier
At-Large Councilor John Simonds

Also present:

Jane Taylor, City Solicitor

Mayor Neilsen asked Council to approve Charlene Lovett attending the meeting by conference call. She would have to state the reason for the absence, a quorum must be present, she must be able to hear and speak with the Council, must be heard by the public, and identify any other person at her location.

At 6:33 p.m. Mr. Simonds arrived.

Ms. Taylor said every vote must be by roll call when a participant is not physically present.

Councilors had a discussion about this type of participation. Peter Wright, CEO Valley Regional Hospital, agreed that electronic participation should be acceptable.

Roll call vote: motion carried 8-0.

At 6:50 p.m. Ms. Lovett joined the meeting by conference phone. Ms. Lovett's reason for attending the meeting by conference call was because she was on a vacation that had been planned for eight months. There was a quorum present at City Hall. She could hear and be heard by all participants. She stated her husband was present in the room, but would be leaving.

Mayor Neilsen asked if Council would allow Ms. Lovett to be present by telephone for the Consultation with Legal Counsel.

Mayor Neilsen said that when Council went into Consultation with Legal Counsel that Ms. Lovett would have to confirm on record that she was by herself. Ms. Lovett agreed.

Mayor Neilsen asked for a roll call vote to allow Ms. Lovett to participate in the Consultation with Legal Counsel. **Roll call vote: motion carried 8-0 with 1 abstain (Ms. Lovett abstained).**

CONSULTATION WITH LEGAL COUNSEL

At 6:53 p.m. Council recessed for Consultation with Legal Counsel. At 7:20 p.m. Council returned to the public session.

At 7:20 p.m. Mr. Reed was excused and he returned at 7:21 p.m.

MAYOR'S NOTES

Claremont 250th Anniversary Committee

Bill Carpenter, Claremont 250th Anniversary Committee, said the layout for the sculpture had been approved by the Committee; construction of the foundation will start next week; the contract for the Aardvark Orchestra had been approved. The Committee has not raised enough money yet, they still need \$25,000 to \$30,000. Every event is free. The only taxpayer money they have received was the \$3,500 seed money for license plates. Claremont250.com is up. License plates can be purchased through the City's website.

REPORT OF THE SECRETARY

A motion was made by Mr. Koloski and seconded by Ms. Towle to accept the minutes of the June 11, 2014, City Council meeting.

Ms. Lovett said during Citizens Forum that Mark Carrier had asked if the waiver had been submitted, she believed that Ms. Taylor said that it had not. Ms. Lovett said she believed that at a prior Council meeting Ms. Taylor had been directed to submit the waiver.

Ms. Taylor said that "the waiver had not been submitted and that when she had progress to report, she would" was an accurate statement. She said it is a very complex process. The person she has to deal with has been on vacation and she will be going on vacation. Mayor Neilsen recapped that the waiver is still in process and the Council is expecting to get updates when it progresses. Ms. Lovett wants that the waiver had not been submitted reflected in the minutes.

Roll call vote: 9-0 with exceptions.

A motion was made by Mr. Koloski and seconded by Mr. Raymond to accept the minutes of the June 26, 2014, City Council meeting as corrected.

Ms. Lovett asked to change “Mayor Neilsen stated that Council is asking Mr. Santagate to contact the appropriate people...” to “Mayor Neilsen stated that Council is instructing/directing Mr. Santagate to contact the appropriate people...” Mayor Neilsen agreed.

Mr. Reed said on page 9, he asked when the repair would be done on the church. He is still waiting for it in the Council packet.

Roll call vote: motion carried 9-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Zoning Board of Adjustment

A motion was made by Mr. Bergeron and seconded by Ms. Towle to appoint Richard Collins to seat #1 of the Zoning Board of Adjustment.

Roll call vote: motion carried 9-0.

Claremont City Center Initiative

A motion was made by Mr. Koloski and seconded by Mr. Simonds to appoint Kelly LeBlanc to seat #10 of the Claremont City Center Initiative.

Mr. Reed said that Ms. LeBlanc’s father works for the City and he asked if there was any conflict. Ms. Taylor said she will check.

Roll call vote: motion carried 9-0.

A motion was made by Mr. Simonds and seconded by Ms. Towle to appoint Melissa Richmond to seat #11 of the Claremont City Center Initiative.

Roll call vote: motion carried 9-0.

A motion was made by Mr. Raymond and seconded by Ms. Messier to appoint Timothy Frisch to seat #12 of the Claremont City Center Initiative.

Mr. Reed said the City Manager had previously mentioned having a Councilor on the Committee. Mayor Neilsen said these are public meetings and if Councilors wish, they may attend and report back to the Council.

Roll call vote: motion carried 9-0.

Police Chief Alex Scott briefed Council on the tax deeding process for the former Roy Hunter property at 54 Windsor Road. On August 19, 2013, the City took ownership through tax deed. The City allowed Mr. Hunter several time extensions to remove his personal property and

animals. The house was posted in March 2014 due to danger of imminent collapse, no potable water, no safe heating source, etc. On June 23, 2014, the Finance Director, Treasurer and a Captain from the Police Department inventoried and/or photographed the property. On June 24, 2014, the Finance Director and Treasurer completed the inventory and removed some property for safe keeping, by personal trailer then secured the trailer in the Public Works yard. On June 25 after reviewing the situation with City Attorney Taylor and City Manager Santagate, the property was returned to 54 Windsor Road then Mr. Hunter was served with an eviction notice. Mr. Hunter has since retained counsel; his counsel and Chief Scott are working on an end date. There was a report made to the Attorney General's office. After explanation, they felt there were not enough facts that would give rise to a criminal investigation. Chief Scott called the County Attorney who agreed with the AG's office.

After discussion, Mayor Nielsen instructed that City Manager Santagate is to contact Attorney Matt Upton (or other source as Mr. Santagate deems appropriate). Ms. Taylor said she can discuss that with Mr. Santagate, but it would be subject to availability as this is vacation time for a lot of people.

A motion was made by Mr. Bergeron and seconded by Mr. Reed to instruct the City Manager to look into the securing of a second party law enforcement agency or private investigator to investigate the sequence of events for verification that there were no violation of laws involving the property at 54 Windsor Road and to report back to the Council in writing.

Ms. Lovett asked about the City Manager's appointment of a person to the Personnel Advisory Board (PAB). Mayor Nielsen asked Ms. Taylor to ask Mr. Santagate to find out where the PAB situation is.

Roll call vote: motion carried 9-0.

CITIZEN'S FORUM

Bernie Folta, Ward 3, read from prepared remarks and said he is not in collusion with City Councilors. He talked about citizen mistrust in reference to the Hunter affair and that the real solution is to have outside objective person(s) look into it.

Marty Davis, Ward 2, asked if the Council instead of the City Manager would find the investigator. He thinks at times it may be better for the Council to work independently of the City Manager.

Joe Osgood, Ward 2, thinks the issue should have outside eyes. He would like to give some names he has to an outside counsel for this investigation.

School Update

Dr. Middleton McGoodwin, School Superintendent, introduced himself and Tom Brothers, Ward 3 and Full Day Kindergarten Feasibility Study member.

Dr. McGoodwin and Mr. Brothers showed a PowerPoint presentation about Full Day Kindergarten (FDK) Facts; Claremont currently offers half-day kindergarten; FDK would improve early language development, increase positive socialization skills and would increase the opportunity to identify and provide early intervention for children with developmental or learning needs; FDK would improve student achievement and health; FDK would create better citizens; FDK would improve scholastic outcomes; FDK lowers school costs and may boost household income.

Dr. McGoodwin said he appreciated Claremont for supporting the school bond for Stevens High School. He said he did not come to hint there would be increase in the tax rate. He wanted to ask the community if this is feasible and then to have a discussion with the school board on how to make it happen. The presentation will be on the school's website.

OLD BUSINESS

New Community Center Update

Mark Brislin, Parks and Recreation Director, gave a report of the Claremont Savings Bank Community Center (CSBCC). The CSBCC was host to a post-graduation celebration. All but 12 of the graduating class attended. It was a great event. July 4th weekend softball tournament at Veterans Park raised money to go toward the scholarship fund. The July 4th (moved to 5th) celebration went well. Statistics for June: 39 meetings or parties, 7,500 members checked in, 8,181 guests used the facility in June; Cost Recovery 65 cents.

Mr. Bergeron asked for all to have a copy of the report. Because of the lateness, Ms. Lovett asked if she should forward her notes from the report directly to Mr. Brislin for his response. Ms. Taylor said the request should go through the Mayor to the City Manager for response.

Smoking Ordinance Draft

Ms. Taylor said this draft includes further revisions based on Council input. They include designated smoking areas in each park where smoking is limited. Riverside Park (Skatepark) was added and she included designated areas using the City of Concord as an example.

Ms. Lovett didn't know if it would be practical for a designated smoking area in Broad Street Park, so she asked to ban smoking during events at that park.

Ms. Taylor talked about: Supreme Court rules regarding sidewalks; sidewalks have a special status; smoking is a legal activity; and restricting a legal activity on sidewalks presents problems. She said Council may want to look at this event by event.

Mayor Neilsen opened the floor to public comment.

Peter Wright, President and CEO of Valley Regional Hospital and Ward 2 resident, disagreed with each park having a designated smoking area. He recalled from a previous meeting that there would only be a designated smoking area in Moody Park. He talked about infringement of rights of those that do not smoke and the dangers of second-hand smoke. He doesn't view this as a compromise and he doesn't think it will be enforced. Smokers have rights to smoke in certain public ways, but not to impose on non-smokers. He encouraged council to relook at this. He urged Council to consider revising the policy to make it stricter.

Bernie Folta, Ward 3, talked about the competition of rights of smokers and nonsmokers. He said it would be psychologically better to have a place for smokers to go than to try to enforce no smoking at all.

Bob Picard, Ward 2, said he respects the rights of nonsmokers and as a smoker he has rights as well.

Dr. Oliver Herfort, Chief Medical Officer Valley Regional Hospital, non-resident (Council invited him to speak), clarified that smoking is not a choice, it is an addiction. Tobacco causes chronic health conditions. The only way to improve is to push back on smoking. He wants to prevent the younger generation from starting to smoke. This is about living a healthy life.

Steve Raymond, Ward 1, said you should not strip smokers of their rights. He is in favor of having designated smoking areas in each park. That will be easier to enforce.

Paul LaCasse, Ward 2, said he is a nonsmoker, but doesn't want to take away smokers' rights. They have the right to smoke in the parks. He asked if you take that away, what else will you ban.

Jim Feleen, Ward 2, reminded Council that the Parks and Recreation Board unanimously endorsed a complete ban on smoking in the parks. He thinks smoking should also be banned on the grounds and parking lot of the CSBCC.

Chuck Allen, Ward 3, said he is a nonsmoker and he agreed with the designated smoking areas except in Broad Street Park which should be totally nonsmoking. He said of the total ban in Newport that is only for sanctioned events and he thinks it should be that way for Broad Street Park.

Mr. Koloski said he likes what is before them and that it is a stepping stone for an all-out ban in the future. He talked about the Visitors Center Green and that it should be included at some point.

Mayor Neilsen said that smokers should not infringe on nonsmokers. He said he is not totally happy with having designated smoking areas, but an all-out ban may not be the way to go. He thinks there should be a ban during sanctioned events in the smaller parks.

Mr. Raymond agreed with the smoking ban during sanctioned events for the smaller parks, but that having a designated area in the bigger parks might be something to look at.

Ms. Towle concurred with Mr. Raymond on the all-out ban for sanctioned events.

Mayor Neilsen thinks we should indicate which parks can have an all-out ban during sanctioned events.

Ms. Taylor suggested she get together with Mr. Brislin to map out the possible areas to make sure there is space available. She has legal concerns with an outright ban. She doesn't believe there are sanctioned events in the Skatepark.

There was discussion about smoking and public image.

Ms. Taylor said we are not authorized by state law to completely ban smoking outdoors. Only when it is not a complete ban did it survive in other communities. Ms. Messier is in favor of a compromise at this time.

Mayor Neilsen is in favor of Ms. Taylor meeting with Mr. Brislin and Mr. Santagate to come up with sanctioned-event-parks and designated-area-parks. Council agreed.

Ms. Taylor asked if Council was in agreement with the red-lined information that was presented and for her to detail sanctioned and designated area parks. Council agreed.

Mr. Koloski asked about including CSBCC and Ms. Taylor cautioned that certain areas of the parking lot and sidewalks are public right-of-ways and that would be tough to defend.

NEW BUSINESS

CDBG Public Facility Grant Application

The City proposes to submit an application for funding titled Community Development Block Grant (CDBG) Public Facility Grant for up to \$500,000 from its application authority for 2014 to the NH Community Development Finance Authority for the water distribution improvements at Pleasant Valley Estates Cooperative on Paddy Hollow Road.

Council invited Donna Lane, CDBG Grant Consultant, to speak. Ms. Lane read from the CDBG Application Handout:

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic

development projects, up to \$500,000 for microenterprise projects, up to \$500,000 for public facility and housing projects, and up to \$350,000 for emergency projects. All projects must directly benefit primarily low and moderate income persons or households. Up to \$12,000 is per planning study.

This first hearing is to discuss a proposed application to the Community Development Finance Authority for up to \$300,000 in Community Development Block Grant Public Facility in Support of Housing funds. The City will retain up to \$20,000 of the grant for administration costs and a sub-grant of the remainder for the benefit of Pleasant Valley Estates Cooperative. The funds will be used for water distribution improvements at the 99 unit manufactured housing park located on Paddy Hollow Road in Claremont. The majority of the households in the park are low and moderate income households.

This project conforms with Claremont's proposed Housing and Community Development Plan's Goal to: Encourage the rehabilitation and improvement of existing manufactured housing parks, including improvements to the parks' infrastructure.

Mayor Neilsen opened the public hearing for the Pleasant Valley Estates Cooperative Water Improvements CDBG application. He asked for comments from the public. No one spoke. He closed the public hearing.

Mayor Neilsen asked Councilors for comments.

Ms. Messier said this is a needed project and it fits with supported housing in this community. She asked what the purpose is. Ms. Lane said the distribution system is leaking and this would upgrade it.

Ms. Lane read into the record:

The City currently has a Housing and Community Development Plan that outlines goals for Economic Development, Community Development and Housing. It needs to be re-adopted every few years. Changes to the old plan, last adopted in 2010, include adding 'including improvements to the parks' infrastructure to the goal: Encourage the rehabilitation and improvement of existing manufactured housing parks, including improvements to the parks' infrastructure.

"Long term and short term" were added to the goals as it is a requirement that it be noted whether a goal is either long term or short, or both, goal.

Also, two new required policy statements have been added:

These goals are consistent with Claremont's Master Plan and ordinances.

Any federal CDBG grant funds awarded to address any of these goals shall be expended consistent with national objectives and shall, at a minimum, provide improved housing in accordance with Section 8 standards, be used for public facility projects, employment opportunities, or feasibility studies. All CDBG funded projects, shall primarily benefit

low and moderate income persons or households, and shall not benefit moderate income persons to the exclusion of low income persons

Mayor Neilsen opened the public hearing for the Housing and Community Development Plan. He asked for comments from the public. No one spoke. He closed the public hearing.

Mayor Neilsen asked Council members for any comments. There were none.

Ms. Lane spoke about Residential Anti-displacement and Relocation Assistance Plan:

Although this project does not involve any displacement or relocation of persons (or businesses), the plan must also be updated every few years. The plan outlines the measures that would be taken to find comparable, suitable housing for persons (or businesses) if they were displaced or relocated.

Mayor Neilsen opened the public hearing for Residential Anti-displacement and Relocation Assistance Plan. He asked for comments from the public. No one spoke. He closed the public hearing.

Mayor Neilsen asked Council members for any comments. There were none.

1) Application for Grant – Public Hearing

A motion was made by Mr. Reed and seconded by Ms. Towle to approve the submission of an Community Development Block grant application for improvements to the water distribution system at Pleasant Valley Estates Cooperative on Paddy Hollow Road to the New Hampshire Community Development Finance Authority in an amount not to exceed \$300,000.00 (consistent with public hearing notice) and further authorizes the City Manager to sign and execute all documents related to the CDBG application and award, if received.

Roll call vote: motion carried 9-0.

2) Review and Adopt or Re-adopt City's Housing and Community Development Plan – Public Hearing

A motion was made by Mr. Raymond and seconded by Mr. Simonds to approve and adopt the City's Housing and Community Development Plan and further authorizes the City Manager to sign and execute all documents related to the Plan.

Roll call vote: motion carried 9-0.

3) Review and Adopt or Re-adopt City's Residential Anti-Displacement Plan – Public Hearing

A motion was made by Mr. Raymond and seconded by Ms. Towle to approve and adopt the City's Residential Anti-Displacement and Relocation Assistance Plan and further authorizes the City Manager to sign and execute all documents related to the Plan.

Roll call vote: motion carried 9-0.

After a break, Mayor Neilsen asked Council about hiring an outside investigator for the Hunter matter.

A motion was made by Ms. Lovett and seconded by Mr. Koloski that the Mayor hire a third party to conduct an investigation of the situation regarding 54 Windsor Road property formerly known as the Roy Hunter property.

After discussion, Ms. Lovett amended her motion: The City Manager, in conjunction with the Mayor and Assistant Mayor, will hire a third party investigative party to look into the situation that occurred on City-owned property on Windsor Road formerly known as the Roy Hunter property. Seconded by Mr. Koloski.

Roll call vote: 9-0.

Sanitation – Solid Waste Disposal

Bruce Temple, Public Works Director, said during budget deliberations that Ms. Lovett had questions about the Transfer Station. State RSAs require us to provide solid waste disposal and allow us to charge reasonable fees for those services. The Transfer Station is open Tuesdays and Saturdays. Those workers pick up citywide trash on Wednesday. That work is done with two people. Thursdays and Fridays those two people do snow plowing or signs. Several years ago there was an initiative by Mayor Cutts to get recycling up to 50%. At the same time the City licensed trash haulers and they were to offer recycling. Somewhere around 45-50% of the trash taken to the Transfer Station is recycled. We are in a multi-year contract for trash/recyclables with Casella. Glass is recycled in the Sunapee area. Everything else is handled by Casella. The contract is up next year; it has a one year renewal option. An outside consulting firm monitors wells there to make sure we are compliant with DES (Department of Environmental Services). Historically the expenses outweigh the revenues. There has been no rate increase in 15 years. He posed some questions: Should we try to break even? Should we charge to recycle? Expanded hours? What is the thought of the Council? Part B, should we look at receiving trash regionally? Should we look to privatize the facility?

Mr. Koloski said we shouldn't be in the transfer station business. He suggested going out for an RFP (Request for Purchase) to operate the facility. He would like to hear other options. Mayor Neilsen suggested a private operator may be able to operate it at a profit. Mr. Bergeron would like to look at options.

Mr. Temple said he will have to do some research before we can do an RFP.

Ms. Messier asked about working with the Sullivan County Regional people to make recyclables more economical.

Mr. Temple asked if Council wished to evaluate fees. Council said yes.

There was discussion about accepting other communities' trash, taking care of only Claremont's trash, hauling our trash to Bethlehem/Lebanon, composting at the Transfer Station, charging for compost.

Ms. Taylor said if we change the way we deal with solid waste, we need to update the Solid Waste Management Plan which is supposed to be updated every 15 years or so. Mr. Temple said the permit is up-to-date with DES. We pay \$8,000-\$10,000 a year for ground water testing.

Bob Picard said the Transfer Station is outdated/antiquated. The City loses money because we don't weigh the bags. He has been unable to make contact with the Lebanon City Manager to discuss hauling trash to Lebanon. He hauls trash to Bradford, NH. If this is done right, it will make money. We need to have a few other communities come in to make this profitable, but not county wide. Sending trash to a landfill or incinerator are our only two options for disposal.

Mayor Neilsen asked to have a follow-up on this in the fall on a second meeting night.

Ordinance 537 Purchasing Policy – First Reading

The purpose of this proposed change is to update the methods by which the City may dispose of surplus personal property to include live or Internet auction and participation in the New Hampshire surplus property auction. The proposal also permits the City Manager to set a minimum bid or sale price for any surplus item with a residual value of \$5,000.00 or more.

Enactment of this proposed Ordinance will provide additional methods for disposal of surplus property and allow for greater opportunity to maximize the value recovered upon the disposal of such surplus property.

Ms. Taylor said that staff would like to be able to sell unwanted things on eBay or through state surplus auction. If something is valuable, we would like to be able to set a minimum bid.

There was a discussion and clarification about substitute ordinances. Ms. Lovett disagreed with how it read. Ms. Taylor explained the codification process, which requires a certain format when the Code is changed.

A motion was made by Mr. Raymond and seconded by Ms. Messier to adopt Ordinance 537 Purchasing Policy on first reading.

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

There was a discussion about establishing a minimum bid. Ms. Taylor suggested waiting to talk to Finance Director Mary Walter for further explanation. This doesn't change the previous method of disposal.

Roll call vote: motion carried 9-0.

At 10:34 p.m. Ms. Messier was excused.

Motion to Establish E. Charles Goodwin Recreational & Community Fund

Ms. Taylor said in accordance with the Probate Judge's order, a request for proposal for appraisal of the property was sent out. It was sent to Cheshire, Sullivan and Grafton County appraisers, but no response was received. She is working with the Attorney General's office and until we get someone to appraise it, we can't do anything with the property. This motion is number 5 and number 6 of the Order. According to the AG's office this does not have to be an interest-only trust fund. The original bequest of Mrs. Goodwin allowed expenditure of the principal. Also, money received by the Council can be placed into this fund. As a minimum, the proceeds from the sale of the property has to go into it.

A motion was made by Mr. Bergeron and seconded by Mr. Simonds that pursuant to the May 16th Probate Court Order regarding the E. Charles Goodwin Recreational and Community Center, the Claremont City Council hereby authorizes the city manager, or his designees, to undertake all such actions as may be required to establish the E. Charles Goodwin Recreation and Community Fund "for the purpose of maintaining and improving the City's recreational facilities and programs of community activities to benefit the citizens of Claremont," said account to be maintained by the Trustees of Trust Funds. Expenditures from said Fund may be made from time to time from either principal or interest or both, at the discretion of the City Council.

Roll call vote: motion carried 8-0.

Motion to Merge GCC Commission into Parks & Recreation Commission

Ms. Taylor said the Judge ordered the GCC Commission and the Parks & Recreation Commission be merged as part of the City's Administrative Code.

A motion was made by Mr. Simonds and seconded by Ms. Towle that pursuant to the May 16th Probate Court Order regarding the E. Charles Goodwin Recreational and Community Center, the Claremont City Council hereby authorizes the city manager, or his designees, to undertake all such actions as may be required to merge the E. Charles Goodwin Community Center Commission into the City's Parks and Recreation Commission through adherence to the City's Administrative Code to provide for a unified advisory board to the City's Parks and Recreation Department.

Roll call vote: motion carried 8-0.

JSL Discussion

Ms. Taylor said the JSL (Junior Sports League) building has been posted and closed. She recommended that if Council has questions, to place this on a future agenda.

Steve Raymond, Ward 1, noted that no one has taken steps to see the financial records of the JSL. He would like to know what they did with the money the kids spent there. He said he has been to see the City Manager on two occasions about this and nothing has been done.

Arrowhead Discussion

Withdrawn

Motion to Accept \$9,992 Donation for Starting Blocks from John Ring

A motion was made by Mr. Reed and seconded by Mr. Simonds to accept with sincere appreciation the donation of \$9,992.00 from John Ring for the purchase of starting blocks for the Claremont Savings Bank Community Center pool and authorizes the city manager, or his designees, to undertake all such actions as may be required to implement this motion.

Council thanked Mr. Ring for the donation.

Roll call vote: motion carried 8-0.

Resolution 2015-7 To Raise and Appropriate \$2,500 for Scholarships from the Claremont Parks and Recreation Special Revenue Scholarship Fund – Public Hearing

Ms. Taylor said this will allow expenditure of some of the money in the scholarship fund.

Mr. Brislin said this will be used to award scholarships and a process is being set up to make the awards.

A motion was made by Mr. Simonds and seconded by Mr. Reed to adopt Resolution 2015-7 To Raise and Appropriate \$2,500 for Scholarships from the Claremont Parks and Recreation Special Revenue Scholarship Fund.

Mr. Simonds read the resolution into the record.

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

Roll call vote: motion carried 8-0.

Motion re: Synergy Gas Plant

Ms. Taylor said the EPA (Environmental Protection Agency) is exploring and drilling at the site of the old gas plant which is a hazardous material site. The EPA has agreed that the City is not a potentially responsible party. They propose to remediate the site, but it will always be a brownfield. Amerigas appears to be the ultimate owner. Amerigas is negotiating with the EPA for remediation. EPA wants the City to be a part of the solution. The City is trying to negotiate an agreement and one issue is for the City to have no liability going forward. At this stage, we need to let the EPA know if we want to go forward. To do this, the City Manager needs to have the authority to negotiate with the EPA and to make sure the City has no liability for hazardous materials. The EPA has monitoring wells that are on City-owned property. Part of the negotiation is that the City-owned property would also be remediated. Ultimately she believes the EPA would like the City to own the property after it is cleaned up and made usable. The proposed motion is to allow the City Manager to negotiate and enter into an agreement with the EPA.

A motion was made by Mr. Raymond and seconded by Ms. Towle to authorize the City Manager or his designees to take all such actions as may be required to negotiate and enter into settlement agreement with the United States Environmental Protection Agency (EPA) and the owners of property located on Lower Cul de Sac Place for remediation of hazardous materials generated by former gas operations on Map 120 Lot 10 and which has migrated onto City-owned parcels located on North Street, said Agreement to include such provisions as may be deemed appropriate by the City Manager and the City Attorney, including a complete release of liability for all hazardous materials that may be found on the parcels to be remediated. The City Manager shall update the Council on the status of the negotiations and agreement from time to time.

Roll call vote: motion carried 8-0.

CITY MANAGER'S REPORT

None

Steve Picano talked about citizens having to pay for water/sewer line repairs to the center of the road. He asked that the City be responsible for the lines from the center of the road to the edge of the property line.

Mayor Neilsen asked Ms. Taylor to verify the flat fee for maintenance of the line. Ms. Taylor will check to see what the state requires and will bring it back to a future meeting.

FUTURE AGENDA ITEMS AND DIRECTIVES

None. Council will wait until the City Manager is at the meeting.

COMMITTEE REPORTS

Business Corridor – Steering Committee

None

NON-PUBLIC SESSION PURSUANT TO RSA 91-A:3,II(a) – PERSONNEL

None

Ms. Towle wants to revisit the JSL issue.

Ms. Lovett said she got several calls from property owners in the Ledgewood area who had problems with the current drainage system not being able to accommodate the kind of rain we had recently. Mayor Neilsen asked Ms. Taylor to pass that on to the City Manager and Mr. Temple. Mr. Raymond said he had received the same kinds of calls. Ms. Taylor said she is going on vacation, so Mayor Neilsen asked Councilors with citizen drainage problems to pass the information on to Council Clerk Russell to give to the City Manager.

ADJOURNMENT

At 11:13 p.m., a motion was made by Mr. Simonds and seconded by Mr. Reed to adjourn.

Voice vote: motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council