



**LACONIA CITY COUNCIL MEETING
MONDAY, FEBRUARY 8, 2010
CITY HALL – CONFERENCE ROOM 200A
7:30 P.M.**

CALL TO ORDER:

Mayor Michael Seymour called the meeting to order at 7:34 p.m.

SALUTE TO THE FLAG:

Councilor Matthew Lahey led the salute to the flag.

ROLL CALL:

City Clerk Mary Cote called the roll with the following Councilors present: Councilor Knytych, Lahey, Lipman, Baer, Hamel and Bolduc. Also present City Manager Eileen Cabanel.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Council minutes of 1/25/10**

Councilor Bolduc moved to accept the minutes of the regular Council meeting of 1/25/10. Seconded by Councilor Lahey. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR: NONE

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PRESENTATIONS:

- **Special Recognition/Mayor Seymour**

Mayor Seymour presented the Debra Bienarz Memorial Award to Joy Armstrong and Matt "Coach T" Tetreault.

- **Human Relations Report – Carol Pierce**

Mayor Seymour invited Ms. Pierce to address the Council.

Ms. Pierce briefed the Council on the highlights of the Human Relations Committee over the past year. The cooperation from other human welfare agencies in the City has been tremendous. In the recent years every refugee and immigrant coming on the City has received the treatment they deserve, and the Human Relations Committee is very happy about this.

Mayor Seymour inquired as to the liaison from the Council on the Human Relations Committee. In the past, former Councilor Luther had participated.

Councilor Lipman requested the projected resettlement for the City in the upcoming year. Ms. Pierce explained the process of admission into each state based on the population. In the last year, 80 – 100 people have come to New Hampshire. In some instances, they will stay for a winter, and choose to go to other parts of the country to be with family.

Mayor Seymour thanked Ms. Pierce for her work.

- **Fire Department 2005 Hazard Plan Update and Emergency Management Plan Bi-Annual concurrence – Chief Erickson**

A request was made to delay this presentation until the 2/22/10 regular Council Meeting.

MAYOR'S REPORT:

Mayor Seymour reported that the Sled Dog Races have been cancelled as of this time. A possible postponement until March is being considered.

On March 24, Mayor Seymour will be attending the Annual Meeting of the Belknap County Economic Development Council.

On February 26, the Mayor and Council have been invited to attend the Legislative Breakfast being sponsored by the New Hampshire Community College and Lakes Region Chamber. At this time, a list of participants has not been released, but in the past it has included State Senators and various Legislators.

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: NONE

PUBLIC HEARING: NONE

COMMITTEE REPORTS:

1. **FINANCE:** (Lipman, Hamel, Baer) (No report on any item in committee)
 - a) WOW Trail Fund
 - b) Special Item Budget Requests Procedural Review
2. **PUBLIC SAFETY:** (Baer, Knytych, Lahey)

Councilor Baer reviewed the progress if the meeting held at 6:30 p.m.

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

Capt. Clark advised the committee of the statistics relating to accidents occurring at this intersection; in 2007 there were four instances, in 2008 there were 8 incidences, and in 2009 there were 6 incidences. After listening to concerns from some members of the public, the committee would like to recommend a traffic study be conducted.

Councilor Knytych motioned to have a professional traffic study done. Seconded by Councilor Bolduc. **Motion passed unanimously.**

b) Complaints regarding signage on "One Way" streets

Members of the downtown area spoke to the committee regarding their concerns. The most apparent concern is the lack of signage on Beacon Street East and Main Street. One store owners did a survey of cars turning left from Church Street onto Beacon Street East for one week, and observed 19. More than three of the wrong way turns were intentional, with the same vehicle going into the US Post Office parking lot every morning.

The committee recommends having more signage placed on these streets, as well as other intersections that may need to be addressed, and report back to the Committee.

c) Old Prescott Hill Rd. curve at beginning/end as you come off of Rte. 106

Councilor Baer advised that no conclusion was reached. This issue is in conjunction with the Town of Belmont and an existing contract with a developer, whom is responsible for a portion of the road per there contract. At this time they would like to contact the Town of Belmont to check on progress, but until a response is received, it is recommended to remove this item from the agenda.

Councilor Baer moved to remove the Old Prescott Hill Rd item from the agenda. Seconded by Councilor Knytych. **Motion passed unanimously.**

d) Winter parking restrictions from 9:00 p.m. to 6:00 a.m.

Councilor Baer explained that she has spoken o the Police and Public Works department, and neither has a specified reason as to why the parking restriction cannot be moved to 12:00 a.m. (midnight).

Councilor Knytych motioned to amend ordinance 221-36 Winter Parking as follows:

No vehicle shall be parked on a public street between the hours of ~~9:00 p.m.~~ 12:00 a.m. and 6:30 a.m. from November 1 to May 1, unless parking is otherwise prohibited during all other hours due to the declaration of a snow emergency. In addition to the penalties provided by this chapter, any vehicle found parked contrary to the provisions of this section shall, at the discretion of the Police Department or the Public Works Department, be towed away at the expense f the owner of said vehicle.

Seconded by Councilor Lahey. **Motion passed unanimously.**

3. GOVERNMENT OPERATIONS & ORDINANCES: (Knytych, Bolduc, Lahey) (Report on item c.)

- a) Energy Committee
- b) Amendment to Zoning ordinance re Drug Treatment Facilities
- c) Proposed Amendments to City Charter

d) RSA 37:6 and the Powers of the City Manager

Councilor Knytych reviewed the work session help with Counsel to review amendments to the Charter. A timeline was given to the members of the committee to ensure proper timing for submission.

4. PUBLIC WORKS: (Bolduc, Baer, Lahey) (No report on any item in committee)

- a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) Oak & North Main St. Intersection

5. LAND & BUILDINGS: (Hamel, Lipman ,Bolduc) (No report on any item in committee)

- a) Repair & maintenance of City Buildings
- b) Use of City docks at Weirs Beach

LIAISON REPORTS:

MANAGER'S REPORT:

City Manager Cabanel advised of a request from the School Department to set a supplemental appropriation and schedule a Public Hearing to take place at the next regular Council Meeting.

Councilor Hamel motioned to hold a Public Hearing during the next regular Council Meeting on February 22, 2010 for the proposed supplemental appropriation for the School Department relation to various grants. Seconded by Councilor Knytych. **Motion passed unanimously.**

Ann Saltmarsh from the Public Works Department has completed an extensive project in relation to the solid waste collection contract, which includes the option for the City to bid on the contract scheduled to expire in October 2010. The possible collection of solid waste ourselves can potentially save \$50-\$100,000 each year. Ms. Saltmarsh will be making the presentation to the Council at the next regular meeting.

City Manager Cabanel reviewed the revenue shortfalls the City is facing for the current year, as well as 2010-2011. At this time, revenues are short \$570,000 for this year, and the projection is expected for 2010-2011. Finance Director Pam Reynolds has been working to make cuts this year, none of which will affect services. The potential cuts will be presented at the next regular meeting.

With Councilor Lipman and Mayor Seymour, City Manager Cabanel met with members of the School Board to discuss the Tax Cap.

City Manager Cabanel has also spoken to each Councilor individually to get feedback as to where they want to be with a budget. The general consensus was to have a level funded budget with no increases in spending. When asked how the Council feels collectively, they would like to see the proposed budget for 2010-2011 before giving a definitive answer.

Councilor Lipman suggested that with the State of NH deficit, and the obvious revenue reductions, it would be acceptable to state the need for a level funded budget. It should be an objective of the Council.

Councilor Lahey strongly feels that a statement cannot be made without seeing the 2010-2011 Budget.

City Manager Cabanel explained that she is almost done with the budget, and she is trying to cut an additional \$65,000, with the main objective being to have no lay-offs. This would reduce services that have taken time to build up, and would not be an option to lose. In addition, the Capital Outlay cannot be cut.

Councilor Hamel spoke about his conversation with City Manager Cabanel. The Council has been very conservative, and needs to continue to be. The taxpayers are having a hard time, and we need to do what will have the least impact on them.

Councilor Lipman pointed out that if the property value didn't decrease in some areas, taxpayers saw an increase in their bill, which is difficult for them. Furthermore, trying to decrease the amount raised by taxes is the largest concern.

Councilor Knytych echoed that the priority should be no tax increase. The bottom line may be different, but as long as we do everything possible to decrease the burden on the taxpayer, we are in focus. If opportunities are available for other revenue sources, such as grants, they need to be pursued heavily.

Councilor Hamel reiterated that he is not saying there will be no tax burden increase, but that he supports a level funded budget. In order for no increased expenditures, the spending needs to go down to offset the decrease in revenues. City Manager Cabanel noted that because of the tax cap, we are required to decrease the spending.

Councilor Bolduc has also spoken with the City Manager regarding the budget. He is also concerned about the taxpayers; people cannot afford increases.

Councilor Lahey noted that he will be looking for equity between the City and School in the use of fund balance and unexpended bond funds. It is his belief that on the School side, when there are excess funds from a project the funds go back into the bond fund; on the City side, the excess funds sit there to be used to make up for other projects. The funds that would have been used for the current projects could be used on other projects.

Councilor Bolduc referenced the funds left over from the Middle School project. Councilor Lahey was with the understanding that these funds would be going back into the Fund Balance, rather than toward the principle payments of the bonds. City Manager Cabanel explained that the funds can be used on a project of equal term, or as payment on the debt.

Councilor Lahey questioned what was done with funds cut from the School during the last budget. City Manager Cabanel explained that she starts from scratch each year, so those funds were not used.

Councilor Lipman noted that the School was able to return funds this past year. These funds were used to allow them to have more spending. He also noted that grant funds were also brought in, which helped keep their budget in line.

Councilor Lahey reaffirmed that he will not make a decision without knowing what the cuts have been, and what the proposed cuts may be moving forward. Without seeing the budget, the Council will not know that. City Manager Cabanel reiterated to Councilor Lahey that layoffs are not part of the cuts she has made.

Councilor Lipman also noted that we now know that the stimulus money received is two year grants, which will be helpful.

Councilor Baer has also sat with the City Manager going over figures. The combination of the City Manager and Finance Director do a great job getting the budget where it needs to be before it is presented to the Council, and she has confidence it will be that way again.

Councilor Hamel cautioned not to layer the budget with expected stimulus money or grants, because in a few years when the funds are gone, money will need to come from other areas to support those areas, and it won't be there.

NEW BUSINESS:

1. Request to waive licensing fee for craft fair to be held Oct. 2 and 3 at Margate Hotel

This item was removed at the request of the organizer.

2. Walk for Youth 5/22/10 – request to raise funds on City property

Amy Lovisek from the Parks & Recreation Department with Dave Parker from the Boys & Girls Club addressed the Council, giving a brief description of their goal.

Councilor Knytych moved to allow the Walk for Youth raise funds on City property on 5/22/10. Seconded by Councilor Hamel. **Motion passed unanimously.**

3. Police Department Union Contract

Mayor Seymour invited Chief Moyer to address the Council.

Before Chief Moyer began his presentation, City Manager Cabanel explained to the Council that this is the second draft that is being presented. When the Police Department came to her with the first draft, she recommended changes that seemed feasible at the time. Since that time, some changes have occurred, and she no longer is in support of the changes.

Chief Moyer, with the assistance of Commissioner Clement and Captain Clary, addressed the Council, outlining the following changes to a one year contract, as was requested by the Council:

- On page 8, the addition of the "Detective Bureau" to accumulate a maximum of eighty (80) hours of compensatory time.
- On page 9, addition of the sentence "This article will apply to any court appearance required by an outside law enforcement department requesting an officer to testify at a criminal matter arising from the officer's actions while on duty for the Laconia Police Department.
- On page 9, section 14.0, the addition of the sentence "A detail list shall be established for the benefit of all the full-time Police Officers in the City of Laconia."
- On page 10, section 15.2, the proposed change states "An employee who does not utilize sick leave in any three (3) consecutive month period shall be credited with one (1) incentive day. In addition, an employee shall earn each year on July 1st, one (1) incentive day for each thirty (30) banked sick days"

- On page 13, section 16.0, Holidays, the proposed removal of the Biennial Election Day, with the addition of the Day After Thanksgiving.
- Section 17.0, regarding Group Insurance, shall be frozen at 10% of 2009 Rate.
- Receipt of a 0.0% COLA increase, with the stipulation that if any other collective bargaining unit within the City receives a COLA, all members of the Laconia Police Officer's Association shall receive the same COLA
- Section 21.1 adds "All Laconia Police Officers who are awarded the department's yearly 'Police Officer of the Year Award' shall receive one (1) Longevity Day for this accomplishment"

Chief Moyer and Commissioner Clement also noted they do not see any financial implications for this contract period.

Councilor Lipman asked Chief Moyer to explain how no cost is associated with the addition of extra paid days. Chief Moyer explained the "leave request" process, which requires a 30 day advance notice. At that time, the officers assigned to work the "vacation relief" shifts would be scheduled at straight time rather than using other officers and paying at an overtime rate. The salary employees, such as Detectives, would also be used to fill the shifts, which would alleviate the need for overtime. The instance of the overtime occurs when someone actually calls out sick.

Councilor Lipman explained that the accumulated sick time comes with a cost if someone leaves or takes and extended time off. He does not agree that there is no cost to giving extra days. If someone has the time they have earned, and they are getting an extra day, mathematically they will be getting extra pay.

Commissioner Clement noted that the number of employees having the maximum 90 days of accumulated sick time is very small, so those receiving three days would be minimal. Also, when someone calls out sick, the spots are generally filled with someone that would then be getting paid overtime. If the employee makes it known that they are planning a day off, and then it will be filled with a salaried employee whenever possible.

Chief Moyer also explained that if someone takes even an hour of sick time, they would not get the incentive day.

Councilor Lahey asked if the incentive days can be accumulated. Chief Moyer and Capt. Clary agreed they are, but with a maximum number of days. Councilor Lahey clarified that he believes the concern Councilor Lipman was getting to was the payout of these accumulated days down the road when the person retires.

Councilor Lahey referred back to the requested change to compensatory time for the Detective Bureau, inquiring into the number of employees that would be affected, as well as the accumulation of the hours. Chief Moyer has five employees in the Detective Bureau that will be affected, and the hours would be maximum of 80 hours, which would also be paid out if the person were to retire.

Councilor Hamel asked for an explanation of percentage used for step increases. Capt. Clary estimated an average of 2.5%, with the lower ranking officers receiving higher and many senior officers being at the maximum step for their grade. Currently, there are nine steps. Chief Moyer further explained that the step increase is based on merit, and if the evaluation is not acceptable, the employee does not get an increase.

Councilor Hamel asked City Manager Cabanel what the cost of steps would be for this contract year. City Manager Cabanel has prepared this figure for each department, and for the Police Department it is \$32,000. Chief Moyer emphasized the \$32,000 is for the entire department, not just the contract employees. Councilor Hamel verified with City Manager Cabanel the increased amount for health insurance, which is approximately \$100,000 for the Police Department.

Councilor Hamel reviewed the Longevity of the Police Department, and asked if the days accumulated yearly are paid out, or if they are days off. Chief Moyer explained that the employee will receive one day off as well as pay for the appropriate number of days for the longevity (5 – 9 years gets one day pay, 10-15 years gets 2 days, etc).

Councilor Hamel praise the Police Department for being admirable about the contracts, and always being the first collective bargaining unit to submit. With honesty, Councilor Hamel expressed he cannot vote to approve this contract as it has been presented. The extra days add cost, and it is not feasible.

Councilor Baer asked if any other departments receive the incentive pay that is being proposed. Both City Manager Cabanel and Chief Moyer stated all other departments receive them, but City Manager Cabanel pointed out that no other department receives longevity pay.

Commissioner Clement also wanted it known that no other departments work 24 hours like the Police and Fire Departments do, and that should be taken into consideration.

The Council has asked for a new draft of the contract with a change to the areas relating to any extra time or pay being added. Chief Moyer went through each line item, and the Council specifically advised what needs to be changed for approval.

Councilor Lahey asked Chief Moyer how long and over what period of time someone can carry forward vacation time. Capt. Clary advised that accrued time must be used by the anniversary date, with a maximum of two weeks being carried over with the Chiefs approval.

4. City Hall elevator controller repair/replacement

Councilor Hamel moved to have Pine State Elevator to make repairs to the City Hall elevator for a cost of \$27,800. Seconded by Councilor Knytych. **Motion passed unanimously.**

5. Highway Safety Commission

The Police Department recently contacted the City Manager concerning a Highway Safety Grant they plan to apply for and requested the names of the members of the City's Highway Safety Commission. While this Commission has been in the City Ordinances since 1969, the Commission has not been active for years. The Ordinance states the Commission is comprised of eight members appointed by the Mayor with the Council's approval.

Because of the length of time between when the Commission was established and the appointment of new members, the terms of office in the Ordinance need to be amended. An amendment to Chapter 41, Section 41-2 is attached and should be adopted prior to appointment of the Commission members.

Once the amendment has been adopted, Mayor Seymour wishes to appoint the following individuals as members of the Highway Safety Commission:

	<u>APPOINTEE</u>	<u>TERM</u>
Police Department	Lt. Chris Adams	One year term until March 2011
Planning Department	Shanna Saunders	One year term until March 2011
Member of the Public	Tina Cox	One year term until March 2011
Public Works Department	Paul Moynihan	Two year term until March 2012
Fire Department	Captain Bill Drew	Two year term until March 2012
Hospital Administrator	Henry Lipman	Two year term until March 2012
Board of Education	Malcolm Murray	Three year term until March 2013
Member of the Public	David Stamps	Three year term until March 2013

Councilor Bolduc read the proposed amendment Chapter 41, Highway Safety Commission moving to accept the changes as presented. Seconded by Councilor Hamel. **Motion passed unanimously.**

Councilor Bolduc moved to accept the appointments of the above mentioned individuals for the specified terms. Seconded by Councilor Knytych. **Motion passed unanimously.**

6. **No parking on Messer St.**

City Manager Cabanel briefed the Council on the proposed changes, referring to a diagram provided.

Councilor Hamel motioned to refer the proposed change to parking on Messer St. to the Public Works Committee. Seconded by Councilor Bolduc. **Motion passed unanimously.**

7. **Appointment of Council liaison to Belknap County Economic Development Council**

Councilor Bolduc motioned to appoint Councilor Lipman as the liaison to the Belknap County Economic Development Council. Seconded by Councilor Lahey. **Motion passed unanimously.**

8. **Acceptance of Homeland Security grant in the amount of \$33,000**

Councilor Hamel moved to accept the grant awarded from Homeland Security in the amount of \$33,000 for use by the Fire Department. Seconded by Councilor Bolduc. **Motion passed unanimously.**

UNFINISHED BUSINESS:

1. WOW Trail
2. Master Plan
3. EPA Update
4. Sewer & Water Master Plan
5. Single Stream Recycling/Concord Co-Op

NOMINATIONS, APPOINTMENTS & ELECTIONS: NONE

COUNCIL COMMENTS:

Councilor Hamel requested to add to the February 22nd regular meeting a presentation from George Hawkins regarding the reconstruction of the building at Memorial Park, which he is willing to do for the cost of materials.

Councilor Bolduc and Councilor Hamel visited the construction project at the Weirs Boardwalk. They were impressed with the progress and the aesthetics of the job being done by Busby Construction.

Councilor Bolduc reviewed an article he had read explaining what one trillion is.

Councilor Hamel advised the other members of the Council of his attendance, along with Councilor Bolduc, as representatives of the City Council, at the Laconia chapter of the Cub Scouts of America Blue & Gold Ceremony. This ceremony is held annually to promote young men from the Cub Scout level to the Boy Scout level. This year is the 100 year anniversary of the Boy Scouts of America, and they enjoyed the ceremony.

Councilor Knytych spoke on behalf of the Weirs Action Committee to thank Busby Construction for their hard work throughout the winter to ensure the completion of the project at the Weirs Boardwalk.

Councilor Knytych requested to schedule a Government Operations Committee meeting at 6:30 p.m. on February 22nd to discuss the recommended changes to the City Charter. Councilor Lipman wanted to make sure the issue of Election Officials and the rolls of support workers are clearly defined to ensure there is an option to address contingency staffing for those situations. The City Clerk will review the needs of the polling places and report them to the Council.

NON - PUBLIC SESSION: According to RSA 91-A:3, II:

Councilor Knytych motioned to move into non-public session pursuant to RSA 91-A:3, II:

(a) The dismissal, promotion or compensation of any public employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

Seconded by Councilor Bolduc. **On a roll call vote, the motion passed unanimously.**

No business will be conducted after the non-public session.

On motion of Councilor Bolduc and seconded by Councilor Hamel, it was voted to come out of non-public session.

Councilor Bolduc moved to seal the minutes for two years, seconded by Councilor Hamel. **Motion passed unanimously.**

ADJOURNMENT:

At 10:15 p.m. a motion was made by Councilor Bolduc to adjourn. Seconded by Councilor Hamel.
Motion passed unanimously.

A True Record Attest:

Mary A. Cote
City Clerk