

The Claremont City Council held a meeting on Thursday, November 12, 2015, in the Council Chambers of City Hall.

The meeting was called to order by Assistant Mayor Bergeron 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
At-Large Councilor James Reed
Ward II Councilor Charlene Lovett
At-Large Councilor Kyle Messier
At-Large Councilor John Simonds

Absent:

Mayor James Neilsen, IV

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Pancreatic Cancer Awareness Month Proclamation

Assistant Bergeron read a proclamation naming November 13th as "World Pancreatic Cancer Day" in Claremont, NH and presented it to Lorraine Potvin. Ms. Potvin, member of Pancreatic Cancer Action Network, said her organization provides awareness, support and raises funds for cancer research.

Mr. Koloski said Time Out Americana Grill will host its annual Thanksgiving dinner at 12 noon on Thanksgiving Day for those who are in need.

Mr. Bergeron talked about the NH Municipal Association Conference to be held November 19 and 20. He and other Councilors will attend.

REPORT OF THE SECRETARY

A motion was made by Mr. Koloski and seconded by Ms. Lovett to accept the minutes of the October 14, 2015, City Council meeting.

Voice vote: motion carried 8-0.

A motion was made by Mr. Koloski and seconded by Ms. Towle to accept the minutes of the October 28, 2015, City Council meeting.

Voice vote: motion carried 8-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Parks and Recreation Commission

A motion was made by Mr. Reed and seconded by Ms. Lovett to appoint William Carpenter to Alternate Seat 3 – At Large to the Parks and Recreation Commission.

Voice vote: motion carried 8-0.

A motion was made by Mr. Simonds and seconded by Ms. Towle to appoint Melissa Richmond to Alternate Seat 4 – At Large to the Parks and Recreation Commission.

Voice vote: motion carried 8-0.

Mr. Koloski asked if the Master Plan Steering Committee would have a Council seat; if so, he would like to be appointed.

Mr. Santagate said Council member(s) on there would be a good addition. Ms. Taylor said there is no reason not to appoint a Councilor to the Committee.

Assistant Mayor Bergeron appointed Mr. Koloski to the Master Plan Steering Committee.

CITIZEN'S FORUM

Bernie Folta, Ward 3, said as far as he knows only two citizens had applied to the Master Plan Steering Committee. He said November 19th the Claremont Citizens United Taxes which is associated with the Claremont Citizens Group is sponsoring a session regarding the school budget from 6:30 p.m. to 8:30 p.m. at the Sugar River Valley Regional Technical Center on South Street. The public is invited to hear about the nuts & bolts of the school budgeting process.

OLD BUSINESS

Ordinance 546 No Parking on a Portion of Charles Street – Second Reading – Public Hearing

The purpose of this proposal is to prohibit vehicle parking on a portion of the north side of Charles Street west of Highland Avenue and to add a handicapped parking space. Parking on the south side of Charles Street is already prohibited. This proposal is a revision of a parking limitation for the north side of Charles Street adopted by the City Council in August 2015. The Traffic Advisory Committee requested the change in the parking regulation adopted in August after it determined that allowing parking on the north side of Charles Street near its intersection with Highland Avenue has created a safety hazard because of the narrowness of the public right-of-way on this portion of Charles Street. The Traffic Advisory Committee has not reviewed this proposal.

Enactment of this proposed Ordinance will further revise the parking limitation on the north side of Charles Street west of Highland Avenue.

Police Chief Alex Scott reminded Council that the original ordinance passed in August authorized no parking on this portion of Charles Street 100 feet from the intersection with Highland Avenue and the first parking space would be a handicap spot. This proposal is at the request of the apartment building owner and is to move the handicap space closer to the entrance of the building. The measurement would be between 25 and 45 feet westerly from the intersection with Highland Avenue. Parking would begin at 105 feet.

A motion was made by Mr. Raymond and seconded by Ms. Lovett to adopt Ordinance 546 No Parking on a Portion of Charles Street.

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

Amy Toth, 13 Charles Street, said her driveway is the one that is mostly affected by this. She said she understands moving the handicap spot, however since the handicap sign was installed, another tenant got a handicap placard and the original person has not been able to park there. Ms. Toth's concern is that she will not have enough room to be able to get in and out of her driveway easily. In March of 2013 she was not able to get an oil delivery because of the parking. She doesn't feel comfortable speaking with the neighbors. Her husband has a 20-foot truck which can be a challenge to get in and out of the driveway.

Chief Scott measured the area with a wheel and there would be 30 feet clearance in each direction from the center of her driveway.

Ms. Taylor said under this proposal the handicap spot is closer to Highland. In the first version of the ordinance, the handicap spot was at the end of the no parking area. In this version, there is no parking, then the handicap spot and then the rest of the no parking. Chief Scott said his

concern is confusion. The way it currently is, is clearer. This was brought forth by the property owner at the corner of Charles and Highland.

Abigail Carman, 15 Charles Street, Ward 2, said if the handicap space is moved, it would prevent her from getting gas deliveries. It had previously been a problem.

Carol Calkins, Ward 2, said her son owns the apartment building on the corner of Charles Street and Highland Avenue. Moving the handicap space would help the lady in the first apartment. The lady that is currently using the handicap space had knee surgery and is using it temporarily.

Rick Blake, Ward 2, 12 Charles Street, said since the handicap parking has been moved closer to his driveway, parked vehicles are a problem for him. A blazer parks close to his driveway which causes poor visibility. With no parking toward Highland, people are parking in front of his home. The handicap parking spot creates a hazard for him.

Ms. Calkins feels this plan would address Mr. Blake's issue.

Mr. Blake said Charles Street is a narrow street and there should be no parking on either side of that section of Charles at all.

Ms. Taylor said the original ordinance was brought about because of the concerns Ms. Toth brought to the Traffic Advisory Committee (TAC). Ms. Taylor said that Chief Scott and Public Works Director Scott Sweet looked at the area and the original recommendation of the TAC was to prohibit parking completely on the north side. That was brought forth to the Council and Council decided it didn't want to do that so the ordinance was sent back for redrafting and the redraft was adopted in August.

Ms. Lovett said the ordinance that is currently in force came about as a result of residents' concerns during the first public hearing. One resident talked about his inability to have guests which lead to a partial ban.

There was a suggestion that this should go back to the TAC and to meet with the homeowners. Chief Scott said it was the opinion of the TAC to have no parking on Charles Street. There have been meetings and input has been received. He doesn't believe there would be more information.

He said the TAC made its decision based on a safety review. Based on the road width, pitch and site distance, he does not think the TAC would change its decision. There is a provision in the Code that allows him to prohibit parking for certain events, so Council could make a provision to allow him to allow parking for certain events. If a homeowner were to have a specific event, he could allow parking for it.

Mr. Raymond said he thinks Council should listen to the TAC in order to create safe parking. There are ways to have handicap parking on the property. He will vote no on the proposal.

Ms. Lovett asked about the law regarding access for handicapped people. Ms. Taylor said it is usually the responsibility of the property owner to provide the parking including handicapped parking. Ms. Taylor said according to Zoning, there are an adequate number of spaces on the apartment building property.

Bernie Folta, Ward 3, thinks the TAC should have a citizen on it. He noted that when citizens “pile in” to a Council meeting, it helps to facilitate a resolution.

Assistant Mayor Bergeron closed the public hearing.

Ms. Towle said she is extremely concerned about the safety with the narrow street and the TAC made it clear how they feel.

Ms. Messier said the current ordinance is not working and is not what the TAC recommended. She thinks it is important to listen to the professionals. Safety is paramount. She suggested coming up with an ordinance the Council can stand behind. She will not vote in favor of this.

Ms. Lovett said the current ordinance doesn't address the issues. She asked if there were no parking on Charles Street except for the handicap space, would that solve the problem.

Mr. Bergeron said it is the responsibility of the property owner to have handicap parking.

Mr. Koloski noted that more people came out to speak against this than the previous ordinance. He will vote no and give authority to Chief Scott to allow special parking exceptions.

Roll call vote: motion failed 0-8 with all Councilors voting no.

Ms. Taylor asked if Council wants to bring back the original ordinance. Council said yes.

Chief Scott said he will check out Mr. Blake's concern.

NEW BUSINESS

Independent Services Network

Moved to December

Exemptions Update

Marlene Jordan, Assessing Technician, provided a summary of current exemptions and credits, and the number of residents taking advantage of the programs. Filing dates are January 1 to April 15. Veterans can apply anytime. The exemptions/credits go into effect April 1st.

Ms. Jordan said these were last updated in 2009. Mr. Santagate said the Council reviewed them in 2013 and decided to leave them as they were. If the Council grants increases, then the tax

burden will shift and others will have to pick up the expense. Currently exemptions and credits are approximately 50 cents on the tax rate. When it comes time to make a change, we don't know the exact number that will qualify and that will change the parameters.

Mr. Koloski requested a scenario be run to adjust the single and married income limits to reflect the increases in Social Security over the years. He would like to see the impact. He would like two separate reports (elderly and disabled). He would like to see the changes to the income limit. Council agreed.

Ms. Jordan estimated there are 665 households that have benefits. The average home is \$122,000 and \$60.57 of their tax bill goes toward making up the difference of those that are not paying taxes. She will run those figures too.

Lower Main St. Reconstruction Update

Kurt Beek, Project Manager, showed a PowerPoint presentation regarding the Claremont Main Street Reconstruction Project, State Highway Route 12/103. Current Plan:

- 2013 Planning and Development hired McFarland Johnson to Design and Construct a surface improvement Project
 - Upgrade road conditions along Main Street from Opera House Square to the intersection with Union Street
 - Address pedestrian and American with Disability Act (ADA) issues
 - Improve pedestrian and bicycle access
 - Signing and lighting
- 2014 City Department of Public Works hired DuBois and King to Design and Construct Subsurface Utility Project
 - Part A being funded through Senator Shaheen's office
- Design Process:
 - Work completed to date
 - Public Information Meeting – May 13, 2014
 - Phase 1 – Engineering Study (submitted November 2015)
- Purpose
 - The Project's purpose is to maintain the existing transportation infrastructure and improve safety for all modes of travel (motor vehicles, bicyclists, and pedestrians) while maintaining the character of the historic neighborhood.
- Need
 - The existing roadway is in poor condition with extensive cracking resulting in poor drainage adding to further degradation of the existing roadway.
- Pedestrian access is limited due to extreme changes in grade and irregular runs of sidewalk creating an unaccommodating environment for people with mobility challenges.
- Driveways for businesses on Main Street and on-street parking are not well defined or laid out resulting in safety concerns.
- There is inadequate lighting at night in some areas of sidewalk.
- Current Status

- Right of Way
 - Working with NHDOT on resolution to corridor boundary
 - Inconsistencies between original layout and current configuration
- Future Work
 - Phase 2 – Final Design (Winter/Spring 2016)
 - Develop design plans for construction
 - Phase 3 – Construction (Summer/Fall 2016) – Contingent on Subsurface Schedule

Mr. Santagate said funding for this is complex because we need to do the water and sewer. We will have spent just under \$8 million on roads by the next two years. Only 20% is coming from the City; the other 80% is from the federal government. Water and sewer work have to be paid out of the water and sewer enterprise funds and the money can't be comingled. Half the bond will be left for paving next year.

Ms. Lovett asked about combined sewer and storm water pipes. Mr. Beek said that if any project involves water and sewer, separation is part of the project. Mr. Santagate said there is almost no comingled sewer pipes left in the City to separate.

Mr. Beek said as part of the project, 5-foot shoulders will be installed to accommodate bicyclists, where possible.

Tax Lien/Deeded Properties Update

Ms. Taylor said that property deeds were transferred and repurchase letters were sent out. It looks like it will be January before we can sell these. The City is looking at alternative ways to sell these. We have met with an auctioneer to sell the properties. There will be no cost to the City. His fee will be added to the cost of the sale. It is an administrative decision to determine who would sell the properties. She contacted several companies and talked to other communities about their experiences. Details about the properties would have to be discussed in a non-public session in a future meeting.

Mr. Koloski said he would like more information. He said the Zotto Gym yielded no bids and he was concerned about the way it was advertised. He would like this on a future agenda.

Ms. Lovett asked for a complete list of tax deeded properties. Ms. Taylor said she will provide a list, but individual properties should be discussed in a non-public session in December.

Motion to Accept Donated Picture

Fire Chief Rick Bergeron said an employee cared enough for the Claremont Fire Department to give something to demonstrate pride in his organization. Firefighter Bill Hardy donated a framed picture of the Fire Department taken on the 4th of July 2015.

A motion was made by Ms. Messier and seconded by Mr. Simonds to accept with sincere appreciation a donation from Career Firefighter William Hardy, Jr. of a framed picture of the Claremont Fire Station, valued at \$285.00, for the Claremont Fire Department.

Roll call vote: motion carried 8-0.

Motion to Accept Lighting Package from Whelen

Chief Bergeron said the lighting package is for the Fire Department RTV. They used mostly donated money to purchase the vehicle. They still need a skid unit.

A motion was made by Mr. Reed and seconded by Mr. Simonds to accept with sincere appreciation a donation of a lighting package valued at \$3,500.00 for the new Fire Department utility vehicle from Whelen Engineering, Inc.

Roll call vote: motion carried 8-0.

Motion to Accept Amtrak Waiting Pavilion

Ms. Lovett questioned why the motion doesn't site the value of the 142 hours. Ms. Taylor said we are not required to accept volunteer hours of labor.

A motion was made by Ms. Lovett and seconded by Ms. Towle to accept with sincere appreciation the donation of the Waiting Pavilion at the Claremont Amtrak Station, as well as the donation of in-kind materials and installation services valued at \$15,786 towards the construction of the Pavilion. The Claremont City Council also extends its sincere thanks and appreciation to the volunteers who donated an estimated 142 hours of labor to complete the project.

Roll call vote: motion carried 8-0.

Motion to Approve Recovery of Costs for Abatement of 398 Main Street

Ms. Taylor said that RSA 147 allows the City to move forward with taking care of a Code issue if there is a public health and safety issue. The costs were \$27,850 to which we are allowed to add service fees (i.e. sheriff service fees). The consent of the municipal governing body must be given and then the health officer issues an order for abatement costs. That gets served on the property owner and then if not paid within 30 days, a lien is placed on the property.

A motion was made by Ms. Messier and seconded by Mr. Raymond to authorize the City Manager, or his designees, including the City's health officer, to undertake all such actions that may be required to recover sums that have been or may be expended by the City to abate a nuisance located at 398 Main Street, Map 94, Lot 42, which property has been deemed injurious to the public health. Such action may include an order for abatement costs pursuant to RSA 147:7-b.

Ms. Taylor said this building was destroyed by fire and in the opinion of the health officer it created an imminent hazard and public health issue so the City took action.

Councilors expressed a desire to be notified when actions such as this have to be taken.

Ms. Lovett asked why the burned Sugar River Drive property has not been torn down. Ms. Taylor said it needs an asbestos inspection and determination. Ms. Towle said in her opinion it is a hazard.

Roll call vote: motion carried 8-0.

DEPARTMENT REPORTS QUESTIONS AND ANSWERS

Ms. Lovett noted in the Parks and Recreation Department report that Parks and Recreation Director Mark Brislin was looking for guidance from the Council on how to proceed regarding disposal of the Goodwin Community Center (GCC) contents.

There was discussion about using the same auction process as will be used for tax deeded properties and to include the GCC, Junior Sports League (JSL) building and other excess City-owned properties.

Ms. Taylor said that has been discussed and the City would need to request permission from the Probate Court to sell the GCC by auction and could do the same for the contents. She said it is unknown how long court approval would take, but the City could post to rebid while waiting for a response from probate court.

Council asked Mr. Brislin to go out for rebid.

Ms. Lovett asked about the Veterans Park parking lot expansion. Mr. Brislin said he talked to Public Works Director Scott Sweet and the expansion would require different materials and equipment. They are talking to see what can be done.

Ms. Lovett noted that the Eagles Club presented Parks and Recreation with \$1,000 for equipment and scholarships.

Ms. Lovett asked if Council could receive the Finance report for the month before the Council meeting instead of two months before which they are currently receiving. Mr. Santagate will check.

Ms. Lovett asked about Planning and Development's report regarding the Main Street Project right-of-way. Ms. Taylor said that has to do with the lower Main Street Project.

Ms. Lovett asked about the status of the request by Judy Wells to access to the Rail Trail to repair a wall in her backyard. Ms. Taylor said the last she heard the Conservation Commission had met with Ms. Wells, but she is not sure where it stands.

Ms. Lovett asked about the Police Commission meeting and the Police Department re-organization and if it impacts the budget. Mr. Santagate will find out what that means.

CITY MANAGER'S REPORT

Mr. Santagate said Public Works is buttoning down the last bit of paving for the year. Buena Vista paving is almost done. He expects there will be \$750,000-\$800,000 worth of paving done next spring. He said the new street sweeper is a nice piece of equipment and has been out daily.

Ms. Lovett asked how the City handles rubbish along the sides of the roads. Mr. Santagate said he will find out. Ms. Lovett asked about installing a circular Amtrak sign on the Welcome to Claremont sign on Route 120. Mr. Santagate said he will follow up on that and Ms. Lovett said she will send him an e-mail.

Ms. Towle said some citizens had notified her that at night the lights at the Visitors Center Green have been completely off.

FUTURE AGENDA ITEMS AND DIRECTIVES

Ms. Towle asked about the status of the Rail Trail waiver. Ms. Taylor said the Department of Transportation had not yet made a determination, so they haven't sent it to the Federal Highway Administration. Ms. Towle asked if we can reach out to the State Representatives. Ms. Taylor will check.

Ms. Lovett asked for a discussion about the Transfer Station policy on the December agenda. She thought it would be a good idea to invite incoming Councilors.

Ms. Lovett said Council had made a motion for a line item for donations for Amtrak stop enhancements. She said the motion read that it was just for the waiting pavilion, but money has been collected through the Tire Tracks event that needs to be used to pay the costs of the landscaping, etc. She said the motion needs to be expanded or modified. Ms. Lovett said she already talked with Finance Director Mary Walter and was told to put it on the agenda. Ms. Taylor asked Ms. Lovett to send her an e-mail with the details.

Ms. Messier asked for a December agenda item to discuss training for Councilors.

Mr. Simonds said he reached out to Primex regarding training. NH Municipal Association (NHMA) also offers that type of training. He agreed that discussion should be on the December agenda.

Ms. Lovett said she talked to NHMA and they can do training and webinars. Mr. Simonds will work with Primex and Ms. Lovett will work with NHMA.

Ms. Taylor asked if they gave a cost. Ms. Lovett said the training is \$475.

Mr. Simonds said that webinars are great, but it is important to have someone here so everyone hears the same thing.

Ms. Towle asked for a December agenda item to revisit exemptions.

Mr. Bergeron said he will bring back as much information from the NHMA conference as he can.

COMMITTEE REPORTS

None

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 9:02 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