



**LACONIA CITY COUNCIL MEETING
AUGUST 8, 2011
CITY HALL – CONFERENCE ROOM 200A
7:00 P.M.**

CALL TO ORDER:

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

SALUTE TO THE FLAG:

Councilor Matthew Lahey deferred his Salute to the Flag to Colonel Donald Bolduc of the United States Army.

Colonel Bolduc led the Salute to the Flag. Mayor Seymour thanked Colonel Bolduc for his participation.

ROLL CALL:

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

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Minutes for July 25, 2011 Council meeting**

Councilor Bolduc moved to accept the minutes of the July 25, 2011 regular Council meeting. Seconded by Councilor Hamel. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR: NONE

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: (attached)

- **Conservation Commission & Lakes Region Planning Commission:**
 1. **Dean Anson – seeking reappointment to Conservation Commission and appointment to Lakes Region Planning Commission**

Mr. Anson is the current Chairman of the Laconia Conservation Commission and has been a resident since 2006. Mr. Anson explained that he would like to remain on the Conservation Commission because he has some unfinished business that he would like to see done. Councilor Lipman asked for Mr. Anson to elaborate on his objectives and thoughts. Mr. Anson stated that he would like to see the City adopt the State of NH Shoreline Protection Act in its current form with the exclusion of the sections containing

salt water. Mr. Anson eluded that the State may be reducing the requirements on developers as it relates to the Shoreline Protection Act and feels this would be an injustice to the City. Mr. Anson also commented that the City is dependent on the quality of our water sources. Mr. Anson also stated that he has concern over the cyanobacteria in the City water sources.

Councilor Baer expressed concern with a conflict of Mr. Anson sitting on the Planning Board as well. Councilor Lipman explained that the request is for the Lakes Region Planning Commission, not the City Planning Board. Councilor Baer asked if there is a liaison from the Conservation Commission on the Planning Board. It was concurred that Tobias Paddock acts as that liaison.

Councilor Bolduc thanked Mr. Anson for his service.

2. Marnie Blaisdell Schultz – seeking reappointment

Mrs. Schultz expressed her enjoyment in her service for the Conservation Commission, as well as her feelings on preserving the natural resources of the City.

Councilor Lipman asked Mrs. Schultz what she would like to see accomplished in her next term on the Commission. Mrs. Schultz explained that she is a Master Gardener and is determined to see the noxious alien weeds that are inundating the neighborhoods and the water. Councilor Lipman asked for some specific plants. Mrs. Schultz referred to purple loosestrife, Japanese knotweed, barberry shrubs and green bush, all of which are on the State list of plants not to be sold in the area.

- **Zoning Board of Adjustment:**
 1. **Steven Bogert – seeking reappointment**

Mr. Bogert explained that he feels citizens should serve in the community as a way of giving back. Mr. Bogert has been a member of the Zoning Board of Adjustment since 2002 and was a serving member of the same board in his previous home in Florida.

Mayor Seymour thanked Mr. Bogert for his service.

2. Suzanne Perley – seeking reappointment

Mrs. Perley was not in attendance.

COMMUNICATIONS:

1. **Lake Opechee Preservation Association – update on milfoil treatment and request for milfoil treatment fund**

City Manager Myers referred to a letter received from the Lake Opechee Preservation Association stating that the milfoil treatment allocation of \$4,000 in the current City budget is not needed at this time and requesting the City retain the funds for the same purpose in the future.

The Council agreed that the funds have been allocated in the current budget and can be carried over for future use.

PUBLIC HEARING: NONE

PRESENTATIONS: **NONE**

MAYOR'S REPORT:

Mayor Seymour announced that today is the 85th Birthday of Councilor Baer. The Mayor and Council wished Councilor Baer a "Happy Birthday" and presented her with a cake. Councilor Baer thanked everyone for there well wishes.

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
 - d. **Proposed charter amendment regarding election of Library Trustees**
 - e. **Redistricting**

Councilor Doyle explained that the Committee has not come to any conclusion regarding the Library Trustees and they are awaiting additional information from Attorney Whitelaw. Councilor Lahey explained that he had spoken to Attorney Whitelaw and they have determined that when the last version of the full City Charter was adopted in 1976 there was no formal review process at the State level.

Councilor Lahey asked what the timeline was to have a question placed on the November ballot, and consequently on a Special Election Ballot at the same time as the Presidential Primary Election in early 2012. City Manager Myers explained that in order to be on the ballot in November, the Council would need to take action this evening and post for a Public Hearing. At this point we will be looking to have the charter amendment placed on a Special Election ballot in early 2012 in conjunction with the Presidential Primary; this is also the case with the charter amendment for redistricting which will not be ready for submission to the Council at this time. In regard to the redistricting, the City has sought outside resources to complete the process and will be using Cartiographics.

Councilor Lipman asked does this need to go on a ballot or should it be left as is, in the opinion of the Committee. Councilor Lahey stated that both sides agree that the City Charter is currently silent on the issue and needs to have a specific process per State statute; therefore an amendment will be necessary. The question at this time is how they will be made members of the Library Trustees and what the statute implies with the term "election". Councilor Lahey recommended not rushing into the process and taking some additional time if it is possible, which has been indicated by City Manager Myers.

Mayor Seymour asked if the Committee has received enough information at this time and if the Council feels comfortable taking action this evening.

Councilor Lipman confirmed that regardless of what wording will be used an amendment will need to be made to correct the infraction. Councilor Lahey confirmed.

Councilor Bolduc encouraged the Council to wait for the Committees final report before making any decisions.

Councilor Lahey commented that the last meeting consisted of a lot of discussion referring to RSA's and the Committee has not been given ample time to review them as of this evening.

City Manager Myers advised the Council that the language presented does not address the issue of having alternate members to the Library Board of Trustees and that was an issue raised by the current Board several months ago. City Manager Myers also advised waiting until the Committee has made a formal recommendation. Councilors Doyle and Lahey concurred.

Councilor Lipman asked if the Library Trustees will operate under the existing structure until a solution is found. City Manager Myers acknowledged they would.

Robert Selig, Chair of the Library Board of Trustees, commented that when he was appointed in April it was specified that it would only be until the November election and asked the Council if they would like to address the issue at this time. Councilor Bolduc requested to take it up at the next meeting. City Manager Myers advised he will research this item and report back to the Committee because typically you would not have the election of the Trustees happen in the same year as the charter amendment because it is unknown if the amendment will pass.

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

- a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) Oak & North Main St. Intersection
- c) Proposed ordinance regarding vehicles over 18,000 lbs. and engines idling between the hours of midnight and 6:00 a.m.
- d) 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 advised that the City received the Economic Revitalization Zone (ERZ) designation from the Department of Resources and Economic Development (DRED) for the Lakes Business Park. This will allow for Business Enterprise Tax Credits to be applied for by the business purchasing the lots in the Park.

City Manager Myers thanked the business owners on Canal Street for welcoming him last week, as well as the residents that stopped to see him.

The NH Retirement System rates were certified as of last Thursday and will be retroactive to August 1. For the month of July the City was responsible for 100% of the contribution and the additional cost will be recovered by the departments over the coming months.

City Manager Myers reported that for the period of April 1 through July 31, the building permits on new construction are at \$7.3 million. In comparison to the same period on 2009 (\$8.1 million) and 2010 (\$7.7 million) the trending is low.

A new icon has been added to the City website for reports and documents that may be useful to residents. This will include any items the Council may be discussing, as well as other Boards or departments within the City.

City Manager Myers thanked the staff involved in the City employee barbeque. It was a success and enjoyed by all of the employees in attendance.

Councilor Lipman asked if there was a report on Motorcycle Week. City Manager Myers advised that he is waiting for final amounts from the year end process but it appears the City will be placing \$56,000 into the Motorcycle Week Reserve Fund this year. Councilor Lipman noted for the public benefit that this fund is used to purchase items, such as a police cruiser, outside of the tax base. City Manager Myers stated he will have the final amounts at the next meeting.

Councilor Lipman commented on the appearance of the Weirs Beach area by the conclusion of the weekend and asked if there is a way to remedy the need for additional staff to maintain the area on the weekends. Councilor Doyle advised that she has had similar problems reported by residents. City Manager Myers stated he will look into the problems and find a solution. Councilor Lahey asked if the problem was with trash or other items. Councilor Lipman commented that it was trash and other problems and if we are trying to promote the area for tourism we need to maintain the area. Councilor Bolduc stated that a large source of the problem is the over whelming amount of tourists being dropped off by tour busses and they are leaving large amounts of refuse in the area.

NEW BUSINESS:

- 1. Plymouth State Softball/Opechee Park October 18 and 19, 2011 – request to use City property to raise funds at concession stand**

Councilor Hamel advised the Council that he received a call from Parks and Recreation Director Kevin Dunleavy just prior to tonight's meeting because the Plymouth State Softball would like to remove this

request. They will not be holding the event as planned.

2. Multicultural Market Day September 10, 2011:

Mayor Seymour confirmed that the Temporary Traffic Order is the only item that is different from prior years.

a) Temporary Traffic Order 2011-11

The TTO has been revised since last year and there is a new request to close off parking spaces and one traffic lane on Beacon St. East from the Main St. Bridge to Hanover St.

Councilor Lipman moved Temporary Traffic Order 2011-11 multicultural Market Day. Seconded by Councilor Baer. **Motion passed unanimously.**

b) Request to waive vendor licensing fees

c) Request to use electricity from three light poles along the Soda Shop walkway

d) Request to use the lower portion of City Hall parking lot between the Belknap Mill and City Hall

Items b, c and d were requested last year and approved.

Councilor Lipman moved to waive vendor licensing fees, allow the use of electricity from three light poles along the Soda Shop walkway, and to allow the use of the lower portion of City Hall parking lot between the Belknap Mill and City Hall. Seconded by Councilor Lahey. **Motion passed unanimously.**

3. Cable Franchise Agreement:

City Manager Myers explained that the City is at the point to renegotiate the existing contract with Metrocast Cablevision, as is the case with other communities in the area. All of the communities in the area have agreed to form a consortium for this process and to share the cost of legal fees associated with the negotiation of the agreement. The recommendation is to use the law firm of Donahue, Tucker & Ciandella who have comparable experience in this area.

Councilor Lipman asked if technological needs for the community are being addressed. City Manager Myers explained that there will be a public hearing as an opportunity for these issues to be recommended for discussion. The process will be long and the community will have additional opportunities to voice opinions and concerns as well. Councilor Lipman explained that he wants to make sure the retail general public has to opportunity to weigh in on what they would like to have available because the availability is essential to the economic success of the community. City Manager Myers agreed with this aspect and advised the Council that the length of the agreement will be a determining factor on the infrastructure upgrades that Metrocast is willing to commit to.

Councilor Baer commented that the fee structure for the attorney is vague and the amount is unknown at this time. Councilor Baer asked if the attorney will be retained for the length of the franchise agreement or just up until the point the agreement is reached. City Manager Myers advised they will be assisting until the agreement is made, noting that there are several federal regulations that need to be followed and the assistance will be essential.

Councilor Baer asked if the Board of Directors in the consortium agreement is an advisory board similar to that with the Winnepesaukee River Basin Project. City Manager Myers explained that any agreement

will need to go back to the governing body of the community and the Board will not have the authority to approve the contract.

Councilor Hamel recommended looking into having the requirement to have Metrocast upgrade equipment through federal granting on a rotating schedule to accommodate the needs of continuing changes in technology. At this time there are issues with the current recordings of meetings and the transmission of the required public access and they need to be resolved. City Manager Myers stated that this is something that will need to be specific to our agreement and some room should be given for the changes in technology.

Councilor Hamel reported that Lakes Region Public Access is looking to have an “on-demand” process for allowing communities to view the meetings they are interested in watching. City Manager Myers commented that there are some communities that have started this process through the internet and the technology is available.

a) Request for approval of an intermunicipal agreement to form a consortium of municipalities to renegotiate a cable franchise agreement with Metrocast

Councilor Lahey moved to approve an intermunicipal agreement to form a consortium of municipalities to renegotiate a cable franchise agreement with Metrocast and to authorize the City Manager to sign such agreement on behalf of the City. Seconded by Councilor Lipman. **Motion passed unanimously.**

b) Request for approval of an agreement with the law firm of Donahue, Tucker & Ciandella for legal representation concerning the renegotiation of a cable franchise agreement

Councilor Lahey moved to approve an agreement with the law firm Donahue, tucker & Ciandella for legal representation concerning the renegotiation of a cable franchise agreement and to authorize the City Manager to sign such agreement on behalf of the City. Seconded by Councilor Hamel.

Councilor Baer asked if legal counsel has reviewed the agreement. City Manager Myers advised that in an attempt to conserve funds Attorney Paul Fitzgerald, representing the City of Franklin, reviewed the contract on behalf of the consortium.

Motion passed unanimously.

c) Request to appoint one representative to the Joint Board of Directors of the consortium

Councilor Bolduc moved to appoint Purchasing Specialist Jon Gardner as the City representative to the joint Board of Directors of the consortium. Seconded by Councilor Doyle. **Motion passed unanimously.**

d) Schedule public hearing on the cable television franchise renewal with Metrocast for August 22, 2011

Councilor Hamel asked what the public hearing will be about if there are no details for the public. City Manager Myers explained that the public hearing is necessary to gather the public needs for the agreement and to find out what they would like to see in the agreement.

Councilor Lahey moved to schedule a public hearing on the cable television franchise renewal with Metrocast for August 22, 2011 during the regular City Council Meeting which begins at 7:00 p.m. Seconded by Councilor Bolduc. **Motion passed unanimously.**

4. Proposed Economic Revitalization Zone (ERZ) for O'Shea Industrial Park

City Manager Myers explained that the O'Shea Industrial Park is an ideal area for an ERZ. The process will be the same as with the Lakes Business Park ERZ.

Councilor Lipman moved to apply for the Economic Revitalization Zone for the properties presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

5. Schedule special Council meeting on August 19th for strategic planning session

Councilor Lipman moved to schedule a special Council meeting on August 19 for a strategic planning session. Seconded by Councilor Bolduc with clarification that the meeting will be held beginning at 2:00 p.m. **Motion passed unanimously.**

6. Council membership on the CIP Committee/Mayor Seymour

With no members of the Council volunteering to serve, Mayor Seymour advised that he will be making a determination and appointing a member.

UNFINISHED BUSINESS:

1. TIF District:

City Manager Myers explained that the only change to the original information given is on page 3, item 3, which lists the activities and projects to be included.

a) Resolution Adopting the Development Program and Financing Plan for Lakeport TIF District

Councilor Doyle moved a Resolution Adopting the Development Program and Financing Plan for Lakeport TIF District. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Lipman encouraged the continued efforts to form a TIF district for the Weirs area as a way to connect the village districts of the City. City Manager Myers committed to working on this project and bringing it to the Council.

b) Resolution Designating the Tax Increment Financing District

Councilor Doyle moved a Resolution Designating the Tax Increment Financing District. Seconded by Councilor Bolduc. **Motion passed unanimously.**

2. Dissolution of Colonial Theatre Advisory Committee (Tabled 7/25/11)

Councilor Lahey moved that the Colonial Theatre Advisory Committee established by vote of the Council on January 31, 2011 has met its mission and is hereby discontinued effective immediately. Seconded by Councilor Bolduc. **Motion passed unanimously.**

3. Milfoil Treatment Funding Request
4. WOW Trail
5. Master Plan
6. EPA Update
7. Sewer & Water Master Plan
8. Single Stream Recycling/Concord Co-Op

NOMINATIONS, APPOINTMENTS & ELECTIONS: NONE

COUNCIL COMMENTS:

Councilor Lipman commented that posting resolutions for public viewing would be beneficial and eliminate the need for them to be read aloud and in some cases taking up more time than necessary. City Clerk Reynolds advised that it may be in the Council Rules and Procedures and the Council should look into changing them.

Councilor Bolduc stated "Go Muskrats"! The Laconia Muskrats are in the Championship Series and the first home game will be this Wednesday at 6:05 p.m. at Robbie Mills Sports Complex. Councilor Lahey commented that he has heard that at the first series game in Newport that they drew 2,200 people to the field and it would be amazing to have 2,000 people in attendance at the game this Wednesday. Councilor Lipman commented that this is an example of a successful public-private partnership that was created and has assisted the economic community of the City.

NON - PUBLIC SESSION:

City Manager Myers requested a non-public session for a personnel matter as well as an executive session with legal counsel relative to labor negotiations with no business to be conducted at the conclusion.

Councilor Lipman 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.

Seconded by Councilor Bolduc.

On a roll call vote of the Council it was entered into non-public session at 8:04 p.m.

On a motion of Councilor Bolduc it was moved to come out of non-public session at 8:25 p.m. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Bolduc moved to seal the minutes of the non-public session until the issues discussed are resolved. Seconded by Councilor Hamel. **Motion passed unanimously.**

ADJOURNMENT:

Councilor Bolduc moved to adjourn at 8:25 p.m. Seconded by Councilor Lahey. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds
City Clerk