



**LACONIA CITY COUNCIL MEETING
MARCH 22, 2010
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 Robert Hamel led the Salute to the Flag.

ROLL CALL:

City Clerk Mary Cote called the roll with the following Councilors present: Council Knytych, Lahey, Baer, Hamel and Bolduc. Councilor Lipman was not present. Also present City Manager Eileen Cabanel.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

Councilor Bolduc motioned to accept the minutes of the regular Council Meeting of 3/8/2010. Seconded by Councilor Knytych. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR: NONE

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS:

1. Robert Holbrook – requesting reappointment to the Putnam Fund

Mr. Holbrook addressed the Council after a standing ovation by the members of the City Council.

Mr. Holbrook was an original founder of the Putnam Fund, which began in 1968. He would like to continue his service to the community.

Several members of the Council thanked him for his many years of dedication to the City.

COMMUNICATIONS: NONE

PRESENTATIONS: NONE

MAYOR'S REPORT: NONE

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:

Mr. & Mrs. Bullerwell addressed the Council in regards to the request by the Laconia Main Street Farmers Market, which is on the agenda as New Business. They relayed a brief explanation as to the general set up and parking changes to accommodate the market.

Councilor Hamel asked the City Manager if the barricades were going to be provided and set up, or just provided by the Public Works Department. The Bullerwells stated they had no intentions of having the Public Works Department set the barricades up.

City Manager Cabanel thanked the Bullerwells for all of their enthusiasm and support of the downtown area.

PUBLIC HEARING:

- **Proposed Amendments to City Charter**

Notice of this hearing was posted in the Monday, March 8, 2010 edition of the Laconia Daily Sun.

Mayor Seymour opened the Public Hearing at 7:36 p.m. inviting any member of the public to address the Council.

Tom Tardif addressed the Council. He chose to speak in opposition to all 16 charter amendments in principle. Mr. Tardif presented the Council with a written summary of his oppositions, which are attached. (See attachment #1)

Mr. Tardif expressed his thoughts of the amendment altering the language and RSA referenced by the current Charter language.

Mr. Tardif also noted his concern with the lack of formation of a Charter Review Commission, which is required if a revision to the Charter is made, which he feels the amendments should be considered a revision.

Councilor Lahey asked if Mr. Tardif thought the Council was attempting to change the form of City government, which is the definition of a revision. Mr. Tardif feels there is a strong sense indicating so.

In short, Mr. Tardif is opposed to any "piece meal" approach to revising the Charter. He also thinks an amendment should be added to the Charter; 9:01 has no subsections, and this is a time to clarify an exact date to "pink slip" teachers, as well as who can be "pink slipped".

Councilor Bolduc commented that the City Attorney drafted the amendments, and the Attorney is qualified. Mr. Tardif countered that it is up to the City Council to challenge the opinion of the City attorney.

Councilor Knytych attempted to clarify some issues raised by Mr. Tardif. The changes being made to the Charter are amendments and not a revision, as we are changing single subject items, and no form of government is changing; a Charter Review Commission is not required by law as the Government Operations Committee has the authority to bring these changes forward. Councilor Knytych also reiterated that this is not the final Public Hearing regarding this issue. This is an information gathering to make sure there are no other areas that need to be looked at. At the time ballot questions are formulated, another Public Hearing will be held.

Mr. Tardif was with the understanding that the amendments were already sent to the required state agencies, per a quote in the paper from Councilor Knytych. He stated he has not been convinced that this is not a revision. Councilor Knytych clarified that the amendments had not yet been sent to the state agencies.

Mayor Seymour closed the Public Hearing at 7:50 p.m.

COMMITTEE REPORTS:

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

2. **PUBLIC SAFETY: (Baer, Knytych, Lahey)**
 - a) Fair St./Court St. traffic problems and accidents
 - b) Complaints regarding signage on "One Way" streets
 - c) Winter parking restrictions from 9:00 p.m. to 6:00 a.m.

3. **GOVERNMENT OPERATIONS & ORDINANCES: (Knytych, Bolduc, Lahey)**
 - a) Energy Committee
 - b) Amendment to Zoning ordinance re Drug Treatment Facilities
 - e) Proposed Amendments to City Charter
 - f) RSA 37:6 and the Powers of the City Manager

4. **PUBLIC WORKS: (Bolduc, Baer, Lahey)**
 - a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
 - b) Oak & North Main St. Intersection
 - c) **No parking on Messer St. (attached)**

Councilor Bolduc reported on the meeting held this evening relative to the parking on Messer Street. After reviewing the letters sent in, as well as hearing testimonial from Mr. Datile, it was decided to table any further action until after an engineering review is conducted.

5. **LAND & BUILDINGS: (Hamel, Lipman ,Bolduc)**
 - a) Repair & maintenance of City Buildings
 - b) Use of City docks at Weirs Beach

LIAISON REPORTS: NONE

MANAGER'S REPORT:

City Manager Cabanel refreshed the Council on a transfer of funds approved to make repairs to various roofs throughout the City. While the projects were being done, an emergency situation arose at the Central Fire Station involving a serious leak in the roof. The total for the emergency repair was \$2750.00. It would be the request of the City Manager to pay for the emergency repair out of the funds not used on the prior approved roofs.

Councilor Hamel made the motion to allow the City Manager to pay the cost of the emergency repair to the Central Fire Station roof with the funds previously allocated for other roof projects. Seconded by Councilor Bolduc.

Councilor Bolduc mentioned that he would have liked to have the Council consulted before these decisions are made. City Manager Cabanel explained that she was out of the office during the time this happened.

Motion passed unanimously.

City Manager Cabanel shared with the Council that the Solid Waste Collection bids were opened today. Two bids were presented to the City; from Bestway and Waste Management.

Waste Management submitted a bid that is higher than the existing rate. Currently, we pay \$68 per ton, and they submitted a bid for \$70 per ton. We currently pay a flat fee of \$145,000 for recycling, and they have proposed a fee of \$179 per ton.

Bestway Disposal submitted a bid for \$11,000 per month for recycling, which is \$132,000 a year. Solid Waste was proposed at \$66 per ton. This is a reduction compared to the \$68 per ton the City is currently paying with Waste Management.

At this time a decision needs to be made. The City can either throw out the bids and collect themselves, or not. A bid was not submitted by the Department of Public Works, but the City does have the option to throw out all of the bids. Councilor Lahey asked what the number would need to be to accommodate the budget. City Manager Cabanel reduced the budget by \$50,000 anticipating a savings, but the proposal from Bestway would only save approximately \$21,000. Analyzing will be done and a recommendation made to the Council.

NEW BUSINESS:

1. Temporary Traffic Order for Downtown Farmers Market in parking lot between Main & Pleasant Sts.

Councilor Lahey moved to accept Temporary Traffic Order 2010-1 for the Downtown Farmers Market. Seconded by Councilor Hamel.

Councilor Bolduc would like to make sure the City will not be putting up or taking down the necessary barricades. Mayor Seymour expressed that he was confident that would not happen.

Motion passed unanimously.

2. Approval of grant application in the amount of \$12,290 for “Hazardous Materials Emergency Planning”

City Manager Cabanel reviewed the process that took place with this particular grant. It was not the traditional practice of the City, as it was not signed for by the City Manager. It was an error on behalf of the Fire Department, therefore the grant was returned as incomplete.

As general practice, all grants are signed by the City Manager, who then will notify the Councilors of the application. When the grant is approved, the Council is asked to accept them.

Councilor Hamel asked if the department heads have been notified of this procedure. City Manager Cabanel noted that the department heads are aware of the process, but this was unique because the Fire Chief was away at the time, and the Deputy Fire Chief that signed the application was not aware that it could not be done the way it was.

Councilor Lahey moved to accept the grant application as well as authorizing the City Manager to sign on behalf of the City, as well as Deputy Chief Deborah Pendergast and Deputy Chief Charles Roffo as Project Manager. Seconded by Councilor Hamel. **Motion passed unanimously.**

3. Request for Transfer from Contingency

City Manager Cabanel explained the necessity to make this transfer. The City is short on revenue for this fiscal year. With that shortage of revenue, it is necessary to cut out expenditures to adjust for the shortage and balance out at zero. By moving these funds from the current appropriations to the Contingency Fund, it will prevent the funds from being spent.

Councilor Hamel moved to authorize the following transfer:

From:	01-493	Concord Coop	\$30,000
	01-493	Transfer Station	\$113,500
	01-493	Recycle	\$75,000
	01-488	Bond Interest	\$30,000
	01-491	Youth Services	\$24,000
	01-489	Upswing	<u>\$1,500</u>
			<u>\$274,000</u>
To:	01-431	Contingency	<u>\$274,000</u>

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

4. Council vote to approve amendments to City Charter

City Manager Cabanel asked Councilor Knytych to share the outline of the process with the other Councilors. It is necessary for the Council to vote on each item presented.

Councilor Hamel expressed concern with some of the statements made by Mr. Tardif during the Public Hearing. City Manager Cabanel assured the Council that this was prepared by the City Attorney as well as reviewed before presenting it to the Council.

Councilor Lahey mentioned that if they did the changes one at a time, it would take sixteen years to get this done.

Councilor Knytych reiterated that each item is its own amendment, and no form of government is being changed, therefore this is not a revision to the City Charter and does not require the formation of a Charter Review Commission.

Councilor Knytych moved to accept the proposed amendment to make editorial changes to update references to various state statutes and the make references to various positions gender neutral. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed to amendment to Section 2:06 Conduct of Non-partisan Municipal Elections to make this section consistent with State statute. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 2:07 Qualification of Voters to revise the language to include primaries as well as elections for both state and federal elections and make the paragraph consistent with State statute. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 2:10 which would insert an election recount policy that has been followed by the City Clerk in previous election recounts but is not currently in the Charter. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 3:02 Qualification for Office which would delete reference to Councilman at Large. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 3:03 Vacancies providing a procedure if there is a vacancy in the office of the Mayor. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 3:04 Compensation which concerns the compensation for Mayor and Council be determined by ordinance and removes reference in the Charter. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 3:05 Meetings changing the starting time for Council meetings from 7:30 p.m. to 7:00 p.m. and provide clarification for the first regular meeting of the newly elected Council. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 4:06 Non-Interference by the Council making the paragraph consistent with State statute. Seconded by Councilor Bolduc.

Councilor Baer noted her apprehension with this amendment as pointed out by Mr. Tardif. After discussion, it was decided that the comments made were taken out of context.

Motion passed unanimously.

Councilor Knytych moved to accept the proposed amendment to Section 4:07 Appointive Officers to clarify the City Manager appoints members of the Housing Authority as is currently the practice. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 5:07 Budget Control to make the paragraph consistent with State statute. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 8:02 Notice of Election or Appointment removing the reference to Mayor and Alderman. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 8:03 Vacancy Defined which would add language that provides for the dismissal of board or commission members for failure to attend four (4) or more meetings in a calendar year without and excused absence. Seconded by Councilor Bolduc.

Discussion was made as to the need for the meetings missed to be concurrent. Mayor Seymour noted that it is important for members to attend, as in some cases business cannot be conducted without them, and that some of the boards and commissions meet so infrequently that missing four meetings would be a quarter of the meetings held in a year.

Motion passed unanimously.

Councilor Knytych moved to accept the proposed amendment to Section 8:06 Use of Streets by Public Utilities which deletes this section as State statute does not authorize this section. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 8:07 Liability for Discharge which would delete this section as it is already a State statute and is not necessary to include in the Charter. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 8:08 Notice of Claim which deletes this section as there is already a State statute and it is not necessary to include in the Charter. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Knytych moved to accept the proposed amendment to Section 8:09 Violations which deletes this section as there is already a State statute and it is not necessary to include in the Charter. Seconded by Councilor Bolduc. **Motion passed unanimously.**

5. Schedule Public Hearing to approve ballot questions for Charter amendments

Councilor Knytych moved to schedule a Public Hearing on April 26, 2010, during the regularly scheduled Council Meeting, for approval of ballot questions for the Charter amendments. Seconded by Councilor Lahey.

Councilor Hamel inquired as to the availability for the public to view these proposed questions prior to the Public Hearing. City Manager Cabanel stated they would be available as well as the document

prepared for the Council, which has been in the City Clerk's Office for public viewing since the notice was placed.

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:

1. Robert Holbrook – requesting reappointment to the Laconia Putnam Fund

Councilor Hamel moved to reappoint Robert Holbrook to the Laconia Putnam Fund for a five year term to expire in March 2015. Seconded by Councilor Bolduc. **Motion passed unanimously.**

2. Daylon Brock – requesting reappointment to the Library Board of Trustees

3. John Moriarty – requesting reappointment to the Library Board of Trustees

Councilor Baer moved to reappoint Daylon Brock to the Library Board of Trustees. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Baer moved to reappoint John Moriarty to the Library Board of Trustees. Seconded by Councilor Bolduc. **Motion passed unanimously.**

4. Tim Kerns – requesting reappointment to the Parks & Recreation Commission

5. Jeffry Pattison – requesting reappointment to the Parks & Recreation Commission

6. Rodney Roy – requesting appointment to the Parks & Recreation Commission

Councilor Hamel moved to reappoint Jeffry Pattison to the Parks & Recreation Commission. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Bolduc moved to appoint Rodney Roy to the Parks & Recreation Commission. Seconded by Councilor Hamel. **Motion passed on a 4-1 vote; Councilor Lahey opposed.**

Councilor Lahey noted that he does not oppose because of Mr. Roy, but because he does not think you take good member off for no reason, which is Mr. Kerns.

7. Karl Reitz – requesting appointment as a Trustee of the Trust Funds

Councilor Bolduc moved to appoint Karl Reitz as a Trustee of the Trust Funds. Seconded by Councilor Knytych. **Motion passed unanimously.**

Mayor Seymour announced the remaining vacancies within the Cities various Boards and Commissions.

Mayor Seymour further thanked Tim Kerns for his service to the Parks & Recreation Commission.

COUNCIL COMMENTS:

Mayor Seymour did report on an item looked over during his reporting. He was in attendance at the second meeting of the Laconia First Day Celebration, held today at the Downtown Deli. Several Downtown businesses and members of the public are volunteering to help with the organization of this event. As more information becomes available, he will report it to the Council.

City Manager Cabanel informed the Councilors that a used street sweeper was purchased to accommodate the City. This will save the City a substantial savings from not using a rented sweeper.

NON - PUBLIC SESSION:

Councilor Knytych moved to enter into non-public session according 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.

(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.

No action is to be taken by the Council after the non-public session. Seconded by Councilor Bolduc.

On a roll call vote, Council entered into non-public session at 8:47 p.m.

On motion of Councilor Hamel and seconded by Councilor Bolduc, it was voted to come out of non-public session. Councilor Hamel moved to seal the minutes for two years, seconded by Councilor Bolduc. Motion passed unanimously.

ADJOURNMENT:

On March 22, 2010 on motion of Councilor Hamel, seconded by Councilor Bolduc, it was voted unanimously to adjourn at 9:25 p.m.

True Record Attest:

Mary A. Cote
City Clerk