

CITY OF LACONIA - CITY COUNCIL MEETING
October 28, 2019
7:00 P.M.

10/28/2019 - Minutes

1. CALL TO ORDER

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

2. SALUTE TO THE FLAG

Councilor Bownes 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: David Bownes, Henry Lipman, Mark Haynes, Bob Hamel, and Andrew Hosmer

Not in attendance: Bruce Cheney

Mayor Engler noted five (5) Councilors were in attendance and a quorum was established.

5. STAFF IN ATTENDANCE

Scott Myers, City Manager

Glenn Smith, Finance Director

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular meeting minutes of October 15, 2019

Minutes of the meeting were distributed to the Council on Thursday, October 17, 2019. With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

8. CONSENT & ACTION ITEMS

8.A. Request by the Salvation Army Turkey Plunge for fundraising on City park property

Councilor Hamel moved to approve the request by the Salvation Army Turkey Plunge for fundraising on City Park property as presented, seconded by Councilor Haynes; the ***motion passed with all in favor.***

9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

David Nims, 36 Ashwood Circle - Mr. Nims submitted into the record a packet in regards to the Colonial Theatre, Assessed Values, and the Parking Garage and parking spaces in the downtown area.

Mayor Engler explained the current status of the Colonial Theater. BEDC has signed a contract with Bonnette Page and Stone for a guaranteed maximum price of \$10.2 million. All of the paperwork is projected to be signed by the end of this week or the beginning of next week. The project is expected to take 12 months to complete.

Tom Tardiff, Winter Street - Mr. Tardiff would like to see a No vote on the ballot questions. Spoke in regards to only reading Resolutions or Ordinances by "title only." Mr. Tardiff stated that the way it used to be done was when an Ordinance or Resolution is read by "title only" then a copy of said Ordinances or Resolutions would have been available to the audience members as not everyone has a computer.

Mayor Engler explained that he has always tried to explain what was being voted on and took full responsibility if he hasn't done that well enough.

10. INTERVIEWS

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

11.A. **Richard Bastraw - Seeking appointment as an alternate member of the Library Board of Trustees to a three-year term expiring at the end of March, 2022**

Councilor Haynes moved to appoint Richard Bastraw as an alternate member of the Library Board of Trustees to a three-year term expiring at the end of March, 2022, seconded by Councilor Hosmer; the *motion passed with three (3) in favor and two (2) opposed (Bownes and Hamel).*

11.B. **Michael DellaVecchia - Seeking appointment as a regular member of the Zoning Board of Adjustment to fill the remainder of a term expiring at the end of August, 2020**

Mr. DellaVecchia was not nominated for this position.

11.C. **Gail Ober - Seeking appointment as a regular member of the Zoning Board of Adjustment to fill the remainder of a term expiring at the end of August, 2020**

Councilor Hamel moved to appoint Gail Ober as a regular member of the Zoning Board of Adjustment to fill the remainder of a term expiring at the end of August, 2020, seconded by Councilor Bownes; the *motion passed with all in favor.*

12. COMMUNICATIONS

13. PUBLIC HEARINGS

13.A. **Public hearing for Resolution 2019-23, relative to the Assistance to Firefighters Grant**

Notice of this public hearing was made available in the October 17, 2019 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Community Center, Laconia Public Library and the SAU.

Mayor Engler opened the public hearing at 7:26 pm.

Hearing no comment from the public, Mayor Engler closed the public hearing at 7:27 pm.

13.B. **Public hearing for Ordinance 2019-194-24, relative to the increase of the City's fee for household trash that is brought to the Transfer Station**

Notice of this public hearing was made available in the October 17, 2019 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Community Center, Laconia Public Library, and the SAU.

Mayor Engler opened the public hearing at 7:28 pm.

Andrew Giovanni, Centenary Ave, Weirs - Expressed concern that if the City is looking to increase revenues then the City should enforce Ordinances that are already in place. His main concern is with the amount of trash that is left out on the side of the road for weekly pick up. Only seven bags of

trash are supposed to be picked up weekly and they are to be in cans. Mr. Giovanni stated he sees double, sometimes triple those amounts and they are not always in cans. His concern is when this happens and they are left behind, then animals and rodents then get into the bags and make a mess of it. He mentioned he has called the City quite a few times regarding a certain business that does this and the response he got was "they pay a lot in taxes." He would like to see this issued taken care of.

Tom Tardiff, Ward 5 - In the Ordinance in lines one and two, Mr. Tardiff questions the wording. He states it is very confusing. He suggests the wording be corrected to be more transparent.

Councilor Lipman suggested adding an example to the Ordinance.

Mayor Engler closed the public hearing at 7:38 pm.

14. **PRESENTATIONS**

15. **MAYOR'S REPORT**

Mayor Engler noted for the record that the next meeting will be held on **Tuesday**, November 12, 2019 due to Veterans Day on Monday. Mayor Engler also noted that the City's Veterans Day Celebration will be held on Monday, November 11, 2019 at 11:00 am at Veterans Park in Veterans Square. The VFW will be the host this year and General Bolduc is the guest speaker.

Mayor Engler also reminded the public the Municipal Election will be next Tuesday, November 5, 2019 from 8:00 am to 6:00 pm and all six (6) wards will be open. Mayor Engler explained question number two on the ballot that voters will be seeing in next weeks election. The City Council is wishing to take advantage of enabling legislation that the State has that says that if the City receives a gift, donation, or grant, in an amount of less than \$10,000 and that revenue is unanticipated then the City does not need to hold a public hearing. As it stands now, any gift, donation, or grant in any amount requires a public hearing. What this ballot question will do if it passes is to allow the City Manager accept those donations, gifts, or grants in amounts of under \$10,000 and to add it to the agenda and allow the City Council to accept it formally. On behalf of the Council, Mayor Engler urges everyone to vote yes on this question.

Mayor Engler addressed the impact of the road repair projects that have been happening this summer, specifically on the main thoroughfares. Mayor Engler understands there has been more inconvenience on people and businesses than the City has intended. Mayor Engler would like to formally apologize to the businesses that have been affected by this and the City should have done a better job at phasing these projects in.

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.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.C.iv. **Regulation of Short Term Residential Rental Businesses**

16.C.v. **Paid Parking Proposal for Downtown**

16.C.vi. **Proposed Historic Overlay District**

16.C.vii. **Scenic Road Motorcycle Noise Petition**

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

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

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

16.D.iii. **Perley Pond Maintenance**

16.D.iv. **Plan for the DPW Compound**

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

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

17. **LIAISON REPORTS**

Councilor Haynes attended a luncheon for retired Heritage Commission members, Mary Jane Hoey and Mary Ellen Boudman. He presented them flowers and thanked them from the City of Laconia.

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

Tom Tardiff, Ward 5 - Does not agree with question number two on the ballot as the public will not be noticed when there are donations made to the City, it takes away the transparency.

Mayor Engler stated that it will still be on the agenda.

City Manager Myers explained that state law states that the item will still need to be on the agenda and the minutes will need to reflect the amount of the donation, gift, or grant being acted on.

Marc Burrell, 68 Warren Street - read a statement to the Council but did not submit it into the record. The statement was in regards to the comments the Mayor made in regards to the negative comments people make in regards to the City. He also made comment in regards to the short term rentals issue.

David Nims - Spoke in regards to the streets and thinks they did a great job with what they had to work with. Mr. Nims was concerned with not having any police at the intersection of Main and Union Ave directing traffic. He felt this is a safety hazard. Mr. Nims would like to know who is responsible for having police detail.

DPW Director Anderson responded to the concern of Mr. Nims. Director Anderson stated that they can only get officers when they are available.

19. **CITY MANAGER'S REPORT**

19.A. **Project Updates Report**

City Manager Myers spoke of the construction projects that have been happening and the concerns

of the citizens.

Councilor Lipman wants to make sure that when the next budget is being put together the Council be aware of what needs to be addressed when it comes to the construction within the City.

Councilor Hamel suggests that the scope of work that is being done needs to be looked at closer. Councilor Hamel suggested that maybe the Gilford Avenue to Spring Street project that is expected to start next year may need to be delayed. Councilor Hamel also expressed his frustration with the way the roads are being left at the end of each business day. Roads should be passable at all times and someone needs to be held accountable for that. Councilor Hamel wants the patch on Union Avenue by Stewart Park fixed. He has mentioned it numerous times.

Councilor Hamel also addressed the street light that is out on Court and Main by Byse Agency that has been out for two years.

Councilor Lipman suggested that maybe the Council needs to look at the budget amounts. They may be a factor in the quality of the construction projects. The City always tries to use the lowest bid but sometimes saving money may not always being the best way to get things done.

Councilor Hosmer also suggests having better communication with the businesses that are affected by the construction.

Councilor Hamel does not see why the bump out on Beacon Street West needs to be started this year, especially with all the construction that is already happening.

Councilor Hamel would like dates on when the trench on Highland Street and the street light will be fixed.

City Manager Myers reviewed the report.

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

City Manager Myers reviewed the report.

The Weirs Action Committee is looking to add four (4) more historical markers. There is a consensus with the Council to move forward with that.

City Manager Myers updated the Council in regards to how many shifts were being filled at the Fire Department. Eight 12 hours shifts were filled between the months of August and September. Those shifts were filled on the weekends when events throughout the City were happening.

For the Chaos and Kindness Event, the City was given \$12,000 in escrow for services the City needed to provide. After all the totals were tallied, the total came to about \$9,000 and Chaos and Kindness have been sent their refund.

20. **NEW BUSINESS**

20.A. **Request to amend the City's Classification and Compensation Plan for the Assistant Assessor position**

City Manager Myers explained the reasonings for this request. With an increase from step 16 to step 17, it is the City Managers hope to attract a larger pool when advertising for the Assistant Assessor position.

Councilor Lipman moved to approve to amend the City's Classification and Compensation Plan for the Assistant Assessor position as presented, seconded by Councilor Bownes; the ***motion passed with all in favor.***

20.B. **Purchase of a used ambulance and authorization to move forward with lease-purchase of a new ambulance**

Chief Beattie explained the need for a purchase of a used ambulance and a new ambulance. The two purchases will replace the 2005 and 1998 ambulances. Money has been put away for the past two years into the Internal Services Fund to use towards this purchase. The Chief would like to be on a five (5) year cycle with the ambulances. With these two purchases it will put the department on a six (6) year replacement schedule. Deputy Riley and Danny Walker looked at the used ambulance and they both found it to be in great condition. The new ambulance that is being looked at is a F550 with a smaller box, which is roughly \$25,000 to \$30,000 cheaper than the larger boxed ambulances. With approval from Council, financing options will be looked into regarding the best way to go.

Discussion was had regarding the budget and the Internal Services Fund. For the purchase of the used ambulance, cash would be used from the Internal Services Fund as well as a deposit, if needed, for the purchase of the new ambulance. Mayor Engler voiced his concern regarding holding the future Council accountable for approving adding \$75,000 into the Internal Services Fund. Councilor Hamel expressed his concern with how the scores come through with the CIP process in regards to the new ambulance purchase. Chief Beattie explained he only presented this to the CIP as a placeholder and that he did present this during the budget process. There will be a bid process done but different than what has been done in the past. The process will be more specific to what the department is looking for.

City Manager Myers stated this ambulance will not bump anything else out of priority with the CIP.

Councilor Lipman would like to wait for the CIP Committee recommendations to the City Manager. City Manager Myers would like the commitment from the Council to move forward with the purchase of the used and new ambulances.

Councilor Lipman would like to know what it takes to order the new ambulance and how much would have to be put down as a deposit.

The mileage on ambulance three (3) is 88,000 and ambulance two (2) is over 100,000. They average about 15,000 miles per year.

City Manager Myers thinks the combination of the purchase of the used and new is the way the City should move forward as the funding is there for the purchase of the used ambulance and come back with financing options for the purchase of the new ambulance.

Councilor Bownes asked if the Council delayed the vote on the purchase of the new ambulance to the next Council meeting or the beginning of 2020, how will it affect the five (5) year plan.

Chief Beattie stated with the requests tonight, it will only put the department on a six (6) year cycle but working towards the five (5) year cycle.

It was stated that the 1998 will be disposed of and taken off of the books.

Mayor Engler explained there are a couple possible courses of actions tonight. One being is to approve the presented motion with the understanding the future Council will need to figure out where the funding will be coming from. The second option is to put this off until further information is presented to the Council regarding, what kind of deposit is required, is it refundable, etc.

Councilor Bownes moved to approve the purchase of a used ambulance for no more than \$24,000

with an additional of \$2,000 to make the ambulance ready to use for a total of \$26,000, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

Councilor Lipman moved to establish a policy that continues to upgrade or replace the ambulances on a five (5) year basis, seconded by Councilor Haynes;

Councilor Hosmer questioned when would this policy be worked on? Councilor Lipman stated that this would be the new policy.

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

Mayor Engler requests this item to be added to the next agenda to answer the questions in regards to the specs of the new ambulance, financing options, and how the deposit would work.

21. UNFINISHED BUSINESS

21.A. Request to utilize Non-Capital Reserve Funds for the purpose of replacing the carpet at the Laconia Police Department

Councilor Haynes questioned the tile carpet. Discussion was had as to whether or not to replace all of the carpet or just the carpet that is in complete despair. Director of Parks and Recreation Lovisek explained she would need to get another estimate in order to get a correct cost to only replace a portion of the carpet.

Councilor Hamel moved to approve the request from the Laconia Parks and Recreation Department as presented to utilize Non-Capital Reserve Funds in the amount of, not to exceed, \$23,995 for the project at the Laconia Police Department to improve the safety of the facility, seconded by Councilor Bownes; the ***motion passed with all in favor.***

21.B. Second reading and approval of Resolution 2019-23, relative to the Assistance to Firefighters Grant

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

Councilor Hosmer moved a second reading of Resolution 2019-23, relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$142,529.52 for the Assistance to Firefighters Grant, seconded by Councilor Bownes; the ***motion passed with all in favor.***

Councilor Hamel moved to approve Resolution 2019-23, relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$142,529.52 for the Assistance to Firefighters Grant, seconded by Councilor Haynes; the ***motion passed with all in favor.***

21.C. Second reading and approval of Ordinance 2019-194-24, relative to the proposed increase of the City's fee for household trash that is brought to the Transfer Station

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 Bownes moved a second reading of Ordinance 2019-194-24, relative to increasing the City's fee for household trash that is brought to the Transfer Station, seconded by Councilor Haynes;

Councilor Lipman moved to amend item two (2) by adding the words "calculated in 20 pound

increments" after the wording \$94 per ton effective January 1, 2020, seconded by Councilor Bownes; the ***amended motion passed with all in favor.***

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

Councilor Hamel moved to approve the amended Ordinance 2019-194-24, relative to increasing the City's fee for household trash that is brought to the Transfer Station, seconded by Councilor Lipman; the ***motion passed with all in favor.***

21.D. **Amend City Code Chapter 235, Zoning, by creating a new definition, "Lodging, Short-Term," and corresponding regulations for this type of use under Residential Accessory Uses**

Mayor Engler explained the changes.

Mayor Engler suggests to table this item to the second meeting in November with the understanding for the Council to bring any specific language changes to the Planning Director prior to the meeting to get approved by legal.

Councilor Hosmer moved to table this item to the November 25, 2019 meeting, seconded by Councilor Bownes; the ***motion passed with all in favor.***

21.E. **Amend city code Zoning 235-14 and 235-98, to rezone the South Down and Long Bay areas from Residential Single-Family (RS) to Shorefront Residential (SFR)**

Mayor Engler explained by accepting this change, it would allow the residents of South Down and Long Bay to provide short term rentals as long as their Homeowners Association allows for it.

Councilor Bownes moved to approve forwarding the proposal of rezoning the South Down and Long Bay areas to the Shorefront Residential Zone to the Planning Board for consideration, legal structuring, public hearing, and recommendation for future Council action, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

22. **COUNCIL COMMENTS**

23. **FUTURE AGENDA ITEMS**

23.A. **Master Plan**

23.B. **Milfoil Treatment funding requests**

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

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

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

23.F. **WOW Trail**

23.G. **Weirs Beach Restoration Project**

23.H. **Fair St/Court St traffic problems and accidents**

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

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

26. **ADJOURNMENT**

With no further business to come before the Council and hearing no objection, Mayor Engler adjourned the meeting at 9:11 pm.

Respectfully submitted

Cheryl Hebert, City Clerk

MINUTES OF THIS MEETING WERE APPROVED BY COUNCIL ON NOVEMBER 12, 2019