

The Claremont City Council held a meeting on Wednesday, October 28, 2015, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Neilsen at 6:30 p.m.

Members of the Council present were:

At-Large Councilor Keith Raymond
Ward 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

Mayor Neilsen announced the Canvass of the vote will be held Thursday, November 5th, 6:30 p.m.

Ms. Lovett gave some numbers for the train station waiting pavilion: Materials and installation \$15,786; donated labor 142 hours at an average rate of \$50 for a total of \$7,100; total donation \$22,886 plus use of the land. Ms. Taylor asked Ms. Lovett to give the figures to Finance Director Mary Walter and then we can do a formal motion to accept it. Mayor Neilsen asked to put a motion on the November 12th agenda for acceptance of the waiting pavilion.

Ms. Lovett said Amtrak posted an article about the pavilion on its Great American Stations website.

Mayor Neilsen said there was a ribbon cutting at Nationwide Insurance and Saymore Trophies.

CITIZEN'S FORUM

Bernie Folta, Ward 3, noted that both Nationwide Insurance and Saymore Trophies were downtown and are now on Washington Street. Next Tuesday is the municipal Election Day. He said there are 17 candidates. He asked each to fill out a SWOT (strengths, weaknesses,

opportunities and threats) survey he developed. 14 responded. He said he distributed the responses and will give a copy to anyone who wants one.

AJ Maranville, Ward 2, said the election and Halloween are coming up and 15 Pine Grove Avenue has the best light display in Claremont. He made suggestions for 2016 tax reductions: Economic Development office \$601,500/year and Legal \$704,000; Community Center change part-time cleaning services at \$83,000 for a full-time person at \$65,000 for cleaning and small maintenance for over \$2,000/month saving; Mr. Santagate's pension freeze at \$5,000. He suggested \$1.96 can be saved. He said the TIFD of \$669,000 will have to go on the tax rate as well as the SAFER grant, etc.

NEW BUSINESS

Agriculture and Backyard Farm Animals

Nancy Merrill, Planning and Development Director, showed a PowerPoint presentation regarding Agricultural Uses of land – Livestock. She said people have been asking about having chickens, probably as part of the local food movement.

- NH Statute Agricultural Uses of land – Livestock
 - If it is not prohibited, then it's permitted
 - You can have local regulations as long as it is not unreasonably limiting
- Claremont Zoning Ordinance (current)
 - Livestock is permitted in Agricultural Residential, Rural Residential, Rural Residential II and Industry-1 zones
 - Livestock is not permitted and not specifically prohibited in Residential I, Residential II, Business2, Industrial II or Industrial III, as well as all of the City Center Zones
 - RSA 674:32-a dictates that without a specific prohibition, agricultural uses are permitted in these zones
- Update City Code to Address "Backyard" Farming
 - What is okay, in what zone
 - What types of setbacks are reasonable for animal shelters
 - How to address violations of Best Management Practices – typically manure management, but can include shelter, conditions
 - Next step is to go to the Planning Board for discussion

Mr. Raymond said he has received a manure complaint from someone whose neighbor has rabbits. He asked where to direct complaints. Ms. Merrill said they should be directed to the Planning office and the Planning office can call the State Department of Agriculture who will work with residents on the situation.

Mayor Neilsen asked if a matrix for farm animals could be done similar to what was done for the City Center.

Ms. Messier said there is an ordinance for noise levels and asked if there is something similar for smell. Ms. Merrill said it is difficult to gauge, but that is something they will look at. Ms. Taylor said as far as odor is concerned, they are looking to see if there are any definitions that would apply to agriculture. The statute is clear that manure is not nuisance.

Ms. Merrill said the state has best management practices for every animal, but we don't have any enforcement powers.

Mr. Koloski said free roaming animals need to be addressed. He has received complains about rabbits on Washington Street.

Ms. Lovett asked about the difference between personal use and selling. Ms. Taylor said state law differentiates and we will work that into the code.

Ms. Merrill said that anyone with input should forward it to the Planning office.

Ms. Taylor said the timeline to accomplish this will depend on Interim Planner Mike McCrory's, schedule. He is only here one day a week, so it will probably take a couple of months.

Public Works Presentation

Scott Sweet, Public Works Director, gave a Department of Public Works update.

- Spring Paving 2015 (not part of the bond, this is money left over from last year)
 - Baker Street
 - Henry Street
 - Severance Street
 - Cottage Street
 - Walnut Street
 - Orchard Road
- Fall Paving – Bond
 - North/Hanover Intersection
 - North/Elm Intersection
 - Elm Street – North to Dunning
 - Upper Elm Street
 - First Street
 - Second Street
 - Veterans Park Road
 - Cat Hole Road
 - Hanover Street – North to Dunning
 - Winter Street – WTP to Thrasher
 - Central Street – Main to Pearl
 - Buena Vista Road
- Gravel Shoulders
- Foisy Hill (Dr. Purita paid to do this)

- Potholes – 1/1/15 – 10/24/15
 - Total Cost \$73,195.47
 - Approximately 250 tons of patch
- Line Painting – 1/1/15 – 10/24/15
 - 262,000 LF Yellow Lines
 - 158,180 LF White Lines
- Vegetation Management
 - Allen Street
 - White Hill Road
- Water Construction Highlights
- Sewer Construction Highlights
- Drainage Construction Highlights
- Catch Basin Cleaning
- Sugar River Bank Erosion
- Sugar River Bank Construction – FEMA Grant
- Sugar River Bank Stabilization
- Tank Removal at Highway Garage
- New Above Ground Tank
- New Vehicles
 - Street sweeper

Councilors gave thanks and said how much the work is appreciated.

Mr. Sweet said leaves will be picked up between November 2nd and November 6th. They must be in biodegradable bags.

Mr. Santagate said the bond passed in August and Public Works was able to mobilize quickly to address a lot of issues in a short amount of time. He talked about other work that has been done, such as the “cone valve” which is part of the sewer line servicing the County Home and was in danger of rupturing. The street sweeper was desperately needed. About half of the bond has been spent so far. He appreciates all the work that has been done.

Resolution 2016-20 Expend Funds for Veterans Park Parking Lot – Public Hearing

The City Council finds there is a need for maintenance and improvements to the access driveways and parking lot serving Veterans Park. This resolution is to raise and appropriate the sum of up to \$5,350.00 for maintenance and improvements to the access driveways and parking lot serving Veterans Park.

Mark Brislin, Parks and Recreation Director, said that it makes sense to do the parking lot while the equipment is in the area for the highway work.

A motion was made by Mr. Simonds and seconded by Mr. Bergeron to adopt Resolution 2016-20 Expend Funds for Veterans Park Parking Lot.

Mr. Simonds read the resolution into the record.

Mayor Neilsen opened the public hearing.

AJ Maranville, Ward 2, asked how much is in the fund. Mr. Brislin said approximately \$15,000. Mr. Maranville suggested expanding the parking lot toward where the old pool used to be.

Mayor Neilsen closed the public hearing.

There was a discussion about expanding the parking lot, putting netting up to prevent balls from hitting cars.

Mayor Neilsen asked about replacing the light covers. Mr. Brislin said the Parks and Recreation Department is in the process of finding the lenses. The lights are from 1985. A lift to go up that high will cost \$2,500 to rent.

Mr. Brislin will work with Mr. Sweet on the parking.

Roll call vote: motion carried 9-0.

Curfew and Loitering Discussion

Police Chief Alex Scott said loitering statutes and curfew ordinances are reviewed under U.S. Constitution First Amendment analysis. Right of association impacts loitering. Curfews have specific guidance in NH. Our ordinance is still on the books, but has not been enforced. However, if a 14/15 year old is out at 1 a.m., the Police will use community caretaking function and take them home. Curfew whistle is not blown because it is also unconstitutional as being related to the curfew ordinance.

Chief Scott said our loitering statute prohibits assembling on a sidewalk, but the Court says you can't make that prohibition, however if people are blocking the sidewalk, then the ordinance comes into enforcement. People cannot block a business' access.

Mr. Koloski asked how this applies to private property such as convenience stores. Chief Scott said it does not apply to private property. Mr. Koloski asked about doing boot drives. Chief Scott said state statute prohibits soliciting donations from a roadway.

Ms. Lovett asked about removing the ordinance or refining it to be specific. Chief Scott said he doesn't see a way to make it facially valid. He recommends leaving the ordinance as is.

AJ Maranville, Ward 2, said he helped initiate the original statute that was aimed at the 100+ kids on Pleasant Street, some pushing baby carriages. He said the Police have other ways to handle this, so he thinks the ordinance should be removed.

Bernie Folta, Ward 3, was pleased with the information from Chief Scott and suggested there should be legal information forums given by the Police Chief.

Chief Scott said that the busyness of the businesses in the area has had the biggest impact on improving the image of the downtown.

Transfer Station Ad Hoc Committee Update

Ms. Lovett presented a draft Transfer Station report. She said the Public Works Director has not had time to review it. The Casella contract runs out December 31, 2015. She said there is no policy from the Council perspective for waste management. The Committee made recommendations to improve the cost recovery rate without changing the operations to a great extent. To move forward, Council needs to adopt a waste management policy and it is important to get the ball rolling on the policy.

Ms. Lovett said if the state continues its waste management as is, we will run out of landfill space by 2022. 65% of the waste goes into landfills or is incinerated. Only 35% is being recycled. She said an estimate 75%-80% of waste can be recycled. About 38%-39% of waste at the Transfer Station is recycled, but there is more waste in the community that can be recycled.

Ms. Lovett said Keene is now a cost neutral site.

Mr. Bergeron asked about the waste disposal contract. Mr. Sweet said they put out an amendment to ask for 1 year and 3 year bids and the bid date has been extended to next week.

Mayor Neilsen said Council will decide at the November 12th meeting when to schedule a future discussion.

Farwell Block Annex Removal Discussion

Ms. Taylor said that Mr. Reed had asked for information about this. Councilors were given a copy of the Architectural Inventory (zero historic value) and Certificate of Appropriateness to approve demolition of the red wood frame building behind the Farwell Block. The property is owned by CDA (Claremont Development Authority), not the City, so the CDA needs to decide what to do with it. She said Mr. Reed had brought up the 12 month limitation. That was put in the Code in 2010 when the ordinance was revised. The original Ordinance 299, adopted in 1988, did not have that limitation. You cannot apply a law retrospectively. When the Certificate of Appropriateness was given in 2002, there was no time limit given when the action had to be taken. The 12 month limitation does not apply to this certificate.

Mr. Reed asked what the plan is for the annex. Ms. Taylor said asbestos remediation is being done. One plan is to bring the Farwell Building back to life and an elevator would be needed. Because of its historical nature, where the shed is located would be a logical place for an elevator to go.

Mr. Santagate said he asked Planning and Development Director Nancy Merrill to hold up on the demolition. If there is no objection, he'll go forward with it.

Mr. Raymond said he has been on the CDA since 2001. This has been in their plan every year, but every year they have had to spend the money to make repairs on the other portion of the building. The wooden section is unsafe. An elevator at that location would benefit the Farwell Building and the old Pleasant Restaurant. The plan is to tear the wooden building down and cover the cellar hole.

Ms. Messier said this all came up because of the work that Planning will do on the electrical grid and we don't want to hold up that project. Ms. Taylor said the current electrical supply for the Farwell Building is in the basement of this shed and it is not safe.

After Council discussion, Mayor Neilsen said the CDA owns the building. The Certificate was issued prior to the ordinance requiring the work to be done within 1 year. He appreciates the open discussion. He didn't think anyone was asking the City or the CDA to stop any process. He said if Mr. Reed sees anything in the documents that concern him, he can contact the Mayor.

FUTURE AGENDA ITEMS AND DIRECTIVES

None

CONSULTATION WITH LEGAL COUNSEL

None

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

A motion was made by Mr. Koloski and seconded by Mr. Reed to go into the Non-Public Session pursuant to RSA 91-A:3,II(a) – Personnel.

Roll call vote: motion carried 9-0.

A motion was made by Mr. Bergeron and seconded by Mr. Simonds that the minutes of Non-Public Session be sealed until such time as the personnel involved make a request of the Council to unseal them.

Roll call vote: motion carried 9-0.

A motion was made by Mr. Bergeron and seconded Mr. Simonds to come out of the Non-Public Session.

Roll call vote: motion carried 9-0.

ADJOURNMENT

At 9:25 p.m., a motion was made by Ms. Messier and seconded by Ms. Lovett to adjourn.

Voice vote: motion carried 9-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council