

CITY OF LACONIA - CITY COUNCIL MEETING

April 23, 2018

7:00 P.M.

4/23/2018 - Minutes

1. CALL TO ORDER

Mayor Engler 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

Clerk Hebert called the roll with the following Councilors in attendance: Bruce Cheney, David Bownes, Henry Lipman, Mark Haynes, and Bob Hamel.

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

5. STAFF IN ATTENDANCE

Scott Myers, City Manager and Donna Woodaman, Finance Director

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular meeting minutes of April 9, 2018

The regular meeting minutes of the April 9, 2018 meeting were distributed to the Council on Friday, April 13, 2018. With one correction submitted by Councilor Cheney regarding the votes on Mayor Pro Tem, the minutes will be accepted as amended.

8. CONSENT & ACTION ITEMS

8.A. Request to approve Temporary Traffic Order 2018-3, Winni Fishing Derby

Councilor Hamel moves to approve Temporary Traffic Order 2018-3 for the Winni Fishing Derby as presented, seconded by Councilor Lipman; the *motion passed with all in favor*.

8.B. Request to approve Temporary Traffic Order 2018-4, Laconia Farmers Market

Councilor Haynes moves to approve Temporary Traffic Order 2018-4 for the Laconia Farmers Market as presented, seconded by Councilor Lipman; the *motion passed with all in favor*.

8.C. Request to approve Temporary Traffic Order 2018-5, Memorial Day Parade

Councilor Bownes moves to approve Temporary Traffic Order 2018-5 for the Memorial Day Parade as presented, seconded by Councilor Cheney; the *motion passed with all in favor*.

9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

Before taking comments from the public, Mayor Engler invited Representative Spanos to speak to the Council. Representative Spanos discussed one of the issues facing Congress is the Medicaid Expansion and how it affects our residents. Rep. Spanos urges everyone to reach out to their Representatives and let their voice be heard. Councilor Bownes would like to make it known that he fully supports the Medicaid Expansion.

Councilor Lipman would like an update regarding the RV Bill (SB 403). City Manager Myers explained the bill was denied and went to ITL. HB 1763 is in Senate Ways and Means and they are offering various amendments. Representative Spanos agreed with City Manager Myers and that SB 403 has been a debate as it does not affect every City or Town in NH. The Lakes Region Development Commission is working on the State School property. Currently they have hired a

company to work on the plan and should be briefed at the meeting on May 11, 2018. Councilor Lipman would like the Land Use Chapter to be complimented with the Commission.

Mayor Engler asked for Representative Spanos' opinion on the Retirement Bill. Rep. Spanos. Representative Spanos stated that what the Governor and State felt in this instance is what is good for some of the communities, such as Laconia, may not be good for the State. The State is facing a smaller surplus than anticipated and would need those funds more than local communities.

Councilor Lipman inquired about the bill regarding the pension system. Representative Spanos said that when he was first elected other officials welcomed him as well as told him that the most important issue that the State would be facing within the next five to ten years would be how to fund the pension system. On its present course it is unsustainable.

Councilor Hamel expressed his concern with the comment made by Representative Spanos regarding the State needing more money than the communities. Councilor Hamel's concern is with how much the State passes down to the local communities. With the passing of the RV Bill, Laconia would lose up to \$600,000.00. Councilor Hamel also expressed his concerns with the Pension and a constant downshifting to the City. Representative Spanos understands Councilor Hamels' concerns.

Councilor Bownes would like to follow up with the legislation that would bring back money to the communities and the comment Representative Spanos made that it would be good for some but not so good for other communities. Representative Tilton made a comment at the last meeting that some communities wouldn't spend the money wisely or some are overstaffed. Representative Spanos stated that all cities and towns are not created equal. Representative Spanos thinks Laconia is one of the best run cities and has one of the best run Police Departments in the State, but on the same hand Representative Spanos does not want to speak for Representative Tilton but feels what Representative Tilton was trying to say is that not all towns or cities are run with the same amount of efficiency and have bloated City budgets, but he is sure that Representative Tilton was not talking about Laconia.

Representative Spanos would like everyone to pay attention to impending legislature regarding tax exemptions for Bioengineering Companies and suggests everyone follow this legislation. It could give any new or up and coming businesses tax breaks and could be dangerous to Cities such as Laconia.

No comments from the public were made.

10. INTERVIEWS

10.A. Interviews of Ward 6 City Council Candidates

Four candidates presented applications to fill the remainder of the late Councilor Bolducs term for the Ward 6 Council seat. The applications have been distributed to the Council. Interviews will take place tonight and a special meeting will be held April 30, 2018 at 7:00 p.m. to vote. Mayor Engler explained the process with the votes. A candidate must receive a nomination by any of the members of the current Council, with a second and a vote will take place. If that nominee gets at least three votes the process stops. If three votes are not given or a second nomination, then the floor will be open again for another nomination and the process repeats until three affirmative votes have taken place. The person will be sworn in soon after and date service will begin at the May 14, 2018 Council Meeting.

Tom Brown was interviewed.

Tony Felch was interviewed.

Andrew Hosmer was interviewed.

Sarah Jenna was interviewed.

10.B. Robert Ames - Seeking reappointment to a regular member position on the Weirs TIF Advisory Board for a three year term expiring at the end of June, 2021

Robert Ames was interviewed.

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

11.A. Ava Doyle - Seeking appointment to a regular member position on the Weirs TIF District

Advisory Board for a three year term expiring at the end of June, 2021

Councilor Hamel moves to appoint Ave Doyle to a regular member position on the Weirs TIF District Advisory Board for a three-year term expiring at the end of June, 2021, seconded by Councilor Cheney; the ***motion passed with all in favor.***

11.B. Claudia Marchesseault - Seeking appointment to a regular member position on the Planning Board for a three year term expiring at the end of June, 2021

Councilor Bownes moves to appoint Claudia Marchesseault to a regular member position on the Planning Board for a three-year term expiring at the end of June, 2021, seconded by Councilor Haynes; the ***motion passed with all in favor.***

11.C. Peter Brunette - Seeking appointment to a regular member position on the Planning Board for a three year term expiring at the end of June, 2021

Councilor Haynes moves to appoint Peter Brunette to a regular member position on the Planning Board for a three-year term expiring at the end of June, 2021, seconded by Councilor Cheney; the ***motion passed with all in favor.***

12. COMMUNICATIONS

13. PUBLIC HEARINGS

13.A. Public Hearing for Resolution RES-2018-13 relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$10,000.00 for the DES Herbicide Treatment and Exotic Aquatic Plant Control Project

Notice of the Public Hearing was made available in the April 11, 2018 edition of the Laconia Daily Sun, Laconia City Hall, Community Center, Laconia Public Library, and SAU.

Mayor Engler opened the Public Hearing at 8:13 p.m.

Hearing no comments from the public, Mayor Engler closed the Public Hearing at 8:14 p.m.

13.B. Public Hearing for Resolution RES-2018-14 relative to authorizing the City Manager to accept and expend a donation on behalf of the City in the amount of \$100,000.00 for the Lezama Family Happy Tails Dog Park

Notice of the Public Hearing was made available in the April 11, 2018 edition of the Laconia Daily Sun, Laconia City Hall, Community Center, Laconia Public Library, and SAU.

Mayor Engler opened the Public Hearing at 8:14 p.m.

Hearing no comments from the public, Mayor Engler closed the Public Hearing at 8:15 p.m.

14. PRESENTATIONS

14.A. FY 2019 Budget Overview

City Manager Scott Myers reviewed the Fiscal Year 2019 Budget with a PowerPoint presentation being submitted into the record.

Councilor Hamel thanked City Manager Myers and Finance Director Woodaman for all their hard work and a tax compliant budget.

City Manager Myers took a moment regarding the tax cap and wanted to thank the School Board for offering and approving to free up \$65,000 from the school impact fees to transfer to the City with the Councils' approval.

Councilor Lipman would like to know what type of work is being done regarding the property valuation and the new construction value. City Manager Myers explained the valuation of properties and how their locations, neighborhoods, market values, etc. affect this. City Manager Myers also explained the tax rate and assessed values.

Mayor Engler questioned what formula was used regarding the County portion in comparison with the School and City. City Manager Myers explained the City Budget is what took the lions share of the impact with the school giving the City the \$65,000 from their impact fee to help offset the County Budget.

Mayor Engler noted for the record that the Tax Cap governs the total amount of money that can be collected in property taxes but it does not govern what can be spent by school or city. This is not set in law this is what has been tradition since the tax cap has been put into place.

Mayor Engler questioned where the Undesignated Fund Balance would be July 1? City Manager Myers stated it would be around the \$4.9 or \$5 million dollar figure.

City Manager Myers also wanted the Council to be aware that the cost of getting rid of recyclables is more than our solid waste costs. City Manager Myers would like the Council to start thinking about this and it will be brought to the agenda in the near future to discuss continuing our contract, which expires October 1, and the future of recycling.

In the coming weeks, the School, Department Heads and the City Manager will be presenting more detailed information regarding the various revenue and expenditure items that are included in this budget.

15. **MAYOR'S REPORT**

Mayor Engler attended the celebration regarding Arbor Day on Friday and thanks Kevin Dunleavy, Amy Lovisek, and Tim Ford for all of their hard work. Two trees were planted by Colby Field. For 27 years the City of Laconia has been official Tree City USA.

Mayor Engler also mentioned Christine Gingerella and Beth Vachon for their tremendous work with Project Extra, now being called the Office of Extended Learning. They have received word from the Federal Government that they will fund this program for another five years. The REAL Collaborative (Relevant Experience Advancing Learners) had an event Thursday at the Belknap Mill and had about 70 people attend. This is a career exploration program for the kids in the Office of Extended Learning program.

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, Bolduc, Lipman)**

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

16.C. **GOVERNMENT OPERATIONS & ORDINANCES (Bownes, Bolduc, 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.D. **LANDS & BUILDINGS (Hamel, Lipman, Haynes)**

16.D.i. **Downtown parking garage**

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

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

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

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

17. **LIAISON REPORTS**

The last Planning Board meeting had to be canceled due to lack of quorum. City Manager Myers stated they will work to schedule a meeting in May.

Councilor Hamel is on the Parks and Recreation Board and commends what K. Dunleavy does to get all the athletic teams scheduled on all the fields. Councilor Hamel is also on the LRPA (Lakes Region Public Access) Board and there is an item on the agenda tonight to vote on the renewal of the contract. The amount per subscription has gone up but the City's portion has gone down.

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

No comments from the public were made.

19. **CITY MANAGER'S REPORT**

19.A. **Project Updates Report**

City Manager Myers reviewed the report.

19.B. **Monthly Economic Development Report**

City Manager Myers reviewed the report.

20. **NEW BUSINESS**

20.A. **Proposed Wage and Compensation Plan for covered employees**

City Manager Myers presented the proposed Wage and Compensation Plan for covered employees (non union) to the Council. The City has four different Unions and they are in active negotiations. This new proposed plans are for a three year term. Council is not required to take action on this and if they choose not to the contract will automatically be approved after 30 days. But in years past, the Council has always taken action on this item. City Manager Myers explained the proposed changes to the health care options, COLA, and employee buy-out health care options.

This item will be taken up under unfinished business at the May 14, 2018 meeting.

20.B. **Resolution RES-2018-13, NH DES Herbicide Treatment and Exotic Aquatic Plant Control Project**

Councilor Haynes moves to waive a second reading of this grant in its entirety and to read by title only, seconded by Councilor Hamel; the *motion passed with all in favor.*

Councilor Bownes moves to approve Resolution RES-2018-13, a resolution relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$10,000.00 for the Department of Environmental Services Exotic Species Program Aquatic Plant Control Project, seconded by Councilor Haynes;

Councilor Hamel asked what the City match is, City Manager Myers stated the total project with DES is \$56,000.00 and that included some harvesting and herbicide treatment. Worst case scenario for the City expense is \$46,000.00 but it is expected to come down some with private contributions. Around \$50,000.00 carryover has been set aside for this project.

Mayor Engler called the question: the *motion passed with all in favor.*

20.C. **Resolution RES-2018-14, Lezama Family Happy Tails Dog Park**

Councilor Lipman moves to waive a second reading of this grant in its entirety and to read by title only, seconded by Councilor Cheney; the *motion passed with all in favor.*

Council Hamel moves to approve Resolution RES-2018-14, a resolution relative to authorizing the City Manager to accept and expend a donation on behalf of the City in the amount of \$100,000.00 for the Lezama Family Happy Tails Dog Park, seconded by Councilor Haynes; the ***motion passed with all in favor.***

20.D. **Lease Agreement between the City of Laconia, Laconia Airport Authority, and Double Tee Hangars, Inc.**

Mayor Engler explained the terms of the lease agreement.

Councilor Lipman moves to authorize Mayor Ed Engler to sign the lease agreement between the City of Laconia, Laconia Airport Authority, and Double Tee Hangars, Inc., seconded by Councilor Bownes; the ***motion passed with all in favor.***

20.E. **Appointment of Krista Larsen to fill the remainder of Brandee Loughlin's term on the Lakes Region Planning Commission Transportation Advisory Committee, expiring at the end of March, 2019**

Councilor Hamel moves to appoint Krista Larsen to fill the remainder of Brandee Loughlin's term on the Lakes Region Planning Commission Transportation Advisory Committee, expiring at the end of March, 2019, seconded by Councilor Lipman; the ***motion passed with all in favor.***

20.F. **Request to approve the 2018-2019 Municipal Public Access Agreement between the City of Laconia and Lakes Region Public Access Television (LRPA), and to authorize the City Manager to sign the agreement on behalf of the City**

City Manager Myers explained the agreement.

Councilor Lipman moves to approve the 2018-2019 Municipal Public Access Agreement between the City of Laconia and Lakes Region Public Access Television (LRPA), and to authorize the City Manager to sign the agreement on behalf of the City, seconded by Councilor Hamel; the ***motion passed with all in favor.***

20.G. **Sale of Lot #14 in Lakes Business Park**

Councilor Cheney requested the size of this particular lot. City Manager Myers stated it is 3.03 +/- acres.

Councilor Bownes asked if this is fair market value. Mayor Engler explained the price on the lot was set over 15 years ago and has not changed. The last lot sold was to the Morrissette brothers approximately nine months ago. Mayor Engler explained there is no market for lots such as these for the use we intended them for.

Councilor Bownes moves to approve the vote of the Lakes Business Park Commission for the sale of Lot #14 in the amount of \$122,000.00 and to authorize the City Manager to sign the required documents, seconded by Councilor Lipman; the ***motion passed with all in favor.***

20.H. **Request to designate areas of North Main Street as no parking**

City Manager Myers explained the need for the no parking.

Councilor Lipman is concerned with what would happen to business at the North Country Deli, the Swim Club, and the Church. This will put the North Country Deli out of business.

Kristina Zing, Owner of the North Country Deli, says this no parking will affect her business in a negative way as people will drive by due to lack of parking. The Deli's only parking is on street parking. The lot to the right of the store does not have access for the deli to use as parking so she does not have interest in purchasing that lot at this time.

Councilor Hamel stated he is not in favor of this. Councilor Cheney is in agreement with Council Hamel.

City Manager Myers stated the primary reason for this proposed change is the designated bike lane to carry up Meredith Center Road to Robbie Mills.

Councilor Bownes questioned if there was solution to make all parties involved comfortable. City Manager Myers suggested making the motion and vote it down and then it could be reconfigured and brought back to the Council at a later date.

Councilor Hamel moves to approve no parking on North Main Street on the even-numbered side of the road from the traffic signal post at the northeast corner of Oak Street to 206-ft north and from Busiel Street to Lexington Drive; and on the odd-numbered side of the road from Oak Street to Lexington Drive, seconded by Councilor Lipman; with five votes in the negative, the ***motion fails***.

20.1. **Request to schedule a meeting of the Laconia Airport Appointive Agency on May 14, 2018 at 5:30 p.m.**

Councilor Hamel moves to schedule a meeting of the Airport Appointive Agency for May 14, 2018 at 5:30 p.m., seconded by Councilor Haynes; the ***motion passed with four in favor and one opposed (Councilor Lipman opposes)***.

21. **UNFINISHED BUSINESS**

Councilor Hamel moves to extend the Council Meeting until 10:15 p.m., seconded by Councilor Haynes, the ***motion passed with all in favor***.

City Manager Myers brought the Council up to date regarding the sale of the Lakeport Fire Station to Lakeport Landing, Inc. The City has reached out to both Lakeport Landing Inc., and Irwin Marina. The City's tenant at 21 Elm Street (Lakeport Landing) has not vacated the property as of the April 1, 2018 lease deadline. Both parties have an agreement in place whereas Irwin Marina will continue with the purchase of 21 Elm Street with Lakeport Landing still in the building. They have agreed on a date on where Lakeport Landing, Inc. will be out of that location. Therefore the sale of the building will be sooner rather than later.

City Manager Myers also updated the Council regarding the demolition permit for the Lakeport Fire Station requested by Erica Blizzard of Lakeport Landing, Inc. Discussion was had by the Council regarding how much of the original building would be left intact. City Manager Myers did seek legal counsel in regards to this item.

Councilor Hamel made comment that a building inspector should be on site during the demolition.

Councilor Cheney asked DPW Director Wes Anderson what the cost would be to have an engineer onsite during the demolition.

The plans with demolition notes from Lakeport Landing Marina have been submitted into the minutes for the record.

Councilor Hamel moves to extend the Council Meeting until 10:30 p.m., seconded by Councilor Bownes; the ***motion passed with all in favor***.

Councilor Bownes stated his feelings that the Council is going too far with this demolition permit by adding too many unnecessary layers.

Councilor Lipman moves to authorize the request of the demolition permit referencing the plans reviewed by the Council tonight and

1. Authorizing only those demolitions that are shown on the plan,
2. There should be a note on the plan that violation of the demolition permit will result in the building permit certificate of occupancy not being issued,
3. The owner of The Lakeport Landing Inc. should sign the demolition permit agreeing to both of these conditions.
4. The City always reserves the right to bring in enforcement action if Lakeport Landing Inc. violates the demolition permit.
5. The City retain the expense up to \$1,000 independently a structural engineer to peer review the demolition plans to preserve the walls as represented in these plans and amounts above the \$1,000 should be shared equally by both parties.

seconded by Councilor Hamel, the ***motion passed with all in favor***.

21.A. **Driveway Cut Policy**

Councilor Lipman moves to remove this item from the table, seconded by Councilor Bownes, the ***motion passed***

with all in favor.

Councilor Bownes moves to approve the Driveway Cut Policy on driveway standards for single and duplex family housing, seconded by Councilor Cheney; the ***motion passed with all in favor.***

22. **COUNCIL COMMENTS**

Councilor Hamel asked the Council to consider naming the Council Chambers, Room 200A, the Armand J. Bolduc City Council Chambers.

This item will be under new business on the May 14, 2018 agenda.

23. **FUTURE AGENDA ITEMS**

23.A. **Improvement of Union Ave/Elm Street intersection**

23.B. **Ordinance amendment relative to Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers**

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

23.D. **Master Plan**

23.E. **Milfoil Treatment funding requests**

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

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

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

23.I. **WOW Trail**

23.J. **Proposal to implement City Policies for designating emergency lanes**

23.K. **Resolution 2017-30 relative to authorizing the City Manager to apply to the State of NH DOT for a temporary use agreement in the City's name that will allow for the completion of a study concerning the different options and benefits of how to build Phase 3 of the WOW Trail and to sign all necessary documents**

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

25. **ADJOURNMENT**

With no further business to come before the Council and hearing no objections Mayor Engler adjourned the meeting at 10:22 p.m.

Respectfully submitted,

Cheryl Hebert, City Clerk

The minutes of this meeting were approved by Council on May 14, 2018