



**LACONIA CITY COUNCIL MEETING
APRIL 23, 2012
CITY HALL – CONFERENCE ROOM 200A
7:00 P.M.**

CALL TO ORDER:

Mayor Seymour opened the meeting 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 present: Councilor Doyle, Lahey, Lipman, Baer, Hamel and Bolduc. Also present City Manager Scott Myers and Finance Director Donna Woodaman.

CONTINUATION OF BUDGET SESSION

Chief of Police Chris Adams continued his presentation. Also present for the presentation is Capt Bill Clary.

Councilor Lipman commended Chief Adams on his presentation. Prior there was some discussion regarding increasing enforcement in the narcotics investigations; Councilor Lipman asked how this is relevant to the crime rates and enforcement in the City. Chief Adams replied that staff at this time is very proactive and police officers are given duties that they weren't given 20 years ago, particularly the community based duties such as visiting schools and parks. If there are additional detectives it will not lead to an immediate solution, but will assist a piece of the puzzle that makes up the high rate of narcotic related crimes in the City. With mapping software that is available it has allowed the department to cover areas that are higher hit by specific crimes.

Councilor Lipman requested a long term plan that would take the City away from being the highest in the State among certain crimes and lower that number. Chief Adams affirmed he will get this information for the Council.

Councilor Hamel commented that the initiative of the Council has been to improve the physical appearance of the City, but the Council also needs to concentrate on how the City is perceived regarding safety. At this time the staffing at the department during any shift is similar to the staffing in the 1980's and the violent crimes have increased. Chief Adams replied that it is very similar.

Councilor Hamel asked if there was one goal of the department that the Council can assist in achieving. Chief Adams replied that the number one priority and concern is substance abuse because it relates to

so many different types of crime. This is not unique to the City and is a nationwide epidemic. Councilor Hamel replied that this should be a priority concern of the Council because we don't want the City to have a reputation of being a place to go to purchase narcotics and engage in other crimes. Chief Adams replied that it is a good time to take this initiative and have the community come together. Councilor Hamel stated that the community needs to report suspicious activities.

Councilor Lahey recalled adding additional positions to the department a few years ago. Capt Clary replied that a computer crimes detective and traditional detective were added.

Commissioner Warren Clement requested to address the Council. Comm. Clement advised the Council that the Commission did not think this was the appropriate time to bring additional personnel requests before the Council, but they would be happy to present the Council with a plan. Councilor Lipman replied that a long range plan would be effective.

With no further questions from the Council, Mayor Seymour thanked Chief Adams and Capt Clary for their presentation.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Regular and Non-Public Minutes of April 9, 2012**

Councilor Bolduc moved to approve the regular and non-public minutes of April 9, 2012. Seconded by Councilor Hamel. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR: NONE

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING:

PRESENTATIONS:

- **Elks National Youth Week Proclamation**

Mayor Seymour read a proclamation declaring the first week of May as Elks National Youth Week in the City.

Don Doherty explained the many activities the Elks Lodge does for the youth of the community, including Copper Canyon camp, the Hoop Shoot and Spelling Bees.

William Shene stated that the order would send any children that are eligible to attend Copper Canyon Camp; it is important for the order to send any child that wants to go.

MAYOR'S REPORT:

Mayor Seymour commented that the he and the Council have received an email from a resident commenting on the job well done by the Parks & Recreation Department with the appearance of the parks.

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) 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
- b) Former Laconia Police Department Building

No report on any item in committee

LIAISON REPORTS: NONE

MANAGER’S REPORT:

City Manager Myers presented his Monthly Economic Development Report (see Attachment #1) and Recycling Update (see Attachment #2).

City Manager Myers advised the Council that he has received calls from residents in the Weirs regarding the Wide Open Saloon. The process to date was given to the Council, including the acceptance of the case by the State of NH Supreme Court. At this time, the decision could take six to nine months from the acceptance, which was in January. If the City were to pursue inspecting the building, it would need to be granted permission by a lower Court, as the structure does not meet the status of being an emergency hazard.

Councilor Lipman asked if the structure could be hidden from view by some means. City Manager Myers replied that he would look into options for this.

Councilor Bolduc stated that he called the residents sending letters and explained the process to them. The residents just didn't understand why the City cannot take the building down. Knowing now that the process could take six to nine months will not make them happy.

Councilor Doyle commented that she is hearing concerns about mold, mildew, animals and the possibility of toxins in the air or water from the property. City Manager Myers replied that he has consulted with legal counsel and they have advised that approval from the Courts would be needed before testing could be done.

Councilor Baer asked if there is a way to expedite a hearing. Councilor Lahey replied that the Courts could make judgment based on briefs and that would be the more expedient process.

Councilor Hamel stated that if the family would comply with the City's request, it would save a great deal of time. In addition, if the City were to approach the Courts about removing the building it could potentially open up liability for the City.

Councilor Lipman commented that isolating the property would assist the neighborhood with the appearance and the property owners abutting should have the right to have a peaceable appearance.

City Manager Myers explained that the larger issue presents itself with the owner and an insurance company and that it is only complicating the situation.

Councilor Doyle asked if the mortgage holder has been contacted. City Manager Myers replied that this situation is also very complicated.

Councilor Doyle commented that there is material missing and questioned if it was vandalized or if a permit was taken out to demolish certain aspects of the building. City Manager Myers replied that no police report was filed, to his knowledge, regarding potential vandalism; as far as a building permit would be concerned there has not been one issued but the owners may not qualify. City Manager Myers reiterated that he is looking for guidance from the Council as to what direction they would like him to follow.

Mayor Seymour commented that aside from shielding the structure, the Council needs to decide if they want the City to pursue permissions from a lower Court.

Councilor Hamel asked if the City can petition to accelerate the Court decision. Councilor Lahey stated that we need to wait for a briefing schedule and if we take this building down through a lower Court we could be placing liability on the City.

City Manager Myers stated that he does not see a way to accelerate. Councilor Hamel commented that by pursuing a lower Court could leave the City with liability.

Mayor Seymour advised that this item will be a standing item for update as progress is made.

City Manager Myers advised the Council that he has distributed a copy of a petition from property owners on Court Street regarding complaints of ash and smoke from a private incinerator. The Fire Department has investigated the situation and the property owner has extended the chimney, but the way the hill runs behind the location and wind is pushed the smoke is still a problem. The most recent problem is that this burner is heating hot water for several buildings and this is not something that is going to change with the summer season. The City has done there due diligence by visiting when complaints are made and documenting with photographs and video when necessary. In conversations with the owner, the owner has indicated that he has the right to operate the burner. City Manager Myers expressed that it is appreciated when people call in to advise that there is a problem and they are looking into the ordinance to find a resolution.

NEW BUSINESS:

1. Acceptance of Proposed Collective Bargaining Agreement with SEA 69

City Manager Myers explained that the SEA 69 has agreed to the proposed agreement. This evening the Council is being asked to approve the monetary amount that the agreement represents. In a public session the Council is not at liberty to ask questions specific to the terms of the contract.

Councilor Lipman asked if specific information could be discussed. City Manager Myers explained that it cannot be discussed until the cost element is approved. Councilor Lipman requested to discuss the contract in non-public session at the conclusion of the regular meeting. The Council was in consensus with this suggestion.

2. Proposed Adjustment to the Classification & Compensation Plan

City Manager Myers explained that the proposed adjustment to the Classification & Compensation Plan would be effective in 30 days unless the Council took action prior and that it is effective for exempt employees only; any employee covered under collective bargaining agreements would not be subject to the adjustments.

Councilor Hamel moved to approve the proposed adjustments to the Classification & Compensation Plan as presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

3. Discussion of Installation/Changes of Banner Poles to Promote Motorcycle Week and Other Special Events

Charlie St. Clair from the Laconia Motorcycle Week Association addressed the Council. Mr. St. Clair explained that the Laconia Motorcycle Week Association has lost the ability to use the utility poles to advertise for sponsors and would like to utilize banner poles with "leased" advertisement by sponsors on an "adopt-a-pole" program. Mr. St. Clair demonstrated a sign that would be the same size as those erected on the banner poles, which would be 12 inches by 20 inches. It was also explained that the understanding was that the Council in the early 1990's had approved the poles and the project was

halted because of the cost. At this time there has been a price given of \$2,000 per pair; the cost for the poles would be absorbed by the adoptees.

Mr. St. Clair explained that the banners would benefit the City because there would be a charge to place a banner on the pole, similar to a license for the banner. There would need to be insurance for each banner and the advertiser would be responsible for the placement of the banner on the pole as well as any maintenance that may be needed while they are on the pole. Mr. St. Clair stressed that this would be beneficial for various events throughout the City, not just Motorcycle Week, and will benefit the economic vitality of the City.

Councilor Hamel asked how someone would have their banner placed on the pole. Mr. St. Clair replied that sign companies would do it for the advertiser. The thought was to have the Department of Public Works be the department to coordinate, if the Council would be agreement, because they have assisted with the research and process to this point.

City Manager Myers commented that the City would work with legal counsel to make sure any license that was issued for the banners/signs have the appropriate language to protect the City. Once this is done, the process will be very straight forward.

Councilor Hamel asked if any of the license fees from the banners would go to the sponsors. Mr. St. Clair replied that they would not; the sponsor is the purchaser of the pole but the City is the owner of the pole.

Mr. St. Clair stated that he is looking for Council direction to proceed with this. City Manager Myers explained that Mr. St. Clair has worked with Luke Powell from the Department of Public Works to identify potential sites and make sure they are going to be located in areas that won't be obstructive to property abutters.

Councilor Lipman stated that in concept this is something the Council would support, but we would need to make sure an ordinance doesn't need to be adopted and that there are not other hurdles that need to be overcome because there are other signage issues that already exist.

The Council will be looking for a more formal proposal to determine if any further restrictions may present themselves. This will be scheduled for the next regular Council meeting on May 14.

4. Request to Reduce Vendor Fees for Tattoo Show at Weirs Drive-In During Motorcycle Week

Mr. St. Clair advised that he would like to remove this request.

5. First Reading of An Ordinance to Amend Chapter 194 - Solid Waste and Request to Schedule a Public Hearing on May 14th During the Regular Council Meeting

City Manager Myers explained that the ordinance amendment being presented is in accordance with the request made by the Council to make changes effective July 1, 2012 rather than October 1, 2012.

Councilor Baer asked how the single stream recycling will affect this. City Manager Myers explained that different proposals are being presented and many of them tie into the amount of tonnage that each community would be required to send to a facility and Concord is a big party because of population. This has no bearing on if we enter a single stream program. Councilor Baer noted that we would not be

receiving compensation for the recyclables. City Manager Myers explained that right now the contractor is paid a flat fee regardless of tonnage collected and the recyclables are their property. Councilor Lipman commented that regardless the City saved \$16,000 from diverting tonnage to recycling in the last quarter. Councilor Baer replied that they need a certain amount of tonnage for the plant to operate and if they don't have the tonnage then they can't operate. City Manager Myers stated that there are other facilities that the recycling can be taken to and the goal is to have less recyclable material going into the waste stream and any scenario the City chooses will fit in with the current proposal.

Councilor Hamel commented that a part of the issue is that the City of Concord is a Pay As You Throw (PAYT) community and if you are not in all the way and taking full advantage of the programs you may be considered to be committing less.

Councilor Doyle expressed concern with §194-5. Maximum quantity of collectible waste. Councilor Doyle has expressed at each conversation that she would like to let the reduction become effective in October and allow the summer residents in the Weirs Beach area have an adjustment time to make changes in their business; the summer residents have a vested interest and they are not prepared for this type of change. Councilor Hamel commented that they are receiving pick up twice a week in the summer already. Councilor Doyle replied that she would like to see this eased in.

City Manager Myers advised the Council that they have the ability to alter the language as presented if they should choose to. Changing the fees at the transfer station can be done effective July 1 and §194-5 can become effective October 1.

Councilor Lipman moved a first reading of an Ordinance to Amend Chapter 194 - Solid Waste with an adjustment to the proposal to make §194-5 Maximum quantity of collectible waste effective October 1, 2012. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Lipman moved to schedule a public hearing for the proposed Ordinance to Amend Chapter 194 - Solid Waste during the regular Council Meeting on May 14, 2012. Seconded by Councilor Lahey. **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: **NONE**

NON - PUBLIC SESSION:

Councilor Bolduc 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; and (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.

Mayor Seymour advised that action will be taken at the conclusion of the non-public session.

On a roll call vote of the Council it was entered into non-public session at 8:30 p.m.

Councilor Bolduc moved to come out of non-public session at 9:25 p.m. Seconded by Councilor Hamel.

Motion passed unanimously.

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

Councilor Lahey moved that the City Council authorize the City Manager and Councilor Lahey to forward to proper State officials, in relation to the Laconia Prison Property/Lakes Region Facility, a counter offer in the amount of \$2,160,000 for the four parcels of land that make up the Lakes Region facility, more specifically the main parcel on North Main Street, the smaller parcel at the intersection of North Main Street and Old North Main Street, the smaller parcel across from the Robbie Mills Sports facility on Meredith Center Road and the Robbie Mills Sports facility itself. A draft purchase and sales agreement and a cover letter that describes the property, the basis for the offer and why the Council feels that this is a good deal for the City and the State will accompany the purchase and sales agreement. Seconded by Councilor Bolduc. **Motion passed with a 5-1 vote of the Council; Councilor Baer was opposed.**

Police Commissioner Armand Maheux spoke in favor of the City acquiring the above mentioned property and asked if this would include the field across the street on Lake Opechee. Councilor Lahey replied that it would not because that is already conservation land. Commissioner Maheux stated that this is the most invaluable piece of property for the City and it should be acquired even if they have to sit on it for a few years before developing it.

Michael Kitch commented that three parcels were appraised and the City is making an offer for four. Councilor Lahey confirmed that Robbie Mills Sports facility was not included in the appraisal but the City is asking for it to be included in the sale.

ADJOURNMENT:

Councilor Bolduc moved to adjourn at 9:30 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds
City Clerk