



**LACONIA CITY COUNCIL MEETING
OCTOBER 26, 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: City Clerk Mary Reynolds

SALUTE TO THE FLAG: Councilor Henry Lipman led the Salute to the Flag.

ROLL CALL: City Clerk Reynolds called the roll with the following in attendance: Councilor Ava Doyle, Councilor David Bownes, Councilor Henry Lipman, Councilor Brenda Baer and Councilor Armand Bolduc.

Mayor Engler noted that five (5) 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 and non-public meeting minutes of October 13, 2015

The minutes have been distributed by the Clerk on October 20 with one correction submitted; the minutes were redistributed on October 21. With no further corrections the minutes are accepted as distributed.

CONSENT AND ACTION CALENDAR:

1. Temporary Traffic Order 2015-17, Holiday Parade

*Councilor Bolduc moved to approve Temporary Traffic Order 2015-17, Holiday Parade, as submitted. Seconded by Councilor Doyle. **Vote was 5-0 and the motion passed.***

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING:

1. A resolution relative to authorizing the City Manager to expend funds previously received from the Department of Justice

Mayor Engler opened the public hearing at 7:04 p.m. with notice of this public hearing being made in the October 17, 2015 edition of the Laconia Daily Sun, at City Hall, the Gale Memorial Library, the Laconia Community Center and the Offices of the Laconia School District.

Mayor Engler noted that 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.

With no members of the public wishing to speak the Mayor Engler closed the public hearing at 7:05 p.m.

2. A resolution relative to authorizing the City Manager to accept and expend funds from the State of NH Department of Justice

Mayor Engler opened the public hearing at 7:06 p.m. with notice of this public hearing being made in the October 17, 2015 edition of the Laconia Daily Sun, at City Hall, the Gale Memorial Library, the Laconia Community Center and the Offices of the Laconia School District.

Mayor Engler noted that 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.

With no members of the public wishing to speak Mayor Engler closed the public hearing at 7:07 p.m.

PRESENTATIONS:

1. Front Porch Awards

Mayor Engler presented Front Porch Award to Swami Shriju, LLC for their efforts resulting in the enhancement of 851 Union Avenue (Case n Keg).

Additional awards will be presented to Mary Crowley for property located at Mass Ave and ACI Properties for a property located on Pine St.

MAYOR'S REPORT:

Mayor Engler reminded everyone that a Municipal Election will be held on November 3, 2015 and the polls will be open from 8:00 a.m. to 6:00 p.m. Mayor Engler encouraged the public to join the Council at the polls and vote.

The Pumpkin Festival was held this past Saturday and was a resounding success for the community. Businesses reported doing more business on this day than any other day. From a personal standing, Mayor Engler is proud and it was nice to have the residents stopping him throughout the day to tell him they were proud of their hometown as well. Mayor Engler also noted that the local organizers will be announcing the date for next year's event very soon with an anticipated event date of October 22, 2016.

Mayor Engler thanked Karmen Gifford, Executive Director of the Lakes Region Chamber of Commerce, for taking on the responsibility to shepherd this event through the entire process. Amanda Bullerwell handled the logistics and she did a wonderful job. Additionally, Mayor Engler thanked the Let It Shine organization for having trust in the City to pull this off. And lastly, Mayor Engler thanked Charlie St. Clair for being a contact for the organizers and helping to bring this event to the City.

Councilor Bownes added a thank you to the City administration, Laconia Police Department, and all City staff for everything they did to assist with this event. Mayor Engler added that staff had a “can do” attitude and that helped make this event happen as well.

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) (report on item c from the meeting held at 6:30 p.m.)

- 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 reported that the City Manager has received a legal opinion and the process being used at this time is in accordance with the City Charter; a recommendation has been made to move forward and adopt RSA 31:95-b to allow the City Manager to accept grants or donations of \$9,999 or less without Council approval, although it would be reported to the Council, and to require a public hearing and adoption by resolution for amounts of \$10,000 or more. This will be placed on a future agenda for a first reading and public hearing, followed by a second reading and adoption. A list of donations and grants to date was shared with the Council.

Mayor Engler clarified that the Council would not need to move to appropriate funds. City Manager Myers replied that the Council has the authority to appropriate funds taken in from tax payers and other incoming funds, such as those from the Putnam Fund or flowers for a park, are not public tax dollars and do not require Council approval.

Councilor Lipman asked if the Council did not approve something in the budget does a department have the ability to apply for a grant to override the wishes of the Council. City Manager Myers replied that this type of practice would not be appropriate and he would not act against the will of the Council at any time and this is a way to streamline the process.

Councilor Lipman asked how the grants being requested for approval tonight are different. City Manager Myers reviewed the grants being requested for expending this evening and how one amount is very specific because the use is already known, while another has an unknown use at this time but needs to be acknowledged. It was emphasized that this was not an applied for grant but is coming from drug forfeiture funds that were seized. It was noted that the intention is to notice the Council when funds are expended.

Mayor Engler asked if there is anything in writing that can be adopted. City Manager Myers replied that there is a written legal opinion stating the City Manager accepts grants and the Council accepts and expends, as well as a resolution to adopt RSA 31:95-b. Councilor Doyle added that the Charter give the authority to the City Manager to handle these types of items.

Mayor Engler noted that it will be on the next Council agenda.

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

A meeting is scheduled for November 9, 2015 at 6:00 p.m.

5. LAND & BUILDINGS: (Hamel, Lipman ,Bolduc)

- a) Repair & maintenance of City Buildings

No report on any item in committee

LIAISON REPORTS: Councilor Lipman noted that tomorrow evening is the County meeting on the bond issue for a community corrections facility and a vote is also scheduled for November 2, 2015. Councilor Baer encouraged Councilors to attend if they can.

MANAGER'S REPORT:

City Manager Myers reviewed the Project Updates report, including an update on the Central Fire Station project.

City Manager Myers added that the Pumpkin Festival was a wonderful event and thanked City staff for everything they did to make this event successful. It was amazing to see how quickly the clean-up happened as well – by Sunday morning you would have never known anything was held in Downtown.

Councilor Bownes asked for an update on the Riverwalk segment that is scheduled to go along the property owned by Chinburg Builders. City Manager Myers replied that they have been communicating with Eric Chinburg and they are in communications with him to have the Riverwalk project done at the same timeframe as his project completion. Additionally there has been discussion regarding his decision not to build in the footprint of a building that collapsed previously and his desire to donate a piece of the property to the City on the Riverwalk side.

Councilor Bownes asked if this new proposal needs to be approved by the Planning Board or if there are other approvals for the sidewalk. City Manager Myers replied that he doesn't believe the Riverwalk location is not changing but he will look into it. Councilor Bownes recalled that his understanding is that the Riverwalk was planned to run as close to the river as possible. City Manager Myers replied that he believes this is the same as prior.

Councilor Bownes asked if the WOW Trail phase two is that on Court Street and the railroad line. City manager Myers replied that this is from Veterans Square to the Town of Belmont line. The Downtown TIF District funding will be for Veterans Square to Fair Street to stay within the TIF District.

Mayor Engler noted that he represents the City on the WOW Trail board and the goal is to go out to bid on the project by the end of the year but until the job is bid the organization will not be

sure they have enough funding on hand. Councilor Bownes commented that he wants everyone to be cautious of the completion date being advertised.

Councilor Bolduc asked why there is a dirt section at the end of the staircase at the end of the Riverwalk staircase by the Main Street Bridge. City Manager Myers replied that he will look into this.

NEW BUSINESS:

1. Request from Kaitlyn Sullivan & James Pickering to extend hours in the Licensing Ordinance from 9:00 pm to 11:00 pm for a wedding/reception at the Margate Resort on July 3, 2016

Mayor Engler noted that Due to the amendments to the Noise and Licensing ordinances not being approved at this time Ms. Sullivan and Mr. Pickering are requesting this extension.

*Councilor Lipman moved to extend the hours for use of an outdoor loudspeaker on July 3, 2016 from 9:00 p.m. as outlined in §161-4, B of the City Ordinances to 11:00 p.m. for a wedding and reception at the Margate Resort. Seconded by Councilor Bownes. **Vote was 5-0 and the motion passed.***

2. City Manager Contract Extension Discussion

Mayor Engler noted that this was due on June 30, 2015 and the proposal this evening is to make an extension until June 30, 2017.

*Councilor Lipman move to extend the contract of City Manager Scott Myers, as outlined in Section 2 of his Employment Agreement, until June 30, 2017. Seconded by Councilor Bolduc. **Vote was 5-0 and the motion passed.***

3. Request to approve a lease agreement for 21 Elm Street and to authorize the City Manager to sign all necessary documents to execute the lease agreement

City Manager Myers noted that this lease is expiring at the end of this month and he has reached out to Lakeport Landing and confirmed they are interested in continuing the lease. City Legal Counsel advised that the agreement should closely resemble the expiring lease. City Manager Myers heard back from Lakeport Landing today and there were correction put forward and Legal Counsel does not have an objection to the requests by Lakeport Landing. City Manager Myers requested that approval this evening should include the authority to make and unsubstancial changes to the lease for minor items and no changes to the principal makeup of the agreement will be made. City Manager Myers reviewed the proposal with the Council.

Mayor Engler asked if the presumption that the City will not relay title of this property to a new owner until November 2017. City Manager Myers replied that this is the case and a purchase and sales agreement will be in place, as well as funds being held in escrow, with a closing date to be determined upon the vacancy of the current tenant.

Councilor Baer asked if the current litigation regarding the sale will have an impact on the lease. City Manager Myers replied that he does not feel there will be an issue because the legal filing is to void the vote of the Council and begin the process again and regardless of the legal action the City owns the building in addition to the land which is already owned.

Councilor Bolduc moved to approve the lease agreement for 21 Elm Street as presented and allow for minor changes and to authorize the City Manager to sign all necessary documents to execute the lease agreement assuming to substantial changes are made. Seconded by Councilor Baer. Vote was 5-0 and the motion passed. ”

UNFINISHED BUSINESS:

- 1. Second Reading of a resolution relative to authorizing the City Manager to expend funds previously received from the Department of Justice (attached)**

*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 5-0 and the motion passed.***

*Councilor Bolduc move a second reading of a resolution relative to authorizing the City Manager to expend funds previously received from the Department of Justice. Seconded by Councilor Doyle. **Vote was 5-0 and the motion passed.***

- 2. Second reading of a resolution relative to authorizing the City Manager to accept and expend funds from the State of NH Department of Justice (attached)**

*Councilor Baer move to waive the reading of this Resolution in its entirety and to read by title only. Seconded by Councilor Bolduc. **Vote was 5-0 and the motion passed.***

*Councilor Bownes move a second reading of a resolution relative to authorizing the City Manager to accept and expend funds from the State of NH Department of Justice. Seconded by Councilor Baer. **Vote was 5-0 and the motion passed.***

Councilor Lipman requested an idea of where the funds will be used. Chief Adams replied that in most cases the funds are used toward equipment or programs to fight against substance abuse.

Councilor Bownes asked if the Chief can update the Council on the use. Chief Adams replied he can.

*Mayor Engler called the question. **Vote was 5-0 and the motion passed.***

3. 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)
4. Milfoil Treatment Funding Request
5. WOW Trail
6. Master Plan
7. EPA Update
8. Sewer & Water Master Plan
9. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
10. Strategic Planning/Goal Setting

NOMINATIONS, APPOINTMENTS & ELECTIONS:

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

*Councilor Bolduc moved to appoint Richard Christopher to the Conservation Commission to fill the vacancy of Hilary May which expires at the end of August, 2017. Seconded by Councilor Lipman. **Vote was 5-0 and the motion passed.***

COUNCIL COMMENTS:

Councilor Doyle noted that at the last meeting she was requested to recuse herself on a particular issue because she was unsure of her obligation and to keep the meeting in order. After looking into the ethical terms of the Council Rules of Procedure Councilor Doyle advised that she was within her ability to vote on the topic at hand and in the future, should an item come before the Council regarding the Weirs Action Committee, she will not be recusing herself.

Councilor Baer had a conversation with Congressman Guinta this weekend and the Cadillac Tax was discussed. It was discussed that Congressman Guinta was a sponsor on a bill to repeal this section from the Affordable Care Act and it was requested that he attend a meeting of the Council to discuss. Mayor Engler noted that about one year ago the City Manager and Mayor had a conversation with the Congressman regarding the need to continue with the Cadillac Tax because it has been successful in reducing costs of the tax payers.

Councilor Bownes replied that he is unaware of any conversations with the Congressman and he does not feel that the Council should be a sounding place for everyone who is not in favor of Obamacare and he the Council Chambers should not be a forum for this discussion.

Councilor Lipman requested an update on planning for the next year's budget. City Manager Myers advised that departments have been sent the documents to submit budget requests and the CPIU is at 0%. City Manager Myers gave a brief overview of the objectives that contribute to the budget.

Councilor Bownes commented that recently proposed legislation to address opiate abuse is great and thanked the Police Department is doing a great job staying on the cutting edge of the fight against substance abuse.

NON - PUBLIC SESSION: NONE

ADJOURNMENT:

*Councilor Baer moved to adjourn at 8:18 p.m. Seconded by Councilor Bolduc. **Vote was 5-0 and the motion passed.***

Respectfully Submitted

Mary A Reynolds
City Clerk