



**LACONIA CITY COUNCIL MEETING  
SEPTEMBER 26, 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 Robert Hamel led the Salute to the Flag.

**ROLL CALL:**

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

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

- **Minutes for the September 12, 2011 Council meeting**

Councilor Bolduc moved to approve the minutes of the September 12, 2011 Council meeting. Seconded by Councilor Hamel. **Motion passed unanimously.**

**CONSENT AND ACTION CALENDAR:     NONE**

**CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:     NONE**

**INTERVIEWS:**

- **Marina Schultz requesting appointment as Selectman in Ward 6**

Mrs. Schultz was unable to attend this evening. City Clerk Reynolds spoke on her behalf explaining that Mrs. Schultz has been working at the Ward 6 polls for 28 years and is willing to fill a vacancy.

**COMMUNICATIONS:     NONE**

## **PUBLIC HEARING:**

- **Sanitary Sewer Fund rates**

Mayor Seymour opened the Public Hearing at 7:01 p.m. by reviewing the notice advertised in the September 15, 2011 issue of the Laconia Daily Sun, City Hall and the Laconia Public Library.

City Manager Myers explained that the rates being discussed this evening are the same as those recommended by the Finance Committee at the meeting on September 12, 2011.

With no members of the public wishing to speak, Mayor Seymour closed the Public Hearing at 7:03 p.m.

## **PRESENTATIONS:**

- **WOW Trail update – Diane Hanley**

Mayor Seymour invited the Council to begin by asking Mrs. Hanley any questions they have prior to her presentation.

Councilor Bolduc asked if there have been any signs placed in regards to loose dogs on the trail. Mrs. Hanley replied that new signs are being placed at the trail heads on North Main St and Elm Street, as well as the intersecting points Messer St, which will give all of the rules of the trail which includes leashing all dogs. The information is also posted on the WOW Trail website.

Councilor Hamel asked if there have been any distributions from the Maintenance Fund. Mrs. Hanley explained that the fund has been established and they are in the process of distributing to the City departments as soon as a process is put in place and costs are known. Last year the organization deposited \$5,000 into the fund and the estimated cost from Parks & Recreation was \$2,300; no charges have been established by the Department of Public Works as of this time. Acting Finance Director Woodaman and Councilor Lipman clarified that the deposited amount into the fund is decided by the Maintenance Fund Board, and if no decision can be resolved than the Trustee of the Trust Funds will be the decider.

Mrs. Hanley presented the following updates to the Council:

- An upgrade is being done to the Elm St end of the trail at the trail head and will include a new brick entrance and possibly stairs.
- Phase II is beginning, with funds becoming available for the design through Federal funds next month. This amount will be \$111,000. In preparation for Phase II, the Belknap County Economic Development Council (BCEDC) is performing a benefits analysis, engineering studies are being done on the fencing, a Hazardous Waste and Archeological assessments are being done, and Luke Powell is mapping out the wetlands to identify any potential areas that will need further research. To begin Phase II they need \$313,000. Phase II includes the route from the railroad station in Downtown to the Belmont town line.
- Last year \$75,000 was raised in fundraising efforts. At the WOW Fest last week an additional \$20,000 was raised.
- On October 5 at 9:00 a.m. at the Community Room of Meredith Village Savings Bank there will be a meeting with the various State agencies that have been involved with the WOW Trail and may have an impact on the continuation. Mrs. Hanley invited two Councilors to attend. This meeting will include a tour of the WOW Trail in all phases.

Councilor Baer asked how much of Phase II is on railroad lines. Mrs. Hanley replied that most of Phase II is, but there have been more issues than just the height of fencing. The WOW Trail will need to go around historical landmarks, get property owner approvals and address some wetlands concerns. In addition to the ongoing projects, Mrs. Hanley advised the Council of the addition of Kevin Dunleavy, Carmen Gifford, Claire Hebert, Ann Saltmarsh and Councilor Lahey to the Board. Councilor Lahey will be taking the position vacated by Councilor Lipman.

Mrs. Hanley concluded her presentation by sharing several pictures of the WOW Trail and the people who enjoy using it.

**MAYOR'S REPORT:**

Mayor Seymour attended the memorial ceremony for the Parents of Murdered Children at Stewart Park today. It was a very moving ceremony and anyone who has not seen the beautiful memorial should take the time to visit.

Mayor Seymour welcomed Nancy Brown to the City. Ms. Brown is the Administrative Assistant to the City Manager.

**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

**No report on any item in committee**

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

- a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) 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 explained that the City does have the ability to proceed on the demolition of the Wide Open Saloon, but the process is detailed and several steps would need to be followed. City Manager Myers reviewed the steps that would need to be followed if the City chose to proceed. Councilor Bolduc asked for an estimated cost of the demolition. City Manager Myers explained that it would vary depending on the outcome of abatement; if there was no asbestos it would cost between \$30-\$40,000.

Councilor Lipman expressed concern with waiting to take further action. City Manager Myers explained that there is a court hearing scheduled for this matter on October 5 but he is not optimistic that a final resolution will be met. Councilor Baer asked if the court could stop the demolition. City Manager Myers stated they could.

Councilor Lahey advised the Council that the issue at hand is if the property is a total loss or is salvageable. If the City were to decide to continue through the judicial process and have the building demolished, there is a chance that the City could end up on the wrong end of the suit if the courts decide the building was not a total loss. Councilor Hamel commented that the building is an eyesore and we need to move forward at some point. Councilor Lahey agreed and concluded that the court is going to need to solve the issue of loss before they allow the City to take the building down.

Councilor Bolduc expressed that there was a need to inform the public of the process at this point so they would understand the complexity of the issue at hand.

Councilor Lipman stated that we conceptually need to get some idea of where we stand so the process can be started. Councilor Hamel offered the idea of looking back and seeing if this was ever done before and what the process and cost was.

City Manager Myers will continue to monitor the process and keep the Council informed.

An appeal was made to the public for poll workers for all wards for the upcoming elections. City Manager Myers explained that Ward 2 is short a Supervisor of the Checklist and three Selectman and

Ward 5 is short a Ward Clerk and three Selectman. If anyone is interested in filling these vacancies they are encouraged to contact the City Clerk.

City Manager Myers confirmed the declaration for emergency relief from the Hurricane Irene event for Belknap County. The City accumulated approximately \$15,000 in cost in the various departments involved.

The City email newsletter will begin on October 7. Anyone who would like to be added to the email list should contact [info@city.laconia.nh.us](mailto:info@city.laconia.nh.us). The newsletter will also be available on the City website for viewing.

A Special Meeting and Public Hearing has been scheduled for October 24, 2011 at the cul-de-sac of Phoenician Way to take the next step in the betterment assessment process. Some Councilors have expressed concerns with attendance but a quorum should be made.

There will be a meeting with the Parks & Recreation Commission on October 12 at 6:30 p.m. at the Community Center to gather information and suggestions for Wyatt Park.

In regards to the Pay As You Throw program, City Manager Myers is with the understanding that at the conclusion of the public forum people want to be educated on the process and what they have for options. Councilor Lipman expressed that he feels there needs to be a label on this initiative to identify it as solid waste and the Council should consider a group to collaborate with residents on the program before the beginning of the budget cycle, which is only a few months away. Councilor Baer questioned the length of the contract with the current hauler and it was determined that it was not expiring at this time. Councilor Hamel agreed with Councilor Lipman and offered to have a timeline done to outline the full process leading up to the opening of the single stream recycling facility. Councilor Lipman again urged the Council to consider a more urgent plan. City Manager Myers affirmed that he will speak with staff and come up with a timeline and plan for education and implementation. Councilor Lipman stated this is the largest single line item in the City budget that the Council can have a direct impact on reducing. Mayor Seymour interjected that the City Managers recommendation is a good means to start and should be done.

City Manager Myers reminded everyone that the next meeting will be held on Tuesday, October 11 because Columbus Day falls on the next regular meeting night.

Councilor Lahey redirected back to the Wide Open Saloon. Councilor Lahey suggested that if the property owners were cooperative in the process of having the City complete the demolition and liening the property for the cost, there would be no issues with the demolition happening. It was further recommended to have the Weirs Action Committee encourage the property owners to work with the City rather than against it. Councilor Hamel agreed.

#### **NEW BUSINESS:**

##### **1. Proposed Ordinance Amendment to Chapter 189, Sewers**

Councilor Lahey moved to approve the proposed Ordinance Amendment to Chapter 189, Sewers as presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**2. Request to authorize Laconia Police Department to accept JAG Grant funds in the amount of \$18,571**

Councilor Hamel moved to authorize the Laconia Police Department to accept JAG grant funds in the amount of \$18,571. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**3. Temporary Traffic Order 2011-12 Downtown Deli 4<sup>th</sup> Anniversary Event**

Councilor Hamel moved to approve Temporary Traffic Order 2011-12 Downtown Deli 4<sup>th</sup> Anniversary Event as presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**4. Request to schedule meeting of Government Operations & Ordinances Committee to discuss Redistricting**

City Manager Myers explained that the redistricting process is nearing the point of offering options to the committee and recommended scheduling a meeting for October 4 at 4:00 p.m. and a follow up meeting for October 11 at 6:00 p.m.

Councilor Lipman asked for an explanation of the population shift. City Manager Myers explained that two wards will be affected that boarder each other and all other wards are within the acceptable parameters for population based on the U.S. Census data.

Councilor Lahey moved to schedule meetings of the Government Operations & Ordinances Committee for October 4, 2011 at 4:00 p.m. and October 11, 2011 at 6:00 p.m. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**5. Request for generator replacement at the Weirs Fire Station**

City Manager Myers explained that the research has been completed. . In speaking with Kevin Dunleavy and Chief Erickson, we have determined the peak load has not exceeded 24KW and is not anticipated to increase drastically in the near future. Both have suggested we settle on a 40KV unit to ensure capacity is met. Purchasing Specialist Jon Gardner has researched the cost through a local electrician and has an estimated cost of \$33,000 for the replacement.

Councilor Baer asked if the funding could come out of the Motorcycle Week fund. City Manager Myers replied that this does not constitute a direct need to operate during the event and is for disaster relief purposes and is not eligible to come out of that account.

Councilor Lipman asked if this price is for a new or used unit. City Manager Myers explained that Mr. Gardner did search for a used unit but has not had any success; the option of using the old generator behind the former Police Department is not feasible because it is too small.

Councilor Hamel asked if the funding could come out of the Land and Building fund. City Manager Myers confirmed it could.

Councilor Lipman commented that it seems there is a better market for this type of equipment based on the economy and the number of businesses closing and selling off equipment. Councilor Lipman suggested having a more thorough search conducted for a used unit. City Manager Myers reiterated

that a thorough search has been done but would ask for another search if the Council requested it to be done.

Councilor Hamel moved to authorize the purchase of a generator for the Weirs Fire Station for an amount not to exceed \$33,000 with an extensive search being done for a less costly unit. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**6. Request by City Clerk to become a Boat Agent for the State of NH-DMV and authorization of City Clerk to sign Boat Agent Agreement**

City Clerk Reynolds explained that the State of NH-DMV has opened the opportunity to allow new offices to become Boat Agents, which the City has been trying to accomplish for several years. The local marinas will continue to be local Boat Agents to service people on the weekends and residents will be permitted to register boats in the Clerk's Office.

Councilor Hamel moved to authorize the City Clerk's Office to become a Boat Agent for the State of NH-DMV for the purpose of processing boat registrations and authorize City Clerk Reynolds to sign the agreement of behalf of the City. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**7. Proposed Charter Amendment regarding Library Trustees**

City Manager Myers explained that the language from the last meeting was not inclusive of the position held by the Superintendent of Schools and it was requested that it be read again in its entirety.

Councilor Bolduc expressed his concerns with not having it specified that the designee from the Superintendent needs to be a City resident. Councilor Lahey acknowledged that the current designee is not a City resident, but if the judgment of the Superintendent is to have the Librarian of the High School serve than the choice should be sufficient. Councilor Lipman agreed that the School District and Library Board of Trustees need to work together but it should be encouraged to have the representative be a City resident.

Councilor Lahey moved the City place the following question before the voters at the next municipal election held in conjunction with the New Hampshire presidential primary:

Are you in favor of adding as Article XI to the Laconia City Charter the following:

ARTICLE XI, LIBRARY BOARD OF TRUSTEES

Sect. 11:01. Election, terms.

"The City Council shall annually at a regular City Council meeting in March elect two (2) trustees of the Laconia Public Library to serve for terms of three (3) years. The Superintendent of Schools of the City shall also be a trustee by virtue of his/her said office, but the Superintendent shall have the authority to appoint a subordinate official or employee of the school district to serve as library trustee in his/her stead. Any such delegate shall serve at the pleasure of the Superintendent."

Sect. 11:02. POWERS AND DUTIES

The Library Board of Trustees shall have all the powers and duties set forth in RSA 202-A, as amended.

Sect. 11:03 VACANCIES

The City Council shall appoint a person to fill a vacancy occurring on the Library Board of Trustees within two (2) months of the remaining trustees notifying the City Council of the vacancy. Such appointee shall serve out the remainder of the term. The Board of Library Trustees may recommend names of persons for appointment.

Sect. 11.04 ALTERNATES

The City Council may appoint up to three persons to serve for one year terms as alternate members of the Library Board of Trustees, who shall serve when elected members of the Board are unable to attend a board meeting. The Library Board of Trustees may recommend the names of persons for appointment.

Sect/ 11.5 EFFECTIVE DATE

This Article XI shall become effective on March 1, 2012.

Seconded by Councilor Bolduc. **Motion passed unanimously.**

**8. Conditional acceptance of Phoenician Way as a City road**

City Manager Myers explained that this is the next step in the process of completing the betterment assessment.

Councilor Baer moved to conditionally layout a public road over Phoenician Way, currently a private road, subject to a betterment assessment pursuant to RSA 231:29 and to the City Council determining following a public hearing and view of the road that an occasion exists for the layout. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**UNFINISHED BUSINESS:**

1. Council membership on the CIP Committee
2. Milfoil Treatment Funding Request
3. WOW Trail
4. Master Plan
5. EPA Update
6. Sewer & Water Master Plan
7. Single Stream Recycling/Concord Co-Op

**NOMINATIONS, APPOINTMENTS & ELECTIONS:**

**1. Hillary May – requesting reappointment to the Conservation Commission**

Councilor Bolduc moved to appoint Hillary May to the Conservation Commission. Seconded by Councilor Hamel. **Motion passed unanimously.**

**COUNCIL COMMENTS:**

Councilor Lipman inquired into the status of union contract negotiations. City Manager Myers replied that at this time he has nothing to report but is anticipating conversation in the near future. Councilor Lipman asked if there is any progress on health insurance research. City Manager Myers explained that the City has attempted to contact Rick Jones to schedule a meeting and he has not been available.

**NON - PUBLIC SESSION:**            **NONE**

**ADJOURNMENT:**

Councilor Bolduc moved to adjourn at 8:24 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds  
City Clerk