



LACONIA CITY COUNCIL MEETING  
MAY 27, 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 Armand Bolduc led the Salute to the Flag.

**Mayor Engler called for a brief recess. The meeting was called back into order at 7:03 p.m.**

**ROLL CALL:**

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

Mayor Engler advised that four (4) Councilors are present and a quorum is established.

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

1. Regular Meeting and Budget Hearing of May 12, 2014

*Councilor Bolduc moved to approve the regular and budget hearing minutes of May 12, 2014. Seconded by Councilor Baer. **Motion passed unanimously.***

**CONSENT AND ACTION CALENDAR:**

1. Temporary Traffic Order 2014-08, Laconia Main Street Farmers Market

*Councilor Bolduc moved to approve Temporary Traffic Order 2014-8, Laconia Main Street Farmers Market. Seconded by Councilor Baer. **Motion passed unanimously.***

2. Temporary Traffic Order 2014-09, New Hampshire Coffee Festival

*Councilor Bolduc moved to approve Temporary Traffic Order 2014-9, New Hampshire Coffee Festival. Seconded by Councilor Baer. **Motion passed unanimously.***

**CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:**

Richard Homsj, 84 Summit Ave, addressed the Council regarding concerns with water drainage on the street that is effecting his property. This has been an ongoing problem and he has been in contact with Paul Moynihan, Director of Public Works, but feels this has been going on for 10 years and needs to be

brought to the Council and addressed. Mr. Homsi also encouraged the Council to consider placing speed bumps on Summit Ave to prevent the speeding that is going on to make the street safer for the community. Additionally, Mr. Homsi has spoken to Director Moynihan regarding missing signage indicating the City and Town of Gilford lines.

Mayor Engler requested an explanation of the pictures presented to the Council. Mr. Homsi reviewed each picture with the Council.

Mayor Engler thanked Mr. Homsi for bringing this matter to the Council's attention.

**INTERVIEWS:**

**Board of Water Commissioners:** *(1 regular position expiring)*

1. Gregory E. Page - seeking reappointment as a full member of the Water Commission to a three-year term expiring at the end of June, 2017

Mr. Page was interviewed.

Councilor Bolduc thanked Mr. Page for his seven (7) years of service.

**Planning Board:** *(2 regular terms expiring and 1 alternate position vacant)*

1. Jay P. Tivnan - seeking reappointment as a full member of the Planning Board to a three-year term expiring at the end of June, 2017

Mr. Tivnan was interviewed.

Councilor Bolduc thanked Mr. Tivnan for his continued participation.

**COMMUNICATIONS: NONE**

**PUBLIC HEARING:**

1. Proposed Ordinance Amending Article IX, Chapter 235, Signs

Mayor Engler opened the public hearing at 7:30 p.m. with the reading of the notice of posting being made in the Tuesday, May 20, 2014 edition of the Laconia Daily Sun, at City Hall, the Gale Memorial Library and the Laconia Community Center.

Steve Weeks reviewed a prepared packet with the Council. Mr. Weeks objects to the allowable time for the changing of sign information as well as the requirement for applicants to do so through the special exception process. Mr. Weeks also expressed objection to the time frame allowable for the application to be received to be heard by the Zoning Board of Adjustments.

Jeff Flanders, representing BYSE Insurance, spoke in opposition of the requirement to have a special exception.

Michael Foote, 222 Rollercoaster Rd and member of the ZBA, spoke in favor of the proposed amendment.

John Moriarty, City resident, spoke in favor of Mr. Weeks points made and encouraged the Council to do the same.

Jay Tivnan, member of the Planning Board and the Zoning Task Force, spoke in support of the proposed amendment and advised the Council that safety was a large concern for the committee members because of the distraction they can cause when permitted to change frequently.

Suzanne Perley, Chair of the Zoning Task Force, spoke in favor of the proposed amendment. Ms. Perley also distributed information from each City in the State regarding how they handle these types of signs and it was indicated that only two (2) cities currently allow the signs to be used.

Brian Gilbert spoke in opposition of the current restriction on having an animated or changing sign. There is currently a message center style sign and he does not feel like he is using it to the full potential. Mr. Gilbert offered to be a "test" if the City would like to have his sign change more frequently to gauge the impact and effect of it.

Finance Director Saunders reviewed the details of the different types of signs and explained why there are a variety of signs defined in the code. It was also mentioned that there were representatives from the Weirs on the Zoning Task Force, where animated signs have been permitted by right, and it was asked that this be changed. It was not the intention of the Zoning Task Force to make a change in the Weirs but the business owners requested this. Director Saunders also advised the Council that if a change is made to allow the time for changing to be 30 seconds and it is decided after that it was not a good choice that everyone that had the sign installed, as well as everyone with an existing sign, would be grandfathered in and not be required to increase the change time.

Mayor Engler asked what the current regulation is on the changeable copy frequency of change. Director Saunders replied that it is currently once an hour and the proposal is to change this to every five (5) minutes.

Mayor Engler also confirmed that in the commercial zone changeable copy signs are permitted without a special exception and the proposed change is to allow them in all areas, other than residential, with a special exception application. Director Saunders confirmed this is correct.

Councilor Lipman stated that he recommended during the last discussion that he would like to see this moved forward to allow for the process to begin and to allow for changes to be made as needed and requested feedback from the Zoning Task Force on this. Director Saunders replied that the idea of testing the changing of the signs would be a good idea with a sunset clause but she is unsure of how that would be worked out with the ordinance. Councilor Lipman asked if there is a way to pilot the change without having the requirement of a special exception from the beginning and allowing for a better advantage to compete in the market. Director Saunders reiterated that the special exception could be piloted and there could be adjustments made to the way they are used. Director Saunders added that this would need to be reviewed by legal counsel before a definitive answer can be given.

Mr. Foote addressed the Council. Mr. Foote advised that the special exception is not an arduous hurdle to overcome but it simply gives the ZBA time to look at the request in relation to the surrounding community and businesses. It is not intended to be a long process. Mr. Foote added that to keep hearing statements that the community is against business is not correct and the statement is not supported.

Mr. Gilbert again stated that he would really like to be a test for the increased time for changing the signs. Mr. Gilbert would be happy to report back on any changes in activity resulting from the sign changing.

With no further comments from the public Mayor Engler closed the public hearing at 8:14 p.m.

2. Proposed amendment to Article II of the City Charter to be placed on the ballot of the Municipal Election to be held on November 4, 2014

Mayor Engler opened the public hearing at 8:15 p.m. with the reading of the notice of posting made in the Thursday, May 15, 2014 edition of the Laconia Daily Sun, at City Hall, the Gale Memorial Library and the Laconia Community Center.

With no members of the public wishing to speak Mayor Engler closed the public hearing at 8:16 p.m.

*Councilor Baer moved to order the proposed amendments be placed on the ballot at the next regular municipal election to be held on November 4, 2014 pursuant to RSA 49-B:5, IV (c). Seconded by Councilor Bolduc. **Motion passed unanimously.***

3. Proposed Resolution Relative to the Dissolution of the Wyatt Park Special Revenue Fund and Appropriating the remaining funds to the General Fund for the Fiscal Year beginning July 1, 2014 and termination June 30, 2015

Mayor Engler opened the public hearing at 8:17 p.m. with the reading of the notice of posting made in the Thursday, May 15, 2014 edition of the Laconia Daily Sun, at City Hall, the Gale Memorial Library and the Laconia Community Center.

Director of Parks & Recreation Kevin Dunleavy explained the proposed resolution. The intention of the Wyatt Park Special Revenue Fund, when established, was to have the revenue generated from the park house to be used for the maintenance and upkeep of the Wyatt Park House which was demolished and will not be rebuilt. The funds that are currently in the account will be used for a purpose designated by the Director and the intention is to consult the Wyatt Park Association before a decision is made regarding the spending.

Johna Therrien, 43 Center Street, addressed the Council. Ms. Therrien expressed her thanks to the Laconia Police Department for their support and assistance in the last several years to make the park a better place to be and to be a neighbor of. Ms. Therrien would like to see the funds used to continue the improvements that have been on going at the park and she is looking forward to the lighting and water bubbler installation in the next several weeks and noted that the walking .

With no further comments from the public Mayor Engler closed the public hearing at 8:21 p.m. and advised that action for this item will take place at the June 9 meeting.

**PRESENTATIONS:        NONE**

**MAYOR'S REPORT:**

Mayor Engler advised the Council that the makeup of the TIF Advisory Board will be brought forward at the meeting of June 9. The proposed change would involve limiting appointments with three (3) year terms, the five (5) voting members would be all community volunteers with requirements for participation, and the two (3) City representatives will be advisory only.

Mayor Engler commented that the City is currently looking for "Front Porch" award nominations and encouraged nominees be brought to the City Manager's office.

Mayor Engler updated the Council regarding the proposed changes for the Laconia Airport Authority Advisory Board. At the meeting held last evening the decision was made to not pursue this proposal.

**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)**

- 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**

**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 Economic Development Report.

City Manager Myers updated the Council on the Main Street Bridge Project and the Union Avenue upgrade. Both projects are progressing and no major problems have been reported. The Union Avenue project will be suspended from Bike Week through the July 4<sup>th</sup> holiday.

Solid Waste Collection Bids have been opened but has not been awarded at this time. The current low bidder is Casella Waste, the company that acquired Bestway Disposal and is the current collection contractor for the City. The bid did come in a little higher than budgeted with the recycling costs increased due to additional needs for the remote sites. The contract also included the bulky item collection program as well as the large white metal appliances that can be recycled. This contract would be effective October 1, 2014 and because the contractor will not be changing there may be the opportunity to begin some of these increased services earlier.

**NEW BUSINESS:**

1. Proposed Ordinance Amending Article IX, Chapter 235, Signs

Mayor Engler made the observation that there are two (2) Council members not in attendance and the Council has the option to adopt the amendment as presented. In the event this would be voted down Mayor Engler encouraged the prevailing members to consider bringing the item forward for reconsideration with amendments.

Councilor Bownes commented that he feels that the criteria for a special exception is not burdensome for the applicant and is not going to create hardship in the applicant. The ordinance needs to address the current issue with the electronic signs and the conditions by which they are going to be permitted. If the current proposal is accepted it allows the City to have the flexibility to make changes as needed and the suggestion to move this forward made by councilor Lipman at the prior meeting be considered.

Councilor Lipman commented that he is still in support of moving this forward and make adjustments as it moves forward, such as looking into the special exception segment and to receive report on the progress of the special exception applications moving forward.

Mayor Engler advised that if there are significant changes made, such as removing the special exception requirement, it would go back to the Planning Board to be reworked and the process would begin again.

Councilor Bolduc commented that there is a fee for the special exception of \$125.00. Councilor Lipman replied that he doesn't know if this could be waived temporarily to see how the process works and appreciates the concerns raised about making this process easier.

Councilor Bolduc commented that there are two (2) signs in the Weirs that are still going to be there and they are going to be allowed and this is not what is going to be requested in town. Councilor Bolduc further commented that telephones are a bigger distraction to drivers than signs are and five (5) minutes to have changes made on a sign is too long. Councilor Bolduc stated he is not concerned with what other cities do and he feels we should be looking out for the merchants of the City.

Councilor Bownes replied that he understands Councilor Bolduc's concerns but this is not what is causing businesses to lose money. The \$150 fee is part of the ordinance is for the processing of the application just like any other application.

*Councilor Baer moved to approve the ordinance amending Article IX, Chapter 235, Signs, as presented. Seconded by Councilor Bownes.*

Councilor Lipman commented that he is in favor of having this approved and that monitoring the special exception process, as well as looking into waiving the fees, can be done in the future.

***Motion passed unanimously.***

**Mayor Engler called for a recess of the meeting at 8:44 p.m. The meeting was resumed at 8:48 p.m.**

2. Request by Laconia Police Department to Accept Justice Assistance Grants

*Councilor Bolduc moved to accept the Justice Assistance Grant to outfit all sworn officers with tasers in the amount of \$15,085.00 and the Justice Assistance Grant for \$15,057 to outfit all sworn officers with tasers. Seconded by Councilor Baer. **Motion passed unanimously.***

3. Proposed Adjustment to Wage and Compensation Plan

City Manager Myers reviewed the proposed changes to the Wage and Compensation Plan. As has been the practice in the past, City Manager Myers requested the Council to take action this evening if there is not opposition to the proposal rather than waiting the 30 days allowed.

Councilor Lipman expressed that he does not feel comfortable voting on this item this evening and would like time to review all of the aspects.

*Councilor Lipman moved to table this item to the June 9, 2014 Council Meeting. Seconded by Councilor Bolduc. **Motion passed unanimously.***

4. Transfer Request

City Manager Myers advised that this transfer request is being made to cover the cost of the formula change that occurred this year and was not direct billed by the Council. This is being requested from Contingency rather than the Fire Department budget because they have absorbed significant expense over the last fiscal year.

*Councilor Lipman moved to transfer from account 01-431-343-0000, Contingency to account 01-445-375-0000 LR Mutual Fire O/S the amount of \$4,044. Seconded by Councilor Bolduc. **Motion passed unanimously.***

5. Sewer Warrant

City Manager Myers explained that this is the semi-annual warrant that allows the Tax Collector to bill the sewer taxes.

*Councilor Bolduc moved to approve the semi-annual sewer warrant in the amount of \$164,489.90. Seconded by Councilor Lipman. **Motion passed unanimously.***

**Mayor Engler called for a recess at 9:01 p.m. The meeting was resumed at 9:28 p.m.**

**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:**                   **NONE**

**COUNCIL COMMENTS:**

Councilor Bolduc commented that the Memorial Day parade and ceremony were very well attended and encouraged everyone to keep these people in mind.

**NON - PUBLIC SESSION:**

Mayor Engler advised that there is a need for a non-public session this evening which will be followed by a non-meeting to discuss collective bargaining.

*Councilor Baer moved to enter into non-public session according to RSA 91-A:3, II: (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting; 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 Bolduc.*

On a roll-call vote of the Council it was entered into non-public session at 9:28 p.m.

The Council came out of non-public session at 10:26 p.m.

*Councilor Bolduc moved to seal the minutes of the non-public meeting for one year. Seconded by Councilor Baer. **Motion passed unanimously.***

**ADJOURNMENT:**

*Councilor Bolduc moved to adjourn at 10:27 pm. Seconded by Councilor Baer. **Motion passed unanimously.***

Respectfully Submitted:

Mary A Reynolds  
City Clerk