

Minutes were approved at the 10/24/22 Council Meeting

**CITY OF LACONIA - CITY COUNCIL MEETING
October 11, 2022 - 7:00 P.M.**

10/11/2022 - Minutes

1. CALL TO ORDER

Mayor Hosmer called the meeting to order at 7:00 PM

2. SALUTE TO THE FLAG

City Manager Kirk Beattie led the salute to the flag

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

City Clerk Gargano called the roll of the City Council: Councilor Cheney, Councilor Soucy via Zoom, Councilor Lipman, Councilor Haynes, Councilor Felch and Mayor Hosmer.

Councilor Soucy attended the meeting remotely, he verified that it was not practical for him to be there in person. He was alone in the room.

Mayor Hosmer noted that because Councilor Soucy attended the meeting remotely any votes must be done by roll call vote.

Mayor Hosmer stated that 4 members of the Council were present, and a quorum was established. Absent: Councilor Hamel

5. STAFF IN ATTENDANCE

Kirk Beattie, City Manager; Glenn Smith, Finance Director/ IT Coordinator

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular City Council meeting minutes of September 26, 2022

Minutes of the regular City Council meeting of September 26, 2022, were distributed to the City Council on October 4, 2022.

With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

8. CONSENT & ACTION ITEMS

8.A. Recommendations for appointments to Boards and Commissions

The Appointments Subcommittee met on September 26, 2022, and interviewed several candidates for appointment or reappointment to the City's Boards and Commissions.

The Appointments Subcommittee strongly recommends the appointment of the following individuals for the terms shown:

Lisa Morin – Requesting reappointment as a regular member of the Conservation Commission to a three-year term expiring at the end of August 2025.

Joan Mercer – Requesting appointment as a regular member of the Laconia Putnam Fund to a five-year term expiring at the end of March 2027.

Charlie St. Clair – Requesting reappointment as a regular member of the Downtown TIF District Advisory Board to a three-year term expiring at the end of August 2025.

Michael DellaVecchia – Requesting reappointment as a regular member of both the Planning Board and the Zoning Board to three-year terms expiring at the end of June 2025 and August 2025, respectively.

Greg Page – Requesting appointment as a regular member of the Water Commission to fill the remainder of Joe Driscoll's seat, to a term expiring at the end of June 2024.

Philip Smith – Requesting appointment as a regular member of the Water Commission to a three-year term expiring at the end of June 2025.

Councilor Felch made a motion that the City Council approves the appointment or reappointment of candidates to the City's Boards and Commissions as presented and recommended by the Appointments Subcommittee. Seconded by Councilor Haynes **Discussion:** Councilor Soucy wanted to thank the members of the appointments committee for their time interviewing the candidates.

Roll Call Vote:

Councilor Cheney: Yes	Councilor Soucy: Yes	Councilor Lipman: Yes
Councilor Haynes: Yes	Councilor Hamel: Absent	Councilor Felch: Yes

The ***Motion Passed with all in favor.*** 5-0

9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

No one spoke during public comment.

10. INTERVIEWS

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

12. COMMUNICATIONS

13. PUBLIC HEARINGS

13.A. Public Hearing - Request to accept seven private roads under the "Accept As-Is" program

Notice of this Public Hearing was made available in the September 12, 2022, edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Community Center, Laconia Public Library and

the offices of the SAU.

Mayor Hosmer opened the Public Hearing at 7:03 PM

No one spoke on this matter.

Mayor Hosmer noted this item may be taken up under new business this evening.

Mayor Hosmer closed the Public Hearing at 7:04 PM

13.B. **Public Hearing - Resolution 2022-12 to authorize acceptance of an additional \$122,811.80 in NH Department of Safety, Office of Highway Safety Grant Funds**

Notice of this public hearing was made available in the September 28, 2022, edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Community Center, Laconia Public Library and the offices of the SAU

Mayor Hosmer opened the Public Hearing at 7:06 PM

No one spoke on this matter.

Mayor Hosmer noted this item may be taken up under new business this evening.

Mayor Hosmer closed the Public Hearing at 7:07 PM

14. **PRESENTATIONS**

14.A. **Presentation of the parking study phase of the Downtown Urban Planning Study**

Walker Consultants, the City's consultant for the Downtown Urban Planning Study has completed the parking study phase of the study's scope of work. The remainder of the work is to be completed by the end of the year.

The Directors of Public Works and Planning and Community Development and the Consultant will brief the Council on the results of the study.

Walker Consultants, during the parking study phase, determined that without the rehabilitation of the parking garage the city has a small public parking space deficit (37 spaces) in 2027 and a 64-space deficit in 2032, assuming pre-pandemic office use projections. If office usage continues to remain a hybrid of office and remote work and office work grows to 60% office usage, the city will have a surplus of 63 public parking spaces in 2027 and 36 spaces in 2032. The city can purchase and construct additional parking lots within walking distance to meet future parking needs for less than the cost of rehabilitating the parking garage.

The following are other points for City's Council's consideration during the presentation:

- The construction manager's May 31, 2022, estimate of the cost to rehabilitate the parking garage is \$8.6 million. This estimate does not include any of the public's suggestions.
- Twenty years after the completion of the rehabilitation of the parking garage, it will need another significant rehabilitation project. City staff is requesting Council's guidance on proceeding with the rehabilitation of the parking garage based on the results of the Downtown Urban Planning Study.

Councilor Lipman asked about the cost to demolish the parking garage and put a roof on it. Director Anderson said he'd have to get back to him on the estimate.

Councilor Cheney asked about the cost of building off the existing garage and building a new garage what the cost differences are. Director Anderson said he'd have to get back to him with those figures.

15. **MAYOR'S REPORT**

Mayor Hosmer discussed the city-wide forums have been held on citywide homelessness with Detective Adams. The first two were very well attended and he thinks there have been some good discussions on housing. The next forums will be held on October 17th at LMS, October 20th at Leavitt Park, November 3rd via Zoom, November 7th at The Church of Jesus Christ of Latter-Day Saints and on November 10th at Woodland Heights Elementary School.

16. **COUNCIL COMMENTS**

Councilor Cheney wanted to ask the City Manager to review with the Parks and Recreation Department about taking over Pumpkin Fest. The purpose would be to grow the event and keep it in the downtown area.

Councilor Haynes commented that the last couple of years there has been several discussions about moving pumpkin festival to somewhere else. He wonders if the City is upsetting the Chamber of Commerce and he'd like to see a meeting scheduled between the city and the Chamber of Commerce.

Councilor Soucy also commented that he thinks the City of Laconia needs to take the lead on the pumpkin festival to make it succeed.

Mayor Hosmer noted to City Manager Beattie that he'd like to have a de-brief meeting with the Lakes Region Chamber of Commerce after this year's Pumpkin Festival.

17. **COMMITTEE REPORTS**

Items will be discussed as needed. Not all items will be brought before the full Council at this evening's meeting.

17.A. **FINANCE (Lipman (Chair), Hamel, Cheney)**

Councilor Lipman stated there is a Finance Committee Meeting set for 10/24/22 at 6 PM to review the welfare guidelines.

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.C.ix. **Naming privilege's to public areas**

17.D. **LAND & BUILDINGS (Hamel (Chair), Haynes, Felch)**

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

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

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

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**

17.F. **APPOINTMENTS (Councilors Soucy (Chair), Cheney and Haynes)**

18. **LIAISON REPORTS**

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

Attorney Conner O'Neal of Wescott Law is representing the residents of Bobby's way regarding the Beach transfer that was reviewed by the City Council at the September 12, 2022, Council Meeting. He stated there has been a lot of discussion between the parties and there was a list of requests that were made on behalf of his client on 9/22/22 and it was sent to Attorney Wood. He stated they received a letter back with some negotiations from Attorney Wood on 10/6/2022. He is requesting that the City Council delay their decision on this item for another 30 days to continue negotiations.

Attorney Ethan Wood of Normandin, Cheney & O'Neil is representing the Paugus Bay Beach Association regarding the Beach transfer that was reviewed by the City Council at the September 12, 2022, Council Meeting. He stated he does not feel that an additional month will help further along the negotiations. He thinks there is no need to delay this transfer. Councilor Lipman asked a couple questions to Attorney Wood about how the transfer of the deed now would continue to allow for negotiations between all parties. Councilor Cheney stated he was wondering what harm another 30 days is, when they've owned it for many years. He doesn't want to see the city rush to transfer this when there is not enough or the correct language in the deed as the attorney noted. Attorney Wood stated that his clients have acted in good faith, they have held 12 meetings on this subject, and he doesn't think any further extension is going to help. It is just adding additional legal expenses to the association that is a nonprofit and doesn't have a lot of funds to begin with. Councilor Soucy also said that if the deed is transferred, that negates any further negotiations between the parties because the association would hold the deed.

Attorney Bill Philpot spoke and is representing Brenda Garneau who started the process of creating the association. He stated that he thinks the city is trying to broker this deal and he thinks that consideration needs to be given to the association.

The following area residents also spoke on the beach transfer between the City and the Paugus Bay Beach Association:

Shawn Cox from 12 Hillcroft Rd said on June 27th he met with the City Manager, Mayor, and other representatives from the streets who have deeded beach rights. They were told to create an inclusive, organized association that represented the majority of the membership. He is a part of the beach association, and he feels they have been inclusive, inviting all the people and he thinks the association has met the items that are needed. He thinks they have done things in good faith. He hopes to see the city make a decision tonight.

Alison Genatelli of 192 Hillcroft Rd stated she is one of the 7 members for the board of directors of the Paugus Bay Beach Association, there have been several items that have been agreed upon, but they did not agree to all. The association will not give up deeded rights that take away their existing deeded uses.

Mike Bravo of 107 Harglan Lane said he wanted to go over the numbers. There are 31 homeowners that have been in favor of joining the association.

Gene Heider of 272 Hilliard Rd stated he is favor of the Paugus Bay Beach Association; he noted that all the property owners' deeds say this is their community beach.

Patti Taylor of 106 Hillcroft Way asked the city to transfer this beach to the Paugus Bay Beach Association. She provided some background on her experience with the community beach over the years.

Tom O'Brien of 58 Hillcroft Rd is a new homeowner and said that he has a finance and real estate background and has seen many associations formed and amended within the association. He would like to see the beach transferred to the association.

19.A. Financial and Operational Trends Report

20. CITY MANAGER'S REPORT

20.A. Financial and Operational Trends Report

Manager Beattie presented the Financial and Operational Trends Report to the City Council. Highlights include New Building Permit Values continue to rise, property tax collection is on target, motor vehicle revenue is good, there is a spreadsheet on overtime and no pending grievances. The ambulance billing numbers are up compared to last year.

Councilor Lipman made note of the impact fees. He wants to make sure they are being monitored so they don't have to be returned.

Councilor Haynes asked about the CIP Report that is usually in the manager's update. Manager Beattie told Councilor Haynes that report is on the next Council meeting.

Manager Beattie announced that Amy Lovesik will be filling the seat of the Planning Board in the replacement of the Chief. Councilor Lipman noted that he would like to see someone from the Fire Department to fill the seat as he thinks they would have more experience in the subject matters presented at the meetings.

Manager Beattie mentioned a few vacancies in the wards for Election workers.

Councilor Haynes noted the Deputy Fire chief gave a great presentation at the CIP Meeting.

21. NEW BUSINESS

21.A. Temporary Traffic Order 2022-13 - NH Pumpkin Festival

The 2022 NH Pumpkin Festival is scheduled for October 29, 2022. Temporary Traffic Order 2022-13 is attached for the Council's approval. The TTO has been reviewed by the Police Department, the Fire Department and the Public Works Department. Once the TTO is approved, the Lakes Region Chamber plans to hand deliver a copy of it, along with a map of the festival, to all of the downtown businesses to keep them informed of plans for October 29th.

Councilor Haynes made a motion to approve Temporary Traffic Order 2022-13 for the 2022 NH Pumpkin Festival as presented. Seconded by Councilor Felch **Discussion:** The Special Events Committee did not meet on this as the staff report noted.

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Yes

Councilor Haynes: Yes Councilor Hamel: Absent Councilor Felch: Yes

The ***Motion Passed with all in Favor*** 5-0

21.B. **Sale of Lot #18 in Lakes Business Park**

The Lakes Business Park Commission approved the sale of Lot #18 in Lakes Business Park at its meeting on September 28, 2022, contingent upon the approval of the Gilford Board of Selectmen and the Laconia City Council. The offer for Lot #18 was received from Richard and Melissa Hill, d/b/a R & K Machine in the amount of \$140,000.00. The use of the lot would be consistent with the Lakes Business Park covenants. The Purchase and Sale Agreement is attached to the agenda.

Councilor Felch made a motion to approve the vote of the Lakes Business Park Commission for the sale of Lot #18 in the Lakes Business Park in the amount of \$140,000 and to authorize the City Manager to sign the required documents in connection with the sale. Seconded by Councilor Lipman **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Yes

Councilor Haynes: Yes Councilor Hamel: Absent Councilor Felch: Yes

The ***Motion Passed with all in Favor*** 5-0

21.C. **Sale of Lot #5 in Lakes Business Park**

The Lakes Business Park Commission approved the sale of Lot #5 in Lakes Business Park at its meeting on September 28, 2022, contingent upon the approval of the Gilford Board of Selectmen and the Laconia City Council. The offer for Lot #5 was received from Kevin Morrissette in the amount of \$50,000.00. The use of the lot would be consistent with the Lakes Business Park covenants. The Purchase and Sale Agreement is attached to the agenda.

Councilor Haynes made a motion to approve the vote of the Lakes Business Park Commission for the sale of Lot #5 in the Lakes Business Park in the amount of \$50,000 and to authorize the City Manager to sign the required documents in connection with the sale. Seconded by Councilor Felch **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Yes

Councilor Haynes: Yes

Councilor Hamel: Absent

Councilor Felch: Yes

The ***Motion Passed with all in Favor*** 5-0

21.D. **Appointments for Moderator and Selectmen vacancies**

Per Laconia City Charter Section 2.05 "... All vacancies in the office of Moderator, Ward Clerk or Selectman shall be filled by the City Council." Pro Tem Appointments will be valid until all contests are settled from the November 8, 2022, Election. The regular appointments will be valid until end of December 2023 after the next City Election in November 2023.

The Council is requested to consider the following appointments:

Appointment of Gary Dionne for Moderator Pro Tem for Ward 1.

Appointment of Greg Page for Moderator Pro Tem for Ward 5.

Appointment of Catherine Tokarz for Moderator for Ward 6.

Appointment of Laura Ringer for Selectman for Ward 6.

Councilor Felch made a motion to appoint Gary Dionne for Moderator Pro Tem for Ward 1, and Greg Page for Moderator Pro Tem for Ward 5 valid until all contests are settled from the November 8, 2022, Election. Seconded by Councilor Cheney, **Discussion**: None

Roll Call Vote:

Councilor Cheney: Yes

Councilor Soucy: Yes

Councilor Lipman: Yes

Councilor Haynes: Yes

Councilor Hamel: Absent

Councilor Felch: Yes

The ***motion passed with all in favor*** 5-0

Councilor Felch, I move to appoint Catherine Tokarz for Moderator for Ward 6, and Laura Ringer for Selectman for Ward 6 with a term expiring at the end of December 2023. Seconded by Councilor Haynes, **Discussion**: None.

Roll Call Vote:

Councilor Cheney: Yes

Councilor Soucy: Yes

Councilor Lipman: Yes

Councilor Haynes: Yes

Councilor Hamel: Absent

Councilor Felch: Yes

The ***motion passed with all in favor*** 5-0

21.E. **First reading of Resolution 2022-13 relative to accepting grant funding from the Northern Borders Regional Commission (NBRC) State Economic and Infrastructure Development (SEID) grant program and authorizing the City Manager to sign all NBRC investment documents that bind the applicant**

On April 11, 2022, the City Council moved to support submitting a Northern Borders Regional Commission (NBRC) State Economic and Infrastructure Development (SEID) Letter of Interest for a

1,000-ft multi-use trail on Elm Street. This project was ultimately selected to receive a \$225,000 grant through the NBRC SEID grant program.

The Norther Borders Regional Commission requires a Resolution by the applicant's legal authority authorizing the City Manager to sign all NBRC investment documents that bind the City as the grant applicant.

The SEID grant provides 50% funding (\$225,000) and requires a 50% match (\$225,000). Funding sources for the match are being pursued including a USDA Community Facilities Grant and funding from the WOW Trail.

Councilor Cheney made a motion to waive a reading of this Resolution in its entirety and to read by title only. Seconded by Councilor Haynes **Discussion:** none.

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Yes

Councilor Haynes: Yes Councilor Hamel: Absent Councilor Felch: Yes

The ***Motion Passed with all in Favor*** 5-0

Councilor Lipman made a motion for a first reading of Resolution 2022-13, a Resolution authorizing acceptance of grant funding and authorizing the City Manager to sign all NBRC investment documents that bind the City to the terms and conditions of the grant. Seconded by Councilor Felch **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Yes

Councilor Haynes: Yes Councilor Hamel: Absent Councilor Felch: Yes

The ***Motion Passed with all in Favor*** 5-0

Councilor Felch made a motion to schedule a Public Hearing on October 24, 2022, during the regular City Council meeting to gather input prior to adoption. Seconded by Councilor Haynes **Discussion:** Councilor Felch would like to see if the Lakeport TIF can be used in that way for funding. Councilor Lipman could like to forecast the TIF of the lakeport TIF.

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Yes

Councilor Haynes: Yes Councilor Hamel: Absent Councilor Felch: Yes

The ***Motion Passed with all in Favor*** 5-0

22. UNFINISHED BUSINESS

22.A. Request to accept seven private roads under the "Accept As-Is" program

All abutters on the seven roads listed below have agreed to provide easements to the city under the accept "as-is" program. The city has been plowing these roads for years:

• Janes Ave • Thompson Ave • Allan Ave • Kingsley Ave • Lucerne Ave • Hillcrest Drive • Bayside Court

The roads have been surveyed to establish the proposed rights of way for the seven roads. Public Works and the City Attorney have prepared the necessary easements for the property owners and their mortgage companies, if any. The documents will be sent to the property owners during the weeks of October 17 and 24. The mortgage company, if there is a mortgage, also must sign the easement document. This could delay completing the easement process depending on the mortgage company's requirements and procedures.

The City Council viewed the seven roads on August 30, 2022.

Public Works recommends the City Council accept the seven roads "as-is" contingent upon receipt and filing in Belknap County Registry of Deeds of all easements necessary to accept these private roads as public under the accept "as-is" program.

The city already plows these streets and Public Works has treated these roads as if they were emergency lanes. Once the roads are accepted "as-is", the roads will be included in the City's pavement management program. City Council typically appropriates \$1.25 million for the road improvement program. Any improvements to these streets would be funded under this program.

The annual operation and maintenance costs are similar to Public Works' costs for maintaining the road under the emergency lane program.

Councilor Cheney made a motion that the City Council accept Janes Ave, Thompson Ave, Allan Ave, Kingsley Ave, Lucerne Ave, Hillcrest Drive and Bayside Court "as-is" contingent upon receipt and filing in Belknap County Registry of Deeds of all easements necessary to make these private roads public. Accepting these roads "as-is" will result in improved accessibility for fire, emergency, and police services. Seconded by Councilor Felch **Discussion:** None.

Roll Call Vote:

Councilor Cheney: Yes

Councilor Soucy: Yes

Councilor Lipman: Yes

Councilor Haynes: Yes

Councilor Hamel: Absent

Councilor Felch: Yes

The ***Motion passed with all in favor.*** 5-0

22.B. **Second reading of Resolution 2022-12 to authorize acceptance of an additional \$122,811.80 in NH Department of Safety, Office of Highway Safety Grant Funds**

The Laconia Police Department had previously applied for Highway Safety Funds in the form of enforcement details. These funds were previously approved in the FY23 budget for anticipated funds. Since the approval of the FY23 budget, the Laconia Police Department applied for additional funds through the NH Department of Safety, Office of Highway Safety.

The Laconia Police Department has applied for additional speed monitoring/ enforcement equipment through the NH Department of Safety, Office of Highway Safety with a 75% - 25% matching grant. The Laconia Police Department is responsible for the 25% match on this equipment. The funding for the 25% match on the part of the City has already been approved under the 2023 ARPA Funds allocation under the line of "Police Radar Equipment". The total allocation from the State of NH will be \$39,521.81 with a 25% match from the Police Department of \$13,173.94 which has already been allocated to the Police Department from the 2023 ARPA Funds.

The Laconia Police Department applied for additional funding for Crash Analysis and Reconstruction (C.A.R.) equipment to better investigate serious and fatal collisions. This includes the requested

equipment as well as training for officers using this specialized equipment. The total allocation from the State of NH will be \$63,289.99 with a "soft" match from the Police Department of \$13,304.75. The soft match funds will be in the form of traffic enforcement equipment and enforcement recorded outside of the grant funded enforcement details.

The Laconia Police Department also applied for a Community Outreach & Betterment (COB) Grant through the NH Department of Safety, Office of Highway Safety. The purpose of the Community Outreach & Betterment (COB) Grant is to bring the highway safety message via an in-person PowerPoint presentation to traditionally underserved New Hampshire drivers and vulnerable road users while fostering positive law enforcement/public interactions by:

1. Outreach to Refugee/New American Groups
2. Outreach to Low Income neighborhoods
3. Outreach to Older drivers, low vision, and hearing-impaired drivers
4. Outreach to Youth Drivers
5. Outreach to Limited English Proficiency (LEP) Groups
6. Outreach to Elementary/High Schools/Driver Ed Schools

The total allocation from the State of NH for the COB Grant will be \$20,000.00 with a "soft" match from the Police Department of \$5,000.00. The soft match funds will be in the form of traffic enforcement equipment and enforcement recorded outside of the grant funded enforcement details.

Fiscal Impact: None – There are required "soft" match funds through this grant, but these "soft" match funds will be covered by current equipment already in service with the department that is used on a daily basis for enforcement, or from funds already allocated to the department for equipment purchases.

Councilor Cheney made a motion to waive a reading of Resolution 2022-12 in its entirety and to read by title only. Seconded by Councilor Haynes **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes	Councilor Soucy: Yes	Councilor Lipman: Yes
Councilor Haynes: Yes	Councilor Hamel: Absent	Councilor Felch: Yes

The ***Motion Passed with all in Favor.*** 5-0

Councilor Cheney a second reading of Resolution 2022-12, a Resolution authorizing the City Manager to accept an additional \$122,811.80 in NH Department of Safety, Office of Highway Safety Grant Funds. Seconded by Councilor Haynes **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes	Councilor Soucy: Yes	Councilor Lipman: Absent
Councilor Haynes: Yes	Councilor Hamel: Yes	Councilor Felch: Yes

The ***Motion Passed with all in Favor.*** 5-0

Councilor Cheney made a motion to approve Resolution 2022-12 as presented, a Resolution authorizing the City Manager to accept an additional \$122,811.80 in NH Department of Safety, Office of Highway Safety Grant Funds. Seconded by Councilor Felch. **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes

Councilor Soucy: Yes

Councilor Lipman: Yes

Councilor Haynes: Yes

Councilor Hamel: Absent

Councilor Felch: Yes

The ***Motion Passed with all in Favor.*** 5-0

22.C. **Sale of unique property located at 20 Indian Path, Tax Map 180/516/15**

The city acquired a parcel of land by tax deeding in 1994 which was referred to as Community Beach Lot, Map 150, Street 346, Lot 32A. The property identification was subsequently reclassified to be Tax Map 180/516/15. This is a deeded community beach lot for residents of Harglen Lane, Hillcroft Road, Bobby's Way and limited properties on Hilliard Road. These properties have created a new entity known as Paugus Bay Beach Association.

A Public Hearing on this matter was held at the September 12, 2022, City Council meeting. At that meeting a motion was approved to table this item to the October 11, 2022, Council meeting.

There is no purpose for the City to retain ownership of the parcel because of the uniqueness of the circumstances regarding the deeded ownership by multiple properties in this area. The Paugus Bay Beach Association has expressed interest in buying the property.

Under Chapter 183-5 of the City Code, the City Manager may bring forward a written certification to the City Council that a specific property has certain characteristics and, that in the City Manager's opinion, because of these characteristics, the property should not be sold according to the procedures identified in Chapter 183-3 of the City Code. A copy of Chapter 183-5 is attached as background material.

Transfer of ownership of this parcel to the Association will allow the Association to care for and make whatever improvements to the community beach it desires, subject to any deed restrictions.

This staff report constitutes the written certification from the City Manager to the City Council.

Action to facilitate a sale to Paugus Bay Beach Association supersedes any prior action taken by the Laconia City Council.

The new Paugus Bay Beach Association is comprised of 51 homeowners on Harglen Lane, Hillcroft Road, Bobby's Way and Hilliard Road. A survey was conducted with 77% of the residents responding. As shown in the table below, the results of the survey show that a majority of those homeowners are in favor of the Association purchasing the property as proposed.

This item was tabled at the September 12, 2022, Council Meeting, there was no motion to remove it from the table.

Councilor Cheney made some comments about seeing an agreement between both parties before saying okay to transferring the property to the Association. He also stated he doesn't want to see the topic revisited 30 days after the transfer because there are issues with the deed. Councilor Lipman would also like to see the Association ultimately come to agreement prior to voting on this topic and when he feels that leverage is not being applied.

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)**

Mayor Hosmer announced there is a need for the Council to enter into nonpublic due to RSA 91-A:3, II (d). Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Councilor Cheney made a motion that the Council moved into nonpublic session due to RSA 91-A:3, II (d). Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Seconded by Councilor Haynes **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes	Councilor Soucy: Yes	Councilor Lipman: Yes
Councilor Haynes: Yes	Councilor Hamel: Absent	Councilor Felch: Yes

The **Motion Passed with all in Favor.** 5-0

Nonpublic was entered at 9:05PM

Councilor Cheney made a motion to enter back into public session at 9:35 PM seconded by Councilor Haynes. **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes	Councilor Soucy: Yes	Councilor Lipman: Yes
Councilor Haynes: Yes	Councilor Hamel: Absent	Councilor Felch: Yes

The **Motion Passed with all in Favor.** 5-0

Councilor Cheney made a motion to seal the minutes for two years. Seconded by Councilor Haynes. **Discussion:** None.

Roll Call Vote:

Councilor Cheney: Yes

Councilor Soucy: Yes

Councilor Lipman: Yes

Councilor Haynes: Yes

Councilor Hamel: Absent

Councilor Felch: Yes

The ***Motion Passed with all in Favor.*** 5-0

26. **ADJOURNMENT**

Mayor Hosmer adjourned the meeting at 9:37 PM

Respectfully Submitted,

Katie Gargano, City Clerk