



**LACONIA CITY COUNCIL MEETING**

**January 11, 2016**

**CITY HALL - ROOM 200A**

**7:00 PM**

**CALL TO ORDER:**

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

**SALUTE TO THE FLAG:**

Councilor Henry Lipman led the Salute to the Flag.

**ROLL CALL:**

City Clerk Reynolds called the roll with the following members in attendance: Councilor Ava Doyle, Councilor Henry Lipman, Councilor Brenda Baer, Councilor Robert Hamel and Councilor Armand Bolduc.

Mayor Engler stated that five (5) Councilors are in attendance and a quorum is established.

Staff in Attendance: City Manager Scott Myers and Finance Director Donna Woodaman.

**ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS:**

1. Regular and non-public meeting minutes of December 28, 2015  
The minutes were distributed on December 29, 2015 and no corrections have been received. With no further corrections the minutes are accepted as distributed.

**CONSENT AND ACTION CALENDAR:**

1. Request from National Multiple Sclerosis Society to use Opechee Park and Parking Lot on September 17, 2016 from 7:30 am to 2:00 pm for the Walk MS Laconia 2016 Charity Event

A motion to **approve** was made by Councilor Bolduc and seconded by Councilor Doyle, the motion result was **passed**.

**Ayes: Baer, Bolduc, Doyle, Hamel, Lipman**

2. Request from Lakes Region Sled Dog Club to waive license, vendor and loudspeaker fees for the February 12 - 14, 2016 Sled Dog Event

A motion to **approve** was made by Councilor Bolduc and seconded by Councilor Hamel, the motion result was **passed**.

*Ayes: Baer, Bolduc, Doyle, Hamel, Lipman*

**CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:**

No comments

**INTERVIEWS:**

None

**COMMUNICATIONS:**

None

**PUBLIC INPUT**

1. Review of zoning in the Weirs Beach Commercial Resort (CR) Zone  
The City Council has set aside time for public comment on reviewing zoning in the Weirs Beach area, specifically the Commercial Resort (CR) Zone. Public input is encouraged at the Council meetings of January 11, January 25, February 8 and February 22. Written comments will also be accepted. Letters were sent on December 17, 2015 notifying property owners with significant amounts of land or frontage in the Rt. 11B and Rt. 3 area (from White Oaks Rd. to the Meredith town line) of the dates of these meetings.

Mayor Engler stated that any discussion of any zoning in the Weirs is important to these discussions and will be considered. The Table of Uses was distributed to the Council and was reviewed.

City Manager Myers expressed that he has heard from many of those sent letters and although it was not required that anyone sign up to speak there were two (2) scheduled for this evening that were unable to make it. Anyone that has inquired has been advised that nothing will be happening as far as a decision until the spring.

Mayor Engler called for any public comments.

Charlie St Clair addressed the Council to confirm that there will be further discussion in the spring. Mayor Engler reviewed the process to date and with the assumption that there will be a Council recommendation this spring, the Planning Board would be holding public hearings after that time. C. St Clair stated that he hopes that residential development is not permitted in that area and that it remains

Commercial Resort as it was designed to be.

There were no other members of the public choosing to speak this evening. This item will reoccur on the next meeting agenda.

**PUBLIC HEARING:**

1. Acceptance and expending grant on behalf of the City in the amount of \$19,956.30 for Laconia DWI Patrols  
Notice of the public hearing for a resolution relative to acceptance and expending grant on behalf of the City in the amount of \$19,956.30 for Laconia DWI Patrols was made in the Wednesday, December 30, 2015 edition of the Laconia Daily Sun, at City Hall, the Gale Memorial Library, the Laconia Community Center and the offices of the Laconia School District

Mayor Engler opened the public hearing at 7:16 p.m. and invited any members of the public to speak.

Thomas Tardif addressed the Council. T Tardif feels the resolution is non-valid because the only people that can sign the contract for the grant is the Mayor or the Police Chief, therefore it needs to be reintroduced. Additionally, T Tardif feels the amount of the grant will be more than \$19,956.30 and indicated areas of the application that he feels justify that statement. T Tardif further stated that he is not opposed to the purpose but the procedure used and noted that the times for the use of the grant funding purpose would not be until the 2017 Fiscal Year.

Regarding the acceptance of the funds, T Tardif further noted that the funds cannot be entered into the General Fund but will be placed in an Off Budget Account, which will not be audited with other City accounts, and a legal review should be done for this process because the Police Department will have open access to the account.

Councilor Lipman commented that the point of who can sign for the grant will be a technicality and that the financial aspects that were discussed are closely monitored. Councilor Lipman further noted that if there are errors in the resolution or the grant usage than there is sufficient time to correct them.

T Tardif commented that the funds to pay the officers for the in-kind time will be paid out of the General Fund, not the Off Budget Account, and the tax payers will be paying. It was also noted that T Tardif asked for minutes of the Highway Safety Commission and they have no approval to authorize the Police Department to apply for grants.

Councilor Lipman participates in the Highway Safety Commission as a member from the Health Care field. The Highway Safety Commission is an advisory board that does not make formal decisions but rather recommendations.

City Manager Myers reviewed the agenda information from the meeting of

December 28, 2015 which clearly outlined how the grant would be expended. City Manager Myers also noted that he is not aware of any specified time frames for the use of the grant but Chief Adams can also speak to any specifics. Regarding the funding, a separate account will be set up for the acceptance of the funds and will be reimbursed into the General Fund to cover the expenses of the grant as is done with other grants, and will be fully audited as can be confirmed by the City auditors. City Manager Myers also advised that the City Attorney attends Staff Meetings held before the Council Meetings and they review the agenda packets and did not voice any concerns.

Mayor Engler asked for any other public comments.

T Tardif requested to speak again. Mayor Engler asked that comments be kept to two (2) minutes. T Tardif reiterated that the funds will not be deposited into the General Fund because it is not permitted by the grant. Additionally the in-kind match of the grant is for any officers that are on patrol that may have had a DWI stop during the time frame of the grant.

Mayor Engler called for any further comment. With none the public hearing was closed at 7:26 p.m.

### **PRESENTATIONS:**

None

### **MAYOR'S REPORT:**

Mayor Engler commented that he was able to stop at the City Clerk's Office last week and view the records that were preserved by Kofile Preservation and recommended that everyone on the Council stop and look at the finished product. Mayor Engler was also fortunate enough to see the first City Council Meeting ledger, held on May 3, 1893, with 14 members of the Council at the time and six (6) wards. Wards 1 through Ward 5 were represented by two (2) members each and Ward 6 was represented by four (4) members. Another interesting fact is that in the first Mayoral election, Charles Bussiel was elected with 1,019 votes, with his opponent receiving 840, for a total of almost 1,900 people voting which is more than those voting in our elections today.

Mayor Engler advised that an election to the Mayor Pro Tem needs to be made.

Councilor Baer moved to appoint Councilor Bolduc as Mayor Pro Tem and seconded by Councilor Hamel, the motion passed with four Councilors in favor and Councilor Bolduc Abstaining.

Mayor Engler advised that the assignments to subcommittees will be taking place at the next meeting.

### **COMMITTEE REPORTS:**

#### **1. FINANCE:**

- (a) WOW Trail Funding
- (b) Downtown TIF Financing

#### **2. PUBLIC SAFETY:**

- (a) Fair St/Court St traffic problems and accidents

**3. GOVERNMENT OPERATIONS and ORDINANCES:**

- b. Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- c. Review of Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers
- d. Procedural review of grant applications

**4. PUBLIC WORKS:**

- e. Review of proposed speed table on Summit Avenue

**5. LANDS and BUILDINGS:**

Councilor Hamel reported that a meeting was held at the Fire Station for the Joint Building Committee and it looks like the project is just about done and the Committee will not need to meet again in a formal manner. There will need to be a short meeting to approve the final financial obligations. At this time the project is approximately \$95,000 in the negative and there are a few allowances and rebates that are pending to offset that amount to bring this down to approximately \$60,000. This building should be viable for many years to come. City Manager Myers added that there were some surprises in the renovation of the older part of the building, particularly with asbestos, and some contaminated soil mitigation that needed to be addressed, as well as some water run off standards that needed to be addressed. These unanticipated environmental concerns needed to be handled and when all of the information is in the Council will be given the final information.

- f. Repair & maintenance of City Buildings

- g. Downtown parking garage

Councilor Hamel commented that he spoke to Public Works Director Paul Moynihan regarding the Downtown Parking garage. They have finished sampling from one office space formerly occupied by the Pat Wood law office and they will be working in the Soda Shoppe area next week. They will be continuing into the Grace Capital Church and once done they feel that within four to six weeks a better estimate will be available from DuBois & King. Mayor Engler recommended advising the owner and potential buyer. City Manager Myers replied that they are

aware of the process to date and there has been discussion with financing repairs and enhancements moving forward. There will be a meeting in a few weeks regarding the financial aspects.

**LIASON REPORT:**

None

**CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**

C. St Clair commented that he is in support of the Boardwalk Policy that has been presented this evening.

**MANAGER'S REPORT:**

City Manager Myers advised that the agenda packets are available on the City website on the Friday before every Council Meeting. Packets are also available in the City Clerk's Office if anyone would like to view one before the meeting. City Manager Myers also reviewed the new agenda management software, Novus Agenda Solutions, that is being used for the Council Agendas from start to finish and reviewed some highlights for the Council.

Councilor Baer asked if there were any expenses for the City regarding the Pumpkin Festival. City Manager Myers replied that a draft budget was submitted to Let It Shine for salary costs associated with the event when the announcement was made that the event would be held. The actual costs were a little more, with the estimate being \$41,000 and the actual being \$44,000. The increase was caused by the lighting requirements for the scaffolding which required additional man hours. Expenses for the City have not been paid at this time but the other expenses have been paid. There has been discussion regarding assets and a plan is being worked through with Let It Shine to have the City made whole.

Councilor Baer confirmed that the vendor fees went to the Chamber of Commerce. City Manager Myers replied that it was split between the Chamber of Commerce and Let It Shine.

Councilor Lipman requested asked for some information on the budget outlook. City Manager Myers reviewed some expenses that are outstanding as well as the anticipated expense increase in the coming year.

There was also discussion on the costs of health insurance increases, with a not to exceed rate of 12%.

1. Financial and Operational Trends  
Report City Manager Myers reviewed the report.

There was discussion regarding the Pending Grievance Summary regarding wages paid for Court Duty for an employee that was called for an event that occurred while the employee was not on City time. The arbitrator ruled against the City on December 29, 2015 based on the literal language in the Collective Bargaining Agreement.

2. Monthly Economic Development Update City Manager Myers reviewed the report.

**NEW BUSINESS:**

1. Request to approve revised City Council Boardwalk Policy  
On December 28, 2015 the City Council approved raising the rental fees for vendor spaces on the Boardwalk for Laconia Motorcycle Week from \$1,250 per space to \$1,500 per space. The Boardwalk Policy needs to be revised to reflect this change. A copy of the current Policy is attached with the revision shown in red.

There are 14 spaces on the Boardwalk that pay a fee for their vending space (the Kiwanis Club and Laconia Motorcycle Week Association receive their space(s) free of charge.) If approved by the Council, the increase in rental fees of the Boardwalk vending spaces from \$1,250 to \$1,500 each will result in an additional \$3,500 in revenue.

A motion to **approve** was made by Councilor Hamel and seconded by Councilor Baer, the motion result was **passed**.

**Ayes: Baer, Bolduc, Doyle, Hamel, Lipman**

2. Offer to purchase City-Owned property on Davis Place, and request to schedule a public hearing  
Harry Bean, owner of property located at 32 Davis Place, has offered to purchase a portion of two City-owned lots on Davis Place (located adjacent to his property) identified as Parcels 412-60-59 and 426-60-22. The portions Mr. Bean wishes to purchase are shown in orange on the attached map with the approximate square footage of each section noted. The purchase price proposed by Mr. Bean is the sum of \$1,000.00.

Per Section 183-7 and 183-8 of the City's Code, City Manager Myers recommends the Council schedule a public hearing for January 25, 2016 to declare the portions of property as shown on the attached map as surplus with consideration of a sale to Harry Bean as outlined above. The City Manager's office will notify the immediate abutters of the date of the public hearing.

City Manager Myers advised that he has discussed with H Bean any additional expenses that would be incurred being paid by H Bean but that does not appear in the offer presented by H Bean.

Councilor Hamel asked what the value is on the property. Councilor Baer stated that the assessed value of the combined lots is approximately \$126,000.

Councilor Baer asked if the property is declared as surplus does there need to be a bid offering. City Manager Myers replied that after the public hearing process and the choice to declare, or not declare, the property as surplus the Council can then

decide how they would like to dispose of the property if they choose.

Councilor Bolduc advised that the piece of property is very small and in poor condition. The concerns that H Bean has are the activity occurring in the wooded area which abuts his property. The property is not being utilized for anything and Councilor Bolduc feels it would be a wise decision to declare it is surplus and sell the property.

*Councilor Bolduc moved to schedule a Public Hearing on January 25, 2016 during the regular City Council meeting regarding the declaration of City-owned property on Davis Place as surplus. The motion died for lack of a second.*

With the motion failing, City Manager Myers asked for direction to give H Bean to proceed. Councilor Hamel asked for more information on additional expenses. Councilor Lipman added that in addition he would like to have some information on how the property will be utilized and the ability to make that a stipulation on the sale.

Mayor Engler asked if anyone has an issue on the sale price offered. Councilor Hamel stated that there needs to be a clarification that the expenses for additional professional services are paid by H Bean.

*Councilor Hamel moved to table this item until additional information is received. Seconded by Councilor Bolduc. Motion passed. Ayes: Baer, Bolduc, Doyle, Hamel, Lipman*

3. Request to set polling hours for the Presidential Primary Election on February 9, 2016

Per RSA 659:4 "At all state elections in towns and cities the polls shall open not later than 11 o'clock in the morning and shall close not earlier than 7 o'clock in the evening. In cities, the city council shall determine the polling hours no later than 30 days prior to a state election.

The City Clerk has requested that the City Council establish polling hours of 7:00 a.m. until 7:00 p.m. for the upcoming Presidential Primary Election on February 9, 2016. These hours are consistent with prior State and Federal Elections.

A motion to **approve** was made by Councilor Hamel and seconded by Councilor Doyle, the motion result was **passed**.

**Ayes: Baer, Bolduc, Doyle, Hamel, Lipman**

#### **UNFINISHED BUSINESS:**

1. Second reading of a resolution relative to authorizing the City Manager to accept and expend grants on behalf of the City in the amount of \$19,956.30 for Laconia DWI Patrols  
Councilor Lipman asked if Chief Adams would like to add to the discussion this evening.

Chief Adams advised that the Police Department has been utilizing these grants for many years and the process has been updated. They are worthwhile grants that dedicate officers for a specific purpose, this one being impaired driving which is a problem in our community.

Councilor Hamel asked how the amount of the grant is determined. Chief Adams replied that statistics are used to determine the amount that is awarded. Councilor Hamel asked if the grants were done incorrectly would they be kicked back as incomplete. Chief Adams replied that they would.

Councilor Lipman asked if the approval is delayed would it adversely effect the Police Department. Chief Adams replied that it would not and they would have to use the grant before the grant expires.

Mayor Engler requested an explanation of the in-kind calculation. Chief Adams replied that in speaking with Lt. Graton today it was explained that this will not be additional costs because these are actions and services that are already happening within the department as part of normal activities. This will be staff time, use of vehicles/related expenses, prosecutor time, etc.

Councilor Hamel asked if this is the same process that is being questioned with pending litigation. City Manager Myers replied that this is somewhat but the other funds are unanticipated revenues that need to be accepted and allocated.

Mayor Engler advised that the procedure would be to move in the affirmative, obtain a second and then have a secondary motion to table which would be germane. Councilor Lipman expressed concern with having a second reading and then making changes. City Manager Myers advised that as long as the changes are minor and technical in nature the resolution would not need to go through the entire process again and agreed with the Mayor's request for order of events.

*Motion to waive the reading of this resolution in its entirety made by Councilor Baer and seconded by Councilors Doyle, the motion passed.*

**Ayes: Baer, Bolduc, Doyle, Hamel, Lipman**

*A second reading was made by title only by Councilor Baer and seconded by Councilor Bolduc.*

*Councilor Lipman moved to table the passage of this resolution until technical items are identified. Seconded by Councilor Hamel, the motion passed.*

**Ayes: Baer, Bolduc, Doyle, Hamel, Lipman**

## **NOMINATIONS, APPOINTMENTS & ELECTIONS**

None

**COUNCIL COMMENTS:**

Councilor Baer thanked City Manager Myers for the new chairs.

**NON-PUBLIC SESSION:**

None

**ADJOURNMENT:**

Motion to adjourn made by Councilor Bolduc and seconded by Councilor Baer, the motion passed and the meeting was adjourned at 9:02 p.m.

***Ayes: Baer, Bolduc, Doyle, Hamel, Lipman***

Respectfully Submitted:

Mary A Reynolds  
City Clerk

These minutes were accepted by the City Council as distributed on January 25, 2016