



**LACONIA CITY COUNCIL MEETING
FEBRUARY 13, 2012
CITY HALL – CONFERENCE ROOM 200A
7:00 P.M.**

CALL TO ORDER:

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

SALUTE TO THE FLAG:

Councilor Matt Lahey led the Salute to the Flag.

ROLL CALL:

City Clerk Reynolds called the roll with the following Councilors present: Councilor Doyle, Lahey, Lipman, Baer, Hamel and Bolduc. Also present City Manager Scott Myers.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Regular and Non Public Minutes of January 23, 2012**

Councilor Bolduc moved to approve the regular and non-public minutes of January 23, 2012. Seconded by Councilor Hamel. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR:

- 1. Request by Nor'Easter Softball Club to raise funds at Memorial park Softball Field, Woodland Heights and Opechee Park on July 27, 28 and 29, 2012.**

Councilor Bolduc moved to approve the request by Nor'Easter Softball Club to raise funds at Memorial Park Softball Field, Woodland Heights and Opechee Park on July 27, 28 and 29, 2012. Seconded by Councilor Doyle. **Motion passed unanimously.**

- 2. Request by Laconia Little League to raise funds at Opechee Fields, Colby field, Woodland Heights, Elm Street and Pleasant Street schools from March 1 through August 1, 2012**

Councilor Bolduc moved to approve the request by Laconia Little League to raise funds at Opechee Fields, Colby field, Woodland Heights, Elm Street and Pleasant Street schools from March 1 through August 1, 2012. Seconded by Councilor Doyle. **Motion passed unanimously.**

- 3. Temporary Traffic Order 2012-01 Evangelical Baptist Church/American Red Cross Community Blood Drive on March 21, 2012**

Councilor Bolduc moved to approve Temporary Traffic Order 2012-01 Evangelical Baptist Church/American Red Cross Community Blood Drive on March 21, 2012. Seconded by Councilor Hamel. **Motion passed unanimously.**

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS:

1. Robert Smith requesting appointment as an alternate member of the Zoning Board of Adjustments (there are currently five vacancies which expire in August 2012)

Mr. Smith is a retired engineer and has lived at the South Down Shores community since 1992. He has previously served on the Planning Board, CIP Committee, and was involved in the design of the Laconia Police Department and the Library addition. In January Mr. Smith attended a meeting of the Zoning Board of Adjustments (ZBA) and discovered that there has not been a full board since last October. In instances where there is not a full board, an applicant has the option to defer until a full board is convened and this is not only a hardship on the applicant but does not reflect well on the City. Mr. Smith also expressed concerns that the current Chairman is under a great deal of stress with the ZBA and it would be a loss to the City if he were to resign because of lack of support on the ZBA. At this time Mr. Smith would like to volunteer his service to the City so he can assist the ZBA and hopefully make a positive impact.

Councilor Hamel asked if Mr. Smith currently sits on any other boards. Mr. Smith replied that he does not and did not plan to again after he completed his service years ago. He is offering his service now because it is needed.

Councilor Bolduc thanked Mr. Smith for coming forward.

Councilor Bolduc moved to suspend the Council Rules & Procedures for the purpose of appointing Mr. Smith this evening. Seconded by Councilor Hamel. **Motion passed unanimously.**

Councilor Bolduc further moved to appoint Mr. Smith as an alternate member to the Zoning Board of Adjustments for a term to expire in August 2012. Seconded by Councilor Hamel. **Motion passed unanimously.**

COMMUNICATIONS: NONE

PUBLIC HEARING: NONE

PRESENTATIONS: NONE

MAYOR'S REPORT:

Mayor Seymour updated the Council on the progress of forming the Joint Building Committee for the Huot Technical Center project. Mayor Seymour has been working with City Manager Myers to have the JBC established by the end of the month and have appointments made at the Council meeting on February 27th. A presentation to the Council of Option A-2 is being planned as well.

Councilor Lipman commented that the design phase is being done, and as was done with the Laconia Middle School project, the School Board works with the Council through the JBC on the construction phase and a presentation to the Council on the proposal may be in order. Mayor Seymour has requested a presentation be made to the Council.

Councilor Hamel commented that with the Laconia Middle School project the Council was included and knew all of the steps that were taken and now this project is 95% done and the Council has not been informed on the plans. In the construction phase the JBC was able to save over \$1 million in windows with the Laconia Middle School, and there has not been an open dialogue and the Council hasn't had any opportunities.

City Manager Myers replied that his understanding is that the bid requests will be going out in two phases, with one being a request for qualifications and the following being for contractors and the project design is not 95% done. Councilor Lipman commented that the JBC is not responsible for the designs but the construction phase.

Councilor Lipman requested an update from Councilor Lahey as the Council's Liaison to the Huot Planning Committee.

Councilor Lahey advised that he has been involved in the Huot Center as well as the field.

Councilor Hamel noted that there is some discussion regarding having access to the proposed site by way of Woodland Avenue and no one has contacted the residents in the area. They are going to be doing work in their backyards and no one has reached out to them. If a major project is being done that close to their homes they should be notified of the plan and met with.

Councilor Baer stated that she went on a tour with Superintendent Champlin last week and viewed a site plan for the football field. At that time she was told the bids would be going out in March and opened in April.

City Manager Myers requested a target number for appointment of Councilors to the JBC. Mayor Seymour and the Council agreed that one member as a co-chair and two additional would be sufficient, keeping Councilor Lahey involved as he has been a sitting member.

Mayor Seymour commented on the passing of Wanda Tibbetts on February 2nd. Ms. Tibbetts was a fixture in the Lakeport community for 40 years and was one of the greatest ambassadors the City has had. Councilor Hamel attended the funeral service and it was very well attended and touching with many nice words said that were deserving to Wanda. Over the years Ms. Tibbetts was a driving force in saving the Hathaway House, a volunteer at the Goss Reading Room, and the founding member of the Lakeport Association.

Councilor Bolduc commented that Ms. Tibbetts was instrumental in the success of Lakeport and her funeral was very large. A get together was hosted by the Leavitt Park Association, Opechee Park Association and the Lakeport Association at the Leavitt Park House.

Mayor Seymour refreshed the Council on the status update from the Cultural Arts Center of the Lakes Region (CACLR) regarding the Colonial Theatre. No agreement was made with the seller and all grant funding was lost for the project. After speaking with the members, Mayor Seymour requested that the

Council move to revoke and remove the option agreement of \$1.4 million. Councilor Lahey moved to do so. Seconded by Councilor Lipman.

Councilor Lipman asked if the option agreement is set to expire and end. Mayor Seymour confirmed that it does expire in April. Councilor Lipman asked if this would be giving notice that we will not be taking action and letting the agreement expire. Mayor Seymour replied that this would action would take effect immediately.

Councilor Baer asked if the Council can legally take such action. Mayor Seymour stated that he has been told that the Council can, but if the Council would like to wait until the agreement expires in April that would be satisfactory as well. Attorney Dyer made the recommendation after reviewing the documentation.

Councilor Hamel asked if the CACLR would be disbanded. Mayor Seymour explained that when it was formed as its own non-profit it was no longer under the control of the City Council. Councilor Hamel asked if there is any difference in removing the option now or letting it expire. Mayor Seymour explained that the point of revoking the agreement sooner would be to clarify that the \$1.4 million value noted in the agreement is not something that would be within the capabilities of the CACLR based on the appraised value of the property.

Councilor Bolduc asked what appraisal the City would use for the property. Councilor Lipman replied that there are different approaches that are used, and how the value is derived for tax purposes compared to an income approach is not an accurate means.

City Manager Myers also commented that this will also send a message to the owner that the group is not looking to purchase the property at \$1.4 million and they have lost the funding to do so. The seller would also able to sell the property to another party. It would be appropriate to have a proper legal review done.

Councilor Lahey amended his motion to revoke and remove the option agreement immediately subject to legal review. Seconded by Councilor Lipman. **Motion passed unanimously.**

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: NONE

COMMITTEE REPORTS:

1. **FINANCE: (Lipman, Hamel, Baer)**
 - a) WOW Trail Fund
 - b) Special Item Budget Requests Procedural Review
 - c) Huot Center

No report on any item in committee

2. **PUBLIC SAFETY: (Baer, Doyle, Lahey)**
 - a) Fair St./Court St. traffic problems and accidents

No report on any item in committee

3. **GOVERNMENT OPERATIONS & ORDINANCES: (Doyle, Bolduc, Lahey)**

- a) Energy Committee
- b) Vending and Licensing Fees
- c) Chapt. 119, Building Construction regarding signed architectural plans for residential units

No report on any item in committee

4. PUBLIC WORKS: (Bolduc, Baer, Lahey)

- a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) Oak & North Main St. Intersection
- c) Proposed ordinance regarding vehicles over 18,000 lbs. and engines idling between the hours of midnight and 6:00 a.m.
- d) Proposed ordinance regarding large vehicles parked on City streets and sidewalks

No report on any item in committee

5. LAND & BUILDINGS: (Hamel, Lipman ,Bolduc)

- a) Repair & maintenance of City Buildings
- b) Former Laconia Police Department Building

No report on any item in committee

LIAISON REPORTS: NONE

MANAGER'S REPORT:

City Manager Myers reviewed the Project Updates (see Attachment #1).

Councilor Bolduc asked what time the meeting regarding the Weirs Roundabout will be taking place and if representatives would be attending. City Manager Myers replied that staff would be attending from Planning and Public Works and he will get the time for the Council this evening.

City Manager Myers reviewed the Financial & Operational Trends (see Attachment #2). The Council requested additional information, such as 2011 actual figures and the overtime paid for ambulance personnel.

City Manager Myers reviewed the Recycling Challenge update (see Attachment #3). Although staff has made efforts, including sending 270 letters to multiunit property owners to encourage recycling, the City is not achieving the goal of 25% recycling increase.

Councilor Hamel asked to have the cost savings achieved added to the report. City Manager Myers replied that he could but the goal is to look at the percentage of recycling to avoid the Pay as You Throw program where in other communities it has increased recycling to approximately 40%.

Councilor Hamel asked when the tipping fees at the transfer station were last increased. City Manager Myers reviewed the current fees but was unsure of the last increase date.

Councilor Baer asked if it is a true statement that trash collection is a direct reflection of the economy. City Manager Myers replied that there is a decline when the economy is in a downturn because people tend to be more frugal.

NEW BUSINESS:

1. Acceptance of the Towns of Pittsfield and Northwood into the Lakes Region Cable Television Consortium

Councilor Lahey moved to accept the Towns of Pittsfield and Northwood into the Lakes Region Cable Television Consortium. Seconded by Councilor Doyle. **Motion passed unanimously.**

2. Discussion of the Downtown Traffic Study – Councilor Bolduc

Councilor Bolduc stated that the reason he wants this discussed is because there have been two public hearings through the Planning Board on this subject and the people don't want it to move forward. There has been little support from the community and the Councilors have been approached in different manners requesting to discontinue this study. The Council hasn't had any input, the people don't want it and it needs to be discontinued because the Planning Board has more important issues to work on and the City doesn't need to spend any more money on it.

Councilor Bolduc moved to discontinue the study of the two-way traffic study for Downtown. Seconded by Councilor Hamel.

Mayor Seymour clarified with City Manager Myers that the accurate amount expended for the study was \$55,000, not \$75,000, and the remaining expenses involve staff time.

Mayor Seymour asked for the status of the bridge widening proposal for the State. City Manager Myers explained that two proposals are being prepared to go to the State this week. The first involves the widening with the existing traffic pattern that would increase the safety for site lines; the second would allow the ability to have a two way traffic pattern by widening further, whether the two way would happen now or several years later. The City is not in any position of losing the committed funding for the project and the anticipation is to begin the project a year from now and last for approximately two years to allow for Main Street to be open for travel at all times.

Councilor Lipman commented that there is a group called Lakes Region Listens that is trying to encourage dialog regarding traffic patterns. It was clarified by Councilor Lipman that Councilor Bolduc was not proposing that we discourage other ideas be looked at regarding traffic patterns as proposed by Lakes Region Listens, which will be discussed at their forum, and Councilor Bolduc confirmed he is not opposed to other forums but does not want the two-way traffic study to continue.

Councilor Baer read a prepared statement regarding the issue:

"I had written a letter to the editor for publication this week before I knew Councilor Bolduc had scheduled the following subject for this Monday's meeting, so I brought it up at the meeting and will now share my thoughts with you.

On January 10th of this year, there was a public hearing and presentation on the matter of Two-Way traffic downtown. It was a very well attended meeting by the general public, most business and property downtown owners, and some of the City Council as it was a public meeting. The reason for the Council being there was that they had not been briefed on this matter or asked if almost \$90,000.00 could be spent on this study, and I went for information that my constituents might want to know.

On previous projects, i.e. impact study, TIF ordinances, they were brought before the council for briefing and input and many presentations and discussions were held. Why wasn't this brought before the council?

As noted in the two City newspapers who covered this meeting, there was almost no support for this project from the public or a lot of support voiced by the Planning Board itself. The Planning Board then scheduled another meeting for February 7, 2012. The planning director as quoted in the Citizen on January 28th "declared the idea should get a full, fair hearing with everyone-- not just the vocal majority having a say..." What was unfair or not full at that meeting? And what is wrong with the majority ruling?

Again, at this second meeting there was little or no support for the project, but again, the Planning Board wants to hold yet another public hearing. If the public wanted to attend the two previous meetings, they would have been there. Most of the public let their voices be heard by contacting their councilor by phone, email, or bumping into them on the street or shopping. Councilors are the voice of the people and I have heard from many in different wards that they are against this proposal.

The Planning Board keeps referring to the Master Plan and EPA studies done years ago and their recommendations. Two things stick out. Years ago the economy was much different as is the population, and secondly, these were recommendations that don't necessarily have to be our choice. Today, we must adapt to what our economics will allow and find ways to allow our taxpayers some relief and do things that will make their lives better and safer.

This project did not look at the effects to the downtown area or what it would do to the businesses downtown if Two-Way Traffic was introduced. In fact, when asked why not, the director replied it would be taken up in Phase Two. Just how big is this project?

It is time we use the mandated criteria for major projects. We must ask three things: Is it necessary? Will not doing it be a safety issue for the public? Will waiting cause harm? These are the guidelines we are supposed to use in funding major projects. Can any of these questions be answered with a yes for this project?

The council is not allowed to tell any employee of the City what they can or cannot do. That is the job of the City Manager. We can vote on monies to be spent and vote down any ordinance or proposal brought before us. We would like the opportunity to do so in this matter."

Mayor Seymour commented that at the last round table the business owners made comments and recommendations for the Downtown and Main Street patterns. The Lakes Region Listens is going to get the people together and open the discussion for other options and bring that back to the Planning Board and the Council with the recommendations.

Councilor Lipman noted that the Planning Board should not take the statements made this evening to mean that there work on this option was not appreciated, but that a different approach is necessary.

Councilor Lahey commented that everyone knew what was going on the over a year and no one spoke up against the study and that it is easy to be critical after the fact.

Councilor Hamel stated that he did not know that a traffic study was going on and he agrees that the study needs to be discontinued. At the first meeting there was only one person that spoke in favor of the proposal and the City needs to stop spending money.

Mayor Seymour called the question. **Motion passed with five (5) Councilors in favor and Councilor Lahey opposed.**

City Manager Myers advised the Council that there will be some staff time involved in the Lakes Region Listens group. Councilor Baer commented that the Planning Director has been appointed by the City Manager to the Board of the Lakes Region Listens group. City Manager Myers explained that the Planning Director has not been appointed by the City Manager but that it was an advantage to the City to have staff participation in this group.

3. Request to Schedule a Special Meeting of the Council on Monday, February 27 at 6:00 p.m. for the Purpose of Discussing Transfer Station Fees and Solid Waste Ordinance

Councilor Doyle moved to schedule a Special Meeting of the Council on Monday, February 27th at 6:00 p.m. for the purpose of discussing Transfer Station Fees and the Solid Waste Ordinance. Seconded by Councilor Bolduc. **Motion passed unanimously.**

4. Carryovers of Funds

Councilor Hamel suggested having the Finance Department set up a spreadsheet that would detail the funds that have been carried forward each year and what the intended purpose is. Councilor Hamel stated that he would like to see no funds expended in excess of \$1,000 without Council approval.

Councilor Doyle commented that she thinks it would be a wise decision but the amount of \$1,000 is not realistic and it should be a greater amount. Councilor Lipman agreed that \$1,000 may be too little, but could be a starting point that can be changed.

City Manager Myers advised that a list is available and will be sent to the Council. In addition, City Manager Myers agrees that funds that are carried over should be approved by the Council and that \$1,000 is artificially low and reminded the Council that money cannot be moved between departments without Council approval.

Councilor Lipman commented that for some purposes the Council is not concerned with the expending of carried over funds but rather when the funds are repurposed and the Council is not aware. City Manager Myers agreed.

Councilor Hamel moved that a tally of the carryovers by department will be made available to the Council and no funds carried forward shall be expended in excess of \$5,000 without prior approval of the Council. Seconded by Councilor Bolduc. **Motion passed unanimously.**

5. City Manager Evaluation

Mayor Seymour acknowledged that in accordance with the City Manager's contract, an evaluation was due six months from the date of employment. Because of the possible change in the Council that could have occurred at that time, it was agreed that the evaluation would take place in January. The City Manager had negotiated an additional \$5,000 be added to the base salary of \$90,000 if the City

Manager completed the goals and objectives set forth by the Council at the time of his six month evaluation. At this time the City Manager has satisfactorily done so and the evaluation reflects the acknowledgement that the increase is to be granted. (See Attachment #4)

Councilor Hamel moved to except the City Managers evaluation as presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

UNFINISHED BUSINESS:

1. Council membership on the CIP Committee
2. Milfoil Treatment Funding Request
3. WOW Trail
4. Master Plan
5. EPA Update
6. Sewer & Water Master Plan
7. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
8. Strategic Planning/Goal Setting

NOMINATIONS, APPOINTMENTS & ELECTIONS: **NONE**

COUNCIL COMMENTS:

Mayor Seymour advised that on Wednesday, February 22nd there will be a Huot Planning Committee Meeting at 6:00 p.m. at the SAU Board Room.

NON - PUBLIC SESSION:

Councilor Bolduc moved to enter into non-public session according to RSA 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 whose interests are adverse to those of the general community. Seconded by Councilor Doyle.

On a roll call vote of the Council it was entered into non-public session at 8:17 p.m.

Councilor Lipman moved to come out of non-public session. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Bolduc moved to seal the minutes of the non-public session for two years. Seconded by Councilor Baer. **Motion passed unanimously.**

ADJOURNMENT:

Councilor Bolduc moved to adjourn at 8:55 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds, City Clerk