

**CITY OF LACONIA - CITY COUNCIL MEETING**  
**November 25, 2019**  
**7:00 P.M.**

11/25/2019 - 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: Bruce Cheney, David Bownes, Henry Lipman, Mark Haynes, Bob Hamel, and Andrew Hosmer.

Mayor Engler noted all six (6) 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 November 12, 2019**

Minutes of the meeting were distributed to the Council on Friday, November 15, 2019. With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

**8. CONSENT & ACTION ITEMS**

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

No comments from the public were made.

**10. INTERVIEWS**

**11. NOMINATIONS, APPOINTMENTS & ELECTIONS**

**12. COMMUNICATIONS**

**13. PUBLIC HEARINGS**

**14. PRESENTATIONS**

**15. MAYOR'S REPORT**

Mayor Engler reminded the public that the Celebrate Laconia Annual Christmas Celebration is this Sunday, December 1, 2019 from 1 pm to 6:00 pm. The parade will begin at 4:30 pm beginning from Opechee Park and ending at Stewart Park.

Mayor Engler also mentioned the annual Christmas Village at Laconia Community Center will begin Thursday, December 5, 2019 and end Sunday, December 8, 2019. The Grand Opening is at 6:00 pm Thursday evening.

Mayor Engler spoke of the the numerous e-mails received by the Council in regards to the Rail-to-Trail subject. Mayor Engler discussed the comments that he has read online. The City Council is not considering pulling up any tracks in the City of Laconia. Laconia does not have any jurisdiction over the railroad tracks. Mayor Engler briefed the public on the Resolution regarding the Rail-to-Trail proposal. The Mayor discussed the concerns of losing snowmobile access. Mayor Engler explained that the proposed trail would be made of crushed rock and would enhance the snowmobiles trails.

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

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

## 16.E.i. Retaining Wall Policy

### 17. LIAISON REPORTS

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

Chris Sweniarsky- Attorney for Hobo Railroad - Spoke in regards to the Alta Study that was conducted. He stated the Alta Study fails to show rail matters outside of Belknap County. The Federal Service Transportation Board has jurisdiction over any abandoned rails. Mr. Sweniarsky also stated that the removal of rails for trails is in direct conflict with State law. This can only be done with the permission from Department of Transportation and only if the reversion to rail use can be done at a minimum cost.

Benjamin Clark - President of the Plymouth and Lincoln Railroad - read a prepared statement and submitted it into the record.

Peter Dearness- Owner of New England Southern Railroad - Mr. Dearness gave a brief background of the railroad use. He spoke of the Alta Study, that he was a part of, but expressed concern that a lot of what was discussed during the study was not documented. Mr. Dearness agrees with Mr. Clark's testimony and does not want to see the railroad tracks torn up. He does agree with a trail beside the rail. Mr. Dearness would like to see in the next Alta Report more information on the freight use of the railroads.

David Swirk, President of Conway Scenic Railroad - Mr. Swirk also participated in the Alta Study but said a lot of the information he provided was not included. Mr. Swirk shared 30 years of his railroad experience.

Charlie St. Clair, Laconia - Representative St. Clair appreciates the Council for taking initiatives to work on Resolutions. He would like to see the Council encourage the State to bring a passenger train service within the City. Representative St. Clair stated if one side of Paugus Bay doesn't work for the WOW Trail then maybe the other side by the Boulevard would work to add the WOW Trail as that would also help with pedestrian safety.

Rick Confortie, Auburn - Mr. Confortie explained the importance of the railroad and its connections to ship and receive equipment. He stated removing any rails would have direct effects of more pollution, clogging up the highways, and more transport fees.

Dick Bordwell - President of the Long Bay Association - The Association represents 5,200 feet of shoreline and the railroad runs through the properties in Long Bay and Southdown. Long Bay and Southdown are not against the WOW Trail but they are against the location of the proposed WOW Trail due to safety issues. As of now, the railroad runs along the shoreline and adding the WOW Trail would pose many safety issues with the amount of traffic there. Mr. Bordwell would like to speak with the WOW Organization to come up with alternative locations for the WOW Trail to run through Long Bay and Southdown Shores. The Association wants to work with the City to continue the WOW Trail but not at the expense of the rail and not in the proposed location.

Ray Spinosa - 5 Paradise Drive - Mr. Spinosa spoke of the WOW Trail and how the procedure has changed. Mr. Spinosa stated that if the railroad service expanded to the Lakeport and Laconia area it would bring more people to the up and coming Colonial Theatre, the beaches, farmer markets and fairs. The train would drive the economy with bringing more tourists to the area.

Pat Marcoux - Lantern Circle - Referenced a letter that was provided to the Mayor last year from Patrick Herlihy, Director of Aeronautics, Rail and Transit for the NH Department of Transportation which specified the legalities in the issues involving the rail system. Mr. Marcoux passed the letter to the Clerk to share with the Council.

Mayor Engler asked Mr. Marcoux if he had a copy of the Mayor's response to the letter from Mr. Herlihy as that should be part of the record as well. Mr. Marcoux did not have a copy.

Pat Marcoux - Prior to this meeting, Mr. Herlihy sent another letter stating, again, the removal of the rail line in an active rail corridor is contrary to state law RSA 228:60-a. Mr. Marcoux state this Resolution would have a negative impact on both tourists and freight services.

Mayor Engler referred to his response to Mr. Herlihy's previous letter. Mayor Engler stated that the State law can be changed.

Reuben Bassett - Spoke in regards to Short Term Rentals. Mr. Bassett is concerned with adding unnecessary regulations to property owners but does agree there needs to be some oversight on it. Mr. Bassett doesn't want to make it harder for property owners. Mr. Bassett understands there are many people operating illegal short term rentals and that is why it needs to be addressed but does not want the Council to overburden these owners.

Kevin Morrissette - 518 Shore Drive - Expressed his concern with short term rentals as he has been doing it with his camp, that he has never lived in, on Eastman Shore Road.

Reuben Bassett - Spoke in regards to the proposed Historic Overlay District. Mr. Bassett owns two businesses in one of the buildings that may be added to the Historic Overlay District. He expressed his concern with adding regulations where there is already a system in place to protect historic buildings with the National Historic Registry.

Jon Moriarty - Chairman of the Laconia Public Library Board of Trustees - At the Library Board of Trustees meeting, held last Thursday, the board voted unanimously to veto the idea of adding the Library to the Historic Overlay District. Mr. Moriarty submitted into the record a letter written by Johnson Roberts Associations, Inc. The Library Board of Trustees, as much as they want to save the Church, does not agree with creating a Historic Overlay District that will save one building and put the rest of the neighborhood at risk.

Tara Shore, 47 Adams Street - Spoke on behalf of the Historic Overlay District. Mrs. Shore stated that being on the National Historic Registry does not save that building or protect it in any way. Mrs. Shore stated the Library is on an easement, and that being said, the easement will have many more restrictions than what has been proposed in the regulations for the Historic Overlay District. Mrs. Shore share a story of a couple she spoke to recently regarding them moving to the area and their reasons for wanting to move here is for the main purpose of Laconia proposing a Historic Overlay District. Mrs. Shore spoke of the potential of economic development that could happen with creating a Historic Overlay District.

Representative Charlie St. Clair spoke of the Historic Overlay District and he is for forming this committee. He feels any protection to these buildings is the right step forward..

Dick Bordwell - Long Bay/South Down - Mr. Bordwell expressed his concern with the Zoning being changed from Residential Single Family to Shorefront Residential. Mr. Bordwell stated that Long Bay and South Down is 100% residential. The associations would like to be able to regulate their own rentals.

Mayor Engler explained that it was himself that proposed changing the zones in the Long Bay/South Down areas due to his understanding at the time, that the residents wanted to be able to do short-term rentals. Mayor Engler stated the Council passed on a first reading, to rezone those two associations. Since then, the Planning Director has been formally notified from the two homeowners associations that they do not want to be rezoned, and the Council has been made aware of that request.

Dick Bordwell stated his gratitude to the Council for allowing the homeowner associations to handle this on their own.

## 19. CITY MANAGER'S REPORT

### 19.A. Project Updates Report

City Manager Myers reviewed the report.

City Manager Myers submitted into the record a document titled Major Road/Bridge Projects for 2020 which gives a breakdown of the construction projects for next season. City Manager Myers did state that the projects will not be happening at the same time. City Manager Myers stated all social media avenues will be used in order to keep the public up to date with construction projects.

Councilor Cheney requested the City Manager bring to the Council some comparisons with costs of doing night time paving.

Councilor Hamel appreciates the patch job that was completed on Court Street. Councilor Hamel is still addressing the light that Eversource has not fixed for the past two years. City Manager Myers stated they have been reminded and Eversource still has not been able to diagnose the problem at this point. Councilor Hamel complimented Public Works and the contractors on Lakeport Square.

Councilor Hosmer has received some complaints in regard to the delayed light in the Lakeport Square area.

City Manager Myers explained he did receive a phone in that regards and does believe it may be a learning curve with the delayed light system.

City Manager Myers appointed Jim Rice to the Board of Assessors as an Alternate.

City Manager Myers submitted into the record a picture of a banner pole from Concord NH. The Council has already approved the installation of banner poles for the area by the Landmark Inn and Stewart Park. The minimum bid came back at \$42,800 which far exceeds the not to exceed limit of \$25,000.

A request was made from the Downtown TIF for the installation of the banner poles in order to advertise events for a nominal fee.

Mayor Engler asked the Council if they want to proceed with the purchase and installation of the banner poles for an additional \$17,800.

Councilor Hamel moved to table the banner poles across Main Street with instructions for administration to look for other alternatives that would be less costly, seconded by Councilor Haynes;

Councilor Bownes asked how long would it be for the poles to be constructed once approved. City Manager Myers stated the poles would be constructed in the Spring as weather would allow.

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

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

City Manager Myers reviewed the report.

20. **NEW BUSINESS**

20.A. **Request by Laconia Frozen Diamond Co-Ed Softball Tournament for fundraising on City park property**

Councilor Hosmer moved to approve the request by Laconia Frozen Diamond Co-Ed Softball Tournament for fundraising on City park property on January 25th and 26th, 2020 from 8:00 am until dark at Memorial Park Baseball Field and from 8:00 am until 11:00 pm at Memorial Park Softball Field, seconded by Councilor Haynes; the *motion passed with all in favor.*

20.B. **Authorization of boat dealers to act as agents for the City of Laconia**

Councilor Hosmer moved to allow the renewal of the Boat Agent Agreement with the State of NH - DMV with the City of Laconia and boat dealers, seconded by Councilor Lipman; the ***motion passed with all in favor.***

Councilor Hosmer moved to allow the City Clerk to sign the Boat Agent Agreement on behalf of the City of Laconia, seconded by Councilor Lipman; the ***motion passed with all in favor.***

## 21. UNFINISHED BUSINESS

### 21.A. **Support for the Rail-to-Trail alternative for the WOW Trail segment from Lakeport to Weirs Beach**

Councilor Hosmer requested a more detailed report from someone from the Hobo Railroad in regards to the Stone Consulting Report as the Council was only given a one page synopsis of the report.

Ben Clark stated he is more than willing to provide a redacted version of the Stone Consulting Report in order to protect trade secrets.

Councilor Hosmer moved to table Resolution 2019-25 pending the Council having The Excursion Railroad Economic Impact Analysis from Stone Consulting Inc., seconded by Councilor Bownes;

Councilor Lipman is pleased with the amount of people that are taking part in all of these decisions to make this all work for everyone.

Councilor Cheney is opposed to tabling this item this evening due to not prolonging a decision any further.

Councilor Lipman thinks it is important to keep this item on the table.

Councilor Hamel doesn't see any reason the WOW Trail and Railroads can't be co-existing as they are both unique to New Hampshire. Councilor Hamel spoke of the times when the railroad used to come to Downtown Laconia but within the last several years this has stopped. There have been many events that would have added revenue to Laconia by the trains coming to Laconia but it has stopped and Councilor Hamel doesn't understand why. Councilor Hamel also discussed that the State should be spending money on keeping the tracks up to par if they do not want to lose the use of the tracks.

Councilor Bownes is encouraged by the discussion that was had tonight in respect to these issues. Councilor Bownes likes the idea of a public-private partnership. Councilor Bownes thinks there is room for both the WOW Trail and the Railroads.

Mayor Engler called the question; the ***motion passed with all five (5) favor and one (1) opposed (Cheney).***

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

Mayor Engler asked the Council informally how many would be willing to pass this on first reading with minor changes? Four Councilors were willing to pass this on first reading.

Councilor Hosmer moved to remove this item from the table, seconded by Councilor Hamel; the ***motion passed with five (5) favor and one (1) opposed (Bownes).***

Councilor Hosmer moved to waive a reading of this Ordinance in its entirety and to read by title only, seconded by Councilor Haynes; the ***motion passed with five (5) in favor and one (1) opposed (Bownes).***

Councilor Hamel moved a first reading of Ordinance 2019-235, amending Chapter 235, Zoning, to create a new definition for Short Term Lodging and accompanying regulations, seconded by Councilor Haynes;

Councilor Bownes explained this came out of the Planning Department with no restrictions at all and now we are looking at only one scenario in which it would be allowed and that is owner-occupied. Councilor Bownes feels this is too restrictive and too narrow. Councilor Bownes is concerned that if this Resolution passes with the way it is, people will continue running their short-term business illegally and that is not what the City needs. This proposal needs to be more flexible for different situations.

Mayor Engler questioned if the 90 consecutive nights was dropped to 14 nights, would that help? Councilor Bownes doesn't have that answer.

Councilor Lipman proposed that the number of nights starts at seven (7).

Councilor Cheney moved to change under the definition of Lodging, Short term 90 consecutive nights to 14 consecutive nights, seconded by Hamel; the ***motion passed with four (4) in favor, and two (2) opposed (Bownes and Lipman).***

Councilor Bownes is concerned with moving forward with some amendments now, scheduling a public hearing, and then having more amendments which will cause a need for another public hearing.

Councilor Hamel moved to change Item five (5) under Permitted or Prohibited in the following zone, change one year to two years from date of approval and change annually to every two years, seconded by Councilor Hosmer, the ***motion passed with five (5) in favor and one (1) opposed (Lipman).***

Mayor Engler suggested instructing the Planning Director to come back with language to exempt camps from the regulation and to define camps. Discussion was had amongst the Council regarding what should be considered a camp and should the word exempt or waiver be used. Councilor Lipman thinks what the Council may be talking about is a seasonal not necessarily a camp. City Manager Myers clarified that with this suggestion a camp owner still needs to come down to register but they would be exempt from the regulations. The Council was in consensus with the Planning Director to come back with language to exempt camps from the regulation and to define camps.

Councilor Lipman expressed that some people have been exercising certain property rights all along and the Council needs to think long and hard before we take these rights away.

Discussion was also had in regards to how any of this would specifically impact the Winnepesaukee Playhouse.

Mayor Engler explained that this Ordinance like any other can be amended at a future time if the Council finds it is not working as approved the first time.

Mayor Engler called the question as amended this evening; the ***motion passed with four (4) in favor and two (2) opposed (Bownes and Lipman).***

Councilor Bownes moved to schedule a public hearing on December 9, 2019 during the regular City Council meeting to gather public input prior to adoption, seconded by Councilor Haynes; the ***motion passed with five (5) in favor and one (1) opposed (Lipman).***

21.C. **Amend City Code Zoning 235, adding a new section in Article IV, 235-21.1, Historical Overlay District**

Councilor Bownes stated the proposed district would include the railroad station (Veterans Park), Laconia Public Library, St. Joseph's Church, the old Holy Trinity School, and the Rectory. But even though the church is included it does not negate the demolition permit that has already been applied for.

Councilor Bownes 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 Bownes moved a first reading of Ordinance 2019-235-21.1, amending Chapter 235, Zoning, to create a new section, 21.1, establishing a Historic Overlay District and accompanying Commission, seconded by Councilor Hosmer;

Councilor Haynes agreed with Councilor Bownes and would like to move this forward to a public hearing.

Councilor Hamel will approve moving to a public hearing but does not agree with a lot of the items with-in the Ordinance.

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

Councilor Hosmer moved to schedule a public hearing on December 9, 2019 during the regular City Council meeting to gather public input prior to adoption, seconded by Councilor Haynes; the ***motion passed with all in favor.***

21.D. **Discussion on the installation of bump outs on Beacon Street West**

Discussion was had in regards to the previously approved bump-outs on Beacon Street West due to the inconvenience they pose to Public Works when plowing.

Councilor Hamel moved to install a yellow pedestrian ADA Compliant flashing light instead of the bump-outs on Beacon Street West, seconded by Councilor Cheney;

City Manager Myers explained even with putting a flashing light and to be ADA compliant, a tip down bump-out will still need to be added in order to have room for the installation of the light. The Downtown area is not plowed with a winged-truck so adding a bump-out will not be affected. City Manager Myers also stated that by narrowing the road down to one lane leaves less of a chance for a car to pass while a pedestrian is crossing.

Mayor Engler observed that something needs to be done other than just painting lines on a road because with adverse weather the lines are not always visible.

Councilor Cheney read off some statistics in regards to pedestrian accidents, which in 24 months there have been thirteen (13) pedestrian accidents in which only six (6) have been related to crosswalks.

Mayor Engler called the question; the ***motion passed with four (4) in favor and two (2) opposed (Bownes and Lipman.)***

22. **COUNCIL COMMENTS**

Councilor Cheney requested an update of the Communication System from the City Manager. City Manager Myers updated the Council.

Councilor Cheney requested an explanation for the rules for the use of the banner poles.

Councilor Cheney also expressed his concern in regards a call he received from a resident with concerns of herself and her husband not receiving the absentee ballots they applied for. Councilor Cheney did state that the resident did speak with the City Clerk and said the Clerk was very helpful and told her when they were mailed out. Councilor Cheney would like this problem looked into because this should not be happening.

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**

Councilor Bownes moved to go into non-public session under 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 who interest are adverse to those of the general community, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney: YES

Councilor Bownes: YES

Councilor Lipman: YES

Councilor Haynes: YES

Councilor Hamel: YES

Councilor Hosmer: YES

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

Mayor Engler noted all six (6) Councilors were in attendance and a quorum was established.

Councilor Hosmer moved to exit non-public, seconded by Councilor Haynes, the ***motion passed with all in***

***favor.***

Councilor Hamel moved to seal the minutes for one year, seconded by Councilor Bownes, the ***motion passed with all in favor.***

With no further business to come before the Council and hearing to objection, Mayor Engler adjourned the meeting at 10:04 pm.

Respectfully submitted,

Cheryl Hebert, City Clerk

MINUTES OF THIS MEETING WERE APPROVED BY COUNCIL ON DECEMBER 9, 2019.