



**LACONIA CITY COUNCIL MEETING
APRIL 28, 2014
CITY HALL – CONFERENCE ROOM 200A
7:00 P.M.**

CALL TO ORDER:

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

SALUTE TO THE FLAG:

Councilor Henry Lipman led the Salute to the flag.

ROLL CALL:

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

Mayor Engler noted that five (5) Councilors are in attendance and there is an established quorum.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

1. Regular Meeting and Budget Hearing of April 14, 2014

*Councilor Bolduc moved to approve the regular and budget hearing minutes of April 14, 2014. Seconded by Councilor Baer. **Motion passed unanimously.***

AGENDA ADDITION:

Mayor Engler noted that there will be an additional item under the “Presentation” portion of the agenda by Chief Erickson on behalf of the Laconia Fire Department.

CONSENT AND ACTION CALENDAR:

1. Temporary Traffic Order 2014-05, Motorcycle Week 2014

Jim Morash, Chief of Operations for Mount Washington Cruiselines, commented on the proposed order. Mr. Morash commented that the first weekend the cruiselines are open and not permitting four wheel traffic would hinder his customers. Mayor Engler further explained that the change would be to extend all of the regulations that are set to expire on Saturday, June 14 until Monday, June 16.

City Manager Myers commented that the City understands the concerns and the City staff is in support of the amendment.

*Councilor Bolduc moved to approve Temporary Traffic Order 2014-05, Motorcycle Week 2014 with the amendment as presented. Seconded by Councilor Hamel. **Motion passed unanimously.***

2. Temporary Traffic Order 2014-06, Laconia Rotary Winni Derby

*Councilor Bolduc moved to approve Temporary Traffic Order 2014-06, Laconia Rotary Winni Derby. Seconded by Councilor Hamel. **Motion passed unanimously.***

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS:

1. Laconia Housing Authority/Stafford House Renovations Grant Award Letter

City Manager Myers explained that the City has received the CDBG block grant on behalf of the Laconia Housing Authority for the electrical and infrastructure improvements at the Stafford House and they will be proceeding with the process.

PUBLIC HEARING: NONE

PRESENTATIONS:

1. Laconia Police Department Update – Chief Adams

Chief Adams was joined by Detective Thomas Swett, Captain Matt Canfield and Captain Bill Clary.

Chief Adams reviewed the proposal for reduction of street drugs through community based strategies (a copy of this presentation is available in the City Clerk's Office for review).

Councilor Bownes asked what the qualifications would be for someone seeking the position of Community Outreach Coordinator. Chief Adams replied that this would be someone from within the organization that meets the criteria and qualities for this kind of work. A new officer would be hired for the patrol.

Councilor Lipman asked how much of the time would be spent on the PET program. Chief Adams replied that it would be approximately 70% of the time to get the program established and running.

Councilor Bownes commented that the Recovery Court is not only worked on within the Laconia Police Department but through the County as well. Chief Adams agreed and noted that a big part of this position would be to identify candidates, assist the participants and monitor their progress.

Councilor Hamel asked if these are all additional proposals in staffing. Chief Adams replied that this is a menu of options and the Council can choose any areas they would like or choose none.

Councilor Hamel asked what the range and cost would be for the surveillance cameras. Capt. Clary replied that the system presented would approximately \$1,000 and would require the upkeep of an IP address.

Councilor Bownes asked if there is a list of surveillance cameras being used privately in the City. Chief Adams replied that there is not but they can compile one and would like to. Councilor Bownes

commented that contacting those that have the inventory currently may be interested in participating in an overall surveillance system for the City.

Councilor Lipman asked if there is technology that should be of concern, such as the recent arrest for drug activity involving an individual monitoring the comings and goings of their property with cameras. Chief Adams replied that this instance shows the mindset of the individuals engaging in these activities and brings to light the knowledge that they are surveying the police just as much as the police are surveying them.

Councilor Hamel asked if TIF funding could be used to fund surveillance cameras as a safety need. City Manager Myers replied that although it is not specifically identified as a use it could be brought forward to the TIF Advisory Board to review the need.

Detective Swett reviewed the “Knock and Talk” initiative the Police Department has developed to steer those in need to community resources that can be of assistance. The City of Manchester has a similar policy as reviewed by Capt. Canfield.

Councilor Bownes clarified that the proposed budget does not include a full-time position for the proposal or any of the other items identified. Chief Adams replied that this is correct.

Councilor Lipman commented that this is an important issue to the community and may weigh heavier than other items as far as budgeting is concerned.

Chief Adams encouraged any members of the Council that may have questions in the future to contact him.

Mayor Engler thanked Chief Adams and his staff for their presentation.

Mayor Engler asked the Council how they would like to proceed, perhaps placing it on a future agenda for discussion. Councilor Lipman replied that he feels it should be discussed when it comes time to deliberate the budget. There was Council consensus to do so.

2. Laconia Fire Department – Ken Erickson

Chief Erickson reviewed the overtime report for the department (see attached).

Councilor Bownes commented that he does not understand how the LRGH partnership and the City works. Chief Erickson explained that the hospital bills out the services provided to patients serviced through the Laconia Fire Department ambulance and in turn provides funding for a full-time Deputy Chief, four paramedics expenses in full, and they provide additional funding for special events and transports. Additionally LRGH purchases the ambulances and provides all of the equipment needed to assist patients, including defibrillators and the LUCAS device. The hospital does not make a profit on this service and by far one of the most unique and greatest services in the industry.

Mayor Engler commented that the City does not have a fund for ambulance revenue and this all goes through LRGH. Chief Erickson added that almost 70% of the patients taken to the hospital by ambulance are insured by the government and no matter what the hospital bills for the service they are paid a flat fee.

Chief Erickson invited the Council to stop into the station or give him a call if they would like a more detailed review of the contract with LRGH.

Mayor Engler thanked Chief Erickson for this presentation.

MAYOR'S REPORT:

Mayor Engler commented that he had the opportunity and privilege to throw the opening pitch for Laconia Little League this weekend. The catcher for the opening pitch was Tyler Richter who happened to also have the first home run of the season. Tyler was kind enough to sign the ball used for the first pitch and Mayor Engler will be keeping the ball at City Hall.

Mayor Engler reviewed a proposal from the Laconia Airport Authority to perhaps change the qualifications for serving on the commission. This change would allow for one or more members of the board to not be a resident of the City or Gilford. This is being proposed because it is becoming increasingly difficult to find qualified individuals to contribute to the board. This is further heightened because of term limits on the board which are going to leave several vacancies in the coming years. The primary thought brought forward is to have legislation drafted that would allow for one (1) or two (2) of the members on the board be from somewhere other than the City or Gilford and it was also briefly discussed to ask to have the board expanded from nine (9) to eleven (11); this is a personal conviction for Mayor Engler because if there is difficulty establishing nine (9) members establishing eleven (11) is going to be equally difficult. There is no rush on this and the intent is to place this item on a future agenda as new business and then bring the Council's position back to the board.

Councilor Bownes asked if the request to change the legislation would come from the Airport Authority. Mayor Engler replied that they would request a local Representative or Senator to sponsor the legislation on behalf of the Airport Authority. The assumption is that it is a local issue and whatever the local governing body would like would be granted but if either body, the City or Gilford, has no interest in making the change it would not be proposed.

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:

Charlie St. Clair addressed the Council regarding Chief Adams report. Mr. St. Clair commented that he has spoken to other businesses in the Downtown area and they can think of no better use of TIF funding than cameras in the Downtown area to protect the businesses. The sooner something like this can be done the better; the TIF funding is supposed to make the Downtown area better for the businesses and the shoppers. Mr. St. Clair encouraged the Council to consider this item.

Neil Young addressed the Council regarding the Council consideration for Senate Bill 366 (SB 366). Mr. Young expressed his disapproval of SB 366 for various reasons, including the impact on the local non-profit groups utilizing games of chance as fundraisers and the Constitutionality of the bill. Mr. Young also cautioned the Council that there will be two (2) amendments filed for SB 366 and encouraged them to think about the possibility that the revenue sharing could be cut by the State again. Additionally, using the revenue sharing should not be spent on anything other than one-time expenses rather than reoccurring costs.

Councilor Lipman commented that the revenue sharing issue is important. In 2009 the City was receiving revenue sharing and since that time there has been no other indication that it would return. Councilor Lipman asked if Mr. Young if he is in favor of revenue sharing to relieve the potential tax burden of the property tax payers. Mr. Young replied that he learned a long time ago that grant money and fee money is not good because when it runs out you are on your own and it makes him cautious of money from outside sources. Taking this funding is taking a real chance and can put the City in a position that would be difficult. Mr. Young stated he is against a broad-based sales or income tax and is against local governments planning on money from another government.

Councilor Lipman asked if there would be objection if there was a self-imposed restriction on the use of the revenue sharing funds to non-recurring items to ensure the City wouldn't be dependent on it. Mr. Young replied that he is unsure that money coming in would be used for one time.

Councilor Hamel asked if a fund could be established with restrictions, similar to the way the Motorcycle Week Fund is set up, to ensure it can't be used for recurring expenses. City Manager Myers replied that it could be but noted that revenue coming into from the State at this time is not considered with the Tax Cap calculation because it is based solely on revenue from property tax. The Council, as the legislative body, can make the decision on how to spend a one-time contribution and does not necessarily need to create a new fund for this source. Additionally, City Manager Myers cautioned that the safe guards are only as good as the term of the Council; the Council could change in a few years and a new group could want to do something completely different.

Councilor Hamel asked if there is anticipated revenue for a specific purpose and the funding does not come in will it be added to the base. City Manager Myers replied that it would not be and would not allow for an increase in the amount to be raised by property taxes. City Manager Myers has encouraged that one-time funding be spent on one-time projects because when hiring personnel or use it for additional recurring expenses because they are difficult to remove.

Mayor Engler commented that this item will be discussed further under new business.

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)

- 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

No report on any item in 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

Councilor Hamel commented that all of these items have been on the committee agenda for several years and requested to have action or removal. City Manager Myers replied that if the Council would like them removed they can motion to do so but they have remained on the agenda at the request of Councilor Bolduc so they will not be forgotten. Adding items requiring enforcement has not been a priority because of other more pressing items. Councilor Bolduc commented that he would like to speak with Public Works Director Moynihan to get a status update before removing them.

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

- a) Repair & maintenance of City Buildings

No report on any item in committee

Mayor Engler reminded the Council that there will be a meeting of the Government Operations & Ordinances Committee on May 5th at 7:30 p.m. and a meeting of the Laconia Airport Authority Appointive Agency that same evening at 7:00 p.m. All Council members were encouraged to attend the Appointive Agency meeting because they will be interviewing for two (2) City seats.

LIAISON REPORTS: NONE

Councilor Lipman requested take the Manager's Report after New Business as Senator Hosmer has been in attendance for some time.

NEW BUSINESS:

1. Request by the Laconia Middle School Class of 2018 to raise funds on City Parklands on various days from April 30 to May 19, 2014

Doreen Richards addressed the Council. Ms. Richards corrected that the request is for the Laconia High School Class of 2018 that are currently in attendance at the Middle School. The request is to sell baked good at the upcoming sporting events to raise funds for the class.

Councilor Hamel moved to approve the request by the Laconia High/Middle School Class of 2018 to raise funds on City Parklands on various days from April 30 to May 19, 2014. Seconded by Councilor Bownes.

Motion passed unanimously.

2. Council Discussion regarding SB 366

Councilor Lipman advised that he would like the Council to consider that revenue sharing has been absent since 2009 and property tax payers have had to make up the difference. It would be the request that the Council go on the record to encourage that revenue sharing be restored to lessen the impact on the tax payers with the important stipulation that we not incur any recurring spending from this resource because it may be unpredictable. The Somersworth City Council has taken a similar position on the bill unanimously.

Senator Hosmer addressed the Council. Senator Hosmer distributed a summary of SB 366 as amended, which includes the revenue sharing portion that was an amendment. This is a work in progress when it comes to gambling in the State and the bill reflects a lot of work that has gone in over the last few years in regards to having a strong regulatory structure and making sure that it's not just one (1) license, but two (2) licenses up for bid so the State is not picking a winner in the situation. Senator Hosmer added that the parameters for the facility have been outlined and the revenue sharing, of which over \$1 million would come back to the City, is outlines as well.

Senator Hosmer expressed that the revenue sharing is important to the tax payers of the City and to the Council as the stewards of the City. Senator Hosmer acknowledged that there will be a fluctuation in revenue as the economy fluctuates, just as with any business, and this will impact the amount coming back to the municipalities for revenue sharing. It was encouraged to follow Councilor Lipman's approach and to use the revenue sharing to fund one-time projects.

Senator Hosmer also responded to Mr. Young's previous statement that encouraging this bill is too risky by acknowledging that a certain amount of risk is needed to be successful. This is not a way to solve all of the revenue issues in the State or City but it will help.

Councilor Lipman commented that over the years the State has had as much as 10% of its revenues raised from gambling through the Rockingham Park and his perspective is that right now there are busloads of people leaving the State and going to other facilities and those towns are benefiting. If the avenue to revenue sharing is through SB 366 then that is what the Council should be encouraging.

Councilor Hamel commented that the State's bond rating has been lowered to the negative amount and asked if the moneys that would be coming into the State would become a supplemental income or used for capital projects. Senator Hosmer replied that his concern with the bond rating issue is that it is going to cost the State more money to complete projects and that's not good because it means a bigger draw on tax dollars. The first license that is available is for \$80 million and the second is for \$40 million, totaling \$120 million going into the general funds which has not been allocated for anything in particular at this time but there are anticipated costs coming to the State. The increase of the gas tax will go into roads and bridge repairs immediately. There many needs that must be met in the next budget.

Councilor Hamel asked if the licenses are a one-time fee. Senator Hosmer replied that they are and the hope is the State would not start any new spending from the one-time injection of \$120 million.

Councilor Hamel asked if there has been determination of how much money leaves the State each year and goes to the other casinos. Senator Hosmer replied that there has and it is a significant amount and there is a projection that the State will lose \$25 million each year in Rooms & Meals Tax for the two (2) years following the opening of the proposed casino in Massachusetts. There is the misconception that people with gambling problems come back to this State and to address that there is allocation in the amendment to fund programs for problem gambling.

Councilor Baer read the following statement:

"While I have no personal objection to casino/slot gambling, there are questions and history that make me wonder about its intended benefits. It is hard to object to gambling when we have had Rockingham Race track and Seabrook Dog Track for years. We have the first State Lottery in the country. People will gamble no matter what the format is. Thousands are gambling every day on Bingo games and off track betting. You will not be bringing a new vice into the State. However, promises of millions of dollars to benefit Cities and Towns has to be looked at carefully. Casino tax revenues have not fixed the budget problems in other States. Revenues are declining nationally. The N.Y. Times reports Foxwood is 2.3 billion In debt. Rhode Island, another border State to a casino, is considering using taxpayer money to buy a bankrupt casino at a race track. Massachusetts is now allowing a few casinos. This just means more people gambling locally. Maryland is also considering a law to use taxpayer money to prop up two bankrupt tracks with casinos. Casino developers there have purchased only half of the slots they were authorized to have. Lastly, this money will be a long time coming if it comes, and the State says they will restore revenue sharing they took away a few years ago because they needed it for debt purposes. There will be nothing to stop the State from again taking away these revenues if needed.

Remember, they not only took Revenue Sharing away, but we all remember the State took over 100 million dollars from the JUA fund which was monies paid in by medical doctors, hospitals, nurses, etc. for malpractice insurance and transferred it to the general fund to help balance budget. It took a few years of law suits and hearings to get funds restored to the rightful party, so I have some trepidation about good intentions of the State.

However, if it is the majority will of this Council to support the bill, I will support it and hope for the best.”

Councilor Bownes commented that what Councilor Baer says about what will happen down the road could easily happen, and this is the problem with the revenue sharing in the past because it is dependent on the legislature. Senator Hosmer stated that he agrees and added that it applies with every piece of legislation in the State.

Councilor Lipman resolved that the Laconia City Council endorses the passage of Senate Bill 366 because of a provision included in the legislation to reinstate revenue sharing for N.H. cities and towns and encourages Laconia's representatives to the General Court to vote for its adoption. Seconded by Councilor Bownes.

Councilor Bolduc commented that the people using the facility would be better off having one in the State rather than having the expense of traveling out of State.

Councilor Bownes stated that he is on the fence about this bill and noted that this is important legislation and is the type that the State needs to be proactive about to address long term State and local needs. Councilor Bownes added that he personally would advocate for this bill but is unsure of the view of his ward.

Councilor Lipman reiterated that if revenue sharing were to occur from this bill it would be for non-recurring expenses.

Mayor Engler stated that his personal choice would be vote against the support of this bill and he does not want to live in a State where casino gambling is happening.

*Mayor Engler called the question. **Motion passed with four (4) in favor and Councilor Bownes did not vote.***

MANAGER’S REPORT:

City Manager Myers updated the Council on Senate Bill 333 (SB 333). There will be a subcommittee meeting tomorrow morning at 9:30 a.m. with an amendment. The House committee has taken time to get ample input on the bill and the process has gone well. City Manager Myers is cautiously optimistic that the amendment will be adopted and the committee will vote tomorrow.

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

Councilor Baer commented that when trying to use the recycling containers at remote locations over the winter had issues with placing there items in the containers because they were inaccessible, either by snow or rubbish. This then discourages the use of the containers. There has been notice that the pick-ups will increase to three (3) times per week rather than the contracted two (2) pick-ups and it has been added to the bid requirement for the new contract to have three (3) per week in the warm months. Councilor Baer requested a press release to advise the public of this change. City Manager Myers replied that he will address this and advised that the contract is out to bid and the conditions are available under the Purchasing section of the City’s website. City Manager Myers also advised that the process of

placing a 30 yard recycling container in the Weirs for use in that area. There has also been an initiative in the South Down Shores community to encourage recycling.

City Manager Myers also advised that the bulky item collection has been included in the new bid request as well as encouraging the vendor to develop a program for white appliance collection. This program will be targeted at removing the metal and recycling value of the item rather than it going into the solid waste stream.

Councilor Baer commented that the next two Saturdays are free collection day for Laconia residents. City Manager Myers advised that electronics cannot be brought at that time.

City Manager Myers commented that the Budget Survey has been distributed and encouraged the Council to use it as a tool.

UNFINISHED BUSINESS:

1. Milfoil Treatment Funding Request
2. WOW Trail
3. Master Plan
4. EPA Update
5. Sewer & Water Master Plan
6. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
7. Strategic Planning/Goal Setting

NOMINATIONS, APPOINTMENTS & ELECTIONS:

Heritage Commission: (one alternate vacancy)

1. Rickey Persons - seeking appointment as an alternate member of the Heritage Commission to a three-year term expiring at the end of March, 2017

*Councilor Bolduc moved to appoint Rickey Pearsons as an alternate member of the Heritage Commission for a three-year term expiring at the end of March, 2017. Seconded by Councilor Bownes. **Nomination failed on a 2-3 vote.***

COUNCIL COMMENTS:

Councilor Bownes commented that he objects to not recording his prior vote as an abstention because an abstention is a vote and he feels the interpretation of the rule is incorrect. Mayor Engler replied that he will get a legal opinion and report it to the Council.

Councilor Hamel commented that he would like to have the City Manager or Council look into sending a letter to the County and the County Delegation to get information on where they stand in regards to the "Cadillac Tax" that is coming up. The City has been doing there due diligence as far as this is concerned and he would like to know how they are addressing the issue. Councilor Bownes commented that how it is addressed will determine the response. Councilor Hamel replied that he would like it addressed so it is read at a meeting. Mayor Engler requested the City Manager do so.

Councilor Hamel commented that over the winter it was noticeable that the cold patch technique was not up to par. This method is not working and there needs to be a better way. Councilor Hamel recommended using a tar hot box that will heat the area and the repairs will last.

Additionally, Councilor Hamel suggested that the City look into the potential to lease vehicles with a maintenance plan rather than purchase. City Manager Myers requested to clarify if Councilor Hamel would like an analysis or to have this done when the next vehicle is purchased. Councilor Hamel replied that he would like an analysis and noted that one of the new vehicles is in the garage more than it is used.

Councilor Hamel asked if there is any way to fast track the surveillance camera proposal for Downtown. City Manager Myers replied that he can bring the recommendation to the staff representatives and request that it be placed on the agenda. Mayor Engler asked if there is a specific proposal from anyone. Chief Adams replied that there is not. Councilor Lipman requested that the Chief draft a proposal to the TIF Advisory Board for the surveillance camera system. Chief Adams replied that he will and noted that there are specific State laws regulating what can and cannot be surveyed.

Mayor Engler requested to confirm that if the surveillance camera system is set up it will be the first in the City. Chief Adams replied that there are some in the City Hall parking lot area and the parking garage but the parking garage are privately owned.

Councilor Bownes asked if the cameras on the traffic lights at North Main are surveillance. Chief Adams replied that they do not have the ability to monitor but the card is being purchased for the Court and Union Ave intersection.

NON - PUBLIC SESSION: NONE

Mayor Engler advised that there will be a non-meeting following the regular meeting for the purpose of discussing contract negotiations for collective bargaining agreements.

ADJOURNMENT:

*Councilor Bolduc moved to adjourn at 9:13 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.***

Respectfully Submitted:

Mary A Reynolds
City Clerk