

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

The meeting was called to order by Mayor Neilsen at 6:31 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 John Simonds

Absent:

At-Large Councilor James Reed
Ward II Councilor Charlene Lovett
At-Large Councilor Kyle Messier

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

MAYOR'S NOTES

Michelle Pierce, Ward 1, introduced the Water Brigade which is made up of 25-30 children. They help water the flowers that were planted in front of City Hall and around the downtown. They are working with the Heart of Claremont. The Claremont Citizens Group gave them the flowers. The children presented the Council with a "golden shovel" from the Heart of Claremont.

REPORT OF THE SECRETARY

A motion was made by Mr. Koloski and seconded by Ms. Towle to accept the minutes of the July 8, 2015, City Council meeting.

Mr. Raymond abstained as he was not at that meeting.

Voice vote: motion carried 5-0 with 1 abstain (Mr. Raymond).

A motion was made by Mr. Bergeron and seconded by Mr. Simonds to accept the minutes of the July 9, 2015, City Council meeting.

Mr. Raymond abstained as he was not at that meeting.

Voice vote: motion carried 5-0 with 1 abstain (Mr. Raymond).

A motion was made by Mr. Raymond and seconded by Ms. Towle to accept the minutes of the July 22, 2015, City Council meeting.

Voice vote: motion carried 6-0.

APPOINTMENT TO BOARDS AND COMMITTEES

Frances J. Tolles Home Trustees

A motion was made by Mr. Simonds and seconded by Mr. Bergeron to re-appoint Claire M. Dole to seat #1 of the Frances J. Tolles Home Trustees.

Voice vote: motion carried 6-0.

A motion was made by Mr. Koloski and seconded by Mr. Simonds to appoint Cherie L. Leavitt to seat #6 of the Frances J. Tolles Home Trustees

Voice vote: motion carried 6-0.

Zoning Board of Adjustment

A motion was made by John Simonds and seconded by Mr. Raymond to appoint James Petrin to seat #3 of the Zoning Board of Adjustment.

Ms. Towle expressed concern that there was hardly anything written on the application. The last two ZBA meetings were cancelled due to a lack of a quorum. She wanted to make sure applicants are very committed to attending the meetings.

Mr. Simonds noted that Mr. Petrin had indicated he was committed to making the meetings.

Mayor Neilsen said if people are not attending the meetings, it is up to the board chair to seek to fill the seats with other people.

Voice vote: motion carried 6-0.

CITIZEN'S FORUM

Bernie Folta, Ward 3, said Heart of Claremont, Inc. is a successor to the Main Street Claremont organization.

Mike Tetu, Ward 1, requested to have a discussion about Charter Amendments regarding Citizens Binding and Non-binding Initiatives on the next agenda. He wants to suggest changing the number of voters it would take to create the question. Mayor Neilsen said it can be on the August 26th agenda.

James Sullivan, Ward 1, said on the agenda under New Business item D, map 59 does not exist. He suggested tabling the discussion until the next meeting. Mayor Neilsen said the proper parcel number is 159. Mr. Sullivan asked about the sale of the Sawtooth building to MakerSpace and the two-year reverter clause. He said nothing has been done.

AJ Maranville, Ward 2, said the front of City Hall looks decent. He reminded the Council that it hadn't voted to transfer funds for the bond as a TAN (tax anticipation note) for road paving. He said he didn't see how bids can be put out for road work before snowfall. He said he hasn't seen anything addressed by the administration about drainage.

Bernie Folta, Ward 3, said there are two ways to initiate a Charter change, either by petition or the Council can propose Charter changes. Charter changes can be done one at a time or by a package which would be a revision. He would like to see some changes to the Charter.

OLD BUSINESS

Ordinance 544 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 for 100 feet 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 first proposed for the north side of Charles Street in April 2015. The Traffic Advisory Committee requested a change in the parking regulation 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.

Enactment of this proposed Ordinance will improve public safety on Charles Street.

Ms. Taylor Said the Traffic Advisory Committee recommended there be No Parking on that side of the street.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Ordinance 544 No Parking on a Portion of Charles Street

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

Mayor Neilsen opened the public hearing.

Carol Calkins, Ward 2, spoke on behalf of her son, Chris. Ms. Calkins suggested a change to the No Parking area to put the handicapped space 45 feet from the intersection.

Mayor Neilsen said he thinks it is better to go back to first reading instead of approving this.

Mr. Raymond withdrew his motion and Mr. Bergeron withdrew his second.

Ms. Calkins asked if the handicap space has to be designated handicap. Mayor Neilsen said yes because a handicap person lives there.

Ms. Taylor said the ordinance was sent back to be rewritten to allow for a handicap spot. If it is to be further amended, it would need to go back to first reading.

Kevin Brooks, Ward 2, said he lives on Charles Street and when the parking ban was lifted, there was an altercation in that area. He thinks the proposed ordinance is fine.

Chris Toth, Ward 2, said his driveway is the location that was mentioned. He recommends this gets passed. He's been denied oil deliveries because of no access to his driveway.

The public hearing was closed.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Ordinance 544 No Parking on a Portion of Charles Street

Voice vote: motion carried 6-0.

NEW BUSINESS

Resolution 2016-12 DES Used Oil – Public Hearing

The City is required to construct a containment and ventilation system around the used motor oil tank at its Department of Public Works (DPW) that meets NFPA-31 Standard for Oil Burning Equipment. The City intends to apply for a Used Oil Program Grant in the amount of up to \$7,832.00 from the New Hampshire Department of Environmental Services (NHDES). The City would like to authorize the application for said grant and, if awarded, accept and expend the grant funds to construct an NFPA-31 compliant containment and ventilation system for the used motor oil tank at the DPW facilities.

Tom Woodley, Public Works Director, said this is a request to allow Public Works to apply for the grant. Public Works has added to the amount of used oil storage at their facility and now there is a need to put containment and ventilation around it.

A motion was made by Mr. Raymond and seconded by Ms. Towle to adopt Resolution 2016-12 DES Used Oil.

Mr. Raymond read the resolution into the record.

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

Roll call vote: motion carried 6-0.

Resolution 2016-13 Bible Hill Rd. Culvert – Public Hearing

It has been determined that a certain culvert located in the vicinity of 25 through 34 Bible Hill Road is in danger of failure, which could result in significant traffic disruption, localized flooding and interruption of water and sewer service to more than 180 houses, as well as significant interference with the response by emergency services to these residents. The City has been notified by New Hampshire Homeland Security and Emergency Management that replacement of the Bible Hill Road culvert may be eligible to be funded through the Federal Emergency Management Agency (FEMA) 2015 Pre-Disaster Mitigation (e-file) Program and the Hazardous Mitigation Grant Program (HMGP). The City wishes to apply for and, if awarded, accept said grants in the amount of up to \$215,500.00 for replacement of the Bible Hill Road culvert to remediate this hazard.

Mr. Woodley said a study was done last year about what needs to be replaced. This resolution allows the City to apply for these grants. Grants received over the last 10 years or so amount to \$1,851,858 for Public Works projects. Norma Limoges is the driving force behind applying for these grants. The City has drainage dollars and can take money for the City's share from there.

A motion was made by Mr. Bergeron and seconded by Mr. Raymond to adopt Resolution 2016-13 Bible Hill Road Culvert.

Mr. Bergeron read the resolution into the record.

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

Roll call vote: motion carried 6-0.

Motion to Retain Properties Acquired by Tax Deed

Ms. Taylor said this involves three parcels taken by tax deed in 2013. Map 18-3 is a hazard zone if there were a breach of the Whitewater dam. The City is recommending retaining it. Maps 118-133 and 118-134 are not buildable lots. There are significant wetlands on both parcels and the City recommends retaining them to potentially be used for compensatory wetlands for future projects.

A motion was made by Mr. Raymond and seconded by Ms. Towle that the City Council, pursuant to RSA 80:80, V, hereby authorizes the retention by the City for public use of a parcel of vacant land located on Whitewater Brook Road, Parcel 18-3, acquired by the City by tax collector's deed dated July 21, 2013, and of two parcels of vacant land located on

Albion Avenue, Parcel 118-133 and Parcel 118-134, acquired by the City by tax collector's deed dated July 22, 2013, all three parcels having been acquired as the result of nonpayment of taxes, and further authorizes the City Manager or his designees to undertake all such actions as may be required to implement this motion.

Mayor Neilsen asked if anyone from the public wanted to comment. No one did.

Mr. Koloski agreed with maintaining the Whitewater Brook Road parcel, but he said the City already has plenty of compensatory wetlands.

Mr. Raymond said having compensatory wetlands is important.

Mr. Koloski said he was not happy how these are sent out for bid.

Roll call vote: motion carried 5-1 with Mr. Koloski voting no.

Motion to Sell Property Acquired by Tax Deed Parcel 159-7-1

Ms. Taylor said this is a manufactured housing unit that was originally recommended to not be accepted for tax deed. If the City refuses to take a property, it can change its mind. This is a 1999 vintage unit and is in fairly decent condition; it has resale value. The parcel is 159, not 59. Once a property gets to this stage of the tax deeding process, the property owner does not have to be notified. The mobile home owner does not own the property on which it sits. The property is 84 Case Hill Road. The parcel is 159-7-1. The motion is to authorize to take the mobile home by tax deed.

Mayor Neilsen asked if the motion to take this by tax deed, does the owner have time to pay his taxes. Ms. Taylor said yes. She checked with the Tax Collector and 2 or 3 properties that have been authorized for tax deed are expected to pay their taxes.

A motion was made by Mr. Raymond and seconded by Ms. Towle that the City Council, pursuant to RSA 80:80, hereby authorizes the Mayor to transfer title to real estate previously refused, located at 84 Case Hill Road, Parcel 159-7-1, acquired as the result of default of redemption of nonpayment of taxes, by public auction or by advertised sealed bid or to dispose of said property in such manner as justice may require, such authority to be effective indefinitely until rescinded.

The City Council authorizes the Tax Collector to record at the Sullivan County Registry of Deeds transfers of such property as may occur. The City Council further authorizes the City Manager or his designees to undertake all such actions as may be required to implement this motion.

Mr. Koloski said he would have felt more comfortable with re-noticing this.

Jim Sullivan, Ward 1, asked if the City takes the property and it does not sell, does the City have to pay rent and is it budgeted for.

Mr. Raymond said they owe \$26,000 in taxes. Mayor Neilsen said if the City owns it, it may have to be moved.

Roll call vote: motion carried 4-2 with Messrs. Koloski and Simonds voting no.

Motion to Enter into Multi-Year Lease Agreement for Purchase Vehicles and Equipment for Public Works and Parks

Mary Walter, Finance Director, said this is already in the budget.

A motion was made by Mr. Simonds and seconded by Mr. Raymond to authorize the City Manager to enter into a multi-year lease agreement for vehicles and equipment for a term not to exceed ten (10) years for the City's Parks & Recreation and Public Works Departments, the expenditure for each year of the lease not to exceed \$89,211.64, said costs for the first year of the lease term having been raised and appropriated in the 2016 budget. The proposed lease agreement shall contain a termination clause in the event of non-appropriation of sufficient funds for any subsequent year of the lease.

Mr. Bergeron said it would be nice to see a list of the equipment.

Ms. Towle said during the budget process, the Council asked for a list. Ms. Walter said it was in the CIP (Capital Improvements Plan). The vehicles and equipment are: F350 truck for Parks, deep tine aerator for Parks, F150 truck for Public Works, F350 truck for Cemetery, F550 truck for Public Works, sidewalk plow for Public Works, street sweeper for Public Works, and an International 7400 4-wheel drive for Public Works.

Mayor Neilsen asked what will happen with the current street sweeper and sidewalk plow. Ms. Walter said she believed both are being kept as backups.

Mr. Koloski asked if these vehicles will be lettered. He asked about removing the City's logo when vehicles are sold. Ms. Walter said there was a discussion about spray painting the doors black so the logo is not visible.

Mr. Raymond said the wrap on the Parks and Recreation truck looks nice.

Voice vote: motion carried 6-0.

Resolution 2016-14 Airport Hangar Construction Grant – Public Hearing

The City is undertaking a hangar reconstruction project at the Claremont Municipal Airport. The City has applied for and been notified that it has been awarded a grant from the Federal Aviation Administration (FAA) in the amount of \$70,823.00 to fund the construction of a new,

approximately 60' x 80' hangar at the Airport, said amount including \$3,542.00 from the New Hampshire Department of Transportation and local matching funds from the City in the amount of \$3,542.00. The City would like to now accept and expend said grant funds. The City's share of the project will be taken from the Airport Reserve Account (to have no impact on the tax rate).

Fire Chief Rick Bergeron said this is the next step in the hangar construction. This is for the design and bid specifications.

A motion was made by Mr. Raymond and seconded by Mr. Bergeron to adopt Resolution 2016-14 Airport Hangar Construction Grant.

Mr. Raymond read the resolution into the record.

Mayor Neilsen opened the public hearing.

Jim Sullivan, Ward 1, talked about fit up costs for equipment and a public café at the airport that was discussed in the April 27, 2015, Airport Advisory Board minutes. He questioned if taxpayers should pay for that or if it is wise to sell alcohol at the airport. He said over the next year \$1.5 million will be added to the next budget because of the TIFD (Tax Incremental Finance District) and this could add more to the tax rate.

Bernie Folta, Ward 3, said about a year ago the Council indicated it would ask the Airport Advisory Board to work on a strategic plan. He talked about the Master Plan starting, synchronization and how it relates to future planning.

Mr. Bergeron said the Fire Chief had been saying for a couple of years that this was coming. The hangar needs to be replaced.

Chief Bergeron said the City receives support from FAA (Federal Aviation Administration) and we are limited to how much we receive. These larger projects have to take place over a number of years. Last year structural engineers assessed the current hangar. They determined to rebuild and renovate that building would be impractical. This year they will come up with a design for a community hangar which will be built next to the 6-bay hangar. This doesn't include the office aspect or proposed café. That will be part of a terminal building project in 2 years. Because we don't want to lose use of the current hangar, the new hangar is being built in a different location. The current hangar has a small terminal building. When the new hangar is constructed, they will address the terminal building. Snow removal isn't a serious issue. The airport has excellent snow removal equipment. The City has other small plows and old vehicles may be able to be used. He will come back next year to seek permission to construct the new hangar.

Mr. Raymond said he is on the Airport Advisory Board. There was talk about a café, but the Advisory Board didn't talk about paying for fit up.

Roll call vote: motion carried 6-0.

Donation Discussion – Public Hearing

Mr. Bergeron asked if the cannon donation can be given back to the donor.

Ms. Taylor referred to an e-mail from the Attorney General's (AG) office that said the action taken by the City was appropriate.

There was a question about the donation not being accepted by the Council. Ms. Taylor said according to Resolution 2010-12, Council does not have to accept donations that are less than \$5,000. She said the restorer was in Connecticut; unfortunately, he has died. The money for the project is still in the City's account.

Ms. Taylor said if Council wants the project to move forward, Council can decide to move forward with fundraising. If not, Council can vote to abandon the project and then the City can go to probate court.

Ms. Taylor said the donor may be able to authorize using the money for another purpose.

Mr. Koloski said the project will cost about \$10,000 more than what has been raised.

Ms. Taylor read from the AG's e-mail. Once a donation is made, the money no longer belongs to the donor.

Three different individuals have donated for a total of \$1,125.

Ms. Walter said there is a person in Massachusetts who will do the work for \$4,000-\$8,000.

Mr. Santagate said he went to visit Father Stan and Father Stan would rather see the project completed. Mr. Santagate said we can do a fundraiser if that is what the Council wants to do.

Ms. Taylor said when the City is given money for a specific purpose, the money is held in trust and can only be used for that specific purpose.

Mayor Neilsen opened the public hearing.

Jeff Barrette, Ward 1, asked a question about probate. Ms. Taylor said that would be to use the money for a different purpose.

AJ Maranville, Ward 2, suggested Council hire a "real" attorney to get correct knowledge about how this statute works.

Jim Sullivan, Ward 1, said he got a different answer from Terry Knowles. He thinks Council needs to get another legal opinion. He thinks the money should be given back.

Mayor Neilsen closed the public hearing.

Mr. Koloski asked that this be on a future agenda and to reach out to Franklin, NH, as they have a similar cannon.

Ms. Taylor said Charlestown also did theirs a few years ago.

Mayor Neilsen said it was the general consensus to move forward with this project, if possible.

Mayor Neilsen said this can be put on a future agenda; we'll get some costs to get it done. He said it would be nice to know what projects are out there.

Ms. Taylor said there is the dog park which Council authorized and some funds have been collected.

Ron Gilbert, Ward 3, said he is the legal POA (Power of Attorney) for Father Stan. He said Father Stan is spending \$8,000 for his care out of his pocket. Mr. Gilbert said that he was the one that started the request to get the money back because the project was dead.

Motion to Authorize Proposal and Fundraising for Construction of Shelter at Amtrak Station

Ms. Taylor said one of the Amtrak Ad Hoc Committee's priorities was to establish a shelter at the Amtrak Station. The question is who will own it. She consulted with Primex if there were issues if the City owns the structure not on City property. The shelter will be located next to where the handicap lift is for people who need it to get on the train. We are still working out the exact size of the shelter.

John Lambert, property owner in Claremont, said the Vermonter makes two stops daily at this location. He has a handshake agreement to allow Amtrak to park cars on his property. He lets passengers wait under the eaves of his building. This shelter will resemble a bus stop shelter. On the recommendation of the Police Chief, it will have clear sides and the area will be well lit. He proposed to allow this to be built on his property to facilitate its construction.

Ms. Taylor advised the best way to do this is to have a license agreement with the entity that owns the property. Mr. Lambert said the property is in the John C. Lambert Family Trust and he would grant the City an agreement for the use of that property. He said Timberpeg will donate the timber frame work; Pine Hill Construction, along with others, will also donate to the project. There will be no cost to the City.

Mr. Raymond suggested using tempered glass instead of Lexan as Lexan is easier to vandalize than glass.

A motion was made by Mr. Raymond and seconded by Mr. Simonds to authorize the Ad Hoc Committee - Claremont Amtrak Stop to undertake organizational activities as may be required to raise funds and solicit donations for construction of a public shelter to be

located on land adjacent to the Claremont Amtrak Station, subject to the City entering into a licensing agreement with the owner of the underlying property. Such shelter to be built in compliance with all building codes and to be ADA compliant. All funds received for this project as well as a listing of all donors and donations, whether cash, material or in kind, shall be forwarded to the City's Treasurer on a periodic basis as established by the City's Finance Director. It is anticipated that this project shall have no impact on the tax rate. Upon conclusion of the project, a summary of the donations and the value of the project shall be presented to the Council for final acceptance.

Voice vote: motion carried 6-0.

RSA 79-E – Public Hearing

Ms. Taylor outlined the review process. The date the application is received by the City starts a 60-day clock. Council will hold a public hearing within 60 days of receipt by the City. The application has to be reviewed for completeness, compliance with statutes and code compliance. Staff provides a report and proposed resolution to the City Council. It is up to the Council's discretion whether or not to grant tax relief. After a public hearing, Council has 45 days to decide to grant tax relief. There is no measuring stick to determine how many years of relief to award. It is up to the Council.

Mr. Santagate talked about the minimal risk to the City. If the benefit doesn't come until after the project has been completed, then there is no risk to the City.

Nancy Merrill, Planning and Development Director, said with the application, there will be a staff recommendation. There will be a checklist of information. The final decision will be the Council's.

Ms. Taylor said this does not go to the Planning or Zoning boards before going to Council.

Ms. Merrill said if it is a qualifying replacement structure, the Historic District Commission will be involved.

Mr. Koloski said he would like to see interior layouts of the project.

Jeff Barrette, Ward 1, thanked Council for its forward thinking. He had hoped to have an application ready, but not yet. He talked about code issues. He said there is no break, just unrealized tax gain. He would like Council to reconsider submittal information. He feels financials are private.

After discussion, Ms. Merrill suggested revising the list of attachments to make some optional and then if Council wants more information, it can request it. There was consensus of the Council.

CITY MANAGER'S REPORT

Mr. Santagate said the cone valve project (sewer line from Unity) has been completed. Line striping is going along great. Paving project and Main Street project are moving forward.

FUTURE AGENDA ITEMS AND DIRECTIVES

Ms. Towle asked for an update on items being dispersed from the GCC (Goodwin Community Center) building.

Mr. Bergeron asked for JSL (Junior Sports League) building and former Hunter property (54 Windsor Road) updates. Mayor Neilsen said at the meeting on August 26, there will be GCC, JSL and 54 Windsor Road updates.

COMMITTEE REPORTS

Mr. Koloski said the Claremont 250th Anniversary Committee was nearing the end of the sculpture landscaping project. He said he's been asked to speak to Ms. Taylor to set up a trust to protect the sculpture. He's been asked to request to extend the Committee three months to finish the sculpture. Ms. Taylor asked for a schedule.

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 10:15 p.m., a motion was made by Mr. Raymond and seconded by Mr. Simonds to adjourn.

Voice vote: motion carried 6-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council