

CITY OF LACONIA - CITY COUNCIL MEETING

January 14, 2019

7:00 P.M.

1/14/2019 - Minutes

1. CALL TO ORDER

Mayor Engler called the meeting to order at the above date and time.

2. SALUTE TO THE FLAG

Councilor Hosmer lead the Salute to the Flag.

3. RECORDING SECRETARY

Cheryl Hebert, City Clerk

4. ROLL CALL

City Clerk Hebert took the roll with the following Councilors in attendance: Bruce Cheney, Henry Lipman, Mark Haynes, Bob Hamel, and Andrew Hosmer.

Not present: David Bownes

Mayor Engler noted five (5) Councilors were in attendance and a quorum has been established.

5. STAFF IN ATTENDANCE

Scott Myers, City Manager

Glenn Smith, Finance Director

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular meeting minutes of December 27, 2018

Minutes of the meeting were distributed to the City Council on Thursday, January 3, 2019. With one correction received, the minutes were redistributed on Friday, January 4, 2019, and will be accepted as redistributed.

8. CONSENT & ACTION ITEMS

9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

No comments from the public were made.

10. INTERVIEWS

10.A. Ryan Cardella - Seeking appointment as a regular member on the Weirs TIF Advisory Board for a three year term expiring at the end of June, 2021

Ryan Cardella was not present to be interviewed.

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

12. COMMUNICATIONS

13. PUBLIC HEARINGS

13.A. Public Hearing for Resolution 2019-01, relative to the Comcast Proposal for a Competitive Cable TV Franchise in Laconia

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Notice of this public hearing was made available in the January 2, 2019 edition of the Laconia Daily Sun, posted

at City Hall, Laconia Public Library, Community Center, and the SAU.

Mayor Engler read into record the following:

"The purpose of today's hearing is to receive the public's input on the proposal from Comcast for a competitive cable TV franchise in Laconia. Atlantic Broadband Company is the current cable provider in our City. Atlantic Broadband's current franchise agreement runs through December 31, 2023. Comcast also proposes to provide cable TV services in Laconia, which would give residents and businesses a choice of two cable companies. The City Council is the franchising authority under NH Law. NH Law requires that a competitive franchise, such as this one, be no more favorable or no less burdensome than the existing cable operator's franchise agreement. We have reviewed the proposed cable TV's franchise agreement to make sure it applies with the law and negotiated some changes to make sure it was no more favorable or no less burdensome than Atlantic Broadband's franchise agreement. The proposed cable TV's franchise agreement that is the subject of this hearing, is the product of that work. The public has been invited to this meeting which has been posted two weeks before the hearing. The proposed franchise agreement has been available during that time for review. Any resident or representative from a local organization who wishes to speak will have that opportunity tonight, in just a minute. Please note that some topics are not, NOT, included in the proposed franchise agreement, such as: cable rates and channel selection. The City has no jurisdiction over those items. Likewise, the cable TV franchise agreement does not deal, DOES NOT DEAL, with telephone services or internet provider services, provided by Comcast as those are outside the jurisdiction of the City."

Cable rates and channel selections are federally regulated and are not given to local cities.

Mayor Engler opened the public hearing at 7:08 pm

Tom Kelly and Bryan Christiansen, representatives from Comcast - gave a handout to the Council and for the record. T. Kelly reviewed the packet which explained what Comcast has to offer. It was stated that Laconia would be a part of the Greater Boston Area, meaning what the Boston Area gets, Laconia would receive as well.

Councilor Hamel asked the time frame regarding installation and up and running.

B. Christiansen stated Rochester was approved in December of 2017 and the first customer was hooked up July 2018.

Councilor Cheney would like City officials, such as, Police and Fire, to be able to break into normal programming to deliver instructions in case of an emergency.

T. Kelly stated that particular system does not work well when there are so many other options such as reverse 911, texting, emails, etc. and there is no geofencing. T. Kelly also stated that Comcast has added other items rather than adding the emergency system.

Councilor Lipman questioned what the values added were in lieu of the emergency system.

B. Christiansen stated Comcast will be giving the City \$9,600 every year during the 10 year franchise agreement.

T. Kelly also explained the new and improved options that Comcast has to offer, such as, streaming applications, talk-to-remote control, and the ability for the sight impaired to be able to get descriptions of the program they are watching.

Councilor Hamel mentioned that Laconia has PEG access and inquired if Comcast will offer this as well. The answer was yes.

T. Kelly mentioned that Comcast also has a program that states any child that receives free or reduced lunch in Laconia will receive an option to acquire internet for a low cost.

B. Christiansen stated that Comcast has a partnership with the Boys and Girls Club and they are very excited that Laconia has a Boys and Girls Club.

Edward Merrill, General Manager for Atlantic Broadband was present - E. Merrill stated Atlantic Broadband's main focus is on customer service and noted he is present to just listen or answer any questions.

Representative St. Clair, Ward 3 - expressed that he is happy about competition within this area. Rep. St. Clair hopes that Comcast does keep the public access station. He also spoke in regards to competitive pricing and

packages.

Representative Spanos - stated he is a firm believer in competitive markets but has heard that Comcast is unwilling to add the option for Local Emergency Broadcasting and feels that is a disservice to the community.

Mayor Engler closed the public hearing at 7:41 pm.

13.B. Public Hearing for amending Ordinance 2019-189-50-01, Sewer Charges

Notice of this public hearing was made available in the January 8, 2019 edition of the Laconia Daily Sun, posted at City Hall, Laconia Public Library, Community Center, and the SAU.

Mayor Engler read the proposed changes.

Mayor Engler opened the public hearing at 7:45 pm.

Hearing no comments from the public, Mayor Engler closed the public hearing at 7:46 pm.

14. PRESENTATIONS

15. MAYOR'S REPORT

Mayor Engler acknowledged the passing of Bill Tobin of Sanbornton and sends his sincere condolences to his family.

Mayor Engler passed out a picture of the curtain from the Colonial Theatre which unrolled itself. He was told it was still in excellent shape.

16. COMMITTEE REPORTS

16.A. FINANCE (Lipman, Hamel, Cheney)

16.A.i. WOW Trail Funding

16.A.ii. Downtown TIF Financing

16.B. PUBLIC SAFETY (Bownes, Hosmer, Lipman)

16.B.i. Fair St/Court St traffic problems and accidents

16.C. GOVERNMENT OPERATIONS & ORDINANCES (Bownes, Hosmer, Cheney)

16.C.i. Review of Chapter 167, Noise and Chapter 161 Licensing as it pertains to outdoor sound equipment and loudspeakers

16.C.ii. Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns

16.C.iii. Procedural review of grant applications

16.C.iv. Second reading of a resolution relative to the adoption of RSA 31:95-b, Appropriation of funds made available during the year

16.D. LANDS & BUILDINGS (Hamel, Lipman, Haynes)

16.D.i. Downtown parking garage

16.D.ii. **Repair & maintenance of City buildings**

16.D.iii. **Perley Pond Maintenance**

A meeting has been scheduled for January 28, 2019 at 6:00 pm.

16.E. **PUBLIC WORKS (Bownes, Hosmer, Haynes)**

16.E.i. **Retaining Wall Policy**

16.E.ii. **Proposal to implement City Policies for designating emergency lanes**

17. **LIAISON REPORTS**

18. **CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**

Calvin Dunn, Garfield Street - Is here to speak in regards to the emergency lanes process. Mr. Dunn stated the law defines emergency vehicles as EMS, Fire, and Police. He stated he couldn't find public works vehicles as emergency vehicles. Mr. Dunn feels this has been abused. Mr. Dunn would like the City to reconsider the use of the emergency lanes and said the obvious way to go would be the "as-is" process.

19. **CITY MANAGER'S REPORT**

19.A. **Financial and Operational Trends Report**

City Manager Myers formally welcomes Glenn Smith, the new Finance Director.

City Manager Myers reviewed the report.

City Manager Myers mentioned the Customer Service Survey that has been distributed across the City. Most of the responses were in regards to the interactions with City Hall departments. There was an over abundance of positive feedback.

Councilor Hamel questioned the line item regarding the Expendable Trust balances.

City Manager Myers will look in to that and get back to Council with an update.

20. **NEW BUSINESS**

20.A. **Request to establish rental fees for Boardwalk and Weirs Boulevard vending spaces for Laconia Motorcycle Week 2019**

Councilor Hamel wanted to remind the Council there was a deficit last year in regards to Motorcycle Week.

Councilor Hosmer moved to approve rental fees for Laconia Motorcycle Week 2019 vending spaces located on the Boardwalk and Weirs Boulevard as presented, seconded by Councilor Hamel; the ***motion passed with all in favor.***

20.B. **Approval for an easement for Wildwood Village Dam Pipe**

City Manager Myers explained the need for this easement.

Councilor Lipman moved that the City Council approve the proposed easement to the Wildwood Village Condominium Association for their drainage pipe in the City right of way and authorize the City Manager to sign the easement, seconded by Councilor Haynes; the ***motion passed with all in favor.***

20.C. **Request to approve no parking on Clinton Street**

DPW Director Anderson explained the need for this no parking request.

Mayor Engler spoke to Councilor Bownes earlier this evening and he has no objection to this.

Discussion was had in regards to whether or not the residents have been contacted.

Councilor Lipman suggests putting a temporary parking zone in effect until the residents have been properly notified.

Councilor Lipman moved the City Council approve a temporary no parking zone on both sides of Clinton Street from the west boundary of 88 Clinton Street to the east end of the intersection of Clinton and Prospect Streets in effect through January 15, 2019 through January 28, 2019, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

Councilor Lipman moved to table Item 20C until the January 28, 2019 meeting, seconded by Councilor Haynes; the ***motion passed with all in favor.***

20.D. Colonial Theatre Project Update

Mayor Engler handed out three pages to the Council before the meeting started in regards to the Colonial Theatre Project. Mayor Engler received an email from Dick Jennings from Mascoma Bank stating the Colonial Theatre project is the first project on MCD's priority pipeline list if Mascoma Community Development wins another New Market Tax Credit Allocation. It has been indicated that if MCD receives a new award in an adequate amount, they are willing to consider an allocation amount not to exceed \$15,000,000 as long as it was an all commercial project.

MCD expects a tax credit announcement to be made in February of this year. The second and third floors development would not be part of this project. BEDC is looking for a tenant that is willing to develop the second and third floors at their own expense. Right now BEDC is talking to a local developer that may be interested in the second and third floors. If this happens there will be rent coming in for seven years and then at the end of seven years that developer will own that space. The committee is asking the City to purchase the theatre equipment (lighting, sound equipment and stage rigging) on their own in an amount of \$900,000.

The committee, which is comprised of Mayor Engler, Councilor Lipman, Gary Groleau (Chair), Andrew Pike, Kris Kelly, Jen Anderson, and Justin Slattery, is looking for an answer from the Council by the end of the second Council meeting in February.

Councilor Hosmer would like more in writing about the structure of this deal from an attorney to make sure that we are technically and spiritually within the law.

Mayor Engler noted that the City wouldn't show up to closing with out everything that Councilor Hosmer has asked for. If the Council requests a specialist to review the New Market Tax Credits, it would come at a cost that is not part of the budget. The total project cost and total sources revenue equal \$15,878,493. This is because the \$15 million is the Qualified Equity Investment and the remaining amount is the fee from Mascoma bank to administer this which does not qualify for tax credits.

The committee is asking the City to put another \$900,000 into this project raising what the City has already put in from \$4.2 million to \$5.1 million. The extra \$900,000 would be used by the City independently to purchase the lighting, sound equipment, and stage rigging that was taken out of the budget.

Mayor Engler explained how the City would be able to commit to another \$900,000. This is broken down on page three of the handout. The Mayor is suggesting \$1.5 million be borrowed from the General Fund to the Downtown TIF. If the Council decided to do this, the TIF fund would not be able to be used until 2025. The Mayor explained there really is no other source to fund this project in a timely fashion. Mayor Engler would like to have an answer no later than the second meeting in February.

Councilor Lipman added that the original plan with the City investing money did not interfere with any monies to do with the tax cap, secondly with the project finished it would become twice the value of what the City invested. Councilor Lipman also stated that money for the equipment would not have to be paid in one lump sum.

Councilor Hamel stated they have followed the model that Keene has used in regards to the New Market Tax Credits. Councilor Hamel also reminded the Council that this time they have it in writing that this project would be first in line if Mascoma receives the New Market Tax Credits.

Mayor Engler requests this item be kept on the agenda under Unfinished Business.

Councilor Cheney asked what happens if this doesn't go through? Worst-case scenerio?

Mayor Engler said worst case scenerio right now is the \$4.8 million goes away. The City would lose a net of

about \$2.5 million. Two alternatives - wait another year, which is extremely risky, or lets cut \$2.5 million out of the project, which would leave us with a museum (a theatre with no seats, air conditioning, etc.).

Councilor Lipman expressed his concern with the comments being made. He stated there are plenty of positive examples such as Concord that shows what improvements can be made going forward with this project.

Councilor Hamel understands the concerns.

Councilor Hosmer states this is realistic. The City and public funds needs to be realistic and ask the appropriate questions so that everyone understands the whys and how comes.

Councilor Lipman feels Councilor Hosmer is making it harder to move forward.

Councilor Hosmer wants questions answered with facts to have a better understanding of it all.

Councilor Lipman stated the way the project has been talked about this evening has been destructive not constructive.

Councilor Hosmer wants to go in to this project with the best understanding he can with the use of public funds so everyone can be excited about this project and bring downtown to it full potential.

21. UNFINISHED BUSINESS

21.A. Request from Santagate Properties, LLC for City Council approval of an easement for construction of a deck over City property

Representative St. Clair is present to represent Anthony Santagate. Anthony Santagate is proposing a security bond before construction begins in case of any damage done to the City sidewalk.

Councilor Hamel questioned if the property owner paid any portion of the new sidewalk that is on his private property.

City Manager stated no and that is not uncommon, especially where some of the work that need to be done was under his private property. The Manager also stated the property owner would have to take proper steps and get a dig safe permit.

Representative St. Clair said the projected start time would be fall of 2019 and the bond presented would be for the construction period only.

Councilor Hosmer moved to remove this item from the table, seconded by Councilor Cheney; the ***motion passed with four (4) in favor, one (1) opposed.***

Councilor Hosmer moved to approve the request from Santagate Properties, LLC for City Council approval of an easement for construction of a deck over City property located at 264 Lakeside Avenue in Laconia, as shown on the Plan entitle "Deck Framing for Tower Hill Tavern, 264 Lakeside Ave., Laconia, NH, prepared for Santagate Properties, LLC, dated August 2, 2018" and prepared by Farwell Engineering Services, LLC, and to authorize the City Manager to sign all necessary easement and agreement documents contingent upon work satisfaction of the work proposal with bond agreement signed by Mr. Santagate, seconded by Councilor Cheney;

Councilor Lipman is not satisfied with the conditions around the construction of this project and all of the contingencies covered.

Councilor Cheney thought the reference to the Planning Director would cover all of these issues.

Councilor Hamel has been in favor of all of the improvements that have been happening in the Weirs, with putting the wires under ground. But now property owners are putting benches on the curbs and cluttering up the sidewalks again.

City Manager Myers stated as long as there is a clear path for walking, strollers, wheelchairs, etc., property owners can not expect people to purchase something in order to sit in those chairs. It was the hopes of the City that people would sit and gather and enjoy themselves. The focus is on pedestrian flow and not blocking the sidewalks. He would rather not be too strict. There has been a gentlemen's agreement and it has worked out well

for the past two years.

Mayor Engler called the question. The *motion passed with three (3) in favor and two (2) opposed.*

21.B. **Second reading of Resolution 2019-01, relative to the Comcast Proposal for a competitive Cable TV franchise in Laconia**

Councilor Hosmer moved to waive reading of this resolution in its entirety and to read by title only, seconded by Councilor Haynes; the *motion passed with all in favor.*

Councilor Hamel moved the second reading of Resolution 2019-01, relative to authorizing the City Manager to sign any documents on behalf of the City relative to the Comcast Proposal for Competitive Cable TV Franchise in Laconia, seconded by Councilor Hosmer; the *motion passed with all in favor.*

Councilor Hamel moved to approve Resolution 2019-01, relative to authorizing the City Manager to sign any documents on behalf of the City relative to the Comcast Proposal for Competitive Cable TV Franchise in Laconia, seconded by Councilor Hosmer;

Councilor Cheney can not vote for this item due to his concern regarding the emergency notification.

Councilor Lipman questions whether there is another option Councilor Cheney would be willing to look at in regards to emergency notifications.

Councilor Lipman moves to table this item until the January 28, 2019 meeting, seconded by Councilor Haynes, the *motion passed with four (4) in favor, one (1) opposed.*

Councilor Hosmer moved to extend the meeting to 10:15 pm, seconded by Councilor Haynes, the *motion passed with all in favor.*

21.C. **Second reading and approval of Ordinance section 189-50, Sewer Charges**

Councilor Hosmer moved to waive a reading of this Ordinance in its entirety to to read by title only, seconded by Councilor Cheney; the *motion passed with all in favor.*

Councilor Hosmer moved the second reading of Ordinance 2019-189-50-01, an Ordinance amending Chapter 189-50, Sewer Charges, seconded by Councilor Haynes; the *motion passed with all in favor.*

Councilor Hosmer moved to approve Ordinance 2019-189-50-01, relative to Sewer Charges, seconded by Councilor Haynes; the *motion passed with four (4) in favor and one (1) opposed.*

22. **COUNCIL COMMENTS**

Councilor Hamel stated that any resident in Laconia that has satellite tv will not receive an emergency alert.

Councilor Cheney agrees and likes Councilor Lipman's suggestion. His concern is with the way Comcast stated they wouldn't do it.

City Manager Myers stated that is was discussed with legal counsel that it is impossible to get two different cable companies to get identical agreements that were done at different times.

Councilor Hosmer asked if there were additional plans to remove snow in the downtown area. DPW Director Anderson stated that is a work in process.

Mayor Engler asked who is responsible for the snow removal on a sidewalk at the crosswalk connection.

Director Anderson stated that is DPW's responsibility and that is usually done within the next day of a storm.

23. **FUTURE AGENDA ITEMS**

23.A. **Master Plan**

23.B. **Milfoil Treatment funding requests**

23.C. **Sewer & Water Master Plan**

23.D. **Single Stream Recycling/Concord Co-op/Solid Waste disposal cost reductions**

23.E. **Strategic Planning/Goal Setting**

23.F. **WOW Trail**

24. **Any other business that may come before the Council**

25. **NON-PUBLIC SESSION (According to RSA 91-A:3, II)**

26. **ADJOURNMENT**

With no further business to come before the Council and hearing no objection, Mayor Engler adjourned the meeting at 10:12 pm.

Respectfully submitted,

Cheryl Hebert, City Clerk

MINUTES OF THIS MEETING WERE APPROVED AT THE JANUARY 28, 2019 REGULAR COUNCIL MEETING