

# CITY OF LACONIA - CITY COUNCIL MEETING

October 25, 2021

7:00 P.M.

10/25/2021 - Minutes

## 1. CALL TO ORDER

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

## 2. SALUTE TO THE FLAG

Councilor Lipman 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: Bruce Cheney, Bob Soucy, Henry Lipman, Mark Haynes, Bob Hamel and Tony Felch

Mayor Hosmer noted all six Councilors were in attendance and quorum was 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 October 12, 2021

Minutes of meeting were distributed to the Council on Thursday, October 14, 2021. With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

## 8. CONSENT & ACTION ITEMS

### 8.A. Request by Lou Athanas Youth Basketball League

Councilor Cheney moved to approve the request by Lou Athanas Youth Basketball League to use the Laconia Community Center Gym and Conference Room, Wednesday through Friday, February 23-25, 2022 from 5 pm to 9 pm, and Saturday and Sunday, February 26 and 27, 2022 from 7 am to 8 pm for the LAYBL fundraiser event, seconded by Councilor Hamel; the *motion passed with all in favor.*

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

Charlie St. Clair - Mr. St. Clair spoke of a petition from Tom Smith that was brought to the Council in 2008 regarding not enforcing the parking on weekends. He would like to see what happened to that petition and would like that to be the process again. Mr. St. Clair would also like the two-hour parking spaces in the City hall parking lot also be labeled Monday thru Friday only. Mr. St. Clair also wished the Council and Mayor good luck for the upcoming election.

Executive Councilor Kenney spoke in regards to the sale of the State School Property and the letter from the City of Laconia. He has spoken to Roger Dieker, First Vice President of CERE who has been preliminarily awarded the contract. Mr. Dieker told Executive Councilor Kenney that they can not move forward without working with the City of Laconia, the Lakeshore Redevelopment, Mutual Aid, and all stakeholders. Without getting a buy-in from all of the stakeholders, they will not be successful in the sale of the property. Mr. Dieker stated they would come before the

Council and Lakeshore Redevelopment to present their ideas. It is also understood this property would be mixed use.

Mayor Hosmer would like to offer some language to be included in the contract, if that would be okay. Executive Councilor Kenney explained he could offer some language as a resolution, but if the contract were to be altered it would have to go back out to bid. Mayor Hosmer will work with the City Manager to get some language to Executive Councilor Kenney by tomorrow night.

## 10. INTERVIEWS

## 11. NOMINATIONS, APPOINTMENTS & ELECTIONS

### 11.A. Jonathan Thurston - Seeking appointment as a regular member of the Weirs TIF District Advisory Board to a three-year term expiring at the end of June, 2024

Councilor Haynes moved to appoint Jonathan Thurston as a regular member of the Weirs TIF District Advisory Board to a three-year term expiring at the end of June, 2024, seconded by Councilor Felch; the *motion passed with all in favor*.

### 11.B. Scott Ringer - Seeking appointment as a regular member of the Heritage Commission to a three-year term expiring at the end of March, 2024

Councilor Felch moved to appoint Scott Ringer as a regular member of the Heritage Commission to a three-year term expiring at the end of March, 2024, seconded by Councilor Haynes; the *motion passed with all in favor*.

## 12. COMMUNICATIONS

## 13. PUBLIC HEARINGS

## 14. PRESENTATIONS

### 14.A. Assessing presentation of the old to new values - Steve Hamilton

Steven Hamilton from the Whitney Consulting Group presented to the Council a packet titled Assessing Department 2021 Valuation Update Results. A copy is part of the record. Valuations will be posted by the beginning of next week.

City Manager Myers wanted to make sure the public is aware that just because assessed values have increased, it does not mean the tax rate has increased.

## 15. MAYOR'S REPORT

Mayor Hosmer noted that we have a new adopt-a-spot in front of Main Street and it looks great.

Mayor Hosmer thanked the Laconia Middle School, LMS Student Council, Dr. Bryant, and LRPA for hosting the Mayoral Debate last week.

## 16. COUNCIL COMMENTS

Councilor Cheney mentioned a note that was received about the crosswalk on South Main Street by Vistas. He would like this be brought to a subcommittee meeting or whatever process needs to be done to get this started.

City Manager Myers followed up with DPW Director Anderson and that crosswalk is part of the CIP process.

Councilor Hamel would like to thank Raking it In, Apple Tree Nursery, and Speedy Garden for their work around downtown.

Councilor Felch attended the police department open house. There was a great turnout.

Councilor Cheney spoke of the note received by Zero Waste pertaining to the collection of used clothing.

City Manager Myers explained we can keep an eye on this program. Right now it is not active in picking up in Laconia,

but they do have drop off locations. Anything we can take out of our solid waste is a win-win.

Councilor Cheney has received several emails regarding Hilliard Road and the culvert. It is in desperate need of work. He passed around pictures to the Council. He encourages his fellow Councilors to take a ride up there to see it in person. DPW Director has responded appropriately. Councilor Cheney thinks this is bordering on emergency status.

City Manager Myers explained this is technically a bridge and we are actively working on getting this on the State Bridge Aid. We are monitoring what may come out of the State infrastructure bill. The City will continue to keep it open and passable.

Councilor Hamel said the flashing light on South Main Street is on the CIP list. Could we find money for this sooner and this be added to the next Council agenda. Maybe use money from the Capital Reserve Fund. DPW Director said the the cost of the last flashing light purchased was around \$22,000. Councilor Hamel also stated the Hilliard Road bridge is on the CIP list.

Councilor Haynes has had the opportunity to monitor the project on Court Street. There is more work than people think and the traffic has been more than challenging.

City Manager Myers explained that signage has been updated, flaggers notified, information has been given in the weekly newsletter, and on our website. He has seen people ignore the signage. The City will continue to listen and improve all communications. We are still encouraging people to visit the businesses in that area.

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

#### 17.D.i. Downtown parking garage

Councilor Hamel and this committee met earlier this evening on this topic. There will be another meeting on this subject on November 8, 2021 at 6:15 pm. It is the hope to bring forth further information and a timeline to the full Council after that meeting.

entire parking garage and that is one of the reasons this project was put off.

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**

Nicole Doherty, Plantation Road - Ms. Doherty read a prepared statement but did not submit it into the record. In brief she is extremely concerned with the City not continuing to maintain Plantation Road. She explained she finds it hard to believe that every realtor that sold properties on this road did not know that the road was private. When she purchased her home the road was listed as a city road. She also cited a NH Supreme ruling regarding Hersh vs Plonski, for the creation of a public road. She explained the residents are willing to bring this issue to the courts.

20. **CITY MANAGER'S REPORT**

20.A. **Project Updates Report**

City Manager Myers reviewed the report.

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

City Manager Myers reviewed the report.

City Manager Myers handed out a report titled Ambulance Net Charge Detail to the Council and one for the record. A discussion was had to see if we could get data on how much it costs to run our ambulance.

Councilor Cheney became aware of a firefighter testing positive for COVID. He explained that the four individuals that were in direct contact with this person have been made to stay home and use their own sick time. Councilor Cheney would like the City Manager to look into this. He feels that if we are forcing them to stay home, then they shouldn't be required to use their banked sick time.

City Manager Myers explained this is a personal matter and cases have been handled on a case by case scenario.

21. **NEW BUSINESS**

21.A. **Temporary Traffic Order 2021-17 - Wicked Weirs**

Councilor Felch moved to approve temporary traffic order 2021-17, Wicked Weirs, approve a waiver of all licensing and special event fees, and allow alcohol consumption on City property in the designated areas only, seconded by Councilor Cheney;

Councilor Hamel would like the waiver of the fees and the actual event be separated. He does not agree with waiving the fees but agrees with the event itself.

Mayor Hosmer called the question.

the *motion passed with three in favor and three opposed, Mayor Hosmer broke the tie with an in favor vote.*

## 21.B. Request to accept Colonial and Plantation Roads as City streets in "as-is" condition

Mayor Hosmer read the background to this item.

City Manager Myers explained what an MS4 Community is. It stands for Municipal Separate Storm water Sewer System. What this means is it is how communities capture their storm water and bring it up to a better level before being discharged into the lakes. EPA has been working through communities as staff allows. In the coming years, Laconia would come under the MS4. With this, the concern with Plantation and Colonial Roads, their steep slopes and no constructed storm water drainage system there, it would be at a minimum of a few million dollars to bring these roads to the condition they need to be in to be accepted.

Councilor Felch moved to adopt Colonial and Plantation Roads as City streets in "as-is" condition, seconded by Councilor Haynes;

Councilor Felch explained that all of these residents purchased their homes under the assumption these were public roads. He also referred to a document dated December 29, 1988 from the Assistant DPW Director, at that time, Paul Moynihan stating that the City accepts these two roads as public. He also said the City has been maintaining these roads for over 50 years. Councilor Felch cannot see putting this burden on the tax payers.

Councilor Lipman appreciates the concern of the residents and of Councilor Felch. The issue he has with this is only having two options, either accepting the roads "as-is" or not at all. Councilor Lipman thinks there needs to be another option that could satisfy both the City and the residents of these two roads that will allow them to continue receiving City services but not put the burden on all of the tax payers.

Councilor Cheney thinks there are a number of roads throughout the City that will need big improvements and all the tax payers will be affected.

Councilor Lipman wants to find a solution.

Councilor Hamel asked if there is any documentation that DPW Director Anderson found that the Council voted to accept these two roads. As far as Councilor Hamel is concerned, only the body of the Council can vote to accept the road as a public road. Councilor Hamel does agree with Councilor Lipman, that we need to come up with a solution, but not accept them "as-is."

Director Anderson stated no such documents have been found.

City Manager Myers explained as part of the background tonight, the criteria that the Council accepted is listed. City Manager Myers thinks an interim solution to this could be to designate these two roads as an emergency lane temporarily. City Manager Myers does not agree with accepting these roads "as-is" but working on a hybrid approach. An emergency lane for a specific amount of time is not off the table. These roads were never considered City Streets, we know the owner, and they are not considered being built.

Councilor Hamel would like to make a friendly amendment to the motion by accepting these two roads as emergency lanes for two years.

A discussion was had about the length of time. Should it be more than two years?

Councilor Felch and Councilor Haynes withdrew their motion.

Mayor Hosmer would like to figure this out equitably and also not set a precedent.

It was suggested working with two or three lead residents with a committee, informally, maybe as a round table, to come up with a viable solution.

Councilor Felch moved to allow an extension of 36 months for Plantation and Colonial Roads to be considered as emergency lanes and within the 36 months the City will engage with the property owners of Colonial and Plantation Roads to look for compromise, and if needed the Council could consider an extension, seconded by Councilor Hamel,

Councilor Lipman suggests for the the homeowners benefit that this be worked through quicker than three years.

the *motion passed with all in favor.*

21.C. **Request to release and discharge from all public servitude the unimproved portion of Eastman Shore Road South in accordance with RSA 231:51**

Councilor Cheney moved to schedule a Special Meeting on Saturday, December 4, 2021 at 10 am at the end of Eastman Shore Road South, seconded by Councilor Felch; the *motion passed with all in favor.*

Councilor Felch moved to schedule a public hearing on Saturday, December 4, 2021, during the Special Meeting to gather public input prior to any action being taken, seconded by Councilor Cheney; the *motion passed with all in favor.*

22. **UNFINISHED BUSINESS**

22.A. **Review and discussion on an application for tax relief under RSA: 79-E for the property at 51 Elm Street**

City Manager Myers reviewed RSA 79-E.

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

Councilor Felch moved to provide two years of tax relief for the assessing year beginning April 1, 2024 and running two full years thereafter, seconded by Councilor Soucy;

City Manager Myers explained the language of 79-E. Right now there are two assessments for two different lots. Once the values are updated, the baseline assessment will be about \$80,000-\$90,000. The taxes will be based off that value until the substantial completion of the project. The self projected completion is December, 2023. Therefore the relief would begin the start of the assessing year of 2024.

The Council has the ability to grant relief for up to five years.

Mayor Hosmer stated the reasons for the number of years of relief are the nature and size of the investment and an increase in housing during a housing crunch.

Councilor Hamel would like to offer a friendly amendment going from two years to three years.

Councilor Felch and Councilor Soucy agreed to the friendly amendment.

Mayor Hosmer called the question as amended.

the *motion as amended 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 9:21 pm.

Respectfully submitted

Cheryl Hebert, City Clerk

DRAFT