



**LACONIA CITY COUNCIL MEETING
MARCH 24, 2014
CITY HALL – CONFERENCE ROOM 200A
7:00 P.M.**

A G E N D A

CALL TO ORDER:

Mayor Pro Tem Armand Bolduc called the meeting to order at the above date and time.

SALUTE TO THE FLAG:

Councilor Ava Doyle led the Salute to the Flag.

ROLL CALL:

City Clerk Reynolds called the roll with the following Councilors in attendance: Councilor Doyle, Bownes, Baer and Hamel. Also present City Manager Scott Myers and Finance Director Donna Woodaman.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

1. Regular Meeting of March 10, 2014

*Councilor Hamel moved to approve the regular meeting minutes of March 10, 2014. Seconded by Councilor Baer. **Motion passed unanimously.***

CONSENT AND ACTION CALENDAR:

1. Request for approval to use the City Hall parking lot between City Hall and the Post Office from June 21, 2014 through September 27, 2014 from 8:00 a.m. to noon on Saturdays for the Laconia Farmer's Market

*Councilor Doyle moved to approve the request to use the City Hall parking lot between City Hall and the Post Office from June 21, 2014 through September 27, 2014 from 8:00 a.m. to noon on Saturdays for the Laconia Farmer's market. Seconded by Councilor Baer. **Motion passed unanimously.***

2. Temporary Traffic Order 2014-2, Penny Pitou Travel/American Red Cross Community Blood Drive on April 28th from 10:00 am until 4:00 pm

*Councilor Hamel moved to approve Temporary Traffic Order 2014-2, Penny Pitou Travel/American Red Cross Community Blood Drive. Seconded by Councilor Baer. **Motion passed unanimously.***

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS:

Board of Water Commissioners: *(to fill remainder of unexpired term of Paul Dibona (resigned))*

1. Joseph H. Driscoll, III - seeking appointment as a full member of the Water Commission to fill the remainder of Paul Dibona's 3-year term expiring at the end of June, 2015

Mr. Driscoll was interviewed.

*Councilor Doyle moved to suspend the Council Rules of Procedure for the purpose of appointing Mr. Driscoll this evening. Seconded by Councilor Bownes. **Motion passed unanimously.***

*Councilor Doyle moved to appoint Joseph H Driscoll, III as a full member of the Water Commission to fill the remainder of Paul DiBona's 3-year term expiring at the end of June, 2015. Seconded by Councilor Bownes. **Motion passed unanimously.***

COMMUNICATIONS: NONE

PUBLIC HEARING:

1. A Resolution Relative to Authorizing the City Manager to Establish a Non-Capital Reserve Account to be Titled "The Fire Department Staffing Stabilization Account"

Mayor Pro Tem Bolduc opened the public hearing at 7:12 p.m. With no members of the public making comment the public hearing was closed at 7:12 p.m.

PRESENTATIONS:

1. Council Proclamation

Mayor Pro Tem Bolduc acknowledged the Laconia High School Varsity Cheer team as Winter Coed Spirit Champions in Division III. Each athlete received a Certificate of Recognition and March 25, 2014 was proclaimed "Laconia High School Varsity Cheer Appreciation Day".

2. Cable Franchise Agreement

Kate Miller, Esquire, presented the key components of the agreement made through the consortium group.

Councilor Hamel asked if the \$2,500 local access grant would be per year or a one-time payment. Ms. Miller replied that it is a one-time payment but franchise fees will still be collected.

Councilor Hamel requested to confirm that this does not prohibit other service providers from coming to the City. Ms. Miller confirmed that it does not but this is not typically seen because of the capital investment that is needed to do so. If there were a provider that would like to approach the City for a cable franchise agreement they could do so and the City could accept. No franchise in the State can be exclusive

Councilor Hamel asked what would happen if the City does not accept the franchise agreement. Ms. Miller replied that the existing agreement remains in effect until it is renewed or revoked. It is very difficult for a community to revoke a franchise because the provider would need to be in breach of the existing franchise agreement or it would have had to provide an agreement that is not reasonable to meet the needs of the community based on national standards. By negotiating as a group the City has been offered a very reasonable and effective agreement.

Councilor Bownes asked if the bargaining position is a result of Federal laws. Ms. Miller replied that it is and the Federal Cable Act was set up with the expectation that the market would provide competition and there would be many small cable companies that would be vying for peoples business which would result in reasonable service and pricing. That competition has never materialized because of the economics of the cable business.

Councilor Bownes asked if satellite television has had any impact and if agreements can be negotiated with satellite providers. Ms. Miller explained that satellite providers are not using the right-of-way (ROW) therefore they do not need a franchise agreement. Often there is a large population in a community, as much as 25% in the City, using satellite providers. Satellite tends to be more expensive and is not viewed as being comparable to cable television services therefore it has not had the impact on pricing of service as one would have hoped.

Councilor Bownes confirmed that in the abstract it is not likely the City could negotiate a better deal with other providers or sources. Ms. Miller replied that it is not likely because satellite won't negotiate with a municipality and the other cable operators would need to spend a significant amount of money to put there system on the polls and then try and establish a customer base. There are some providers of telephone service that are beginning to offer video services as well and approaching communities for franchise agreements.

Councilor Hamel commented that with this new agreement Lakes Region Public Access (LRPA) is not included. Ms. Miller confirmed. Councilor Hamel asked how public access will continue. Ms. Miller replied that the content for the channels is provided by the communities, or an access provider such as LRPA, to the channels designated by MetroCast. Each community in the area will be having discussions with LRPA and if it is a good fit for the City to continue working with LRPA they can exercise that option.

City Manager Myers commented that the consortium group worked well together and were able to leverage some strong bargaining power. With having Ms. Miller represent the group the City not only received her expertise but also had a shared expense for her services.

Councilor Bownes asked for the process at this point. City Manager Myers replied that the Council would schedule a public hearing for the next meeting and then the Council will vote to approve the agreement.

3. Adopt-a-Spot Awards

This item has been tabled to the April 14, 2014 meeting.

4. Community Center Gymnasium Floor

Parks & Recreation/Facilities Director Kevin Dunleavy reviewed the proposal to replace the gymnasium floor at the Community Center. Director Dunleavy emphasized that the floor is original to the building with sanding being performed at least 5 times and future sanding of the floor is not possible because of the thinning of the wood over many years. The estimated cost of the project is \$66,000 but if the approval can be done soon enough to have it completed in the spring rather than summer this could be discounted by \$4,000. The maximum amount being requested for the project is \$70,000 because some contingency is needed in the event unanticipated repairs are needed to the structural support of the floor that cannot be predicted at this time.

Councilor Hamel recalled a conversation when Director Dunleavy indicated he had the floor cored. Director Dunleavy that it has been done to test the sub-base and in some places the floor is so thin from sanding that the tongue is worn down to the point where it will not stay connected.

Councilor Hamel added that Parks & Recreation Commissioner George Hawkins did some repairs a few years ago as well. Director Dunleavy concurred that he did and he is in attendance if anyone has specific questions.

Councilor Hamel asked what type of material would be used on the floor. Director Dunleavy replied that there is maple down now and they would be replacing with a mid-grade maple. The mid-grade maple is comparable to high-grade but will have a few more knots and color variations which is not of concern. The quote includes the repairs to the structural supports, a subfloor, lining for basketball and possible other sports and a five coat system for sealing the surface.

Director Dunleavy referred the Council to the list of uses of the gymnasium and indicated that additional programs are planned for the summer. The programs are conducted at a charge and the revenue does go back to the City. Councilor Hamel noted that it is amazing to learn that 27,000 people use the facility each year.

Councilor Bownes asked how long this project would take from start to finish. Director Dunleavy replied that he envisions the process beginning with requests for proposals, selection of a firm and work being completed before summer. The time frame for gym closure would be approximately two (2) weeks.

5. City Managers Proposed 2014/2015 Budget

City Manager Myers reviewed the proposed 2014/2015 budget. Copies of this budget are available for viewing at the City's website, the City Clerk's Office and the Laconia Public Library.

MAYOR'S REPORT: NONE

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: NONE

COMMITTEE REPORTS:

1. FINANCE: (Lipman, Hamel, Baer)

- a) WOW Trail Fund
- b) Downtown TIF Financing

No report on any item in committee

2. PUBLIC SAFETY: (Baer, Doyle, Bownes)

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

No report on any item in committee

3. GOVERNMENT OPERATIONS & ORDINANCES: (Doyle, Bolduc, Bownes) (Report on items D & E from meeting of March 19)

- a) Energy Committee
- b) Vending and Licensing Fees
- c) Chapt. 119, Building Construction regarding signed architectural plans for residential units
- d) Proposed Ordinance Governing the Discarding of Furniture and Other Personal Items Curbside
- e) Proposed Charter amendments regarding the Municipal Primary Election

Councilor Doyle reported that the committee met has given direction on both items for follow up by staff. The current ordinance regarding illegal dumping currently allows for a fine and the Public Works

Director will be looking into implementing a program for people to discard bulky items through the contractor in the next contract.

Regarding the proposed charter amendments to the election procedures the committee has requested to have legal counsel look into additional options which will be brought back before the committee.

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

- a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) Proposed ordinance regarding vehicles over 18,000 lbs. and engines idling between the hours of midnight and 6:00 a.m.
- c) 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

No report on any item in committee

LIAISON REPORTS: NONE

MANAGER’S REPORT:

City Manager Myers reviewed the Recycling Report and Monthly Economic Development Report.

NEW BUSINESS:

- 1. Request by Laconia Police Department to Accept Highway Safety Grants (attached)
 - a. Laconia Enforcement Patrols for \$5,850

*Councilor Doyle moved to accept the Highway Safety Grant, Laconia Enforcement Patrols for \$5,850. Seconded by Councilor Hamel. **Motion passed unanimously.***

- b. Laconia DWI Patrols for \$5,850

*Councilor Doyle moved to accept the Highway Safety Grant, Laconia DWI Patrols for \$5,850. Seconded by Councilor Hamel. **Motion passed unanimously.***

- c. Laconia “Join the NH Clique” Seat Belt Campaign for \$2,340

*Councilor Doyle moved to accept the Highway Safety Grant, Laconia “Join the NH Clique” Seat Belt Campaign for \$2,340. Seconded by Councilor Hamel. **Motion passed unanimously.***

- 2. Request to approve the Jewett Brook Watershed Management Plan Phase 1: Restoration of Floodplain Access Grant Agreement and to authorize the City Manager to execute the grant on behalf of the City

Assistant Public Works Director Luke Powell reviewed the grant proposal for the Council.

Councilor Hamel asked if the property is privately owns. Asst. Director Powell replied that it is and a representative of the owner, GL Rogers Trust, has been very involved in the process and attended

meetings with the State during the grant approval process. They have indicated support of the project and details of the easement are being worked out at this time.

Councilor Hamel asked how much sediment is under the Scott & Williams building. Asst. Director Powell replied that he is unsure of the depth and that reports are that the channel has a concrete bottom and could be estimated to be at least a foot. There are some storm water discharges that are present on plans that discharge into the brook and the top of the pipes are not visible.

Councilor Hamel commented that the area where the river output is on Davis Place is rather narrow. Asst. Director Powell stated that it is wider and is a nice section of the brook with a good floodplain bench.

Mayor Pro Tem Bolduc asked what is going to happen at sources higher up the brook to stop sediment from coming down the brook. Asst. Director Lowell advised that there are contributors from various areas and the information has been shared with the Town of Gilford and they have interest in addressing some of the concerns.

Councilor Bownes commented that his understanding from the replied made by Asst. Director Powell is that Gilford is not planning any projects for their end. Asst. Director Powell replied that as the stream channel is followed the brook in Gilford is in very good shape and there are no areas of direct sedimentation. Councilor Bownes stated that he is not looking to have any contributions from Gilford or blame the problems on Gilford but just wants to know if they have any projects they are considering. Asst. Director Powell replied that he is not aware of anything they have in the works.

Councilor Bownes asked if the engineering staff "in kind" contributions are effecting the budget or if staff is available to work on the project using existing time. City Manager Myers replied that staff is available to work on this and it will be a priority project.

Councilor Bownes asked if DES will be willing to allow additional phases if the current is completed to their standards. Asst. Director Powell replied that he has been working with them for many years and they are very reasonable to work with. The request to decrease sediment loading is very reasonable and by taking the steps to have the watershed plan developed have shown that the City is very serious about this issue.

Councilor Hamel commented that this problem has not only caused flooding of Union Avenue but of several houses in the area resulting in damage. Asst. Director Powell replied that this will likely still happen because they are in a flood zone.

*Councilor Baer moved to approve the Jewett Brook Watershed Management Plan Phase 1: Restoration of Floodplain Access grant agreement. Seconded by Councilor Doyle. **Motion passed unanimously.***

*Councilor Baer moved to authorize the City Manager to execute the Jewett Brook Watershed Management Plan Phase 1: Restoration of Floodplain Access grant agreement on behalf of the City. Seconded by Councilor Hamel. **Motion passed unanimously.***

3. Request for funds from the non-capital reserve fund for the replacement of the Laconia Community Center gym floor. The request will be a not to exceed amount of \$70,000

*Councilor Hamel moved to approve the request to use funds from the non-capital reserve account for the replacement of the Laconia Community Center gym floor for an amount not to exceed \$70,000. Seconded by Councilor Doyle. **Motion passed unanimously.***

4. Request to schedule a public hearing on April 14, 2014 during the regular Council Meeting regarding the proposed Cable Franchise Agreement approval

*Councilor Bownes moved to schedule a public hearing on April 14, 2014 during the regular Council Meeting regarding the proposed Cable Franchise Agreement approval. Seconded by Councilor Doyle. **Motion passed unanimously.***

UNFINISHED BUSINESS:

1. **Second Reading of Resolution Relative to Authorizing the City Manager to Establish a Non-Capital Reserve Account to be Titled "The Fire Department Staffing Stabilization Account"**

*Councilor Hamel moved a second reading of a Resolution Relative to Authorizing the City Manager to Establish a Non-Capital Reserve Account to be Titled "The Fire Department Staffing Stabilization Account" . Seconded by Councilor Bownes. **Motion passed on a 3-1 vote.***

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: NONE

NON - PUBLIC SESSION: NONE

ADJOURNMENT:

*Councilor Hamel moved to adjourn at 8:34 p.m. Seconded by Councilor Doyle. **Motion passed unanimously.***

Respectfully Submitted,

Mary A. Reynolds
City Clerk