

**CITY OF LACONIA - CITY COUNCIL
Monday, March 28, 2016-7:00 PM
City Hall - Conference Room 200A**

CALL TO ORDER

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

SALUTE TO THE FLAG

Councilor Ava Doyle led the Salute to the Flag.

RECORDING SECRETARY

City Clerk Mary Reynolds

ROLL CALL

City Clerk Reynolds called the roll with the following Councilors in attendance: Ava Doyle, Henry Lipman, Brenda Baer, Robert Hamel and Armand Bolduc.

Mayor Engler stated that six (6) Councilors are in attendance and a quorum is established.

STAFF IN ATTENDANCE:

City Manager Scott Myers, Finance Director Donna Woodaman

ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS

- (1) Acceptance of regular and non-public minutes of March 14, 2016

Minutes of the March 14, 2016 regular meeting were distributed to the Council on March 17, 2016. No corrections were received by the Clerk. Minutes of the March 14, 2016 non-public session were distributed to the Council and sealed for two (2) years. With no corrections being made, the minutes were accepted as distributed.

- (2) Acceptance on two sets of non-public minutes of February 22, 2016

The minutes of these non-public sessions have been sealed as outlined in the minutes of February 22, 2016; the first was sealed for two (2) years and the second for one (1) month. With no corrections being made the minutes are accepted as distributed.

CONSENT AND ACTION CALENDAR

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

INTERVIEWS

COMMUNICATIONS

PUBLIC HEARING

- (1) Resolution 2015-22 relative to authorizing the City Manager to expend Equitable Sharing Agreement funding from the US Department of Justice in an amount not to exceed \$8,000 to be used for the purchase of surveillance equipment in accordance with the guidelines of the Department of Justice

Notice of this public hearing was made in the Friday, March 18, 2016 edition of the Citizen newspaper, at City Hall, the Gale Memorial Library, the Laconia Community Center and the offices of the Laconia School District.

Mayor Engler opened the public hearing at 7:05 p.m. and asked for any comments from the public.

Thomas Tardif, 121 Winter Street, addressed the Council. T. Tardif distributed a prepared outline of Drug Forfeiture Funds received by the Police Department for the past several years to the Council. T. Tardif spoke in opposition of the proposed resolution because there is a separate bank account that has identified more deposits totaling \$28,851.40 and this funding was not accepted appropriately according to the records T. Tardif has been able to research the audits and budgets for the last several years and does not feel the Council approved the funding through a resolution.

With no other members of the public choosing to speak Mayor Engler closed the public hearing at 7:09 p.m.

A second reading of the proposed resolution will be taken up this evening under Unfinished Business.

- (2) Resolution 2015-23 relative to authorizing the City Manager to accept and expend Drug Forfeiture Funds in the amount of \$9,891.32 to be used for a law enforcement purpose as outlined by the State of NH Department of Justice

Notice of this public hearing was made in the Friday, March 18, 2016 edition of the Citizen newspaper, at City Hall, the Gale Memorial Library, the Laconia Community Center and the offices of the Laconia School District.

Mayor Engler opened the public hearing at 7:10 p.m. and asked for any comments from the public.

T. Tardif addressed the Council and distributed an outline of Drug Forfeiture Funds received from the State in the amount of \$9,892.32. T. Tardif stated again that there is an account set up at Bank of NH for an account with deposits made that he feels have not been accounted for by Council resolution. T. Tardif also stated that he feels the Council approval would allow for the funding of off budget accounting. Councilor Lipman asked for T. Tardif to explain his understanding of an off budget account. T. Tardif replied that he feels this is a term used to put money in a different account so it does not affect the Tax Cap because it is unanticipated.

Councilor Lipman stated that all funds received by the City are accepted in accordance with generally accepted accounting procedures and have passed the City audit team.

Councilor Lipman commented that he feels the term "off budget" insinuates the funds are not controlled and that is not the case. It was asked for the established procedure be reviewed by Finance Director Woodaman. Director Woodaman explained that the accounts were set up in accordance with the requirements of the programs and the accounts are signed for by City Treasurer. City Manager Myers added that the City does not know how much, if any, Drug Forfeiture money the City will receive in any given year. City Manager Myers reviewed the difference in Drug Forfeiture funding compared to other grants that are in and out funds. Drug Forfeiture funds can be held in an account to be used at a later time.

Mayor Engler asked for any additional public input. T. Tardif addressed the Council again and feels that the moneys received cannot be done by the City Manager, because the City Code states the City Clerk should be receiving the funds and turning them over to the Treasurer, and the point is the public input needs to

With no other members of the public wishing to speak Mayor Engler closed the public hearing at 7:24 p.m.

A second reading of the proposed resolution will be taken up this evening under Unfinished Business.

- (3) Resolution 2016-04 authorizing the City Manager to accept and expend grants on behalf of the City in the amount of \$9,989.76 for Laconia Police Department STEP Patrols

Notice of this public hearing was made in the Friday, March 18, 2016 edition of the Citizen newspaper, at City Hall, the Gale Memorial Library, the Laconia Community Center and the offices of the Laconia School District.

Mayor Engler opened the public hearing at 7:25 p.m. and asked for any comments from the public.

T. Tardif addressed the Council and distributed a page from the grant with an outline of funding requirements. T. Tardif reviewed the grant requirements with the Council and stated that he feels there were errors in the original grant application that would have an impact on the total of the grant, therefore the Council should not be approving the grant acceptance. It was also noted that this is a reimbursement and the funds will be encumbered from the General Fund which have been allocated to specific line items already and will now need to be allocated to the correct line item. T. Tardif stated he feels the purpose is great but he doesn't like it when the public isn't made aware of what is going on and the paper trail is not being made available.

Councilor Lipman asked for confirmation of the flow of the accounting practiced for the benefit of the public. City Manager Myers reviewed the process with the Council and assured them that the budget does account for anticipated grants received. City Manager Myers further reviewed the calculation of the grant amount.

With no other members of the public wishing to speak Mayor Engler closed the public hearing at 7:36 p.m.

A second reading of the proposed resolution will be taken up this evening under Unfinished Business.

PRESENTATIONS

(1) Fire Department Update

Chief Ken Erickson, Assistant Chief Kirk Beattie and Captain Chris Shipp reviewed the response time using City information in conjunction with LRGH in relation to the impact on CPR, fire control, etc. Captain Shipp discussed the Weirs Station progress for inspections and the value of three people working in that location.

Mayor and Council thanked the gentlemen for the presentation.

MAYOR'S REPORT

Mayor Engler updated the Council on the Colonial Theatre project. Demolition is underway and the primary goal is to expose the entire auditorium allowing the engineers and architects to do accurate measurements of the space. The pictures that have been taken generated a lot of excitement and the historic curtain/drape has been located in the tower of the theatre being hidden by a dropped ceiling. Mayor Engler stated that because there is a crew in completing initial demolition does not mean that restoration work is underway; a grant was received for limited demolition and it is being used to fund this phase. The financing package has not been finalized and it cannot be forgotten that part of the financing was to raise a minimum of \$2 million privately within the community. A quiet private fundraising effort has begun and significant effort has begun with the public portion of the fundraising campaign beginning around May 1st. A tentative closing for the renovation financing is set to be done on December 1st and the renovation will begin at the first of the next year with work taking approximately nine to ten months.

Mayor Engler stated that he would like to form a small committee to work toward the design of a new City Flag. The City Council should be represented and asked if anyone would like to volunteer to be part of the effort. With no Councilors stepping forward Mayor Engler stated he will be working on getting someone to fill that spot.

Mayor Engler noted that Boy Scout Brady Reynolds is in attendance working on a merit badge to receive his Eagle Scout and welcomed him to the meeting.

COMMITTEE REPORTS

**Not all items in this section may be acted on. Reports and updates will be made when necessary.*

(1) **FINANCE**

- (a) Downtown TIF Financing
- (b) WOW Trail Funding

(2) **PUBLIC SAFETY**

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

(3) **GOVERNMENT OPERATIONS and ORDINANCES**

- (a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- (b) Procedural review of grant applications
- (c) Review of Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers

(4) **PUBLIC WORKS**

- (a) Review of proposed speed table on Summit Avenue

Councilor Bolduc reported on the meeting held this evening at 6:00 p.m. The committee heard testimony from the public and noted for the Council that the Town of Gilford has decided to place a speed table on the Gilford side of Summit Avenue. The street will need to be redone in the next few years and it is the opinion of the committee that it would not be fiscally responsible to place the speed table and then tear it up. It is the recommendation of the committee to not recommend the speed table at this time and to remove it from the agenda.

Mayor Engler confirmed that there was testimony that there is a speeding problem on Governor's Island. Councilor Bolduc confirmed that it was.

Mayor Engler asked if there is a commitment to reconstruct this road in the near future. City Manager Myers replied that there is shims and overlay needed and there is a need to have the road completely redone which will be done in an appropriate time.

Councilor Bownes commented that he feels the committee said there wasn't enough evidence to support the need to for a stop sign or speed table, and with that to not recommend anything at this time or for the foreseeable future.

*Motion to remove this item from the agenda by Councilor Bolduc and seconded by Councilor Bownes; the **motion passed with all in favor.***

(5) **LANDS and BUILDINGS**

- (a) Downtown parking garage
- (b) Repair & maintenance of City Buildings

LIASON REPORT

Councilor Hamel will be attending the annual meeting for Lakes Region Public Access (LRPA) next Wednesday, March 30, 2016 at 5:30 p.m. at the Meredith Community

Center. Councilor Hamel reviewed the financial position of LRPA and it was disclosed that they have realized a 60% decrease in budget needs from various avenues.

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

MANAGER'S REPORT

(1) Project Updates Report

City Manager Myers reviewed the report.

City Manager Myers advised that he will be appointing Karen Mudgett to the Board of Assessors and renewing the Planning Board appointment of Gail Denio.

NEW BUSINESS

(1) Request to authorize the Mayor to sign a Subordination, Non-Disturbance and Attornment Agreement for Emerson Aviation on behalf of the Council

Mayor Engler explained that Emerson Aviation is going through a refinancing process and the lender is requiring a formal document signed by the City and the Airport Authority outlining the rights to City-owned property should the lender need to foreclose. The Laconia Airport Authority approved this agreement at their meeting on March 17, 2016.

*Motion to authorize the Mayor to execute the agreement on behalf of the City as presented made by Councilor Bownes and seconded by Councilor Doyle; the **motion passed with all in favor.***

(2) Proposed amendments to the City's Wage and Compensation Plan

City Manager Myers reviewed the proposed amendment with the Council which is related to the change in the scope of duties for the Fire Chief and Assistant Fire Chief in conjunction with the new Inter-Municipal Agreement with the Town of Belmont. The Council has the option to affirm the approval within the next 30 days, and if none is taken within 30 days they will automatically become effective.

Motion to approve the amendments to the City's Wage and Compensation Plan as presented by Councilor Doyle and seconded by Councilor Lipman.

Councilor Bownes stated that he is not opposed to the changes but would like some time to review.

*Motion to table to April 11, 2016 by Councilor Bownes and seconded by Councilor Baer; the **motion passed with all in favor.***

(3) Discussion on the request to form a committee for the City 125th Anniversary celebration

Pam Clark addressed the Council. An organizational meeting will be held on April 12, 2016 at the Laconia Fire Station Training Room and an agenda was distributed to the Council. P. Clark reviewed some options for subcommittees and stated that they have 20 members interested at this time. P. Clark is looking for support from the Council this evening and having a Council representative appointed would be beneficial as well.

Mayor Engler requested volunteers from the Council. With no volunteers coming forward it was decided that the Councilors will have some time to think about the option and an appointment will be forthcoming.

(4) Happy Tails Dog Park Agreement

*Motion that the City Council support the proposed project of the Happy Tails Dog Park of the Lakes Region as outlined in the presentation made at the City Council Meeting of March 14, 2016, contingent on the ability to secure a donation in the amount of \$50,000 for construction and \$50,000 set up in a trust for the maintenance and repairs of the facility, as well as approval of the Planning Board and a land-use agreement being negotiated with the City by Councilor Bownes and seconded by Councilor Hamel ; the **motion passed with all in favor.***

UNFINISHED BUSINESS

- (1) Second reading of resolution 2015-22 relative to authorizing the City Manager to expend Equitable Sharing Agreement funding from the US Department of Justice in an amount not to exceed \$8,000 to be used for the purchase of surveillance equipment in accordance with the guidelines of the Department of Justice

*Motion to waive a reading of this resolution in its entirety and to read by title only by Councilor Baer and seconded by Councilor Doyle; the **motion passed with all in favor.***

*Motion of a second reading of resolution 2015-22, authorizing the City Manager to accept funds up to \$8,000 from the Department of Justice for the purchase of surveillance equipment, as presented by Councilor Baer and seconded by Councilor Bolduc; the **motion passed with all in favor.***

- (2) Second reading of resolution 2015-23 relative to authorizing the City Manager to accept and expend Drug Forfeiture Funds in the amount of \$9,891.32 to be used for a law enforcement purpose as outlined by the State of NH Department of Justice

*Motion to waive a reading of this resolution in its entirety and to read by title only by Councilor Hamel and seconded by Councilor Doyle; the **motion passed with all in favor.***

*Motion of a second reading of resolution 2015-23, authorizing the City Manager to accept and expend funds in the amount of \$9,891.32 from the State of NH Department of Justice for a purpose approved by the State of NH Department of Justice, as presented by Councilor Baer and seconded by Councilor Hamel; the **motion passed with all in favor.***

- (3) Second reading of resolution 2016-04 relative to authorizing the City Manager to accept and expend grants on behalf of the City in the amount of \$9,989.76 for Laconia Police Department STEP Patrols

*Motion to waive the reading of resolution 2016-04 in its entirety and to read by title only by Councilor Baer and seconded by Councilor Bolduc; the **motion passed with all in favor.***

*Motion of a second reading of resolution 2016-04, relative to authorizing the City Manager to accept and expend grants on behalf of the City in the amount of \$9,989.76 for Laconia STEP Patrols, as presented by Councilor Baer and seconded by Councilor Bolduc; the **motion passed with all in favor.***

NOMINATIONS, APPOINTMENTS & ELECTIONS

- (1) Nadine L. Jordan - seeking appointment to an alternate position on the Library Board of Trustees for a three-year term expiring at the end of March, 2019 (2 alternate positions available)

*Motion to appoint Nadine Jordan to an alternate position on the Library Board of Trustees for a three-year term expiring at the end of March, 2019 by Councilor Bolduc and seconded by Councilor Doyle; the **motion passed with all in favor.***

- (2) Hamilton McLean - seeking reappointment as the Planning Board's representative to the Lakes Region Planning Commission to a four-year term expiring at the end of March, 2020

*Motion to reappoint Hamilton McLean as the Planning Board's representative to the Lakes Region Planning Commission to a four-year term expiring at the end of March, 2020 by Councilor Doyle and seconded by Councilor Baer; the **motion passed with all in favor.***

- (3) Elizabeth Ballantyne - seeking reappointment as a full member of the Putnam Fund to a five-year term expiring at the end of March, 2021 (1 regular position available)

*Motion to reappointment Elizabeth Ballantyne as a full member of the Putnam Fund for a five-year term expiring at the end of March, 2021 by Councilor Bolduc and seconded by Councilor Hamel; the **motion passed with all in favor.***

COUNCIL COMMENTS

Councilor Bolduc noted that he attended the dedication of the rink at the Laconia Ice Arena to Merrill Fay. He was also joined by Mayor Engler at the event. It was very nice to see so many current and former hockey players attend the dedication.

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

FUTURE AGENDA ITEMS

- (1) Ordinance amendment relative to Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers (tabled at the meeting of 9/28/15)
- (2) Second reading of a resolution relative to the adoption of RSA 31:95-b, Appropriation of funds made available during the year (tabled at the meeting of 11/23/15 pending the outcome of legal matters)
- (3) Master Plan
- (4) Milfoil Treatment Funding Request
- (5) Sewer & Water Master Plan
- (6) Single Stream Recycling/Concord Co-op/Solid Waste Disposal Cost Reduction
- (7) Strategic Planning/Goal Setting
- (8) WOW Trail

ADJOURNMENT

*Motion to adjourn made at 8:53 p.m. by Councilor Bolduc and seconded by Councilor Baer; the **motion passed with all in favor.***

Respectfully Submitted,

Mary A Reynolds
City Clerk

DRAFT