



**LACONIA CITY COUNCIL MEETING
AUGUST 11, 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 in attendance: Councilor Doyle, Bownes, Lipman, Baer, Hamel and Bolduc. Also present City Manager Scott Myers and Finance Director Donna Woodaman.

Mayor Engler noted that all Councilors are present and a quorum is established.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

1. Regular Meeting minutes of July 28, 2014

*Councilor Bolduc moved to approve the regular meeting minutes of July 28, 2014. Seconded by Councilor Hamel. **Motion passed unanimously.***

CONSENT AND ACTION CALENDAR:

1. Temporary Traffic Order 2014-11, Community Blood Drive, Penny Pitou Travel/American Red Cross

*Councilor Bolduc moved to approve Temporary Traffic Order 2014-11, Community Blood Drive, Penny Pitou Travel/American Red Cross. Seconded by Councilor Baer. **Motion passed unanimously.***

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:

John and Donna Swain, of the Center Harbor Food Pantry, addressed the Council. Mr. Swain stated that his mission is to feed the people and the City Council has refused their request to raise money for food on City property. Mr. Swain stated that he doesn't want to have to tell the people that he cannot give them food because the City will not permit fundraising. Mrs. Swain commented that they feed 22 towns and cities in the State and the comments made that they should be set up in Center Harbor were not accurate. Over 400 families are served each month and without funds they cannot serve them. Mrs. Swain added that they were declined last time because they needed to have dates and they provided that this time and were still denied and would like to know why.

Mayor Engler explained that the Center Harbor Food Pantry has requested to set up at the Goodwill Store on Pleasant Street. This request was denied at the last meeting.

Mr. Swain commented that he feels that this was denied because the Pastor of the church has a family member that has been prosecuted for a crime and it is being taken out on the organization which is not affiliated with the church.

Councilor Bownes asked what other communities are set up with raffle tickets. Mrs. Swain replied that she is set up in several towns and this is the only one they are required to pay and then denied. Councilor Bownes asked for other towns to be named. Mrs. Swain named several communities.

Mayor Engler asked if they are setting up on public or private property. Mr. Swain replied that they set up on both.

Councilor Bownes asked if they ask for permit in the other communities and how long has this been done. Mrs. Swain replied that they do and it has been done for four (4) years.

Councilor Bownes asked where the money goes. Mr. Swain replied that he handles it and then turns it over to the Pastor for the food and expenses for traveling to pick up the food. He picks up food from local grocery stores and it is taken to the church and is stored until distribution.

Councilor Bownes confirmed that the food bank is funded by the raffle tickets, in addition to the costs associated with the travel, and asked what else is being funded with the raffle ticket proceeds. Mrs. Swain replied that it is used for the equipment to store the food as well.

Councilor Bownes confirmed that this is also a non-profit and is not part of the church. Mrs. Swain replied that they are non-profit and are not part of the church.

Councilor Lipman commented that he respects the work that they are doing and the goal. There are allegations that the Pastor has been involved in the doings of his son and he has a problem with where the money flows. Mr. Swain replied that he is the one controlling the money and he apologizes if there is a trust issue with this decision; the City is punishing the people of the City and they are going to be cut off from the food pantry.

Mr. Swain added that he feels dishonored that Councilor Lipman feels this way and does not feel the Pastor has been proven guilty and he is not part of this. Councilor Lipman clarified that he is not uncomfortable with Mr. or Mrs. Swain but with the transition of the funding to the pastor after the collection.

Thomas Tardif addressed the Council regarding utility poles. The poles are being elevated and the original pole is being left in place until the fire alarm boxes are removed. These original poles are being left for years and the Fire Department should be transferring the boxes to the new poles so the original poles can be removed. Mr. Tardif added that if they are leaving the poles they should be taxed for the extra pole. Councilor Hamel commented that if the phone company will not remove the pole if the other utility lines are not removed within six (6) months.

Councilor Bownes commented that a phone number was provided by the local representative and he should be contacted.

INTERVIEWS: *(The following expiring terms/vacancies were advertised in the Laconia Daily Sun on July 11, 12 and 16, 2014)*

- **Zoning Board of Adjustment:** *(2 regular positions expiring and 3 alternate positions vacant)*
 1. Suzanne Perley - seeking reappointment as a full member of the Zoning Board of Adjustment to a three-year term expiring at the end of August, 2017

Mrs. Perley reviewed her qualifications.

Councilor Lipman asked how the sign ordinance change has affected the process. Mrs. Perley replied that there have not been any applications and it has been a shock because there was so much input on this topic.

Councilor Bownes asked if there have not been requests from the active participants in the hearings. Mrs. Perley replied that those would go to the Planning Department and she would only get them when they are placed on the agenda.

Councilor Hamel asked how the ZBA went about the decision when the precedent had already been approved for an auto dealership. Mrs. Perley explained that there are five (5) very specific criteria and if one of them is not met it will be declined. The prior approval was not in the same area and met the criteria. Mrs. Perley added that they made the decision collectively.

Councilor Hamel commented that the entire area is zoned the same and he doesn't understand why it was treated differently. Mrs. Perley replied that it is not in the City's Master Plan to have this type of business on the scenic area of the City.

Councilor Hamel asked if a variance is granted does it stay with the property. Mrs. Perley replied that it does.

Councilor Baer asked if there is a specific section of the code that states that it is not permitted by right. Mrs. Perley replied that it is and is governed by the State and reviewed the five (5) criteria. Mrs. Perley added that it takes a great deal of discussion and the decisions are not easy to make. As volunteers they are doing the best they can with the information they have.

Mayor Engler commented that the Council is not aware that the zoning code makes any distinguishing difference between the property owned by Mr. Ganong and that by the former Benson Auto location. The statement made by Mrs. Perley that they are being treated differently and asked where the ZBA got the legal authority to make the distinction. Mrs. Perley replied that she does not recall.

Mayor Engler asked if any of the abutters were opposed to the proposal. Mrs. Perley replied that she does not recall. Councilor Bolduc stated that there were letters of support submitted by the abutters.

2. Steven Bogert - seeking reappointment as a full member of the Zoning Board of Adjustment to a three-year term expiring at the end of August, 2017

Mr. Bogert reviewed his qualifications for the Council.

Councilor Bolduc thanked Mr. Bogert for his service and for voting for Mr. Ganong's request.

Mr. Bogert stated that zoning is a very difficult process and a variance stays with a property until the time the use is abandoned. When requesting a variance it is stated that the property needs to stand on its own, regardless of it being in the same zone. It was eluded that the Benson Auto dealership was approved and it was determined that it would not interfere with the overall function of the Weirs. This

business did not work and they have left the property; the special exception will be vacated within a year. The next request was denied twice and this was a difficult decision to make. The members make the best decision possible, as the Council does, based on the overall scope and not on the personal feelings of the members. Mr. Bogert added that the applicant had 30 days to appeal to the Superior Court and if they did not then the Court will not be involved. In every case the members do the best they can and although they would like to, they cannot make everyone happy while staying within the parameters set forward.

Mayor Engler commented that the reference to the view of the water was referenced in the meeting minutes and does not see where that is a part of the five (5) criteria. Mr. Bogert replied that the impact on the general public was factored and being a view of the water at a prime location does have an impact on the general public. Councilor Bolduc commented that the general public did come forward and sign with approval of Mr. Ganong's request.

Mr. Bogert recommended that the Planning Board revisit the ordinance and review the requirements because there were similar issues several years ago at a gateway to the City. It is in the best interest of everyone to see the City grow and by changing the ordinance the issue would not be there.

Councilor Bownes commented that in terms of the auto dealerships

- **Conservation Commission:** *(4 regular positions expiring)*
 1. Marnie Blaisdell Schulz - seeking reappointment as a full member of the Conservation Commission to a three-year term expiring at the end of August, 2017

Ms. Blaisdell-Schulz reviewed her qualifications with the Council.

Councilor Bolduc thanked Ms. Blaisdell-Schulz for her service.

2. Dean Anson, II - seeking reappointment as a full member of the Conservation Commission to a three-year term expiring at the end of August, 2017

Mr. Anson reviewed his qualifications with the Council.

Councilor Baer asked if the Conservation Commission is working on any specific projects. Mr. Anson replied that they are involved in removing invasive species from the Perley Oak site and collecting support for the cleaning of Black Brook. Councilor Baer asked if they are cleaning up milfoil. Mr. Anson replied they do not but they will assist with resources for milfoil.

Councilor Bownes asked what progress has been made in the City regarding conservation issues. Mr. Anson replied that the comments made on applications brought before them are submitted to the Planning Board and they use these comments in a way they see fit therefore an impact is made. Additionally they are working with adjacent communities to make commitments to their conservation areas that effect the City. One example of this is working with the Town of Gilford on the Black Brook project. Public outreach is also done to educate on invasive species and their disposal.

Councilor Bownes clarified that when the Planning Board receives an application that it is handled by the Commission as a whole when making recommendations. Mr. Anson replied that the applicant will attend a meeting to allow for better understanding and then correspond to gather information, which is followed by a property visit. A quorum of the Commission will form comments for the Planning Director and Planning Board and they will be used in the permitting process. The Planning Board will also come back with questions for the Commission.

Councilor Bownes thanked Mr. Anson for his service.

3. Hillary May - seeking reappointment as a full member of the Conservation Commission to a three-year term expiring at the end of August, 2017

Ms. May reviewed her qualifications with the Council.

Councilor Bolduc thanked Ms. May for her service.

- **Downtown Tax Increment Financing (TIF) Advisory Board** (*5 regular positions available. On 6/23/14 the Council voted to revise the makeup of this Board - please see the attached highlighted language describing initial staggering of terms*)

Mayor Engler requested that each applicant identify their qualifying category for being eligible for the Board.

1. Kenneth D. Sawyer - seeking reappointment as a full member of the Downtown TIF Advisory Board

Mr. Sawyer reviewed his qualifications to serve on the TIF Advisory Board as a manager of Franklin Savings Bank located at Veterans Square.

Mayor Engler asked if Mr. Sawyer has any reservations about a one (1), two (2) or three (3) year term. Mr. Sawyer replied that he does not.

Councilor Hamel asked if there is anything in mind to be done if the TIF district. Mr. Sawyer replied that a "Master Plan" was done and they continue to work on these items. Mr. Sawyer added that there are other projects that come up and they are being conservative to not place the funds in a position that they may not be able to fund one of the other projects that pop up.

Councilor Hamel asked if there are any projects that Mr. Sawyer would like to see done. Mr. Sawyer replied that anything that would benefit the economic development of Downtown is good.

Councilor Baer asked what Mr. Sawyer thinks the main purpose and role is of the TIF. Mr. Sawyer replied that their role is to improve the property values of the TIF district. Councilor Baer replied that this is vague and asked for something specific. Mr. Sawyer replied that there is a vision for the TIF and the Riverwalk and gateway projects are very important.

Councilor Baer asked how many meetings a month are held. Mr. Sawyer replied that once a month is scheduled but additional meetings are scheduled as needed. Councilor Baer asked if Mr. Sawyer is available for all meetings. Mr. Sawyer replied that he is available for most.

Councilor Baer asked what other interest Mr. Sawyer has in the Downtown area and how much time he spends in the Downtown area. Mr. Sawyer replied that he is in Downtown often and has been working in Downtown for many years and is invested.

Mayor Engler thanked Mr. Sawyer for his service.

2. Patrick H. Wood - seeking reappointment as a full member of the Downtown TIF Advisory Board

Mr. Wood reviewed his qualifications to serve on the TIF Advisory Board as a business owner in Downtown.

Mayor Engler asked if there is any objection to a one (1), two (2) or three (3) year term. Mr. Wood replied that he is not.

Councilor Baer asked what the next project Mr. Wood would like to see done. Mr. Wood replied that the continued work on the Riverwalk is the highest priority because the goal is to make the Downtown area pedestrian friendly. Additional pocket parks are being looked into as well and the need for public restrooms will continue to be advocated.

Councilor Bownes asked what the role has been in the past in terms of encouraging a private public partnership and what would be the role in the future be, such as the WOW Trail funding. Mr. Wood replied that the TIF funds are from the tax rolls and they have not viewed their role and being that of fundraisers but they work with businesses as leverage to entice them into, such as was done with the water main for the Holy Grail and the Riverwalk for the new housing.

Mr. Wood made the recommendation to use some of the TIF funds from all three (3) TIF districts to fund a Director for all of them as an economic development driver.

Councilor Baer asked what role the Council can play other than the approval of funds. Mr. Wood replied that the Council does play an active role by directing the Advisory Board on the recommendations they make and turning them in another direction. The request is to have the Council work with the TIF Board and it is helpful.

3. Warren Clement - seeking reappointment as a full member of the Downtown TIF Advisory Board

Mr. Clement reviewed his qualifications to serve on the TIF Advisory Board as a real estate agent for Downtown, former long term business owner and a member of the finance committee for the Congregational Church.

Mr. Clement commented that he would like to see a liaison from the Council on all three (3) TIF districts and be the same person on all. The idea of hiring a Director is also very good and would be beneficial to the entire City.

Mr. Clement advised that he would like a three (3) year term but will take anyone given. It was added that it is important to keep the three (3) current members of the Board would be a wise choice and that the additional applicants are good for the group as well.

4. Robert Sawyer - seeking appointment as a full member of the Downtown TIF Advisory Board

Mr. Sawyer reviewed his qualifications to serve on the TIF Advisory Board as a property owner and business operator in Downtown.

Mayor Engler asked if there is a preference to a one (1), two (2) or three (3) year term. Mr. Sawyer replied that he does not.

Councilor Bownes asked if he views the TIF Board as being the leverage for the public/private efforts of the mission. Mr. Sawyer replied that it absolutely does and it is done in various ways, either by green space or actual investments.

Councilor Bownes asked what the thought is on the parking garage. Mr. Sawyer replied that he works for the business that owns the parking garage and if he were to design it today it would be done differently. Camera systems in the core area to deter behavior that is less than admirable, cleanliness protocols, and an exterior stairwell would be beneficial.

5. Breanna Henderson - seeking appointment as a full member of the Downtown TIF Advisory Board

Ms. Henderson reviewed her qualifications to serve on the TIF Advisory Board as business owner in the TIF District.

Ms. Henderson commented that she likes the parking garage for what it can be and has noted that changes that have been made. Ms. Henderson added that she has painted and over graffiti on the walls and attempts to remove graffiti on sidewalks in Downtown.

Mayor Engler asked if there are any objections to a one (1), two (2) or three (3) year term. Ms. Henderson replied that she would be honored with anything.

Councilor Baer asked what Ms. Henderson would like to see done on the Board. Ms. Henderson replied that she feels signage for getting around the Downtown area is an issue and can be remedied.

6. Charlie St. Clair - seeking appointment as a full member of the Downtown TIF Advisory Board *(Please note that Mr. St. Clair is unable to attend the 8/11/14 City Council meeting, but will be present at the 8/25/14 meeting).*

COMMUNICATIONS: NONE

PUBLIC HEARING:

1. Proposed Charter Amendments

Mayor Engler opened the public hearing at 8:39 p.m. with notice of the public hearing being made in the Wednesday, July 30, 2014 edition of the Laconia Daily Sun, at City Hall, the Gale Memorial Library and the Laconia Community Center.

Thomas Tardif addressed the Council. Mr. Tardif expressed his objections as was distributed to the Council and given to the Clerk for the official record.

Mr. Tardif asked if the charter amendment was to be placed on the ballot as one question or as several. City Clerk Reynolds advised that it would be seven (7) separate questions relating to like changes.

Mayor Engler thanked Mr. Tardif for his input.

David Gammon addressed the Council. Mr. Gammon commented that he did not receive the questions when he received the charter amendments. Mayor Engler explained that the amendments are going to be broken down and presented to the voters.

Mr. Gammon also commented that he does not agree with the minimum votes required for the candidate to be considered elected. If someone receives a vote it should be counted as a vote.

Patrick Wood addressed the Council. Mr. Wood suggested using the run off process at the General Election. Mayor Engler advised that this was discussed but it was decided that a run off would be prudent in a State where Home Rule was practiced and New Hampshire is not one of those States.

Mr. Tardif readdressed the Council. There is a section regarding the time frame to request a recount and it is not long enough. There needs to be a longer time frame so someone can make a decision. Mr. Tardif

believes even the State gives a longer time frame. City Clerk Reynolds advised that the State allows for 72 hours, or the Friday following the election,

With no other members of the public wishing to speak Mayor Engler closed the public hearing at 8:53 p.m.

PRESENTATIONS: NONE

MAYOR'S REPORT:

Mayor Engler advised the Council that they will be discussing the NHMA Policy Setting, which was previously distributed to the Council, at the September 8, 2014 meeting.

Mayor Engler acknowledged the resignation of Dick Breton from the Water Commission after 20 years of service. Mr. Breton was also a former City Council and member of the Trustees of the Trust Funds. His service to the City is greatly appreciated.

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:

Mr. Swain, from the Center Harbor Food Pantry, apologized to the Council for his defensive manner in addressing the Council. Mayor Engler thanked Mr. Swain for his apology.

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) Chapter. 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 Financial & Operational Trends Report and the Project Updates with the Council. It was also advised that the Recycling Reports will be made on a quarterly basis but will still be placed in the Laconia Links on a regular basis.

NEW BUSINESS:

1. Restoring Lots to their Premerger Status

Mayor Engler referred the Council to a memo submitted. City Manager Myers explained that this is a request by Fred Wernig of 14 Jackson Street to restore two lots he owns to their premerger status. The merger was involuntary many years ago. There is frontage on North Main St and Jackson St. City Manager Myers reviewed the property map with the Council. The recommendation is to approve the request pursuant to RSA 674:39-aa.

Mayor Engler asked if the frontage on North Main Street is a parking lot for his business. Mr. Wernig replied that it is used for employee parking and for his tenant.

Councilor Bownes asked what the encroaching garage is on the property map. City manager Myers indicated it on the map.

Councilor Bownes asked if this process would affect the setbacks. City Manager Myers replied that it will not.

*Councilor Bownes move to return 14 Jackson Street, Tax Map Lot 413/116/35 to its premerger status as requested by Fred Wernig pursuant to RSA 674:39-aa. Seconded by Councilor Bolduc. **Motion passed unanimously.***

2. Request for sale of tax deeded property for less than charges due the City (attached)

City Manager Myers reviewed a memo submitted by Jon Gardiner, Purchasing Specialist. The property referenced is Lot 9 – Race Point Road. The recommendation is to sell the parcel that was acquired by tax deed in 2007 and has been placed for bid several times with no bids. The high bidder owns other property in the City and they are aware of the property.

*Councilor Lipman moved to approve the sale of the Tax Deeded Property located at Lot 9-Race Point Road, Tax Map Lot 244/295/9, for the price of \$20,000 which is an amount less than unpaid taxes, interest, fees and charges for the property. Seconded by Councilor Bolduc. **Motion passed unanimously.***

3. Request to place the proposed Charter Amendments on the ballot of the next regular Municipal Election

Councilor Doyle moved to place the ballot questions, as presented, on the ballot of the next regular municipal election to be held on November 4, 2014 pursuant to RSA 49-B:5, IV. Seconded by Councilor Baer.

Councilor Hamel asked if the section regarding the minimum number of votes would impact the election with some wards not having a high percentage of voter turnout. Mayor Engler explained that this is not going to effect the Primary because there would be no race if there was only one candidate and that in the General Election it would be unlikely but the effect would be the same. If no one is on the ballot in a particular race and a write in does not receive 35 votes they would not be declared the winner of the race.

Councilor Bownes commented that he expressed previously that the number of write-ins is arbitrary. The intent is to have people file for an office rather than having write in votes determine a winner and that has a different interpretation to some.

Mayor Engler advised the Council that the Clerk received a notice today from the Attorney General's office stating there are no objections and the proposed amendments are in accordance with State laws. They would not have approved them if they were considered to be against the NH Constitution.

Councilor Hamel asked if this needed to be voted on this evening or if it could be revisited at a later date. City Clerk Reynolds advised that time is running out and this needs to be handled or will not be on the ballot in November.

*Mayor Engler called the question. **Motion passed unanimously.***

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 Bownes commented that he would like to receive updates on the additional officer that has been added to the Police Department. City Manager Myers advised that this is the intent.

Councilor Bownes asked for follow-up to the Belknap County Department of Corrections facility. City Manager Myers replied that this information is available and will be discussed at a future meeting.

Mayor Engler advised that a brief non-public session, with no action expected, will be held followed by a non-meeting.

NON - PUBLIC SESSION:

Councilor Bolduc moved to enter into non-public session according to RSA 91-A:3, II: (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 Hamel.

On a roll call vote of the Council it was entered into non-public session at 9:25 p.m.

*Councilor Bolduc moved to come out of non-public session at 9:33 p.m. Seconded by Councilor Lipman. **Motion passed unanimously.***

*Councilor Hamel moved to seal the minutes of the non-public session for two (2) years. Seconded by Councilor Bolduc. **Motion passed unanimously.***

ADJOURNMENT:

*Councilor Bolduc moved to adjourn at 9:35 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.***

Respectfully submitted:

Mary A. Reynolds
City Clerk