

CITY OF LACONIA - CITY COUNCIL MEETING
7:00 P.M.
City Hall - Armand A. Bolduc City Council Chamber

5/23/2022 - Minutes

1. CALL TO ORDER

Mayor Hosmer called the meeting to order at 7:01 PM

2. SALUTE TO THE FLAG

Councilor Cheney led the salute to the flag

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

City Clerk Gargano called the roll, Councilor Cheney, Councilor Soucy, Councilor Lipman, Councilor Haynes and Councilor Felch.

Absent: Councilor Hamel

Mayor Hosmer confirmed 5 councilors are in attendance and a quorum is established.

5. STAFF IN ATTENDANCE

Scott Myers, City Manager; Glenn Smith, Finance Director/ Zoom Coordinator

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. City Council regular meeting minutes of May 9, 2022

Minutes of the City Council regular meeting of May 9, 2022 were distributed to the City Council on May 16, 2022.

With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

7.B. City Council budget meeting minutes of May 9, 2022

Minutes of the City Council Budget meeting of May 9, 2022 were distributed to the City Council on May 16, 2022.

With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

8. CONSENT & ACTION ITEMS

8.A. **Temporary Traffic Order 2022-07, July 3, 2022 Parade**

Laconia Parks & Recreation has submitted a request for a Temporary Traffic Order for the Laconia July 3, 2022 parade and festivities from 8:00 am to 11:00 pm.

Councilor Felch made a motion to approve Temporary Traffic Order 2022-07, July 3, 2022 parade and festivities to be held on July 3, 2022 from 8:00 am to 11:00 pm. Seconded by Councilor Haynes.

Discussion: Councilor Haynes asked if this was the same route as last year. Manager Myers confirmed yes, it was the same route as last year. The ***motion passed with all in favor.***

8.B. **Request from Laconia Motorcycle Week Association for approval of a Hill Climb on Tower Street to be held Tuesday, June 14, 2022 from 10:30 am to 1:30 pm in connection with Laconia Motorcycle Week 2022, and to request a waiver of all City fees associated with the event**

Laconia Motorcycle Week Association has requested permission to hold a hill climb on Tower Street on Tuesday, June 14, 2022 from 10:30 am to 1:30 pm in connection with Laconia Motorcycle Week 2022. This event will be facilitated by the United States Classic Racing Association and will be an exhibition race with vintage motorcycles. The event is fully insured. This is a recurring event. The Special Events Review Committee approved the event at their May 4, 2022 meeting.

Charlie St. Clair approached the Council to make an amendment to the time, it was supposed to be until 2:00 PM.

Councilor Soucy made a motion to approve the request for approval of a hill climb on Tower Street to be held Tuesday, June 14, 2022 from 10:30 am to 2:00 pm in connection with Laconia Motorcycle Week 2022, and to waive all City fees associated with the event. Seconded by Councilor Cheney.

Discussion: Councilor Lipman asked Mr. St. Clair if the fees are usually waived for this event. Mr. St. Clair replied yes. Manager Myers confirmed the only license they would need would be for an outdoor loudspeaker. Mr. St. Clair stated that any proceeds from the event will be put into the Motorcycle Week Association fund. They do have an ambulance detail for the event that the Association pays for. The ***motion passed with all in favor.***

8.C. **Request from Laconia Motorcycle Week Association to waive fees for a Bike Show and Swap Meet to be held June 17, 2022 at Opechee Park from 7 am to 3 pm**

The Laconia Motorcycle Week Association Bike Show and Swap Meet is an annual recurring event. The Association has requested that the City waive vendor fees and all other City fees in connection with the event. The Parks and Recreation Commission approved the event at their March 21, 2022 meeting, and the Special Events Review Committee approved the event at their May 4, 2022 meeting.

Councilor Cheney made a motion to approve the request from Laconia Motorcycle Week Association to waive vendor and all other City fees for a Bike Show and Swap Meet to be held June 17, 2022 at Opechee Park. Seconded by Councilor Felch. **Discussion:** Councilor Lipman asked if the fees have been waived in the past for this event. Mr. St. Clair replied yes, typically there are very few vendors who participate, and this is an event that occurs every year. The ***motion passed with all in favor.***

8.D. **Lakes Region Rotary Club - Request to waive fees associated with the 9th Annual Charity Car Show**

On July 23, 2022 the Lakes Region Rotary Club will be holding their 9th Annual Charity Car Show at the former Faro's Italian Grille property on Endicott St. North in the Weirs. The Lakes Region Rotary Club is a 501(c)(3) organization, and they will be awarding a portion of the proceeds from this event to local charities. This is a recurring event.

Councilor Felch made a motion to approve the request from the Lakes Region Rotary Club to waive City fees associated with their 9th Annual Charity Car Show to be held on July 23, 2022. Seconded by Councilor Cheney. **Discussion:** Councilor Lipman asked about the waiver of the fees. Manager Myers confirmed this is the same as years past, and because the money is going to local charities they like waiving the event fees. The ***motion passed with all in favor.***

9. **CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA**

No one in person approached the podium and no one online raised their hand to speak.

10. **INTERVIEWS**

11. **NOMINATIONS, APPOINTMENTS & ELECTIONS**

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

14. **PRESENTATIONS**

15. **MAYOR'S REPORT**

Mayor Hosmer mentioned that the Executive Council approved the land swap with the State of NH. His understanding is that the swap may be happening very soon. He also mentioned that the Coffee Festival held this past weekend was a great event, very well attended, with lots of vendors, lots of locals and out of towners. There was a great turnout and he was very happy to see it be a success.

16. **COUNCIL COMMENTS**

Executive Councilor Kenney gave an update to the City Council on the State's property, regarding the sale of the property. CVRE is meeting on a weekly basis, they are working with several groups discussing the qualifications. The group is looking for multipage proposals to impress the State's Governor and Executive Council and to impress the City. There is no commitment for a timeline at this point. There is a website that CVRE has put together and it has already had over 100 hits. The sale must go through an open bid process. There is audio available of the Executive Council when they hold their meetings if anyone wants to listen to them on the State's website.

Mayor Hosmer thanked Councilor Kenney for giving an update on the property to the City Council.

Councilor Cheney commented on how helpful Councilor Kenney has been for the City over the years and thanked him.

Councilor Haynes wanted to echo the Mayor's comments about the Coffee Festival as well.

Councilor Soucy mentioned that he knows the Pumpkin Festival needs significant support and he wants to see the City help support the event. He thinks the City's Parks and Rec Department should be a part of it.

Mayor Hosmer hasn't had a conversation with the Chamber of Commerce about whether the City should have direct involvement.

17. **COMMITTEE REPORTS**

17.A. **FINANCE (Lipman (Chair), Hamel, Cheney)**

17.A.i. **WOW Trail Funding**

- 17.A.ii. **Downtown TIF Financing**
- 17.B. **PUBLIC SAFETY (Cheney (Chair), Soucy, Lipman)**
- 17.C. **GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)**
 - 17.C.i. **Review of Chapter 167, Noise and Chapter 161 Licensing as it pertains to outdoor sound equipment and loudspeakers**
 - 17.C.ii. **Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns**
 - 17.C.iii. **Procedural review of grant applications**
 - 17.C.iv. **Regulation of Short Term Residential Rental Businesses**
 - 17.C.v. **Proposed Historic Overlay District**
 - 17.C.vi. **Scenic Road Motorcycle Noise Petition**
 - 17.C.vii. **Use of public property by for-profit entities**
 - 17.C.viii. **Short Term Rentals**
 - 17.C.ix. **Naming privilege's to public areas**
- 17.D. **LAND & BUILDINGS (Hamel (Chair), Haynes, Felch)**
 - 17.D.i. **Downtown parking garage**
 - 17.D.ii. **Repair & maintenance of City buildings**
 - 17.D.iii. **Plan for the DPW Compound**
- 17.E. **PUBLIC WORKS (Haynes (Chair), Felch, Soucy)**
 - 17.E.i. **Retaining Wall Policy**
 - 17.E.ii. **Discussion for converting from a manual to an automated solid waste curbside collection service**
- 17.F. **APPOINTMENTS (Councilors Soucy (Chair), Cheney and Haynes)**
- 18. **LIAISON REPORTS**
- 19. **CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**

Charlie St. Clair mentioned that there is a lot of support in the community for the Pumpkin Festival. He also wanted to talk about the Centenary Avenue bridge in the Weirs. He was not present for the meeting when the Council discussed this item but he did watch it on Zoom. He wanted to remind the Council of the history of the use of that bridge in the winter; it has never been used in the winter and it has never been plowed. If anyone needs access to the other side of the bridge, they can drive through the area in front of the Weathervane during the winter.
- 20. **CITY MANAGER'S REPORT**

20.A. **Project Updates Report**

Manager Myers mentioned in Saturday's Laconia Daily Sun in the "Today in History" section there is an article written about the parking garage. He encouraged Councilors to go online and read it if they hadn't already seen it.

Manager Myers then presented the Project Updates Report to the Council. The full report can be found attached to the May 23, 2022 Council agenda on the City's website. Highlights from the Project Updates Report include: Final paving has been completed on Union Ave (Stark to Lake), the replacement of a failed section of drainage on Weirs Blvd is complete, Franklin Street Phase 2 construction is scheduled to begin in June, and Park Construction continues work on the Elm Street Sewer project. Also, the crews will be working on side streets and then complete the work on Elm Street at the end of the school year. Project completion is expected in August. Weirs Beach Restoration: This project hit a stalemate with the State looking to require a water garden element to be constructed and used as an educational opportunity on filtering storm water as part of the mitigation for the beach restoration. The City's position is that during the reconstruction of Lakeside Avenue, we made significant improvements to drainage and identified/corrected illicit sewer connections which greatly improved the quality of water entering the lake. During the Covid period, this project fell off to the side. Staff will refocus on moving this project ahead.

20.B. **Monthly Economic Development Report**

Manager Myers presented the monthly Economic Development Report to the City Council. The full report can be found attached to the May 23, 2022 Council agenda on the City's website. Highlights of the report include: Laconia's unemployment rate for the month of March 2022 was 2.6 % compared to 5.4 % in March 2021. The CPIU for the month of April is 8.3 %. A table is included in the report showing the history of inflation over the past couple of years.

Councilor Lipman asked if Councilor Kenney could be any help to him on the Beach Restoration project with DES. Manager Myers replied that the issue is DES has never seen a restoration project like this one before and it is going to take a lot of research and planning to make sure that we aren't replenishing the beach every 10 years until the problem gets solved. Something else they maybe able to tie this project in with is the Weirs Channel and that will involve working with the Army Corps of Engineers with the State. Manager Myers speaks with Councilor Kenney every three to four months to discuss projects in the City and, if needed, he is sure Councilor Kenney would be a great resource to use.

21. **NEW BUSINESS**

21.A. **Ordinance 2022-194-16, 24 - Proposal to increase solid waste fees**

The cost of transporting and disposing of solid waste is increasing. Landfill/incinerator space is a commodity and tipping fees for 2023 are increasing by over \$7 per ton. Additionally, hauling fees are increasing due to inflation and the cost of fuel. The disposal costs for household trash in 2023 will be at least \$101/ton. The current fee for household type trash is \$94/ton. Thus, in 2023 the City will be in arrears by at least \$7 for every ton brought by a paying customer to the Transfer Station.

Calendar year	Hauling costs (WM)*	Disposal cost & add. hauling cost	Total cost per ton
2021	\$16.77	NA	NA
2022	\$17.81	NA	NA
2023	\$19.20	\$82.70	\$101.90

2024	\$20.00	\$86.76	\$106.76
2025	\$21.20+	\$91.03	\$112.23
2026	\$23.32+	\$95.51	\$118.83
2027	\$25.25+	\$100.20	\$125.45

*** Fee adjusts annually for cost of inflation + 1% and twice annually based on cost of diesel. Assumed 5% inflation + Assumed price of fuel stabilizes**

The cost of disposing of construction and demolition debris, tires, white goods and electronics is also increasing. There is a chart in the May 23, 2022 agenda materials to show the current fees compared to the proposed increases to take effect on July 1, 2022 and the date the last time the fee was increased.

The household trash fee increases will not affect any customer who brings in 100 lbs or less of household trash as their fee will remain \$5. The proposed fee increase impacts those customers who bring in over 100 lbs of trash.

Public Works recommends that the City Council approve the proposed increases and that the increase take effect on July 1, 2022.

Councilor Cheney made a motion to waive a reading of this Ordinance in its entirety and to read by title only. Seconded by Councilor Lipman. The ***motion passed with all in favor.***

Councilor Felch made a motion for a First Reading of Ordinance 2022-194-16, 24. Seconded by Councilor Lipman. The ***motion passed with all in favor.***

Councilor Lipman made a motion to schedule a Public Hearing on June 13, 2022, during the regular City Council meeting to gather input prior to any action being taken. Seconded by Councilor Felch. The ***motion passed with all in favor.***

21.B. **First reading of Resolution 2022-08 relative to making itemized appropriations for City funds for the Fiscal Year beginning July 1, 2022 and terminating June 30, 2023**

The proposed FY23 budget was presented to the City Council on April 11, 2022. Per Section 5:04 of the City Charter, a public hearing must be held prior to the adoption of the budget by the Council to allow for public input and discussion. This is the first reading of the budget and Resolution. Scheduling of the budget public hearing with the second reading will follow.

The proposed budget includes estimated revenues and expenditures for the General Fund, Motorcycle Week Fund, Ambulance EMS Fund, Sanitary Sewer Fund, Water Works Fund, Internal Service Fund, Downtown TIF District, Lakeport TIF District and Weirs TIF District, as well as the estimated tax rate for the General Fund.

Councilor Cheney moved to waive reading of this Resolution and to read by title only. Seconded by Councilor Soucy. The ***motion passed with all in favor.***

Councilor Felch moved a first reading of Resolution 2022-08, relative to making itemized appropriations for City funds for the Fiscal Year beginning July 1, 2022 and terminating June 30, 2023. Seconded by Councilor Cheney. The ***motion passed with all in favor.***

Councilor Lipman moved to schedule a public hearing on June 13, 2022 during the regular City

Council meeting to gather public input prior to adoption. Seconded by Councilor Cheney.

Discussion: Councilor Lipman asked about the public hearing notice. Manager Myers stated this item will appear on the agenda and it will be noticed. The ***motion passed with all in favor.***

21.C. **2022 First Half Sewer Warrant**

Per Chapter 189-50 C, collection of flat rate sewer accounts are collected by the Tax Collector.

Fiscal Impact: Collection of \$211,933.78

Councilor Felch made a motion to approve the 2022 first half Sewer Warrant. Seconded by Councilor Soucy. The ***motion passed with all in favor.***

22. **UNFINISHED BUSINESS**

22.A. **Future of the wood bridge over the railroad tracks on Centenary Avenue**

NH Department of Transportation (DOT) has provided a draft of the agreement (attached) for the City Council's consideration of NH DOT's proposal to rehabilitate the wood bridge over the railroad tracks on Centenary Avenue. This agreement is dependent upon the City accepting the bridge as part of the City's road system. Under this proposal all future maintenance, repair and replacement will be the responsibility of the City after the bridge has been rehabilitated. NH DOT will fund 100% of the project's participating costs, to include design costs, using Federal fiscal year 2025 funds. However, the City (the project's sponsor in the agreement) is responsible for managing the design and the construction of the project. Under this draft agreement the ownership of the wood bridge will be transferred to the City once NH DOT has accepted the bid proposal and issued a notice to proceed to construction. NH DOT has programed \$1,280,623.54 for the project. If during the design process the City determines the cost of the project will exceed the budget, then the City must request additional funding before proceeding further with the process. The following issues impact the design, rehabilitation, operations and maintenance of the bridge due to it being over an active rail line: • Due to federal regulations requiring 22 feet of clear space above the tracks, proximity of adjacent buildings, and the area's topography, very little change can be made to the steep approaches to the bridge. After the bridge is rehabilitated, it will still only be suitable for use in the summer due to the steep approaches. • The rehabilitation project will be subject to Section 106 of the Federal National Historic Act. • All work in the railroad right of way to include maintenance will require a temporary use agreement with NH DOT rail. • The only time major work on the bridge can be done without hiring a flagger from the railroad company is when the railroad is not operating, which is from November 1st to April 1st. The City will have to hire a flagger from the railroad company to be with the work crew any time the crew is in the right of way outside of that period. Late March through May and October through December are Public Work's busiest times of the year as they are working on one season's "projects/tasks" while trying to get ready for the next season.

Based on a discussion with NH DOT's bridge maintenance division manager, the City can expect the costs for maintaining the wood bridge in the future. For many years NH DOT has only been doing minimal maintenance to keep it safe to use until its removal date. If the bridge will remain in service, it is expected that the City will have to maintain it to a higher standard. Thus, the City may have higher maintenance costs than NH DOT's.

NH DOT's bridge crew did some significant work on the bridge in 2017 and 2021. They mainly replaced deck boards. The work in 2021 took 200 person-hours and cost \$10,000 in materials. One of the major problems they face in maintaining a wood bridge is when they replace deck boards. If the condition of the stringers on the bridge is poor, their maintenance crew has a hard time finding good wood for the screws/nails that attach the deck boards to the stringers. Based on NH DOT's experience, a wood bridge deck that is plowed and treated over the winter will last 10 years before the whole deck needs to be replaced. The State's Bridge Maintenance Manager believes that if we do not plow or treat the deck during the winter, we may be able to get 20 years out of a deck. Current cost for just the pressure treated lumber to re-deck the bridge is ~\$50,000. Individual boards

will still have to be replaced during this period due to rot and other issues. The City will probably spend about \$2,500 per year replacing boards on the bridge. Public Works spends at least this much each year maintaining the wood section of the Boardwalk. Public Works annually is not allocated enough funds to maintain the City's existing bridges. Another source of funds will be necessary to maintain the wood bridge if it is accepted to be part of the City's road network.

All participating costs for the rehabilitation project will be funded by NH DOT. Public Works anticipates that it will cost approximately \$2,500 (in FY 2022 dollars) annually to maintain the wood bridge.

Councilor Soucy made a motion that the City Council approve accepting the wood bridge over Centenary Avenue upon NH DOT's acceptance of the rehabilitation project's bid proposal and NH DOT's notice to proceed with the construction process. He further moved that the City Council approve the Federal Aid Project Agreement for the Project # 24181, the project to rehabilitate the wood bridge on Centenary Avenue, and authorize the City Manager to sign the agreement. Seconded by Councilor Cheney. **Discussion:** Councilor Lipman asked if this agreement has been reviewed by our legal counsel. The ***motion passed with all in favor.***

22.B. **First Amendment to EJM Holdings, LLC Lease Agreement for parking spaces for occupants of residential units above the Colonial Theatre**

On November 22, 2021 the City Council approved a lease agreement with EJM Holdings, LLC to provide parking spaces for residents of the residential units above the Colonial Theatre. Attached to the agenda is a copy of that original agreement which provided for 10 spaces in the City Hall parking lot and 8 spaces in the Main Street lot. Rusty McLearn of EJM Holdings, LLC has requested that the lease agreement be amended to provide for 9 parking spaces in the City Hall parking lot and 9 spaces in the Main Street lot. A map is attached to the May 23, 2022 agenda showing the new allocation of parking spaces in both lots. At the April 25, 2022 Council meeting a motion was approved to table this item. Attached to the May 23, 2022 agenda is a copy of the First Amendment to Parking Lease Agreement for the Council's review and approval.

Councilor Cheney made a motion to take this agenda item off the table. Seconded by Councilor Soucy. The ***motion passed 4-1 with Councilor Felch opposed.***

Councilor Cheney made a motion to approve the First Amendment to Parking Lease Agreement as presented, and to authorize the City Manager to sign the lease amendment on behalf of the City. Seconded by Councilor Soucy. The ***motion passed 4-1 with Councilor Felch opposed.***

22.C. **Discussion of NH Electric Coop announcement regarding herbicide treatment on Transmission Line 124 on Leighton Avenue**

At their April 20, 2022 meeting the Conservation Commission discussed the announcement received from NH Electric Coop and its contractor consultant, Vegetation Control Service, Inc. regarding application of herbicides to undesirable vegetation growing within the power line rights of way corridors, specifically on Transmission Line 124 on Leighton Avenue. A copy of that announcement is attached; the announcement states that treatments are scheduled to commence on or about June 15, 2022. The Conservation Commission noted that a number of homeowners in the Leighton Avenue area are concerned for their private wells and the lake's water quality.

At their May 9, 2022 meeting the City Council discussed the Conservation Commission's request that the Council not support the application of herbicides/pesticides along transmission lines with impacts to private wells and shorelands, and to not allow NH Electric Coop to proceed with the treatment as outlined in the announcement.

After discussion, the City Council tabled this matter to a future meeting pending additional information on the proposed herbicide treatment.

Subsequent to the May 9 Council meeting, the City Manager has received information from Vegetation Control Service, Inc. that the area to be treated this year would be along the southern end of Leighton Avenue, within the State Forest ending at Tyler Shores. According to NH Special Permit #044, they must maintain a 75 ft. setback buffer for all private wells, a 250 ft. buffer for public wells, and a 25 ft. buffer for all water sources (lakes ponds, streams, vernal pools, culverts, and all other wetlands). All landowners abutting the easement will be notified if treatment is to be done on their property. NH law allows landowners to opt out of any herbicide treatment.

Councilor Haynes made a motion to take this agenda item off the table. Seconded by Councilor Cheney. The ***motion passed with all in favor.***

Councilor Cheney made the motion to acknowledge the Conservation Commission's concern. The City received additional information from Vegetation Control Service, Inc. and therefore the Council will take no action on the matter. Seconded by Councilor Soucy. **Discussion:** Councilor Haynes voiced his concern about a 25 foot buffer from all water sources. He thought it would be more than a 25 foot buffer. Manager Myers replied that they need to keep in mind that what they are using and doing is acceptable for that area with DES. They are treating sucker shoots and spraying directly on the trees and not wide spraying a large section at one time. The ***motion passed with all in favor.***

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**

23.G. **Weirs Beach Restoration Project**

23.H. **Fair St/Court St traffic problems and accidents**

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

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

26. **ADJOURNMENT**

Mayor Hosmer adjourned the meeting at 7:55 PM.

Respectfully Submitted,

Katie Gargano, City Clerk