

# CITY OF LACONIA - CITY COUNCIL MEETING

July 23, 2018

7:00 P.M.

7/23/2018 - Minutes

## 1. CALL TO ORDER

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

## 2. SALUTE TO THE FLAG

Councilor Cheney lead the Salute to the Flag.

## 3. RECORDING SECRETARY

Cheryl Hebert, City Clerk

## 4. ROLL CALL

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

Mayor Engler noted all six Councilors are in attendance and a quorum has been established.

Mayor Engler noted that some of the items on tonight's agenda will be completed out of order due to the large number of people in attendance and their reasons for being present. The order Mayor Engler will adopt for tonight's meeting will be:

1. Councilor Hamel has asked for a point of personal privilege and Mayor Engler has granted that request.
2. Citizens comments for items not on the agenda.
3. Councilor's comments.
4. Mayor's Report.

## 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 July 9, 2018

Minutes of the meeting were distributed by the City Clerk on Wednesday, July 11, 2018. 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

Councilor Hamel has asked for a point of personal privilege. Councilor Hamel apologized for his comments made at the July 9, 2018 meeting. He read a prepared statement that was not entered into the record.

Tom Tardiff, Winter Street, Ward 5 - First thing T. Tardiff brought up the Right to Know act and he wanted it to be known that this meeting should not be happening due to not everyone (meaning the overflow of people in the hallway) being able to hear the meeting. T. Tardiff's second item of concern was Item 23C of the agenda. He stated this item was tabled at the November 23, 2015 Council meeting pending the outcome of legal matters. Mr. Tardiff expressed that this item can not be done by a resolution, it should be a charter amendment (49B), and it has to be reviewed by the Secretary of State. Mr. Tardiff would like this item removed.

Sean Valovanie, Ward 3 - Has been a resident for about 15 years and is here in support of the Laconia Fire<sup>1</sup> Department. He expressed he was disappointed that Mr. Hamel's apology happened 14 days after the comment was

made. S. Valovanie also expressed his dissatisfaction with the Council letting their feelings get in the way of the City.

Cal Dunn - Garfield St - Primarily here to defend the Dunn family name, especially his late father Calvin "Red" Dunn. He does recognize that Councilor Hamel apologized and thanked the Councilor for that. C. Dunn shared some stories of his late father and the comment made by Councilor Hamel regarding him walking on water.

Calvin Dunn III - Mechanic Street - Mr. Dunn read a prepared statement in regards to Councilor Hamels apology and the Massachusetts attitude. He also spoke about the private meeting that was held between his family, Mrs. Miller, the Mayor, and Councilor Hamel.

Chad Vaillancourt - Ward 3 - Spoke in regards about employees being residents or non residents. Mr. Vaillancourt agrees with the Council and he would love to see all of the City of Laconia employees also be residents of Laconia, but due to a lot of the budget cuts that have been made in the schools and public safety it discourages people from living in Laconia. C. Vaillancourt addressed his name being the Daily Sun last year saying he was abusing the overtime system with the fire department. He also would like to see everyone move on from this and thinks Councilor Hamel needs to resign. Also addressed was the amount that was being spent on the Colonial Theater project with public safety budgets being cut.

William Drew - 148 Oak Street - stated it was embarrassing to watch the last four or five Council Meetings regarding the EMS Privatization and attitudes from the Councilors towards the Fire Department. Mr. Drew brought up that there is no comparison between the Town of Meredith and the City of Laconia.

Gayle Miller - Late Lt. Fire Fighter Mark Millers wife - Mrs. Miller spoke about the July 9, 2018 meeting and the comments that were made. She expressed she feels no one is working together to come to a common solution. Mrs. Miller would like to know how the Council is going to represent the City of Laconia in a fair and unbiased way. When the Fire Department comes before the Council again will the Council be able to put aside the Massachusetts attitude and Brewster Ambulance Service issue and think only about the public safety. The residents of Laconia need a Council that can make decisions in the best interests of everyone. Mrs. Miller also addressed Councilor Hamels interview with WMUR regarding her daughters video being clipped to benefit herself.

Fire Captain Jason Bean - Ward 2 - resident and taxpayer for ten years - Vice President of Laconia Professional Fire fighters 1153 - Mr. Bean stated he expects Mayor Engler's and Councilor Hamel's resignation due to them not representing the City of Laconia they way he feels they should.

Carl Reitz - Ward 2 - Cottonwood Avenue - Has been a resident of Laconia for about 50 years. Mr. Reitz spoke in favor of Councilor Hamel and all the good he has done for the City of Laconia (residents and staff).

Brenda Baer - Ward 1 - B. Baer read a letter that she sent into the newspaper. She expressed her gratitude for all that Councilor Hamel has done as a Councilor, friend, neighbor, and resident of Laconia.

Dorothy Duffy - Ward 4 - Mrs. Duffy stated she has belonged to two different unions and has the most respect for unions. She expressed she is concerned with everything that has been going on during the past few weeks. She is here to stand behind Councilor Hamel and all of the Councilors. Mrs. Duffy doesn't understand why there are people here that don't live in the Laconia and stated they looked like a bunch of bullies.

Jay Colbert (Massachusetts) - District Vice President of the International Association of the Fire Fighters Labor Union - spoke in regards to the fallen fire fighters. J. Colbert stated he is charged with protecting his union members against attacks like the ones from this Council. Mr. Colbert also stated if this issue does not move forward then his union will be back up here and take it to another level.

William McQuillan - President of the Professional Fire Fighters of New Hampshire, in which he represent about 2000 members. Mr. McQuillan is here due to the comments and actions that happened on July 9, 2018. He stated employees should be treated with respect. He stated that Laconia opened themselves up to people of all stripes a few weeks back for Bike Week and put their best foot forward but now Laconia is known for their harmful comments.

Edward Kelly - General Secretary Treasurer of the International Association of Fire Fighters representing over 300,000 Fire Fighters from North America. Mr. Kelly read some comments that Kelsey (Mark Millers daughter) wrote on her social media page. Mr. Kelly stated to the Council to not underestimate the power of the Association and they will fight for the fallen's legacy.

Dustin Holmes - He stated regardless of who Councilor Hamel was referencing, that person was still a tax payer of this City and it demoralized their character and thinks it is unacceptable for an elected official that represents the taxpayers of the City to speak like that.

Mark MacKenzie (Manchester) State Rep for NH - House Labor Committee - He worked on the Collective Bargaining Law 275A back in 1970. He stated that the first words of the Collective Bargaining Law are "it is intended to promote harmonious relationships between employees and employers." After viewing the July 9, 2018 meeting, M. MacKenzie did not see any solution offered by this Council. M. MacKenzie feels this Council needs to find a solution on how to bring back the unity between the Council and the Fire Department. He also said don't underestimate the brotherhood standing up for their own.

Mark Frasier - Spoke in regards to the privatization of the ambulance service. When he was Mayor the same issue arose and they didn't want to take the ambulance service away from the Fire Department. M. Frasier stated the Council needs to work with the Fire Department and the Fire Department needs to work with the Council in order to resolve the issues.

## 10. INTERVIEWS

## 11. NOMINATIONS, APPOINTMENTS & ELECTIONS

### 11.A. **Michael Sweet - Seeking appointment to an alternate member position on the Heritage Commission for a three year term expiring at the end of March, 2021**

Councilor Haynes moves to appoint Michael Sweet to the alternated position Heritage Commission for a three year term expiring at the end of March, 2021, seconded by Councilor Hamel; the *motion passed with all in favor*.

### 11.B. **Richard Allen - Seeking appointment to a regular member position on the Lakeport TIF Advisory Board for a three year term expiring at the end of June, 2021**

Councilor Hosmer moves to appoint Richard Allen to a regular member position on the Lakeport TIF 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.C. **Deborah Williams - Seeking reappointment to a regular member position on the Conservation Commission for a three year term expiring at the end of August, 2021**

Councilor Hamel moves to reappoint Deborah William to a regular member position on the Conservation Commission for a three year term expiring at the end of August, 2021, seconded by Councilor Hosmer; the *motion passed with all in favor*.

### 11.D. **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, 2021**

Councilor Cheney 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, 2021, seconded by Councilor Hosmer; the *motion passed with all in favor*.

### 11.E. **Michael Foote - Seeking reappointment to a regular member position on the Conservation Commission for a three year term expiring at the end of August, 2021**

Councilor Hosmer 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, 2021, seconded by Councilor Cheney; the *motion passed with all in favor*.

## 12. COMMUNICATIONS

## 13. PUBLIC HEARINGS

### 13.A. **Public Hearing for Resolution RES-2018-27, 2019 Law Enforcement Opioid Abuse Initiative Grant**

Notice of this public hearing was made in the July 11, 2018 edition of the Laconia Daily Sun, Laconia City Hall, Community Center, and Laconia Public Library.

Mayor Engler opened the Public Hearing at 8:58 pm.

Hearing no comments from the public, Mayor Engler closed the Public Hearing at 8:58 pm.

### 13.B. **Public Hearing for Resolution RES-2018-28, Edward Byrne Memorial Justice Assistance Grant**

Mayor Engler opened the Public Hearing at 8:59 pm.

Hearing no comments from the public, Mayor Engler closed the Public Hearing at 8:59 pm.

#### 14. **PRESENTATIONS**

#### 15. **MAYOR'S REPORT**

Mayor Engler's wish is to find a way to make public policy, to discuss policy, to discuss difference over public policy a better way. Mayor Engler stated Councilor Hamel is a good person and he is accountable for things that he has said. Mayor Engler has reviewed the tape from the night in question many times and he does not believe that Councilor Hamel did not say Mark Miller nor think about Mark Miller when he made the comment he made. Mayor Engler did note that Jason Griffin's immediate reaction to Councilor Hamel's comment was indeed genuine. Mayor Engler made note of the video that was posted online and the narrative that went with it was displayed in a negative way.

Gayle Miller requested to comment. The Council agreed.

Mrs. Miller is offended by the comment regarding the video because her daughter posted the video and she did not post the video in a way to make a ploy for the fire department. Mrs. Miller stated the video was posted in an emotional reaction and it was not posted to make the fire department look one way or another. Mrs. Miller also stated that she posted the meeting on her own facebook page and asked for people to form their own opinions.

Mayor Engler apologized to Mrs. Miller and her daughter if his words were hurtful regarding the video as he didn't mean them to be.

#### 16. **COMMITTEE REPORTS**

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

16.A.i. **WOW Trail Funding**

16.A.ii. **Downtown TIF Financing**

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

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

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

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

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

16.C.iii. **Procedural review of grant applications**

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

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

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

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

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

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

17. **LIAISON REPORTS**

Councilor Hosmer attended his first Motorcycle Week Association meeting. Councilor Hosmer noted that the final numbers are still being put together.

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

Representative St. Clair joined with Anthony Syndicate - spoke in regards to a potential Laconia Biketemberfest from Friday, September 14th, 2018 at 5:00 pm and ending Sunday, September 16th, 2018 at 5:00 pm. Representative St. Clair further explained the details of this event and said it is basically a block party. Representative St. Clair explained the purpose of this is to generate some business after the Labor Day holiday which unofficially ends the summer season. This will all happen with the City's permission and the State Liquor Enforcement. Representative St. Clair stated that even though this event is called Biketemberfest, the hope is for locals to participate.

Councilor Lipman questioned the costs of the police details and how those costs will be covered.

Representative St. Clair explained the costs would be covered by Laconia Biketemberfest, LLC.

Mayor Engler asked the City Manager if all that the Council is being asked to approve tonight is a temporary traffic order. City Manager Myers explained that the details in the traffic order explains the Council would also be approving the consumption of alcohol on City property. City Manager Myers explained due to timing of the Special Events meeting and them only meeting once per month, this is why the traffic order included specific details, is being brought to the Council tonight. Also part of the approval would be to put money in to an escrow account to cover any City fees incurred.

Mayor Engler would like the letters LLC to be added to the title of the Temporary Traffic Order.

Mayor Engler also questioned whether the establishments in the direct area in question are in favor of this event. Representative St. Clair has spoken to them and they are in agreement but they could change their minds at any time.

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.

City Manager Myers announced that Chief Ken Erickson has given his written notice of retirement after serving the City since 2001. The Chiefs last day will be September 28, 2018.

Discussion was had regarding how the hiring process would go and if things would remain the same with Belmont with the inter municipal agreement.

Two sinks holes were noticed in the Weirs on Lakeside Avenue. DPW Assistant Director Krista Larsen knows of these issues and they are being addressed.

Councilor Cheney questioned Air Bed and Breakfast places within the City. City Manager Myers explained that staff has been looking more into this.

20. **NEW BUSINESS**

20.A. **Year End Carryforward Request**

City Manager Myers reviewed the request.

Councilor Lipman moved to approve the Fiscal Year 2018 carry forwards as presented to the Council in the attached memo, seconded by Councilor Cheney; the ***motion passed with all in favor.***

20.B. **Impact Fee transfer request**

City Manager Myers explained the request.

Councilor Hamel moved to approve the transfer of \$7,000 to account 50-301-001-004 - Impact Fees - Parks to account 01-499-479-0011 Playground Equipment, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

Councilor Hamel moved to approve the transfer of \$11,875.62 from account 50-301-001-0002 - Impact Fees - Police to account 01-499-437-0010 - Evidence Drying Station, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

#### 20.C. **Temporary Traffic Order 2018-13 Laconia Biketemberfest**

Councilor Cheney moved to approve TTO 2018-13, Laconia Biketemberfest, LLC pending the approval of the above conditions, a waiver of all licensing and special event fees, and to allow alcohol consumption on City property in the designated areas only, seconded by Councilor Hamel; the ***motion passed with all in favor.***

### 21. **UNFINISHED BUSINESS**

#### 21.A. **Request for guidance on the expansion of the City's Sanitary Sewer Collection System**

City Manager Myers explained some of the details of the expansion. Discussion was also had with Water Superintendent Seth Nuttleman and the Water Commissioners.

Assistant DPW Director Krista Larsen distributed a handout to the Council and submitted one into the official record.

Assistant DPW Director Krista Larsen explained the City's sanitary sewer collection system, how to allocate the costs and asked the Council for guidance on the expansion with the Land Use Chapter.

Discussion was had regarding locations of the expansion, costs of the expansion and how to allocate the costs, how to implement the expansion into the Land Use Chapter, current and possible future users of the sewer system, and coordination with the water department.

Councilor Lipman moves to extend the meeting tonight until 10:15 pm, seconded by Councilor Haynes, the ***motion passed with all in favor.***

Other discussion was regarding the types of roads, developed and undeveloped areas and the sewer rate study being conducted. City Manager Myers suggested honing in on the Woodvale Road Area, Parade Road, and Meredith Center Road.

Questions for the Council:

1. Do we want the general rate payer to pay for the Weirs development that is already there?
2. Do we want the general rate payer to pay for a possible expansion down the Parade Road area?

Mayor Engler would like this item to be continued at the next regular Council Meeting on August 13, 2018.

#### 21.B. **Second reading of Resolution RES-2018-27, 2019 Law Enforcement Opioid Abuse Initiative Grant**

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

Councilor Hosmer moved to approve Resolution RES-2018-27, relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$50,000.00 from the 2019 Law Enforcement Opioid Abuse Initiative Grant, seconded by Councilor Haynes; the ***motion passed with all in favor.***

#### 21.C. **Second reading of Resolution RES-2018-28, Edward Byrne Memorial Justice Assistance Grant**

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

Councilor Lipman moved to approve Resolution RES-2018-28, relative to authorizing the City Manager to accept

## 22. COUNCIL COMMENTS

Councilor Cheney read a statement that he prepared but did not submit it into the record. The statement was in regards to the statements made between Councilor Hamel and Jason Griffin during the Council meeting on July 9, 2018 and how both parties were in the wrong whether from assuming statements were made about a fallen fire fighter and from negative comments being made about another State. Councilor Cheney would like for everyone to take a deep breath, calm down, and take a step back and after tonight move forward in a positive way.

Councilor Lipman - Would like to focus on moving forward with the Fire Department and Council working together and both departments are here to help the community. He would like to see the people of Ward 5 decided at election time whether they would like Councilor Hamel to continue on the Council or not. Councilor Lipman stated Councilor Hamel is a good man and does a lot for the City and he is friends of the Miller family and cares deeply about them as well.

Councilor Bownes - Would like everyone to listen to each other, not try to forge their own truths or their own lies. The City of Laconia and the Fire Fighters have worked together for a very long time and Councilor Hamel has done a lot in the past for the Fire Department. Councilor Bownes would like everyone to work together.

Councilor Haynes - Stated he was chastised by a local station for not saying anything. Councilor Haynes would like to see all of this to go away, but noted that everyone has been heard.

Councilor Hosmer - read a statement that he prepared but did not submit it into the record. The statement was in regards to a debate that came out in a negative way. He does not want the City to be pitted against each other but yet come together and work as one for the better for everyone. Councilor Hosmer stated that Councilor Hamel, as well as everyone in this room, is human. If this debate continues the only ones that pay will be the citizens of Laconia.

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

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

26. **ADJOURNMENT**

With no further business to come before the Council and hearing no objection Mayor Engler adjourned the meeting at 10:13 pm.