

**CITY OF LACONIA - CITY COUNCIL MEETING**  
**November 22, 2021**  
**7:00 P.M.**

11/22/2021 - Minutes

**1. CALL TO ORDER**

Mayor Hosmer called the meeting to order at the above date and time. (7:12 pm)

**2. SALUTE TO THE FLAG**

Councilor Lipman lead the Salute to the Flag.

**3. RECORDING SECRETARY**

Cheryl Hebert, City Clerk

**4. ROLL CALL**

City Clerk Hebert took a roll call vote with the following Councilors in attendance: Bruce Cheney, Bob Soucy, Henry Lipman, Bob Hamel, and Tony Felch

Not Present: Mark Haynes

Mayor Hosmer noted five Councilors were attendance and a quorum has been 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 November 8, 2021**

Minutes of the meeting were distributed to the Council on Wednesday, November 10, 2021. 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**

John DeWaele (zoom) - Was testing the system to be sure he could be heard and will speak later at the appropriate time.

**10. INTERVIEWS**

**11. NOMINATIONS, APPOINTMENTS & ELECTIONS**

11.A. **Robert Harrington - Seeking appointment as an alternate member of the Conservation Commission to a three-year term expiring at the end of August, 2024**

Councilor Soucy moved to appoint Robert Harrington as an alternate member of the Conservation Commission to a three-year term expiring at the end of August, 2024, seconded by Councilor Hamel; the *motion passed with all in favor.*

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

13.A. **Public Hearing on the Housing and Community Development Plan**

Notice of this public hearing was made available in the November 10, 2021 edition of the Laconia Daily Sun and Manchester Union Leader, and posted at Laconia City Hall, Community Center and Laconia Public Library on November 9, 2021.

Community Development Block Grant (CDBG) funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for Economic Development Projects, up to \$500,000 for Housing Projects, up to \$500,000 for Public Facility Projects, up to \$500,000 in Emergency Funds, up to \$25,000 per Planning Study grant, and up to \$1,000,000 available for each housing project under the CDBG-CV allocation due to COVID-19. Up to \$500,000 was available for CDBG-COVID services. All projects must directly benefit a majority of low-and moderate-income persons.

Mayor Hosmer opened the public hearing at 7:17 pm

Donna Lane (CDBG Consultant) read into the record:

The Housing and Community Development Plan outlines goals for the next three years. CDBG requires a HCDP that is no older than three years. The last HCDP was adopted in 2017. The proposed updated plan includes the same goals as the previous plan.

GOAL: Encourage a varied stock of safe, sanitary, decent and affordable housing for persons of all age and income groups.

GOAL: Encourage economic development activities to increase quality industrial and commercial development. Encourage the expansion and retention of employment opportunities for residents.

GOAL: Encourage municipal and private water and wastewater systems that are safe, sanitary and that meet DES regulations.

GOAL: Preserve and promote the City's historically and culturally significant structures.

GOAL: Promote activities that protect the health and safety of residents and visitors.

The new format includes the national and state objectives and includes a CDBG Citizen Participation Plan including required public hearings to update the public on the progress of CDBG projects.

With no further comments from the public, Mayor Hosmer adjourned the meeting at 7:20 pm.

13.B. **Public Hearing on the progress of the CDBG-Covid project that provides funding to service providing subapplicants for costs in preparing for, responding to, or recovering from Covid-19**

Notice of the public hearing was made available in the November 10, 2021 edition of the Laconia Daily Sun and Manchester Union Leader, and posted at Laconia City Hall, Community Center and Laconia Public Library on November 9, 2021.

Mayor Hosmer opened the public hearing at 7:21 pm.

Donna Lane read into the record the following:

The CDBG-COVID project provides funding to the municipality and service provider sub-applicants for costs in preparing for, responding to, or recovering from COVID-19. Participating organizations include: The City of Laconia, Lakes Region Community Developers, Society of St. Vincent De Paul, Belknap House, Community Action Program, and possibly Isaiah 61 Café. To date \$71,000 of the \$370,000 grant has been spent primarily on staffing, a van, emergency assistance and administration. Currently the projects have until June 2022 to incur costs.

Ms. Lane updated the Council on what the sub-applicants were awarded, how they used their award, and how many people will be served.

With no comments from the public, Mayor Hosmer closed the public hearing at 7:23 pm.

### 13.C. **Public Hearing on the progress of the Laconia Housing Authority's Sunrise Towers project**

Notice of the public hearing was made available in the November 10, 2021 edition of the Laconia Daily Sun and Manchester Union Leader, and posted at Laconia City Hall, Community Center and Laconia Public Library on November 9, 2021.

Mayor Hosmer opened the public hearing at 7:23 pm.

Donna Lane read into the record the following:

The Laconia Housing Authority's project includes balcony door replacement and energy improvements at Sunrise Towers, 25 Union Ave. The project also includes renovations between Sunrise Towers and Sunrise House, 423 South Main Street, to improve accessibility between the buildings. Energy improvements have been completed. The replacement balcony doors are under construction as well as the exterior work.

Projects are underway and expectation of completion is Spring 2022

SUNRISE Residential living campus renovation –CDBG award details

- Balcony access accommodation for all – Door replacement; wider doorways wheelchair accessible for each of the 98 units at Sunrise Towers
- Campus setting at Sunrise Residential living campus - walkway and wall renovation plans for tenant quiet gathering and additional pathway for exercise and accessibility to each building
- Energy savings enhancements to the Sunrise Towers property

Update November 2022

Sunrise Towers Balcony doors replacement for wheelchair accessibility is underway. Northwind Exteriors has been contracted after a formal bidding process was completed. Installation plans are being scheduled. Project is contending with supply chain issues - Materials (doors etc. are on order) – installation will commence when the doors are on premises. Expectation of completion –spring of 2022

#### Campus retaining wall and accessibility project

The campus wall renovation is underway. Tito Masonry LLC was selected after a formal bidding process was completed. The work is to be completed within the next 5 weeks. This project completion is also dealing with supply chain issues but they feel confident that the retaining wall and pathway accessibility will be complete before end of December 2021.

#### CDBG Energy Efficiency and Sustainable projects

The accompanying Energy Efficiency and Sustainable projects have all been completed to provide and complement the accessibility enhancements of the CDBG funding. Laconia Housing worked with the NHTSA program to complete a number of quality of life enhancements along with realizable energy efficiency savings for Sunrise Towers

#### Project completion details

- Installation of Air source Heat Pumps for cooling and heating for all 98 units
- Replacement of all unit lighting to LED lighting
- Replacement of all common area, hallway, and stairway lighting to LED lighting with controls that dial back lighting to 30% when there is no motion and back to 100% with individual motion detectors on each fixture
- Replacement of all windows to Energy Star double hung windows
- Replacement of Air Source Heat Pump in office, dining, and community area

With no comments from the public, Mayor Hosmer closed the public hearing at 7:25 pm.

#### 13.D. **Public hearing on Ordinance 2021-149-14, to amend City Code 149-14, Ambulance Fees**

Notice of this public hearing was made available in the Wednesday, November 10, 2021, edition of the Laconia Daily Sun, and posted at City Hall, Laconia Public Library, Community Center and the SAU.

Mayor Hosmer opened the public hearing at 7:39 pm

Hearing no comments from the public, Mayor Hosmer closed the public hearing at 7:40 pm.

#### 13.E. **Public hearing on Resolution 2021-18, pertaining to establishing Plantation and Colonial Roads as Emergency Lanes**

Notice of this public hearing was made available in the Wednesday, November 10, 2021, edition of the Laconia Daily Sun, and posted at City Hall, Laconia Public Library, Community Center and the SAU.

Mayor Hosmer opened the public hearing at 7:27 pm

John DeWaele (zoom) - Mr. DeWaele spoke of an email that was sent to Councilor Felch and Mayor Hosmer. He said it appears this public hearing is being held because the proper protocol wasn't

followed at the last meeting. He referenced a memo from 1998, that a City employee stated this was a public road. He asked that things remain the same as they have been for the past 50 years. Mr. DeWaele said the residents have been trying to work with the City. Mr. DeWaele thinks this is money based. If these roads are accepted there would be options for state funding rather than private funding.

Joy Sabato (zoom) - Read a prepared statement but it was not submitted into the record. She has owned property at 102 Plantation Road since 1998. She stated these roads have been maintained by the City for over 50 years including trash pick up. She also stated that no parking signs have been posted on these two roads which also means these are public roads.

Hearing no comments from the public, Mayor Hosmer closed the public hearing at 7:39 pm.

#### 14. PRESENTATIONS

#### 15. MAYOR'S REPORT

Nothing to report.

#### 16. COUNCIL COMMENTS

Councilor Cheney thanked the City Manager for the email regarding employees being sent home because of COVID and having to use their earned time. He is hoping that we could have some City guidelines set and not just go by the State guidelines. Councilor Cheney is asking the City Manager to review this further.

City Manager Myers explained we follow a number of guidelines. He also explained that any employee that is fully vaccinated does not have to quarantine, but if they are not fully vaccinated and need to quarantine then they will need to use their earned time especially if their position does not allow them to work from home. City Manager Myers also explained the added benefits that have been given during this pandemic. City Manager Myers said if there is Council consensus to have more review done, then he will but he is against this. City Manager Myers thinks it is a dangerous precedent to be setting.

Councilor Cheney would like an opportunity to go back and make sure he has his information correct before moving forward.

Councilor Cheney would like some guidance on how to go about approaching NH DOT regarding the wooden bridge in the Weirs by The Weathervane restaurant. How do we get DOT to transfer that bridge to the City and repair it.

City Manager Myers explained there was a DOT public hearing on that bridge that the residents attended. The DOT plan is that they are going to dismantle that bridge within the next couple of years for safety reasons. The residents would like to keep that bridge for ease of access. With the loss of that bridge there would only be one way in and out. Staff can have conversations with DOT about keeping the bridge. The concern is, the City does not want to take on a bridge that is in poor condition and add expenses to the City. We would like to take the bridge over in repaired condition with a certain life-expectancy. A letter could be written and approved by Council to be sent to DOT.

Councilor Cheney has had several constituents complain about the conversion from Metrocast to Atlantic Broadband. Councilor Cheney would like the Council to direct the City Manager to contact ABB to provide better customer service.

City Manager Myers does emphasize with residents on these issues. He explained the City only has a franchise agreement for the cable services, not internet. This is really a regulatory issue. We have made contact with our contact at ABB to help assist but this really is not part of our service.

Councilor Cheney spoke of our Cyber Security document. City Manager Myers explained this is not a

public document.

Councilor Felch attended the Parks and Recreation Commission meeting. A question was asked about dedicating our gym and the skate park and he would like to see that moved to one of the Council Committees.

Mayor Hosmer suggested adding it under Government Operations to discuss naming the skate park and gym.

Councilor Soucy mentioned the situation with Gunstock. Councilor Soucy would like to see if the Council would be in support of the Gunstock Commissioners and that they maintain their present form. Councilor Soucy and the Mayor will work together to draft a letter that can be sent to the Delegation.

Councilor Lipman agrees with Councilor Soucy.

Councilor Soucy is concerned with the State School Property and what is going to happen with it.

City Manager Myers explained legally the Council does not have any oversight over that land. The City has representation that supports the needs of the City.

## 17. COMMITTEE REPORTS

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

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

17.D.i. Downtown parking garage

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

17.D.iii. **Perley Pond Maintenance**

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

17.D.v. **Continuation of the discussion regarding parking in the Lakeport area**

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**

18. **LIAISON REPORTS**

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

Phyllis Shoemaker, Ward 4 - Expressing her concern with the loss of 18 parking spaces. She tried going to a business last Friday downtown and there was not a parking spot on Main Street or Canal Street. She ended up having to park closer to Laconia Savings Bank and she almost decided not to go to the jewelry store because of how far away she had to park. If we lost 18 spaces this could be detrimental to our downtown businesses.

20. **CITY MANAGER'S REPORT**

20.A. **Project Updates Report**

City Manager Myers reviewed the report.

20.B. **Monthly Economic Development Report**

City Manager Myers reviewed the report.

Tax bills will be mailed out November 23, 2021 with a due date of December 23, 2021.

City Manager Myers will be reappointing Joan Leroux to the Personnel Advisory Board.

The annual Holiday Party for City Employees, Board and Commission members will not be happening this year because of the increase in numbers of COVID.

Councilor Felch stated that Elm Street really needs to be smoothed out before winter.

Councilor Hamel agrees with Councilor Felch about Elm Street. Councilor Hamel also mentioned Court Street bridge and how rough it is on either side of it.

21. **NEW BUSINESS**

21.A. **Request for a building permit on a private road - 133 Leighton Avenue South**

City Manager Myers briefed the Council on this item.

Councilor Cheney moved to authorize the City Manager to sign on behalf of the City the Notice of Limits of Responsibility and Liability regarding property abutting a private road for a property located at 133 Leighton Avenue South, Tax Map 33, Lot 7 and authorize the Code Department to issue a

building permit for the same property, seconded by Councilor Felch;

Councilor Felch asked if this road would be looking to become a public road. City Manager Myers said no.

Mayor Hosmer called the question.

the *motion passed with all in favor.*

21.B. **Temporary Traffic Order 2021-18 - Holiday Parade - and request to waive City fees associated with the event**

Councilor Felch moved to approve Temporary Traffic Order 2021-18 for the Holiday Parade to be held on November 28, 2021 as presented, and to approve the request to waive all City fees associated with the event, seconded by Councilor Soucy; the *motion passed with all in favor.*

21.C. **2021 Second half Sewer Warrant**

Councilor Cheney moved to approve the 2021 second half Sewer Warrant, seconded by Councilor Lipman; the *motion passed with all in favor.*

21.D. **Approval of revised City Welfare Guidelines**

Councilor Lipman would like more time to review these guidelines and would like see the Finance Committee do more work.

Mayor Hosmer would like to see this item assigned to the Finance Committee.

Councilor Felch moved to table this item for further review, seconded by Councilor Lipman; the *motion passed with all in favor.*

21.E. **Amend City Code Chapter 235 Zoning to update section 41A**

City Manager Myers briefed the Council on this item.

Councilor Lipman is in favor of this amendment but would like to make sure we are all comfortable with the administrative guidelines.

City Manager Myers asked if it would be helpful if staff developed some parameters for the Council to review.

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

Councilor Cheney moved a first reading of Ordinance 2021-235-41:A, amending the Accessory Dwelling Unit Ordinance and amending Table 1, Table of Permitted Uses, seconded by Councilor Felch; the *motion passed with all in favor.*

Councilor Felch moved to schedule a public hearing on December 13, 2021 during the regular City Council meeting to gather input prior to any action being taken, seconded by Councilor Cheney; the *motion passed with all in favor.*

22. **UNFINISHED BUSINESS**

## 22.A. Proposed lease agreement with EJM Holdings, LLC

This item will be moved to the end of Unfinished business.

Mayor Hosmer recused himself from this item and Mayor Pro Tem Hamel will take over.

Councilor Lipman moved to remove this item from the table, seconded by Councilor Soucy; the ***motion passed with all in favor.***

Councilor Cheney moved to waive a reading of the proposed lease with EJM Holdings, LLC in its entirety and to read by title only, seconded by Councilor Soucy; the ***motion passed with all in favor.***

Councilor Cheney moved a second reading of the proposed lease with EJM Holdings, LLC, seconded by Councilor Lipman; the ***motion passed with all in favor.***

Councilor Soucy moved to approve the proposed lease with EJM Holdings, LLC, seconded by Councilor Cheney;

Councilor Felch spoke with Rusty McLear and expressed his concerns with him. Councilor Felch proposed to Rusty moving all 18 parking spaces to the backside of the City Hall parking lot. Moving these spaces to one location would also make it easier for plowing. Rusty said his concern with this is the distance. Councilor Felch said there would only be about a 20 foot difference. Councilor Felch also has an issue with the amount of the lease. Councilor Felch is also concerned that we are setting a precedent for other business owners to want to lease City owned parking spots. Councilor Felch also stated this agreement was made outside of the Council. Councilor Felch mentioned the parking spots behind the church that the City now owns.

Councilor Lipman asked if Rusty McLear was in any agreement with what Councilor Felch proposed to him. Councilor Lipman thinks the Colonial Theatre is a once in a lifetime thing to do and that is why he can look past some of these issues being raised. Councilor Lipman thinks the City Hall parking lot has more availability for short term parking. He thinks the people that need more long-term parking could be done in the parking lot behind the church.

Councilor Felch stated Mr. McLear's only concern was the distance of the parking and the shortened length of the lease.

Councilor Soucy said people that need longer parking could be utilizing the parking behind the church.

Councilor Cheney has had conversations with the Police Chief about parking enforcement and more of it will be happening. Councilor Cheney also found out that tires cannot be chalked any more. He has asked the Chief to propose equipment during the next budget time to enforce parking. Councilor Cheney thinks the term of 50 years is a compromise. Councilor Cheney also expressed that Rusty McLear bought into this deal without any guarantees. Councilor Cheney thinks some of these spaces could be moved to the parking garage once that project is complete.

City Manager Myers explained he spoke with Rusty McLear last Wednesday before the agenda was posted and there was never any discussion of Councilor Felch's ideas. He was not aware that Councilor Felch spoke to Rusty at all. The City Manager has been the key contact with Rusty this entire time, and after hearing that Councilor Felch spoke with him, he feels that he was left out of the loop on that.

Councilor Hamel agrees the Colonial is a once in lifetime thing and we need to be able to give and take a little. Councilor Hamel thinks this is a small request considering the size of the project.

Councilor Lipman thinks once the parking garage is upgraded they will want to move their spaces there to have coverage. We could also, in the interim, make adjustments to the municipal parking lot to be used for short term parking and the lot behind the church, long term parking.

Councilor Felch thinks there may be an issue with distance for the residents in using the parking garage.

City Manager Myers stated the Council can approve this tonight as presented and then he can have a conversation with Rusty McLearn about possibly moving the eight spaces to the City Hall parking lot. If Rusty is in agreement with that move, than the lease could be modified, but if he says no, the lease would stand as it was presented tonight.

Mayor Pro Tem called the question.

the ***motion passed with four in favor, one opposed (Felch).***

#### 22.B. **The Housing and Community Development Plan**

Councilor Felch moved to adopt the Housing and Community Development Plan as presented, seconded by Councilor Cheney; the ***motion passed with all in favor.***

#### 22.C. **Second reading of Ordinance 2021-149-14, Ambulance Fees**

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

Councilor Felch moved a second reading of Ordinance 2021-149-14, Ambulance Fees, seconded by Councilor Hamel; the ***motion passed with all in favor.***

Councilor Felch moved to approve Ordinance 2021-149-14, Ambulance Fees, seconded by Councilor Hamel; the ***motion passed with all in favor.***

#### 22.D. **Second reading of Resolution 2021-18, pertaining to establishing Plantation and Colonial Roads as Emergency Lanes**

Councilor Cheney moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Soucy;

Councilor Lipman asked for the City Manager for the City standpoint on this item.

City Manager Myers explained the intent of the Council by passing this until 2025 is to allow for the City to legally maintain plowing and keep it passable and in conjunction this would allow the residents to set up something for themselves and to come up with a compromise. The memo that was spoken about, does not carry the weight of a vote of the Council. This road was never built. All of the meetings that have been held have been to work through a solution with the residents.

Councilor Felch noted it was the intent of the residents in that area to have these roads approved as-is and the only reason he suggested this option (Emergency Lanes) knowing the votes were not favorable for as-is.

Councilor Lipman agrees that he hopes a resolution happens before the three-year deadline.

Mayor Hosmer called the question;

the ***motion passed with all in favor.***

Councilor Felch moved a second reading of Resolution 2021-18, pertaining to establishing Plantation and Colonial Roads as Emergency Lanes under RSA 231:59-A, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Felch moved to approve Resolution 201-18, pertaining to establishing Planation and Colonial Roads as Emergency Lanes until May 1, 2025, under RSA 231:59-A, seconded by Councilor Lipman;

Councilor Soucy asked if as of May 1, 2025 these roads will be accepted. The answer was no.

the ***motion passed with all in favor.***

22.E. **Request to schedule a public hearing on December 13, 2021, pertaining to Article I of the City Charter regarding redistricting**

Councilor Cheney moved to schedule a public hearing on December 13, 2021, during the regular Council meeting pertaining to Article 1 of the City Charter, to gather public input prior to any action being taken, seconded by Councilor Soucy;

Councilor Lipman asked if the map has had any changes.

City Manager Myers stated this map has not had any changes since it was presented at all six wards on the day of the election. The map has also been presented in the Daily Sun, the Laconia Links, and in the lobby of City Hall.

the ***motion passed with all in favor.***

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 Pro Tem Hamel adjourned the meeting at 9:01 pm.

Respectfully submitted

Cheryl Hebert, City Clerk

DRAFT