



**LACONIA CITY COUNCIL MEETING  
OCTOBER 13, 2015  
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.

**RECORDING SECRETARY:** The recording secretary for this meeting will be Deputy City Clerk Anders.

**SALUTE TO THE FLAG:** Councilor David Bownes led the Salute to the Flag.

**ROLL CALL:** Deputy City Clerk called the roll with Councilor Ava Doyle, Councilor David Bownes, Councilor Henry Lipman, Councilor Brenda Baer, Councilor Bob Hamel and Councilor Bolduc in attendance.

Mayor Engler noted that six (6) Councilors are in attendance and a quorum is established.

**STAFF IN ATTENDANCE:** City Manager Scott Myers, Finance Director Donna Woodaman

**ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS:**

1. Regular meeting of September 28, 2015

Mayor Engler advised that the minutes have been distributed by the Clerk on October 5 and no corrections were requested. With no corrections the minutes were accepted as distributed.

**CONSENT AND ACTION CALENDAR:**

1. Request from Weirs Action Committee to use Endicott Park/Weirs Beach Parking lot to park motorcycles from June 11 through June 19, 2016 from 7:00 a.m. to 1:00 a.m.

Mayor Engler stated Joe Driscoll IV, is present for any questions.

Councilor Baer spoke. She is not opposed the city giving non-profit organizations a deal but the Weirs Action Committee (WAC) has been given the opportunity for many years and feels that there are many other non-profit organizations in the City that should have the same opportunity. She believes each year a different non-profit organization should be able to have the opportunity. Another reason for her opposition is because WAC has withdrawn their dues for the Motorcycle Week Association. The Council would like to know the reason WAC is not a member of the Motorcycle Week Association. Joe Driscoll IV, explained the WAC purpose and intent. The WAC is a 501C4 non-profit organization. They make \$20,000 to \$30,000 a year for the organization. Councilor Doyle stated any organization can

apply to use the lot. Councilor Bear wanted Councilor Doyle to recuse herself because she is a member of WAC.

Judy Krahulec of 76 Lakeside Ave spoke. When she was a Councilor, she was also the president of WAC and there were no issues nor conflict.

Councilor Doyle recused herself and spoke as resident of the Weirs. A. Doyle stated that any organization can apply for any City property. This lot during Motorcycle Week, takes up to 50 volunteers to run. Councilor Doyle asked if any other groups will be asked to join the Motorcycle Week Association as there needs to be consistency. The people that park there know the lot is safe and have rapport with the volunteers. J. Driscoll IV, said they haven't been asked to join the internal groups of the Motorcycle Week Association.

Mayor Engler the rally itself is showing signs of trouble. The parking lot is City property and the City is not gaining any revenue and feels some of that money should be going back to Motorcycle Week, not the association.

Councilor Lipman stated he would like to move forward and approve the application this year but within the next year there should discussions on a change.

J. Krahulec explained that what the WAC does in not in the City's budget and what they do, benefits the City.

Councilor Bolduc stated the Lakeport Community Association parks cars also and does not have funds to join the Motorcycle Association.

Councilor Bownes noted that times have changed and the revenue from the event from years ago are not the same. Councilor Bownes agrees with Councilor Lipman and that a discussion needs to happen before next year.

Joe Driscoll III of 12 Maple Street spoke. The Motorcycle Week Association is \$65,000 short on their operation budget and should go under. It is the worst run organization he has seen. Councilor Lipman noted that is off subject and he would like to move the process along.

Councilor Hamel stated that Council as a whole, needs to get a grasp on Motorcycle Week as a whole for success and agrees with Councilor Lipman.

*Councilor Lipman moved to approve the request from Weirs Action Committee to use Endicott Park/Weirs Beach Parking lot to park motorcycles from June 11 through June 19, 2016 from 7:00 a.m. to 1:00 a.m. Seconded by Councilor Bolduc. **The motion passed 4-1** (Councilors Bownes, Lipman, Hamel and Bolduc for; Councilor Baer against) Councilor Doyle was out of the room and did not vote.*

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

#### **INTERVIEWS:**

1. Richard Christopher - seeking appointment as a full member of the Conservation Commission to fill the remaining term of Hillary May which expires at the end of August, 2017

Richard Christopher of 38 Kensington Drive spoke. He would like to give back to the city. He has been a resident of Laconia since he was 10 years old. He is involved in various other organizations around the city and has always been interested in Conservation issues. He believes he would be a valuable member with an engineering background in construction.

**COMMUNICATIONS:            NONE**

**PUBLIC HEARING:**

*The following item is being handled as an informal discussion and was not posted as a public hearing.*

1. Proposed amendments to Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers

Mayor Engler stated in accordance with Council Rule 22 (c) each speaker shall identify them self by name and address and shall be limited to five (5) minutes. When everyone wanting to speak has one (1) opportunity to speak, the Mayor shall call for anyone wanting to speak a second time and this shall be limited to no more than two (2) minutes.

Walt Watson of 41 Van Dyke Drive spoke. There are three houses that abutt 11 Mechanic Street, owned by Susan Turcotte. The site is being excavated, used to move earth and trucks going in and out of the lot at all hours. The noise is from 7 am to late at night, Monday through Sunday. They are supposed to be building a house. This is a residential area and the residents would like some quiet. He suggested construction, excavation and landscaping sites not be working before 7:30 am and not after 6 pm, Monday - Saturday and not before 8 am and not after 5 pm on Sunday.

Don Richards of 22 Timber Lane spoke. He feels the indoor adjustment to hours of sound should be up to the Planning Board. He does not agree with the outdoor speaker changes. When loudspeakers are put outside they are there for noise. Sound carries and feels the limit will be hard to enforce, however he feels the times are currently sufficient. Times should be extended only for special occasions. D. Richards feels the old wording is more controllable.

Ernest Bolduc of 86 Lafayette Street spoke. He owns property in Hampton Beach and is afraid of what will happen if the door is opened to change. They have sound issues in Hampton and doesn't want that to happen here.

Ken Gurley of unit 12 at Landing Lane spoke. He agrees with the two preceding comments. Pittman's more than fifty feet away and at times is a bother with the bands. He feels the ordinance that is in place is good, as is.

Fred Clausen of Proctors Lakehouses spoke. He is in support of the rest of the people and would not like the ordinance to change.

Cynthia Makris of the Naswa spoke. She asked the Council who determines what is unreasonable and Councilor Doyle said the police. C. Makris personally has an issue with that representing Laconia. She is concerned about the message being given. All the different noises in the community should be looked at. Councilor Doyle said that the 50 foot barrier came from a club that opened in the Weirs a few years ago. City Manager Myers stated other communities were looked at as well.

John Ganong of 355-357 Weirs Blvd spoke. He noted that sleep and fun are both needed in the area. His concern is the during the day portion since this is a tourist area.

Councilor Doyle asked on a weekend where Monday is a holiday that Sunday times be exempt.

Bob Wilson, manager at Faro Italian Grille spoke. When the music shuts down people leave. The restaurant only has outside events 12 weeks a year.

Don Richards thinks the limits shouldn't be extended every time someone wants to do something only for a special event like Pumpkin fest, Motorcycle week, wedding, etc.

Bob Wilson moved up here from Massachusetts and the Weirs has always been a loud area. He feels that people should look into where they are buying and not be near a loud area. Councilor Doyle said the music dynamics have changed as well and businesses have changed over the past 20 years.

Ernest Bolduc has been in Hampton for years and there are seven (7) places for sale that are having a hard time because of the noise.

Councilor Hamel has no problem with most of the language but feels it will be hard to enforce the 50 ft. Councilor Hamel thinks it would make more sense to have a decibel level.

Councilor Baer is not against or for the changes. She suggested extended hours in specific areas without residences.

Councilor Bownes feels there should be some kind of mechanism to address Don Richard's concerns about repetitions.

Cynthia Makris spoke. She stated we all are residents and business owners as well and is dismayed about being divided. Her hope is that the Pumpkin Festival will bring positivity back to the City.

Mayor Engler stated that public will be noticed again for this public hearing.

**PRESENTATIONS: NONE**

**MAYOR'S REPORT:**

The election is November 3 and wards two, three, four and five are in desperate need of volunteers. Contact the City Clerk if interested.

**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) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) Review of Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers
- c) Procedural review for grant applications

Councilor Doyle stated the next meeting will be October 26, 2015 at 6:30 pm.

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

- a) Review of a request for a 3-way stop for Summit Ave, Wentworth Cove and Governor's Island

The three way stop sign is scheduled for November 9, 2015 at 6 pm.

**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 Monthly Economic Development Report and the Financial & Operational Trends.

It was also reported that a water rates voluntary survey by Department of Environmental Services (DES) was done and Laconia Water Works is in line with the average annual water rates across the state.

**NEW BUSINESS:**

1. Request to re-purpose Sanitary Sewer Funds

*Councilor Baer moved the following transfer the following funds:*

From	90-497-497-0043	Sewer Camera	\$70,000
	90-497-497-0032	Black Brook Pump Station	\$18,728
	90-497-497-0040	Paugus Pump Station	\$22,943
To	90-497-497-0027	Gravity Sewer Mains	\$70,000
	90-497-700-0019	Shore drive pump station	\$41,671

*Councilor Bolduc seconded the motion. **Vote was 5-0 and the motion passed (Councilor Doyle out of room)***

2. First reading of a resolution relative to authorizing the expending of funds received from Drug Forfeiture Funds for purchase of surveillance equipment and to schedule a public hearing on October 26, 2015 during the regular Council Meeting (attached)

The funding for this expense was received prior to the current process of having the Council formally accept funding was in place. The funds have already been accepted by the City and are now ready to be expended.

The City Charter, Section 5:06, directs that all appropriations after the budget has been approved for the fiscal year require a public hearing and a Resolution to affirm the funds. Additionally, all resolutions appropriating funds require two readings.

*Councilor Baer moved to waive the reading of this Resolution in its entirety and to read by title only. Seconded by Councilor Bolduc. **Vote was 6-0 and the motion passed.***

*Councilor Baer moved a first reading of a resolution relative to authorizing the City Manager to expend funds previously received from the Department of Justice and to schedule a public hearing on October 26, 2015 during the regular Council Meeting. Councilor Hamel seconded the motion. **Vote was 6-0 and the motion passed.***

3. First reading of a resolution relative to authorizing the City Manager to accept funds from the State of NH Department of Justice from the Drug Forfeiture Funds and to expend them at a later date for a purpose outlined in the Department of Justice Guidelines and to schedule a public hearing on October 26, 2015 during the regular Council Meeting (attached)

*Councilor Baer moved to waive the reading of this Resolution in its entirety and to read by title only. Councilor Bolduc seconded the motion. **Vote was 6-0 and the motion passed.***

*Councilor Bolduc moved a first reading of a resolution relative to authorizing the City Manager to accept and expend funds from the State of NH Department of Justice and to schedule a public hearing on*

October 26, 2015 during the regular Council Meeting. Councilor Bownes seconded the motion. **Vote was 6-0 and the motion passed.**

4. Proposed change to the Wage and Compensation Plan

In accordance with Section 6:02 of the Laconia City Charter and Section 1.4 of the City's Classification and Compensation Plan the City Manager has submitted this request to amend the plan. The plan will take effect automatically unless it is vetoed by a majority of the Council within 30 days of October 13, 2015.

Councilor Lipman moved to accept the amendment to the Wage and Compensation Plan to change the position of Assistant IT Specialist to a Grade 16H as proposed by the City Manager. Councilor Baer seconded the motion. **Vote was 6-0 and the motion passed.**

**UNFINISHED BUSINESS:**

1. **Request to accept a Justice Assistance Grant (JAG) in the amount of \$14,641 with the City's share at \$11,641 and to authorize the City Manager to sign all documents necessary to accept the grant (tabled at the meeting of 9/28/15)**

City Manager Myers has reviewed the process and procedure with legal Counsel and will advised the City Council on how to proceed.

Councilor Bolduc moved to take item off the table. Councilor Bownes seconded the motion. **The motion passed 5-0 (Councilor Doyle was out of the room)**

City Manager Myers advised that the process as presented was correct. Councilor Lipman expressed concern not to pass something that is defective.

Councilor Doyle left at 9:18 pm.

Councilor Baer moved to waive the reading of the reading of this Resolution in its entirety and to read by title only. Councilor Bolduc seconded. **The motion passed 5-0.**

Councilor Bownes moved a second reading of a resolution relative to the acceptance of a Justice Assistance Grant (JAG) in the amount of \$14,641 with the City's share at \$11,641 and authorize the City Manager to sign all documents necessary to accept the grant and subject to the application process done in an appropriate manner. Councilor Bolduc seconded. **The motion passed 5-0.**

Councilor Hamel would like to see the difference between the JAG grant process and the Municipal grant process. City Manager Myers will get that for the Council.

2. Ordinance amendment relative to Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers (tabled at the meeting of 9/28/15)
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/Solid Waste Disposal Cost Reduction
9. Strategic Planning/Goal Setting

**NOMINATIONS, APPOINTMENTS & ELECTIONS:**            **NONE**

**COUNCIL COMMENTS:**

Councilor Bownes brought up the issue of the tree by Dunkin Donuts. The sidewalk may need to be reconfigured.

**NON - PUBLIC SESSION:**

*Councilor Bownes 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 Baer. **With a roll call vote of 5-0 the Council entered into non-public session at 9:32 p.m.***

*Councilor Bownes moved to come out of nonpublic session at 9:39 p.m. Seconded by Councilor Lipman. **Vote was 5-0 and the motion passed.***

*Councilor Hamel moved to seal the nonpublic minutes for one (1) year. Seconded by Councilor Bownes. **Vote was 5-0 and the motion passed.***

**ADJOURNMENT:**

*Councilor Bolduc moved to adjourn at 9:40 p.m. Seconded by Councilor Baer. **Vote was 5-0 and the motion passed.***

Respectfully submitted:

Stacy Anders  
Deputy City Clerk