



**LACONIA CITY COUNCIL MEETING  
MARCH 14, 2011  
CITY HALL – CONFERENCE ROOM 200A  
7:30 P.M.**

**CALL TO ORDER:**

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

**SALUTE TO THE FLAG:**

Councilor Brenda Baer 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 Eileen Cabanel and Finance Director Pam Reynolds.

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

- **Regular minutes of Council meeting on February 28, 2011 and special meeting minutes of 3/09/11**

Councilor Bolduc motioned to accept the regular Council Meeting minutes of February 28, 2011 and the Special Meeting minutes of March 9, 2011. Seconded by Councilor Hamel. **Motion passed unanimously.**

**CONSENT AND ACTION CALENDAR:      NONE**

**CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:      NONE**

**INTERVIEWS:**

- **Heritage Commission**

- 1. Pamela Clark – seeking reappointment as a full member**

Ms. Clark thanked the Council for establishing the Heritage Commission. Ms. Clark reviewed the achievements thus far and offered an overview of what needs to be accomplished in the near future.

- 2. Dorothy Duffy – seeking reappointment as an alternate member or full member**

Ms. Duffy commented that the people on this commission have their hearts in the inventory process, and are still learning and establishing a routine. Ms. Duffy would like to be a full member.

**3. Mary Jane Hoey – seeking reappointment as either an alternate or full member**

Ms. Hoey would like to be appointed as a full member. She attends all of the meetings and would like to have the voting abilities that are not permitted as an alternate.

**4. Wanda Tibbetts – seeking reappointment as an alternate member**

Ms. Tibbetts would like to be an alternate member because she does not have the time available to be a full member. She is enthusiastic about the work being done by the Commission over the last three (3) years.

5. Charlie St. Clair – seeking to move from full member to alternate member (He is unable to attend 3/14/11 meeting and will be interviewed on 3/28/11.)

- **Library Board of Trustees**

**1. John Perley – requesting reappointment**

Mr. Perley has been a member of the Library Board of Trustees since August 2008 when he was appointed to fill a vacancy. He feels the Library is an important and valuable asset to the community.

**2. Robert Selig – requesting reappointment**

Mr. Selig has been the Chairman of the Library Board of Trustees since he was appointed 12 years ago. Mr. Selig reviewed the accomplishments of the Library Board in those 12 years, including the advances in technology and the expansion in programs and the facility.

**3. Carole Wheeler – requesting appointment**

Ms. Wheeler came to Laconia for Plymouth six (6) years ago. In Plymouth, Ms. Wheeler was a children's librarian. She sees the Library as a valuable and interesting place for a community.

- **Licensing Board**

**1. James Rogato – seeking reappointment**

Mr. Rogato looks forward to the updating of the Licensing Ordinances (Chapter 161) in the coming months and would be pleased to continue his service. He currently serves as the Chairman.

- **Parks & Recreation Commission**

**1. Mitch Hamel – requesting reappointment**

Mr. Hamel has enjoyed his time with the Parks & Recreation Commission. He has assisted the Commission with the transition of a new Director, as well as the upgrading and maintenance of the City fields. Mr. Hamel looks forward to working on the issues of user fees in the near future.

- **Putnam Fund**

1. **Elizabeth Ballantyne – requesting reappointment**

Ms. Ballantyne has a primary role with the Putnam Fund or recording the minutes and conducting the Public Relations for the programs they offer. She would like to continue her service because she enjoys the work they do.

- **Trustee of the Trust Funds**

1. **Donald Flanders – requesting reappointment (He is unable to attend on 3/14/11 and will be interviewed on 3/28/11.)**

Councilor Hamel asked the City Manager to confirm that the postings for the vacancies were placed in the paper. City Manager Cabanel will confirm with Marie Bradley.

### **COMMUNICATIONS**

1. **Letter from Christmas Island Resort Condominium Association requesting funding for milfoil treatment at Langley Cove**

City Manager Cabanel explained that the Water Department needs to review the application process because there are some concerns regarding the City public drinking supply. It is the recommendation of the City Manager to look into a long term plan for the treatment of milfoil and how the City will contribute to the treatments rather than taking the approach of the last several years, which is to financially support as asked.

Water Superintendent Seth Nuttelman explained that the concerns are in regard to the dilution rate of the herbicides used to treat the milfoil, similar to the Spinnaker Cove treatment last year. It appears that the treatment is within 11,000 feet from the water supply intake, while Spinnaker Cove was approximately 1,800 feet; this will theoretically mean the dilution rates will be greater. When contacting the State of NH, Superintendent Nuttelman was told the State has not reviewed the application and he would like to get the results from the State before proceeding.

Councilor Hamel asked how long the application lasts. Superintendent Nuttelman explained that the application lasts approximately three (3) to four (4) years for re-treatments to control the growth because milfoil is aggressive. It was acknowledged that milfoil is a growing concern around the lakes, even for the Water Department. The Water Department has installed screens around the intake areas to prevent the growth of milfoil.

Councilor Bolduc commented that the State of NH owns the lakes and they collect boat fees for the purpose of milfoil treatment and they should be contributing.

Councilor Lipman agreed with the City Managers recommendation. The City Manager elaborated that the idea would be to have the Planning Director take the responsibility of visiting the groups around the State, gather information, and come up with a comprehensive long term plan.

Councilor Hamel asked Finance Director Reynolds how much money the City received from boat fees each year. Director Reynolds noted that the City received \$71,000 in 2010. The most the City received

was in 2006, which was \$117,000. Councilor Hamel recommended taking a percentage of this funding and allocate it to the milfoil treatment. City Manager Cabanel explained that this money goes into the General Fund to offset other expenses and would need to be made up some other way.

Councilor Lipman stated he thought it might be possible to support the treatments with Impact Fees if and when they are passed. City Manager Cabanel will check with Planning Director Saunders and get an answer.

Councilor Bolduc expressed his displeasure with the State collecting more on boat fees and saying it is for the treatment of milfoil but not giving back to the treatments. He does not see the need for the City to continue to give more money.

The Council agreed to respectfully decline at this time and add this item to Unfinished Business as Milfoil Treatment.

**PRESENTATIONS:            NONE**

**MAYOR'S REPORT:**

Mayor Seymour regretfully announced the resignation of Robert Holbrook from the Putnam Fund after 44 years of service.

The meeting planned for this evening with Municipal Resources, Inc (MRI) in regard to the process of hiring a City Manager was cancelled due to a scheduling conflict. At this time, Mr. Jutton is available to meet with the Council on March 21, 2011 at 7:00 p.m.

Councilor Baer moved to hold a Special Meeting for the purpose of meeting with MRI in regards to the job search for the City Manager position on March 21, 2011 at 7:00 p.m. Seconded by Councilor Bolduc.  
**Motion passed unanimously.**

Mayor Seymour has been in contact with Mayor Merrifield of Franklin in regards to the Winnepesaukee River Basin Project (WRBP). The idea is to have collaborative sessions with members from each Council and the Mayors to discuss the challenges associated with the WRBP. There were no objections from the Council to pursue this avenue.

**CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:            NONE**

**PUBLIC HEARING:            NONE**

**COMMITTEE REPORTS:**

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

**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

**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
- e) Inventory of Public Works Equipment

**No report on any item in committee.**

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

- a) Repair & maintenance of City Buildings

**No report on any item in committee.**

**LIAISON REPORTS:      NONE**

**MANAGER'S REPORT:**

City Manager Cabanel announced that the new Code Enforcement Director has arrived. Bill Stewart has come from Ohio, where he was previously employed by the City of Dayton. The Code Enforcement Department has moved down to the basement level with the Planning Department to utilize the staff in both departments more efficiently.

The WRBP Advisory Group has agreed to work with the Managers Group to establish procedures for the WRBP. Scott Dunn from the Town of Gilford has drafted a proposal for the procedures and it is being reviewed. After it has been agreed upon, it will go back to each community for approval. The Department of Environmental Services will have the final approval of the document, but they are very encouraging and supportive of the collaboration of the two groups.

Councilor Hamel thanked City Manager Cabanel for her efforts with the WRBP, because this could have potentially cost the City a large sum of money when they had no input on the projects. City Manager Cabanel commented that she was given the "heads up" from the Town of Meredith and City of Franklin and credited them for including her.

Councilor Hamel explained an idea that he has discussed with Councilor Lipman in regards to funding retirement payments from the City. The concept would be very similar to the Internal Services Fund, in which each department is charged each year for each employee. Councilor Hamel asked the City Manager if this is something that can be done. City Manager Cabanel said it could be done on the same practice as a Compensated Absences Fund. Finance Director Reynolds will look into what the different methods could be and are available.

Councilor Baer stated that this is somewhat bothersome because we are cutting the department budgets significantly already, and we are now talking about taking more. City Manager Cabanel explained that the Finance Director is always watching the fluctuation in expenses in regard to insurances and benefits for each department and manages it to try and have as little impact on the department as possible.

Councilor Lipman noted the idea if to not have a “shock” situation occur when someone retire. As the budget becomes more restricted, the City needs to find a way to fund retirements.

Councilor Lipman moved to add the research of a Compensated Absences Fund as item C for the Finance Committee. Seconded by Councilor Hamel. **Motion passed unanimously.**

Councilor Lipman requested to confirm the Belknap County Delegation would be in attendance for the Special Meeting previously scheduled for March 28, 2011 at 6:30 p.m. City Manager Cabanel confirmed that Marie Bradley is aware of the meeting being scheduled and will confirm with them this week.

**NEW BUSINESS:**

**1. Temporary Traffic Order 2011-03/Laconia Main St. Farmers Market**

Councilor Hamel moved to approve Temporary Traffic Order 2011-3/Laconia Main St. Farmers Market. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**2. Request to waive vendor and license fees for Downtown Farmer’s Market**

City Manager Cabanel explained that the Licensing Board is upholding the current Ordinance which requires the Farmer’s Market to obtain a License for the season as well as each vendor that does not sell agricultural materials, such as produce. This would require each vendor to pay \$50 per month for their license and the Downtown Farmer’s Market to pay \$40 for the season. It would be the recommendation of the City Manager to encourage these types of events and we should encourage them; this fee would make it so the vendors could not afford to come to the market.

Licensing Board Chairman Jim Rogato explained that the Licensing Board does not have the authority to waive fees. The Ordinance defines a farmers market as selling produce from a farm; if you have other vendors such as crafters and entertainment you would need individual licenses. The Licensing Board supports the Downtown Farmer’s Market and encourages the continuation.

Councilor Doyle supports the waiving of the fees because it is an enjoyable experience for people.

Councilor Lahey noted that this sounds like more of an ordinance issue and it should be corrected. People should not have to keep coming in and holding up the agenda for a meeting to waive fees, which are waived every time someone asks. City Manager Cabanel explained that the Licensing Chapter also involves fees that would impact Motorcycle Week, so waiving the fees through ordinance is not recommended. The ordinance help regulate the ability for people to hold events that need to be reviewed before permitted to take place. The Licensing Board is working on making amendments to each section of the Licensing Chapter and will be making recommendations to the Council as they move forward.

Councilor Lipman recommended having the Government Operations and Ordinances Committee look into the Licensing Chapter with the Licensing Board.

Mayor Seymour requested to address the agenda item, which is to waive vendor and licensing fees for the Downtown Farmer's Market.

Councilor Lipman made a comprehensive motion to waive the fees as requested and refer to Government Operations and Ordinances to look at how the Licensing Ordinances can become less complex. City Manager Cabanel noted that this is the responsibility of the Licensing Board. Councilor Lipman countered that he would like the Licensing Board to work with the Committee on this issue; it is not going to be resolved tonight. City Manager Cabanel encouraged the Council to charge the licensing fee of \$40 for the season.

Councilor Lipman revised his motion to waive the vendor fees as requested and charge a licensing fee of \$40.00 for the season. Seconded by Councilor Hamel. **Motion passed unanimously.**

Mayor Seymour asked if the Council would still like to add issue of the Licensing Ordinances to the Committee as well. Councilor Hamel noted that the concerns of the City Manager are justifiable and may be addressed by the Licensing Board. Councilor Lipman thinks the Licensing Board needs some policy direction from the Council, rather than having them go back and forth if the Council is not satisfied with their recommendations. The Council needs to understand the Ordinance better than they do currently and this is the way to do this.

Councilor Doyle, as the Chair of the Government Operations and Ordinances Committee, would like to meet with the Licensing Board with regards to the Ordinance; it is frustrating when you think you have everything worked out just to find out that something else was expected.

Councilor Lipman moved to at item B – Licensing Ordinance and Fees to the Government Operations and Ordinances Committee agenda. Seconded by Councilor Hamel. **Motion passed unanimously.**

Brad Fitzgerald, representing the farmer's market that takes place in the City Hall parking lot on Saturday, asked if the waiving of fees applied to both markets.

Councilor Lipman moved to effectively charge the same fees to the market in the City Hall parking lot as the Downtown Farmer's Market, which is to waive all non-agricultural vendor fees and charge the \$40.00 licensing fee for the season. Seconded by Councilor Hamel. **Motion passed unanimously.**

### **3. Confirmation of City Manager's authority to sign Colonial Theatre Option Agreement extension**

City Manager Cabanel explained that the extension is of all terms of the original Option Agreements and is valid for an additional six (6) months.

Councilor Bolduc moved to authorize the City Manager to sign the six (6) month extension to the Colonial Theatre Option Agreement. Seconded by Councilor Doyle. **Motion passed unanimously.**

### **4. Schedule Public Hearing for March 28<sup>th</sup> during regular Council meeting regarding the re-designation of bond funds remaining from the construction of the Water Department water tank to be used for the construction of a maintenance building**

Superintendent Seth Nuttelman reviewed the written request that was distributed to the Council. The current building has numerous code violations and is structurally unsound. The remaining funds are approximately \$430,000.

Councilor Lipman asked if the demolition of the existing building is included in the estimated cost of project. Superintendent Nuttelman confirmed it is.

Councilor Baer asked if there is any asbestos removal needed. Superintendent Nuttelman stated there is not.

Councilor Lipman moved to hold a Public Hearing on March 28, 2011 during the regular Council Meeting regarding the designation of bond funds remaining from the construction of the Water Department water tank to be used for the construction of a maintenance building. Seconded by Councilor Bolduc. **Motion passed unanimously.**

#### **5. Unsealing non-public minutes**

Mayor Seymour reviewed the minutes to be unsealed as those of 9/24/00, 10/26/00, 11/8/00, 11/13/00, 1/4/01, 1/8/01, 1/22/01, 1/23/01, 2/11/08 and 10/13/09.

Councilor Baer noted that having read them all, she sees no reason why they cannot all be unsealed. Councilor Lahey was the only sitting Councilor that was involved at that time.

Councilor Lahey stated he does not feel that the minutes should be released because they involve people who have applied for the City Managers position in 2000, and opinions expressed by the Councilors at the time should not be subjected to the public. It may not be appropriate to release personal information.

Councilor Bolduc does not feel comfortable because he was not involved at the time.

City Manager Cabanel explained that each Councilor was given two separate packets of minutes; one recommended to remain sealed. Councilor Lahey advised that they all contain the same information. Discussion followed relative to the nature of the information and if it should be released to the public.

City Manager Cabanel encourage the Councilors to review the minutes further and consider this item for the next meeting.

Councilor Hamel moved to table the unsealing of the proposed non-public minutes until the March 28, 2011 meeting. Seconded by Councilor Bolduc. **Motion passed unanimously.**

#### **6. 2011-2012 budget discussions**

City Manager Cabanel explained that the budget was almost complete, and during cross checking it was discovered that the School did not follow the tax cap proposal by approximately \$150,000 and neither did the City. This resulted in the City Manager having to go back and make additional cuts because there is an obligation to put money aside for the Huot Center project.

It was the original intention of the City Manager to come up with a list of potential cuts for the Council to review and decide upon, but the list was so large and the cuts so demanding, the changes were

incorporated into the budget and the Council may add them back if they choose to. In the end, the Council will have two allotments of money that can be put into the Huot Center fund if they choose to. There is an amount of \$424,000 in this line item, and the Council can use it as they need it to cover any emergency costs.

City Manager Cabanel distributed and explained the increases and decreases in the budget, which resulted in a net increase of \$497,000 in expenses (Attachment #1). A list of reductions to offset this amount was outlined and reviewed (Attachment #2).

It is expected that the proposed budgets will be available for the Council next Monday so they will have time to review it before the next regular meeting on March 28.

Councilor Lahey asked if the budget being proposed includes any of the potential changes coming from the State level. City Manager Cabanel stated they do not.

Councilor Hamel asked if the proposal will include the total amount of pension payment offset. City Manager Cabanel stated it does not. The budget does not include the revenue sharing that was promised, but is not likely to come.

Councilor Lipman stated that it seems we should be counting on not getting some pool of money from the State through the budget.

Finance Director Reynolds stated that the School is just beginning to build their budget and they are including the cuts to the expenses, but does not take the reduction in revenue.

Councilor Lipman commended the City Manager for her diligent efforts thus far, but asked her to consider the possibility of make additional cuts to include the potential loss from the State.

City Manager Cabanel reiterated that the next round is to cut personnel. There is a list of the potential personnel cuts, but it is not appropriate to discuss or announce them until it is necessary. Councilor Lipman noted that if they do not have the list by the March 28 meeting, then by the April 11 meeting the position will be determined and the information will be needed. Discussion followed relative to the need to make the announcement at this time publicly, or to wait until May or June.

City Manager Cabanel requested to have each Councilor state their opinion in regard to making the information public. Mayor Seymour called for a verbal indication; five (5) Councilors requested the information be made available, with Councilor Bolduc thinking it is not necessary until we have all of the facts. The information will be made available at the April 11 meeting.

Councilor Lipman encourage City Manager Cabanel to look at this situation for what it could potentially be, and understand that more cuts could be in the future and we need to be prepared for that to be personnel. City Manager Cabanel does not think it is necessary and would like to rely on the Council to make further cuts.

**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 Baer asked for the Council to consider a request by the City Clerk to right a letter to the delegation in regards to Senate Bill 156 (SB156) which would give automobile dealers the ability to register vehicles if they choose to.

**Mayor Seymour requested a motion to extend this meeting until 10:15 p.m. Moved by Councilor Doyle, seconded by Councilor Hamel. Motion passed unanimously.**

City Clerk Reynolds explained the bills disadvantages to the City. It was the thought of Councilor Lipman that this is reminiscent of the shifting of Boat Fees to the State. Councilor Lipman would like the letter to include the loss of revenue from the transition of Boat Fees to the State, as well as the potential loss in revenue to the City, which collects \$2.1 million per year in Motor Vehicle Revenue.

Councilor Baer moved to send the letters to all of the Delegates representing the City of Laconia with the provision requested, authorizing Mayor Seymour to sign on behalf of the Council to attest the vote. Seconded by Councilor Lipman. **Motion passed unanimously.**

**NON - PUBLIC SESSION:            NONE**

**ADJOURNMENT:**

Councilor Bolduc moved to adjourn at 10:08 p.m. Seconded by Councilor Doyle . **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds  
City Clerk

An audio recording of this meeting will be available in the City Clerk's Office until March 14, 2014.