

# CITY OF LACONIA - CITY COUNCIL MEETING

October 9, 2018

7:00 P.M.

10/9/2018 - Minutes

## 1. CALL TO ORDER

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

## 2. SALUTE TO THE FLAG

Councilor Hosmer 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 (6) Councilor were in attendance and a quorum has been established.

## 5. STAFF IN ATTENDANCE

City Manager Scott Myers

## 6. COUNCIL PROCLAMATION

### 6.A. Proclamation for Laconia High School Girls' Lacrosse Team

Mayor Engler recognized the Laconia High School Girls Lacrosse Team for their NHIAA Division III State Championship. He read the following proclamation:

WHEREAS, the players on the Laconia High School Girls' Lacrosse Team have demonstrated excellence by winning the NHIAA Division III State Championship; and

WHEREAS, on June 5, 2018 in their third finals appearance Laconia defeated Hopkinton by a score of 10 to 6 to win the Division III State Championship title; and

WHEREAS, because of the dedication and commitment of the entire team and coaching staff, another championship banner will now hang in the School gymnasium; and

WHEREAS, the City recognizes that the future of our community lies in the initiative, enthusiasm and spirit of our youth; and

WHEREAS, the Laconia City Council, the families and friends, along with Sachems young and old would like to express our sincere appreciation for the accomplishments the Laconia High School Girls's Lacrosse Team and coaching staff have made for themselves, their school and their community, and wish to recognize the following players and coaches: Kaitlyn Brooks, Bella Daly, Rinnie Randall, Caitlin Beattie, Emma LaDuke, Maeghan Ash, Hannah Dow, Sophie George, Emily Avery, Skyler Tautkus, Sydney Stevens, Nicole Turpin, Alysha Mingo, Megan Gaspa, Rebecca Howe, Devon Mello, Shay Gunning-Lavoie, Eliza Lefebvre and Lydia Tucker, as well as Coaches Bob Howe, Kerri Howe, and Tony Pederazani; and

WHEREAS, several Laconia High School Girls' Lacrosse players achieved special recognition, with three players being named to the All State 1st Team and one to the All State 2nd Team; one player being named by the US Lacrosse organization as Academic All American; two players being named to the Senior NH/VT All Star Game, and because of their academic and athletic achievements, two team members are now playing Lacrosse in college, one in Division 3 and one in Division 1;

NOW, THEREFORE, I, Edward J. Engler, Mayor of the City of Laconia do hereby proclaim Tuesday, October 9, 2018 as

## APPRECIATION DAY

and urge all citizens to join with the City Council in recognizing their outstanding achievement as State Class III Champions.

## 7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

### 7.A. Regular meeting minutes of September 24, 2018

Minutes of the meeting from September 24, 2018, were distributed to the Council on Thursday, September 27, 2018. With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.

## 8. CONSENT & ACTION ITEMS

### 8.A. Temporary Traffic Order 2018-15 - Holiday Parade - and request to waive all fees associated with the event

Councilor Hamel moved to approve Temporary Traffic Order 2018-15, for the 2018 Holiday Parade being held on November 25, 2018, from 2:30 pm to 5:30 pm, and the request to waive all fees associated with the event, seconded by Councilor Hosmer; the *motion passed with all in favor*.

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

Representative Charlie St. Clair - spoke in regards to the Biketember Fest letter that was sent to the paper and was horrified that the City Council was not mentioned as part of the thank you's.

## 10. INTERVIEWS

### 10.A. Joan Leroux - Seeking reappointment to a regular member position on the Personnel Advisory Board for a three-year term expiring at the end of October, 2021

Joan Leroux was not present and will be postponed until the first meeting in November.

## 11. NOMINATIONS, APPOINTMENTS & ELECTIONS

## 12. COMMUNICATIONS

## 13. PUBLIC HEARINGS

## 14. PRESENTATIONS

## 15. MAYOR'S REPORT

Mayor Engler would like to remind everyone that this weekend is the Pumpkin Festival. The Chamber of Commerce is still in need of volunteers for this event.

Mayor Engler noted the passing of Police Commissioner Armand Maheux. The services will be held at the Beane Conference Center on Tuesday, October 16, 2018, from 6 pm to 8 pm, with services being held the following day at Sacred Heart Church at 10 am.

## 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**

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

Former Mayor Paul Fitzgerald (Wescott Law) - here on behalf of Pendleton Beach Association. Mr. Fitzgerald is hoping there is an endorsement in regards to the Pendleton Beach Road and Boathouse Road. Mr. Fitzgerald extends his appreciation on behalf of the two roads in question. Mr. Fitzgerald asks that both roads be treated the same.

Councilor Bownes explained how he is looking at the two roads and takes past history in to consideration. He would like to see the two roads separated in regards to motions.

Mr. Fitzgerald explained that the taxes and services are both the same on both Pendleton Beach Road and Boathouse Road. Mr. Fitzgerald explained that access for emergency services are needed for both roads. He noted that a conversation was had with former Chief Erickson and Chief Erickson stated that Boathouse Road is used for water access.

Councilor Hamel questioned how the deed for Boathouse Road residents is written?

Mr. Fitzgerald stated it is written in the deed that the road is to remain private.

Warren Hutchins (Boathouse Road) - the deed transfer occurred in 1993. The deed is a single deed with the Pendleton Beach Association.

Representative Charlie St. Clair spoke in regards to Lakeside Avenue and would like to note that Mr. Santagate is in the audience if the Council has any questions. Mayor Engler congratulated Mr. Santagate with the success of Biketember Fest.

19. **CITY MANAGER'S REPORT**

19.A. **Financial and Operational Trends Report**

City Manager Myers has reappointed Mark Condomentreky to the Laconia Housing Authority for a five (5) year term, ending November 1, 2023.

City Manager Myers reviewed the report.

Councilor Hosmer questioned if a discussion has been had in regards to the EMS Billing; are these numbers in comparison?

City Manager Myers stated Laconia has reached out to Derry and the numbers presented in the report do not raise any flags to what has been collected.

Mayor Engler would like to find out what kind of transports are being done (facility to facility or from residents). City Manager Myers explained most of the transports are from residential homes or businesses not a facility to facility transport.

Councilor Lipman would like to see a target number that the City would like to collect and an average number of trips in comparison to prior years added to the report.

Councilor Hosmer would like clarification in regards to Managed Care that may be starting on January 1, 2019.

Councilor Hamel asked what the rates are. City Manager Myers explained the hospital had contracts with certain insurance companies whereas the City does not have those contracts.

Councilor Hamel would like an update on Court Street. City Manager Myers stated the road will be ready to go by winter with a base coat. Easements are still being worked out in regards to the poles. Consolidated Communications still has wiring that needs to be done and should be starting in two weeks.

Councilor Hamel also asked if the Stark Street/Union Ave project is still going to happen. City Manager Myers said it will be starting this fall and will not be affecting winter traffic. Councilor Hamel expressed concern about starting this project so late in the season.

## 20. NEW BUSINESS

### 20.A. Temporary Traffic Order 2018-16 - Pumpkin Festival

Councilor Lipman moved to approve Temporary Traffic Order 2018-16 for the 2018 Pumpkin Festival, beginning October 12, 2018 at 2:00 am and ending October 14, 2018 at 12:00 noon, seconded by Councilor Hosmer;

Karmen Gifford briefed the Council on the changes that have been made from last year's traffic order to this year's traffic order.

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

### 20.B. Request from Santagate Properties, LLC for City Council approval of an easement for construction of a deck over City property

City Manager Myers explained the details of this request from Tower Hill Tavern.

Councilor Hamel questioned how many pillars will be needed with concern with drilling into a brand new sidewalk.

Anthony Santagate (Tower Hill Tavern) - There will be five or six pillars needed. There would still be eight feet of sidewalk unobstructed. Demolition would be started now and construction completed by Spring of 2019.

Councilor Lipman would like to get a better sense of how this project would look and the preservation of the value of the construction the City has already done. Councilor Lipman suggests bringing back a rendering.

DPW Director Anderson stated the estimated width of the sidewalk in that area is about 15 feet.

Councilor Hamel moved to approve the request from Santagate Properties, LLC for City Council approval of an easement for construction of a deck over City property located at 264 Lakeside Avenue in Laconia, as shown on the Plan entitled "Deck Framing for Tower Hill Tavern, 264 Lakeside Ave., Laconia, NH, prepared for Santagate Properties, LLC, dated August 2, 2018 and prepared by Farwell Engineering Services, LLC, and to authorize the City Manager to sign all necessary easement and agreement documents, seconded by Councilor Bownes,

Councilor Lipman moved to table the motion pending the applicant present to the Council a rendering and material list of the project and safety concerns being addressed; seconded by Councilor Hamel; the *motion passed with all in favor*.

### 20.C. Request to designate Pendleton Beach Road and Boathouse Road as Emergency Lanes with a limited scope of maintenance

Councilor Hosmer moved to approve the request to designate Pendleton Beach Road and Boathouse Road as Emergency Lanes with a limited scope to only include winter maintenance, and that the Department of Public Works develop for City Council review and approval maintenance standards for emergency lanes that only receive winter maintenance, seconded by Councilor Cheney;

Councilor Bownes moved to strike the words Boathouse Road from Councilor Hosmers motion, seconded by Councilor Hamel;

Councilor Homser would like to oppose the motion as this is a distinction without difference other than the fact there is pump house on Pendleton Beach Road.

Councilor Bownes stated the history of the use of each road is very different. Councilor Bownes has questions in regards to Boathouse Road and that is why he would like to see two separate motions.

Councilor Hosmer withdraws his opposition to Councilor Bownes motion.

Councilor Lipman is not looking into the past but looking forward especially with public safety and the Winnepesaukee Interceptor. Councilor Lipman would like to see this as one motion.

Councilor Cheney supports both roads and does not support Councilor Bownes motion.

Mayor Engler called Councilor Bownes motion; the ***motion failed with one (1) in favor and five (5) opposed.***

Councilor Lipman would like the minutes to reflect that the original motion, if passed, is being passed with the narrow basis in regards to to the specific situation of the particular roads and their locations in regards to the Winnepesaukee interceptor.

Councilor Bownes expressed the rationale of the safety for Boathouse Road has never been expressed before and history does matter with respect on how these two roads are treated and how emergency lanes are treated in the future. Councilor Bownes fears this kind of precedent will interfere with future roads. Councilor Bownes is sympathetic to the needs of the residents on both roads in regards to emergency services.

Councilor Hamel asked DPW Director Anderson how many roads in the City are private. Director Anderson stated there are 17 miles of private roads that are truly private in the City, but he does not have the exact number of private roads. There have been six roads that have had discontinued services.

Councilor Lipman expressed that history does not have anything to do with this, it has to do with what is in the best interest of the City as a whole.

City Manager Myers reminded the Council that even with an affirmative vote tonight this item still needs to go to public hearing.

Councilor Bownes wanted it known to the minutes that he has expressed his concerns with this motion even though he will vote in favor of this motion.

Mayor Engler called the main motion; the ***motion passed with all in favor.***

#### 20.D. **Tentative agreement with the Laconia Professional Firefighters Association**

Mayor Engler reminded the Council and audience that the Labor Law prohibits explaining the terms of this contract in public until the contract is passed.

Councilor Haynes moved that the City Council approve the tentative agreement for the Laconia Professional Firefighters Association for the period from July 1, 2018 through June 30, 2021, seconded by Councilor Lipman; the ***motion passed with all in favor.***

City Manager Myers highlighted the details of the contract.

#### 20.E. **Tentative agreement with AFSCME**

Councilor Bownes moved that the City Council approve the tentative agreement for the American Federation of State, County, and Municipal Employees for the period from July 1, 2018 through June 30, 2021, seconded by Councilor Lipman; the ***motion passed with all in favor.***

City Manager Myers highlighted the details of the contract.

**20.F. Introduction of Ordinance 2018-189-20-01, and Ordinance amending Chapter 189-20, Building Sewer Permits, application fee; fee and to request to schedule a Public Hearing on October 22, 2018 during the regular City Council meeting to gather input prior to adoption**

City Manager Myers explained this is the follow up from what was discussed during the last regular Council Meeting.

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

Councilor Lipman moved the first reading of Ordinance 2018-189-20-01, an Ordinance amending Chapter 189, Building Sewer Permits; application; fee, seconded by Councilor Haynes; the ***motion passed with all in favor.***

Councilor Lipman moved to schedule a public hearing on October 22, 2018 during the regular City Council meeting to gather public input prior to adoption, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

**20.G. Introduction of Ordinance 2018-189-50-01, and Ordinance amending Chapter 189-50, Sewer Charges and to request to schedule a Public Hearing on October 22, 2018 during the regular City Council meeting to gather input prior to adoption**

City Manager Myers explained this is also a follow up from what was discussed at the last regular Council Meeting.

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

Councilor Hosmer moved the first reading of Ordinance 2018-189-50-01, an Ordinance amending Chapter 189-50, Sewer Charges, seconded by Councilor Lipman; the ***motion passed with all in favor.***

Councilor Bownes moved to schedule a public hearing on October 22, 2018 during the regular City Council meeting to gather input prior to adoption, seconded by Councilor Haynes; the ***motion passed with all in favor.***

**20.H. City Manager contract extension discussion**

Councilor Lipman moved to extend the contract of City Manager Scott Myers, as outlined in Section 2 of his Employment Agreement, until June 30, 2020, seconded by Councilor Hamel; the ***motion passed with all in favor.***

**21. UNFINISHED BUSINESS**

**21.A. Discussion of Short Term Rentals**

Mayor Engler presented to the Council a document explaining the uses for residential areas which discloses what RS Zones are allowed to do. The property in question is prohibited according to the zone in which it is in.

Council has documentation from legal and it is up to the Council whether they would like to publicize the details of that document.

Councilor Bownes moved to waive Council's attorney/client privilege and disclose the details of the memorandum presented to the Council from the Municipal Groups Professional Office dated September 29, 2018, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Lipman suggests to notify the property owner to what they are allowed to use their residence for in that particular zone.

Councilor Cheney understands that enforcement can be based on complaint rather than searching for every short term rental within the City.

Councilor Haynes would like to apologize to the people of North Main Street and enforcement should have taken

place right from the beginning.

Mayor Engler questions the acting on complaints, how many complaints, who are the complaints from, etc.

Councilor Cheney does not think it should just be Air BnB's, if one should not be in compliance, then Code Enforcement should take action.

Councilor Bownes suggest Code Enforcement take the traditional steps to enforce any and all violations should complaints arise.

Councilor Lipman agrees with what is being said but it shouldn't just take complaints, enforcement should happen when and if the City becomes aware of one not following the proper permitted uses for any properties.

City Manager Myers expressed this issue does not just address Air BnB's, this addresses any short term rentals within a residential district that is not allowed. Work will continue to be done with this issue with Legal Counsel.

## **22. COUNCIL COMMENTS**

## **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 9:10 pm.

Respectfully submitted by,

