

CITY OF LACONIA - CITY COUNCIL MEETING
August 23, 2021
7:00 P.M.

8/23/2021 - Minutes

1. CALL TO ORDER

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

2. SALUTE TO THE FLAG

Councilor Cheney lead the Salute to the Flag.

3. RECORDING SECRETARY

Cheryl Hebert, City Clerk

4. ROLL CALL

City Clerk Hebert took a roll call vote with the following Councilors in attendance: Councilor Cheney, Councilor Soucy, Councilor Lipman, Councilor Haynes, Councilor Felch.

Not present: Councilor Hamel

Mayor Hosmer noted for the record that five 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 August 9, 2021

Minutes of the meeting were distributed to the City Council on Thursday, August 12, 2021. With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.

8. CONSENT & ACTION ITEMS

9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

Bill Anderson, 239 Gilford Avenue, Ward 2 - Spoke about the dog license procedure and does not agree with the civil forfeiture fine of \$25.00. He said he can't afford that fine. He does not understand why the City does not mail out paper reminders. Mayor Hosmer asked the City Manager if these fees could be waived for senior citizens. City Manager Myers explained that he could sign up for a reminder notification. City Clerk Hebert explained all dog registrations are due every year by April 30th, the State allows the month of May as a grace period, then beginning June 1st a \$1.00 per month late fee is added, and then July 1st a \$25.00

per dog Civil Forfeiture Fine is added. These are State laws. Councilor Soucy asked Mr. Anderson if he has a computer. Mr. Anderson said he has a tablet and can receive text messages. Councilor Soucy has a problem with the City not notifying the elderly by mail. City Manager Myers explained it is not cost effective to mail out paper notices. Councilor Soucy asked Mr. Anderson for his phone number and stated he would be in touch with him. Councilor Cheney mentioned to Mr. Anderson to stop by the Clerk's Office to see what his status is.

10. INTERVIEWS

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

11.A. **Michael Foote - Seeking reappointment to a regular member position on the Zoning Board of Adjustment for a three-year term expiring at the end of August, 2024**

Councilor Felch moved to reappoint Michael Foote to a regular member position on the Zoning Board of Adjustment for a three-year term expiring at the end of August, 2024, seconded by Councilor Haynes; the *motion passed with all in favor*.

11.B. **Michael Foote - Seeking reappointment to a regular member position on the Conservation Commission for a three-year term expiring at the end of August, 2024**

Councilor Cheney moved to reappoint Michael Foote to a regular member position on the Conservation Commission for a three-year term expiring at the end of August, 2024, seconded by Councilor Soucy; the *motion passed with all in favor*.

12. COMMUNICATIONS

13. PUBLIC HEARINGS

13.A. **Public hearing for Resolution 2021-16, relative to authorizing application for a \$400,000 loan from the New Hampshire Clean Water State Revolving Fund for the Elm Street Sewer Project**

Notice of this public hearing was made available in the August 11, 2021 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Public Library, Community Center and the SAU.

Mayor Hosmer opened the public hearing at 7:11 pm

With no comment from the public, Mayor Hosmer closed the public hearing at 7:12 pm

13.B. **Public hearing on an application for tax relief under RSA: 79-E for the property at 50 Church Street**

Notice of this public hearing was made available in the August 11, 2021 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Public Library, Community Center and the SAU.

Mayor Hosmer opened the public hearing at 7:13 pm

With no comment from the public, Mayor Hosmer closed the public hearing at 7:14 pm

13.C. **Public hearing on an application for tax relief under RSA: 79-E for the property at 781 Union Ave**

Notice of this public hearing was made available in the August 11, 2021 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Public Library, Community Center and the SAU.

Mayor Hosmer opened the public hearing at 7:14 pm

Ron DeCola, Representing Paugus Union II LLC (Opera House) - This project has always been a three phase project. The first floor being where the newspaper and coffee shop are, the second floor being the Opera House, and the third floor, which is unfinished, will probably be condominiums in the future. The certificate of occupancy for the Opera House was issued June 9, 2021 and Mr. DeCola made contact with the City (Nancy Brown first, then Scott Myers) about a week later. The application for 79:E was filed on July 19, 2021 and on July 22, 2021, City Manager Myers issued an opinion letter stating the application was going to be rejected. It was Mr. DeCola's understanding that the reason for the potential rejection of the application is because of verbiage in 79:E (the word intend). Mr. DeCola explained this project is not complete but he intends on completing the project down the road. RSA 79:E was always their incentive to do this project in Lakeport. Mr. DeCola stated millions of dollars have gone into this project and they intend to put even more money into that area. Mr. DeCola explained they are seeking a partnership with the community and RSA 79:E is a part of that partnership and they count heavily on that. Mr. DeCola is asking for reconsideration from the City Council on this application. Mr. DeCola is asking for the City to accept their plea.

With no comment from the public, Mayor Hosmer closed the public hearing at 7:19 pm

13.D. **Public hearing on Plantation and Colonial Roads**

Notice of this public hearing was made available in the August 12, 2021 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Public Library, Community Center and the SAU.

Mayor Hosmer opened the public hearing at 7:20 pm

Erica Golter, 103 Plantation Road - Just purchased property there a couple of years ago. On her discovery sheet, in the buying process, said the road would be frequently maintained by the town. She since then found out there has been discussion about the town no longer maintaining that road. She doesn't understand why this road is not grandfathered in as the City has been maintaining the road for the past 50 years. She wants to know what happens if there is an emergency after the June 2024 date. Ms. Golter is really concerned about this. She explained she did have a conversation with Director Anderson and he had said there had been some falsified documents about Plantation Road and then immediately back peddled and said they were inadvertently falsified. Ms. Golter is very frustrated with all of this.

Mayor Hosmer explained that this issue was addressed a few years ago and as a past Ward 6 Councilor can empathize with Ms. Golter. This has been discussed and there is still some degree of confusion. Mayor Hosmer explained it is one of the Mayor and Council jobs to clarify this situation.

Frank Marino, 52 Plantation Road - He has lived there for the past 30 years and the road has always been maintained by the City. Mr. Marino explained there are children, elderly, and millennials living on this road and this doesn't seem right that the City is going to discontinue their services. Mr. Marino stated that two years ago it was suggested that it could cost each owner \$12,000 for paving and lighting

Bill Philpot on behalf of Jack Mirizio of 102 Plantation Road - Many of the people in the audience do not understand the betterment process

Dana Vallee, 22 Plantation Road - Purchased his home about eight years ago and when he purchased they were told the road was maintained by the City. He stated that nowhere on his deed does it state it is a private road. He also checked with the town and still was told it was a town

maintained road. This is now a burden on his family. He and his wife moved here to retire and in a sense they are on a fixed income and this would be very costly to himself and his family. He thought this would be their permanent retire home. They have thought about selling their house but they couldn't in good faith not tell potential buyers that this is a private road. He was told that at one point this road was paved.

Devereux Davidson, 16 Plantation Road- He purchased his home about two years ago. He doesn't understand why after 50 years the City is going to stop maintaining this road. He stated that his tax card states the road is paved. He said he would not have bought this house if this was going to be an issue. He also would have a problem if all of his neighbors have to bring their garbage cans to the bottom of the road, which is in front of his house. He said in 1971 the City started maintaining this road and doesn't understand why would it stop now.

Sue Fraccaroli, 60 Colonial Road - She showed pictures of her sons riding their scooters on a paved road from 2001. These pictures were submitted into the record. She said if that road is not maintained she doesn't know how she will get home if there is a big storm. Mrs. Fraccaroli doesn't think forming an association will work. She said she could not go around and collect money from people. She stated over the past few years the maintenance has been getting worse. She said the road is like walking in beach sand. She said it is not very safe. She said they are all taxpayers and they could lose postal service, plowing, garbage service, and emergency service. Mrs. Fraccaroli hopes the Council will take these concerns into consideration.

John Booth, 120 Plantation Road - Purchased his home in 2002 from Police Chief Bill Baker. He has pictures that shows the road paved from 2002. He echoes everyone else's concerns. He said when it is maintained, they do a great job. Mr. Booth said he would drop off copies of the pictures to the clerk on Tuesday.

Marc Theriault, 44 Plantation Road - Doesn't understand why this is going to change after all these years. He stated this must be because of finances. Mr. Theriault asked if this is going to become an emergency lane, doesn't there need to be a public hearing? He expressed when the Police Chief lived up there, things changed a little bit and the road seemed to be better.

Marylin Hughes, 53 Colonial Road - She would like to know how much it costs the City to maintain and plow the road per year so the residents know what it may cost them.

Nicole Doherty, 38 Plantation Road - Stated her deed doesn't specify either way. Her mortgage and insurance states it is a public road. She would like to know what happens in 2024 if this roads stops being maintained. What does this do to her taxes? She is not willing to pay the same taxes if this happens.

John Dooley, 114 Plantation Road- His father owned the property when he got back from Vietnam. He said the road has been maintained amazingly since then. Since then he and his wife have taken over the home. They have a 15 year old, a nine year old and a baby on the way. What happens if there is a medical emergency and they can't get up the road? This is very concerning. He stated he doesn't understand why this is going to stop after 50 years.

John DeWaele, 26 Heritage Road - Mr. DeWaele was under the understanding that this topic was going to be discussed at a separate meeting so the residents could have a better understanding of this process and what is driving this change. Mr. DeWaele feels the past 50 years are being deleted. He said a lot of these residents are looking to retire soon and this change could change that for them. Now people feel like they are stuck in their homes because they couldn't sell knowing these are not public roads. There are also mortgage implications as well. There are many financial implications. When DPW grades the road, they do a fantastic job. There are a lot of unanswered questions. He said the other problem is the utility maintenance. If the residents have to maintain these roads, who is responsible for the utility maintenance. Mr. DeWaele thinks a formal presentation needs to happen in a more private setting. Mr. DeWaele also stated that the Municipal Management System of NH legal counsel has stated that once a City or Town has started

maintaining a road, then the City or Town owns it.

Mayor Hosmer asked for the citation from the NHMA. Mr. DeWaele will get that to Mayor Hosmer.

Hearing no other comments from the public, Mayor Hosmer closed the public hearing at 7:54 pm.

Mayor Hosmer explained this item will be up for deliberation between the Council under item 22E.

14. **PRESENTATIONS**

14.A. **Update on Short Term Rentals**

Director Dean Trefethen updated the Council on Short Term Rentals in the City. A document titled Status of Short-Term Lodging since passage of Ordinance in 2019, dated August 23, 2021 was submitted for the record. Director Trefethen reviewed this document. Director Trefethen explained he has spoken to two different companies and they came up with over 300 properties just in Laconia that are offering short term rentals. A lot of these identified properties are in the area of the City where short term lodging is not allowed. The City has only issued around 60 permits. The fee to hire an outside company would be about \$18,000 to \$22,000 per year. An option would be to increase the permit fees. Director Trefethen also discussed some suggested changes that need to be made in the Ordinance.

Mayor Hosmer suggested moving this item to Government Operations and Ordinances for further discussion.

15. **MAYOR'S REPORT**

Mayor Hosmer would like to defer his time to allow for a briefing from Timberman

Audra Tassone, Executive Director for the Ironman Foundation, would like to express her gratitude to everyone that supported this event. The cooperation from all of the Laconia Departments were amazing and they cannot express enough gratitude to the City of Laconia.

Mayor Hosmer asked how many people participated in this event and how many were attendees?

Ms. Tassone stated there were 23 pro women athletes, with a total of 1,300 registered athletes and over 2,000 attendees. She stated the numbers were a little lower than normal because of COVID, so she sees numbers doubling next year. She explained some of the States and Countries that had participants here. Some included, Florida, California, Canada, Brazil, etc. Ms. Tassone will get that information to the Mayor and City Manager.

Mayor Hosmer went through the downtown area and Opechee and thanked Ironman for leaving the City in the shape it was before the event.

Ms. Tassone explained out of all the Ironman events that they have had this year, Laconia had the most volunteers. She said the feedback has been very positive.

City Manager Myers thanked the Ironman team and organization for the great job with coordinating with City staff to get this event off. He said it was a great event and Laconia looks forward to having them back.

16. **COUNCIL COMMENTS**

No comments from the Council.

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.D. LANDS & BUILDINGS (Hamel (Chair), Haynes, Felch)

17.D.i. **Downtown parking garage**

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

17.D.iii. **Perley Pond Maintenance**

17.D.iv. **Plan for the DPW Compound**

17.D.v. **Continuation of the discussion regarding parking in the Lakeport area**

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**

18. LIAISON REPORTS

19. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

Mayor Hosmer recessed the meeting at 8:19 pm.

Mayor Hosmer reconvened the meeting at 8:25 pm.

No comments from the public were made.

20. CITY MANAGER'S REPORT

20.A. Project Updates Report

City Manager Myers reviewed the report.

Councilor Felch asked if Clinton Street will be paved before winter? Director Anderson said if it is not fully paved, it will have the base until Spring time.

Councilor Haynes asked about the Durkee Brook Easement. City Manager Myers said that is going through the courts but it will not delay the project.

20.B. Monthly Economic Development Report

City Manager Myers reviewed the report.

21. NEW BUSINESS

21.A. John P. DeWaele - Heritage Road, Lot 170/320/23 - Involuntary lot merger and request to restore lots to their pre-merger status

Councilor Felch moved to approve the request by John P. DeWaele, owner of property on Heritage Road, Lot number 170/320/23, to restore the property to its pre-merger status, seconded by Councilor Haynes;

Councilor Cheney asked why this was merged to begin with.

City Manager Myers explained that this was something that happened decades ago. There were a number of small lots that were merged together only for the purpose of cleaning up lot numbers. Legislation has given property owners until December 31, 2021 to submit a request to re-merge their lots.

Mayor Hosmer called the question;

the *motion passed with all in favor.*

21.B. Establishment of a Welfare Relief Reserve Account and transfer of \$50,000 into the account

Councilor Lipman moved to approve the establishment of a Welfare Relief Reserve Account and transfer \$50,000 into this account as proposed, seconded by Councilor Soucy;

Councilor Lipman stated that having this reserve is wise as the American Relief Act and CARES Act will not be lasting forever.

Councilor Cheney asked if these monies are needed who has the authority to allow them be used.

City Manager Myers explained any money needed to be used out of a reserve account goes before the Council for approval.

Mayor Hosmer called the question.

the *motion passed with all in favor.*

21.C. Transfer of \$83,000 to the Winter Maintenance Stabilization Reserve Account

Councilor Lipman moved to transfer \$83,000 to the Winter Maintenance Stabilization Reserve Account, seconded by Councilor Haynes;

Councilor Soucy asked for clarification on how a stabilization reserve account works.

City Manager Myers explained weather is a hard thing to plan for, therefore putting money aside for unknown events is a wise move. This allows the City to remain tax cap compliant as well.

Mayor Hosmer called the question.

the *motion passed with all in favor.*

21.D. Amend City Code Chapter 235 Zoning to update section 22.7 Authority to Assess Impact Fees

City Manager Myers explained the background of this item to the Council. The last time the impact fees were adjusted was around 10 years ago. The fees were only implemented at a 25% rate. The Planning Board is recommending to increase the fees at a 50% level and continue to increase by 10% each year over the next five years until we reach 100%.

Councilor Lipman suggested taking step one, the 50% increase and then review this again in two years. We may not need to continue with the incremental increases depending on the economy.

Mayor Hosmer agrees with Councilor Lipman and recognizes the shortage of housing.

Councilor Felch moved to table this item, seconded by Councilor Haynes; the *motion passed with all in favor.*

City Manager Myers reminded the Mayor that when this item is removed from the table, it will need to go to a public hearing.

21.E. Airport Grant Agreement SBG-09-15-2020

Councilor Cheney moved to authorize Andrew Hosmer, Mayor of the City of Laconia to sign the Grant Agreement SBG-09-15-2020, Obstruction removal of on-airport and on-airport controlled properties; Conduct airport obstruction analysis; Update Stormwater Pollution Prevention Plan between Laconia Municipal Airport and the New Hampshire Department of Transportation, Bureau of Aeronautics, seconded by Councilor Felch; the *motion passed with all in favor.*

21.F. Airport Grant Agreement SBG-09-18-2021

Councilor Felch moved to authorize Andrew Hosmer, Mayor of the City of Laconia to sign the Grant Agreement SBG-09-18-2021, an Airport Corona Virus Relief Grant Program - State Block Grant Agreement between Laconia Municipal Airport and the New Hampshire Department of Transportation, Bureau of Aeronautics, seconded by Councilor Haynes; the *motion passed with all in favor.*

22. UNFINISHED BUSINESS

22.A. Second reading of Resolution 2021-16, relative to authorizing application for a \$400,000 loan from the NH Clean Water State Revolving Loan Fund for the Elm Street Sewer Project

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

Councilor Felch moved a second reading of Resolution 2021-16, a Resolution authorizing application for a \$400,000 loan from the New Hampshire Clean Water State Revolving Loan Fund for the Elm Street Sewer Project and appropriating funds for same, seconded by Councilor Haynes; the ***motion passed with all in favor.***

Councilor Felch moved to approve Resolution 2021-16, a Resolution authorizing application for a \$400,000 loan from the New Hampshire Clean Water State Revolving Loan Fund for the Elm Street Sewer Project and appropriating funds for same, seconded by Councilor Haynes; the ***motion passed with all in favor.***

22.B. Status update on property located at 50 Church Street

City Manager Myers explained that the City Council, during a public meeting, approved to enter into a Purchase and Sales Agreement on April 23, 2021 with KNM Holdings LLC for sale of the former Holy Trinity School property, 50 Church Street with several conditions. One condition was the applicant receiving land use approval and on August 3, 2021 that was approved by the Planning Board with some conditions and deadlines to be met. Mr. Morrissette's attorney and the City's attorney are actively preparing the deed and finalizing the language and that should happen in the near future.

Mayor Hosmer reviewed some more background information on how this sale came about. This started with finding out in May of 2019, the Diocese of Manchester was going to sell the entire parcel, which included the Busiel House and the Holy Trinity Building which was then followed by a demolition permit for the St. Joseph's Church. A lot of push back happened when this became public information. The potential buyers at that point backed out on the deal. The demolition permit has been stagnant since then. One of the City's concerns was the lack of parking especially with the Colonial Theatre reopening. The parking garage, in its current condition, has a limited number of parking spaces. The Council was concerned to spend a significant amount of money on the Theatre and not have ample parking. Mayor Hosmer stated that when the potential buyers backed out, some of the Council thought it would be a good idea to step in and secure the parking lot which represents between 87 and 90 spaces. The idea was to sell the Busiel House to reduce the cost of the purchase price. The City purchased the three properties, Busiel House, parking lot, and Holy Trinity for \$1.1 million. The City then listed the Busiel House for \$400,000 and it ultimately sold for \$460,000. The City knew the Holy Trinity School would not be a profit because of all the work that needed to be done to it. Mayor Hosmer explained the City ultimately paid \$7,800 per parking spot plus added two properties to the City tax rolls.

Councilor Cheney added that two tax exempt properties have been put back on the tax rolls. Councilor Cheney also explained the Council talked about tearing down the school but that was very costly.

22.C. Review and discussion on an application for tax relief under RSA: 79-E for the property at 50 Church Street

City Manager Myers explained that 79-E is one of the limited tools that a Municipality can adopt and choose to offer under State law. NH RSA 79-E has strict requirements and it talks about people making a substantial investment in an existing building, it may be a historic building, a building that isn't able to be saved, but there would need to be a replacement, but there needs to be a public benefit. The public benefit is designed very specifically to enhance downtowns with respect to economic activity, historic character or in-town residential uses that contribute to economic and social vitality. An applicant comes in and applies for the tax relief to the City. 79-E allows, at the Council's discretion to freeze taxes at a level of value of the property as it stood before improvements happen to it. This would allow the developer to put money into it, get it occupied and get it rented

before a tax increase would set in. This application and as well as item 22D are the first two applications that have come in to the City, but these applications happen all over the state. City Manager Myers explained the key is "public benefit." There was a public hearing held earlier this evening on this and item 22D, no one spoke on this application and one person spoke on 22D. City Manager Myers explained the Council needs to identify if there is a public benefit and what that is and then discuss the scope of the project and what/if any tax relief the Council were to offer up.

Councilor Lipman thinks part of this situation is to help this project come to life and help the downtown area become successful. This is a good compliment to the businesses being added to the downtown area. This makes a lot of sense for the City. Councilor Lipman is happy to see that people are discovering 79-E.

Councilor Soucy also likes the idea that this parcel will also have its own parking.

Councilor Cheney thinks the advantages have already been listed. He stated adding to tax rolls and adding affordable housing to the downtown area are certainly goals the City needs to be pursuing and he thinks this meets the requirements of 79-E.

City Manager Myers said these 12 units will be market rate.

Councilor Soucy asked for clarification on the assessed value.

City Manager Myers explained that Assessing went in and updated the assessed value of 50 Church Street once the City purchased it. It is now assessed at \$614,000, in its current state for the tax year beginning April 1, 2021. City Manager Myers stated that moving forward, within this proposal, the developer is tearing down the gymnasium portion of the parcel and leaving the rest and then adding on. By doing this, depending on when it happens, the assessed value could change. The tax year runs from April 1 through March 31. The owner would be paying taxes on the \$614,000 until the project is done and have tenants move in.

Councilor Lipman moved to provide the developer of 50 church Street the following tax relief under RSA 79-E based on the public benefit identified during City Council deliberations. The relief is to consist of an assess valuation of the property at 50 Church Street to not be greater than \$614,200 through March 31, 2023. After that point, the property will be assessed at fair market value, in accordance with the terms of the purchase and sales agreement with KNM Holdings dated April 23, 2021. Granting this application will provide benefit to the public in accordance with RSA 79-E:7, I, III, and IV which includes enhancing the economic vitality of a downtown, promoting development of municipal centers and increasing residential housing in urban centers, seconded by Councilor Soucy ; the *motion passed with all in favor.*

22.D. **Review and discussion on an application for tax relief under RSA: 79-E for the property at 781 Union Ave**

City Manager Myers explained this is referring to the property at 781 Union Avenue, the Lakeport Opera House. City Manager Myers stated that Mr. DeCola spoke earlier tonight regarding this property. Mr. DeCola stated he came in and talked about putting in an application for this property. City Manager Myers explained to Mr. DeCola during the initial conversation with him that this is usually done prospectively and is to incentivize development and that project already had Certificate of Occupancies on two floors. Mr. DeCola recognized that but said the project is not complete. City Manager Myers explained to Mr. DeCola that for this tax relief it is to present the intent of the project and public benefits prior to starting the project. He was furthered explained to Mr. DeCola it is not the City Manager's decision. Mr. DeCola asked for this to be brought before the Council for a formal decision, which is what we are doing tonight. City Manager Myers's explained that typically when someone asks for a formal decision, there could be a repeal process. City Manager Myers explained his concern with this is it is already two-thirds complete, therefore the assessed value is already captured. Under a different provision under 79-E, referring to 79-E:13, I(b), reads tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Which is

then defined as the value of the qualifying structure. Therefore the difference is the applicant is requesting tax relief on a project that is already two-thirds complete so that value is already there. An additional component under 79-E states the tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant. What this means is the application needs to be approved for tax relief, and this project is already done.

Mayor Hosmer stated therefore there was no covenant.

City Manager Myers explained the Council does not have the authority to grant the tax relief on this property under this statute.

Mayor Hosmer stated it is frustrating because of a timing issue.

Councilor Soucy asked if the City's legal counsel has seen this?

City Manager Myers stated that legal has looked at this and they are in agreement that the Council does not have the authority to approve this under State law to grant this because all of the rehabilitation had occurred before the application was approved and there is no covenant in place.

Councilor Cheney asked if he could apply for the third floor?

City Manager Myers stated he could apply for the third floor, but the City would need to see what condition it is in at this time. A value would need to be applied to that floor, an application would need to come in for that space. City Manager Myers stated that other projects that this developer is doing that that only earthwork has begun, now is the time to get this application in for those.

Councilor Lipman stated as much as we would love to approved this, under State Law we can not legally. This will also give this applicant to see if the courts see it a different way.

Councilor Lipman moved to deny the application for tax relief file by Paugus Union II, LLC under the provisions of RSA 79-E, for its property at 781 Union Avenue. The improvements to that property had already been completed prior to the filing of the application or the giving of the covenant required by the statute. Therefore, in accordance with RSA 79:E:13, there is no statutory relief that can be granted by the City for these improvements; seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Lipman stated the City is very appreciative of this developer and wishes he had come in sooner.

22.E. **Continued discussion on Plantation and Colonial Roads**

Mayor Hosmer moved this item to be discussed before the City Manager's Report.

City Manager Myers does not think tonight would be the time for a question and answer session regarding this topic but would also like to present that opportunity at another time. He stated there was a presentation made in 2018 at the Weirs Community Center. City Manager Myers stated that if anyone would like a copy of the PowerPoint presentation that was shown at that informal meeting, they should email the City Clerk at CITYCLERK@LACONIANH.GOV. City Manager Myers would also like to hear from the residents what evening would work best for the residents to meet, so include that in the email as well. This topic has been put off because of COVID. We did not want to do this through Zoom only and wanted to allow residents to attend an in person meeting. The City is willing to have a separate meeting to discuss this further.

City Manager Myers explained the difference between this road and other City roads is because this road is privately owned, and we know who the owner of the road is. That is the distinction. This road

was never formally accepted by the City. As an older City, there is some ownership confusion, lack of details going back 50-100 years. In this particular case, it is not about the City trying to save money. New Hampshire State Law does not allow public funds to be spent on private roads and that is the basis of this. We are not signaling out this road, the City has identified 40-50 roads throughout the City that the Council is working through this process. City Manager Myers can not speak why Plantation and Colonial Roads do not have a proper foundation. He said when the road was built it was not built to a proper standard. There is a very poor drainage system and after storms, there is run off onto 11B. We know it is privately owned, there isn't a quality road base, and there isn't proper drainage, and those are the reasons the City is looking at discontinuing the maintenance. City Manager Myers said some rough numbers were put together for the presentation that happened in 2018. City Manager Myers explained the betterment process. City Manager Myers said the numbers can identify what the annual costs are for maintaining those two roads. City Manager Myers stated City Staff is willing to meet with residents to discuss this further.

Mayor Hosmer explained he lived at the end of this road and has seen the run off to 11B after storms and was also wondering what was going on with that road. He can also empathize with the residents. He doesn't want to see the City put this off any longer. This is a tough decision on what to do with this. Part of the responsibility of the City is to protect our assets too. Mayor Hosmer doesn't think this should be a A or B option only, we need to figure out what has happened over the years, and why the residents were led to believe these roads were public. Mayor Hosmer would like to take the next step to convene a working group and to make this a high priority.

Councilor Felch agrees to schedule a separate meeting and would like to see if we can find the original plans.

Councilor Cheney asked if we have approached the owner of this road to sell it to the City.

City Manager Myers we have not because that is a significant cost to have the City construct a road there.

Councilor Cheney is looking forward to hearing the cost estimate to continue to maintain the road as it is. Councilor Cheney asked if there is anything prohibiting the Council to accept the road in the condition that is in now?

City Manager Myers stated a process was enacted a couple of years ago, working with our legal counsel, on what the process would be for the City to accept roads as-is. One of the best examples of accepting roads as-is, is to look at the Methodist campground. City Manager Myers explained in order for us to accept a road as-is, is that the condition of the road right now would be how the City would maintain it. It also requires the property owners agree to work with the City and sign off their rights to the center of the road. This would need 100% participation.

Councilor Felch stated in this case, we know who the owner is and with the Methodist Campground we didn't know who the owner was.

Mayor Hosmer, Councilor Cheney, and Councilor Felch would like to be a part of the working group.

Councilor Felch stated to the residents to reach out to him at any time.

Councilor Felch moved to table this item, seconded by Councilor Haynes; the ***motion passed with all in favor.***

22.F. **Parking Garage repair or deconstruct options**

Councilor Cheney moved to table this item until the September 13, 2021 Council meeting, seconded by Councilor Soucy; 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

With no further business to come before the Council and hearing no objection, Mayor Hosmer adjourned the meeting at 9:56 pm.

Respectfully submitted,

Cheryl Hebert

MINUTES OF THIS MEETING WERE APPROVED BY COUNCIL ON SEPTEMBER 13 2021