



LACONIA CITY COUNCIL MEETING
OCTOBER 27, 2014
CITY HALL – CONFERENCE ROOM 200A
6:15 P.M.

CALL TO ORDER:

Mayor Edward Engler called the meeting to order at 6:20 pm.

Councilor Hamel moved to enter into nonpublic 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.

On a roll call vote of the Council, the Council entered into nonpublic session at 6:21 pm.

*Councilor Baer moved to come out of nonpublic session. Seconded by Councilor Bolduc. **Motion passed unanimously.***

The Council reconvened in public session at 6:57 pm.

*Councilor Hamel moved to seal the minutes for two (2) years. Seconded by Councilor Baer. **Motion passed unanimously.***

SALUTE TO THE FLAG:

Councilor Lipman led the Salute to the Flag.

ROLL CALL:

Deputy City Clerk Anders called the roll with the following Councilors present: Councilors Doyle, Bownes, Lipman, Baer, Hamel and Bolduc. Also present was City Manager Scott Myers.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

1. Regular minutes and nonpublic minutes of October 14, 2014

*Councilor Bolduc moved to approve the regular and nonpublic minutes of October 14, 2014. Seconded by Councilor Hamel. **Motion passed unanimously.***

CONSENT AND ACTION CALENDAR:

1. Request to authorize Boat Dealers to act as agents for the City

*Councilor Baer moved to authorize the following boat dealers to act as agents for the City: Paugus Bay Marina, Thurston's Marina, Channel Marine, Irwin Marine and Lakeport Landing. Seconded by Councilor Bolduc. **Motion passed unanimously.***

- Request from Boy Scouts of America, Troop 68 to hold "Scouting for Food" drive and overnight camping at Opechee Park from 1:00 pm on Saturday, November 1st to 1:00 pm on Sunday, November 2nd, 2014

*Councilor Bolduc moved to approve the request from Boy Scouts of America, Troop 68 to hold "Scouting for Food" drive and overnight camping at Opechee Park from 1:00 pm on Saturday, November 1st to 1:00 pm on Sunday, November 2nd, 2014. Seconded by Councilor Hamel. **Motion passed unanimously.***

DISCUSSION:

- County Corrections Facility

Dave Devoy from Sanbornton, a candidate for District 1, stated he will work with everyone including the delegation. Regarding the jail he affirmed he will protect Laconia's Tax Cap and will spend a maximum of \$7 million for the project. He added he would like to emulate what Sullivan County did with their jail plan. Responding to a question from Councilor Bownes, Mr. Devoy stated his plan would be to update the existing jail, institute a work crew program and construct an addition to allow for extra room. He would house inmates during the rehabilitation and construction by moving them to other facilities.

Richard Burchell, State Representative for Belknap District 5 stated he is a candidate for County Commissioner. He spoke about the correlation between the number of people in jail and the amount of crime in a community, and the need to look at policies and population. He added he has not seen a physical assessment by a qualified structural engineer of the existing facility and without that information he feels it is irresponsible to state what needs to be done. There is a need to look at what other counties have done and balance that with the cost of labor and needs, allowing for space for programming and a gym. Representative Burchell stated the jail is the top priority in the county, and within that top priority is the need to do something about a new women's quarters.

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

Kevin Morrissette, 518 Shore Drive, Laconia, wished to discuss the City's process for accepting City streets. Mayor Engler stated this is an agenda item under "New Business".

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING:

- Resolution relative to authorizing a supplemental appropriation for Adequate Education Aid of \$313,005 for the Laconia School Department in excess of the budgeted amount for FY 2014/2015

Mayor Engler stated notice of this Public Hearing was made in the Thursday, October 16, 2014 edition of the Laconia Daily Sun, at City Hall, the Laconia Community Center, the Gale Memorial Library and the Offices of the Laconia School District. He called the public hearing to order at 7:18 pm. There was no public comment, and the public hearing was closed at 7:19 pm.

PRESENTATIONS: NONE

MAYOR'S REPORT: NONE

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:

Mayor Engler stated this section of the agenda is for anyone in the public to comment on any item on the agenda at any point in the agenda, including under "New Business".

Dorothy Duffy, 47 Whipple Avenue, Laconia, referred to an e-mail she sent to the Council regarding her concern about the strip of land in Lakeport that runs parallel to Union Avenue currently being leased to Lakeport Landing. During the 30 year period of the lease a lot has changed in Lakeport with new stores, multiple restaurants and other businesses that require parking. Ms. Duffy added the Lakeport community has been responsive with volunteers improving the area with landscaping and plantings. She feels it is important to look to the future and use that strip of land to provide additional parking.

Kevin Morrissette, 518 Shore Drive, Laconia addressed the agenda item dealing with early street acceptance. He has been a developer and builder in Laconia for the last 30 years, having completed seven streets, now working on the eighth. He feels the process of acceptance of streets should be streamlined with the time period being the biggest issue. Mr. Morrissette stated he feels the current two year time period before the street can be accepted is unfair to people buying property in a new development; they are not receiving City services yet they are paying full property taxes and not getting the same benefits as the rest of the City's property owners. He would recommend street acceptance after one year of utilities being put in, with conditions that the final work has to be completed and adequate funds put in escrow for that work to be done.

Representative Bob Luther urged the Council to fund the Lakes Region Public Access agreement, and to pay Laconia's fair share.

Denise Beauchaine, Executive Director of LRPA, asked the Council to fund the station. Councilor Lipman asked if Laconia came forward as Ms. Beauchaine suggested, what does that guarantee would happen in terms of coverage over the next 12 months. Ms. Beauchaine answered by Laconia funding approximately \$30,000 it would help get LRPA through the end of the year, the auction, the Holiday Parade, etc. Beyond that, she is hoping that if Laconia approves funding it may help other towns to do the same. If no one else steps up, she would estimate the funds would get LRPA through January.

Councilor Bownes asked if LRPA would be in the same situation down the road without another business plan even if all of the towns and municipalities choose to participate. Ms. Beauchaine answered that is correct, and they know a business plan is required.

Jerry Morin, Pearl St., Laconia, stated at one time he was the director at LRPA, and asked for clarification of Channel 25 services. Mayor Engler answered that Channel 26 is actually the government piece, and the City will have direct access to that channel as the origination point. Channel 24 will be for educational programming should the schools wish to utilize it. If LRPA goes dark, Channel 25 will go off the air but Council meetings, for example, will still be shown on Channel 26. Laconia's meetings will only be shown in Laconia, Belmont's meetings in Belmont, etc. Mr. Morin stated he has read that Metrocast has withheld \$30,000 from LRPA. Mayor Engler clarified those funds are not included in the new Metrocast contract; there is no contractual obligation to pay that amount. In response to a question from Mr. Morin, City Manager Myers explained the Metrocast franchise fee shown on customers' bills is a percentage of the subscriber's bill based on the level of service they subscribe to. Laconia gets just under \$300,000 in franchise fees which go into the General Fund.

Charlie St. Clair suggested the Council require Metrocast to provide the \$30,000 to LRPA. He is pleased to hear that the government meetings will still be broadcast in Laconia, but he feels it is also important to also be able to see what other communities are doing.

Nancy Leroy, Old North Main St., Laconia, stated she is on the Board of LRPA. She is concerned about what will happen to broadcasts of the County Commission meetings, the Children's Auction, the Holiday Parade, Charlie St. Clair's programs, the Humane Society, the church services, etc. She is aware the City can put out Channel 25, but does not see how the City could handle the Children's Auction for example.

Ms. Leroy stated she is aware LRPA did not develop a new business plan quickly enough. She added the other towns and communities are looking to Laconia and waiting to see what they are going to do with regard to funding.

Dorothy Duffy, 47 Whipple Ave., Laconia, stated she feels public access TV promotes the City. She added it is important to have someone to do programming and filming.

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

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:

- 1. Monthly Economic Development Report

City Manager Myers noted the unemployment statistics are trending favorably on the Monthly Economic Development Report as compared to the same time a year ago.

City Manager Myers updated the Council on the electronic message center sign change the Council adopted a few months ago. The request was made for the number of applications that have been received for this purpose; as of the current date, one person has submitted paperwork for a Special Exception and that request will be placed on the ZBA's agenda for their November meeting.

A letter from the City's Planning Director was provided to Councilors. Last year the canine sewer sniffing dogs were brought in to do Phase 1 of water quality testing. They identified spots where there were sewer issues due to leaks, illicit hookups or other issues. The letter from the Planning Director outlines the next steps of how this work should proceed. No additional funds are being requested; they plan to leverage funds already available to help towards continued work on these initiatives. The application for a grant is due at the end of this month. This would not commit the City to anything that is not already being currently done.

*Motion made by Councilor Bownes to offer proof of commitment by the City to the 40 percent match for the Weirs Beach Implementation Water Quality Project Grant. Seconded by Councilor Baer. **Motion passed unanimously.***

City Manager Myers explained the "Smart Start" program which is an energy efficiency program from Public Service Co. of NH offered to municipalities. This program deals with new efficient lighting at no cost to the City. Recently, an energy audit firm went through all of the City's buildings to identify which fixtures are oldest, which rooms get the highest use, etc. Buildings that were reviewed were City Hall, the Community Center, the DPW garage and the Messer St. garage, the Police Department, the Parks and Rec garage, Weirs Community Center, Weirs Fire Station and the Weirs Park. As part of this program there is a 45 percent rebate back on the cost of project improvements; those improvements were estimated at \$138,000. The City would be getting approximately \$62,000 back out of that \$138,000 which would leave an overall expense to the City of \$79,000. The City could opt to pay the dollars back through savings realized monthly on the electric bill. This can be done at 100 percent of the savings flowing toward paying the dollars back, which would pay it back in a little less than three years. In addition, 75 percent of the savings can be allocated toward payback realizing 25 percent savings with a payback in about 4 and a half years. In either scenario there is no out of pocket money involved. Kevin Dunleavy and Jon Gardner have researched what has been done in other communities and verified the results. Using 75 percent of the savings to repay the program and realizing 25%, \$21,000 would go to repay and \$7,000 would be the actual savings the City would realize from day one. Blending the 8 properties together, the average payback time is 3.5 years.

Councilor Hamel asked who pays the electric bill on the parking garage. City Manager Myers answered the City pays the bill; the garage is 2/3 owned by the City and 1/3 privately owned. The City is reimbursed for the amount of the bill attributed to the privately owned space. He added the lights in the garage were changed a couple of years ago to new fluorescent fixtures, funded by a grant.

Councilor Hamel asked about converting street lights to LED lighting. City Manager Myers answered that is not something PSNH is ready to do in New Hampshire yet. It may be a couple of years away to make it cost effective for a community to switch over to LED lights. The arms that hold the lights are not compatible with the new fixtures. The City has reached out to inquire what it would cost and the payback time anticipated. The City currently pays a flat rate depending on the number of street lights. City Manager Myers believes with LED lights the City's flat rate on an annual basis would be reduced. He asked the public to notify the City if they see a street light that is out and to identify the pole by the pole number; the City pays the flat rate whether or not the lights are working.

Councilor Lipman noted that occasionally payback analyses have flaws in calculations; he asked what can be done to assure the quality of the analysis and that what is represented is actually true. City Manager Myers responded that all of the City's buildings are individually metered so savings will be reflected on the individual bills. He and the staff members involved are very comfortable that this is a very positive step for the City.

*Motion made by Councilor Hamel that the City Council supports the City of Laconia's participation in the Smart Start program with Public Service Company of New Hampshire. Seconded by Councilor Bolduc. **Motion passed unanimously.***

NEW BUSINESS:

1. Introduction of proposed Ordinance Re: Possession or Sale of Synthetic Cannabinoids - First reading and request to schedule a second reading and public hearing on November 10, 2014

City Manager Myers stated Spice has been a major problem in the State of NH with many communities starting to be proactive in adopting ordinances banning its purchase and possession. The language proposed is utilized in other communities and is in line with what neighboring towns are adopting in order to help keep the youth in the community safe. City Manager Myers stated the first reading is tonight; if the Council agrees with moving this forward, it will be referred to a public hearing, a second reading and a potential vote in two weeks.

Chief Chris Adams stated he appreciates the willingness of the Council to consider this Ordinance. He added synthetic marijuana is a serious issue in the State as well as the City of Laconia. Earlier this year Laconia saw six overdoses from Spice. This is very, very dangerous, unregulated and not for human consumption. Over the last year the Police Department has done spot checks at convenience and other stores with both plainclothes and uniformed officers and they have not been able to purchase it. However, it is present in the community.

Councilor Bownes stated he is troubled by some aspects of this proposed Ordinance. Although he is not opposed to promoting the health of the community's children, he does not think there have been empirical or scientific analyses done to indicate the cause of the overdoses. Chief Adams agreed, but added it is safe to say the product is causing people to become extremely ill and, in some cases, has caused loss of life throughout the country. Councilor Bownes stated he is very reluctant to develop definitions and impose sanctions for things that are not really understood.

Councilor Lipman stated he would rather err on the side of caution and do something to try to limit its influence in the City. Since other communities have taken action, he feels Laconia leaves itself open to becoming the center of using Spice because it is not regulated here. The proposed Ordinance sends the message that the City is not going to have a lesser standard to encourage it to be here.

Councilor Hamel commented he feels this Ordinance would let people know that Spice is not going to be accepted in Laconia. The State has not stepped up, so it is up to local communities. Chief Adams indicated the State is currently looking at enacting a law banning synthetic marijuana. If a NH law is passed this Ordinance would disappear.

*Motion made by Councilor Bolduc to introduce the proposed Ordinance re: Prohibition of the Possession or Sale of Synthetic Cannabinoids by title only and to waive a reading of the entire Ordinance. Seconded by Councilor Baer. **Motion passed unanimously.***

*Motion made by Councilor Bolduc for the first reading of an Ordinance adopting Chapter 70, Prohibition of the Possession or Sale of Synthetic Cannabinoids, as presented. Seconded by Councilor Baer. **Motion passed unanimously.***

*Motion made by Councilor Hamel to schedule a public hearing on November 10, 2014 during the regular Council meeting regarding adoption of Chapter 70, Prohibition of the Possession or Sale of Synthetic Cannabinoids. Seconded by Councilor Bolduc. **Motion passed unanimously.***

2. Discussion of sale of City-owned property on Winnisquam Avenue and request to schedule a public hearing on November 10, 2014

City Manager Myers explained this piece of City-owned property on Winnisquam Avenue consists of approximately .01 acres and is located between two parcels owned by the Trustees of the Ralph

Langevin Revocable Trust, the proposed buyers of the property. The proposed buyers have offered to purchase this property from the City for \$20,000 and to give the City an easement to access the sanitary sewer pipes that run underneath the Winnepesaukee River. The purchase would give them a contiguous parcel. City Manager Myers' recommendation is that the Council declare this parcel as surplus property with consideration for a sale to the Trust named above, and refer this to a public hearing so the public has an opportunity to comment.

*Motion made by Councilor Lipman to declare the City owned property (451/245/15) on Winnisquam Avenue as surplus property and to schedule a public hearing on November 10, 2014 during the regular Council meeting to consider a sale of the property. Seconded by Councilor Baer. **Motion passed unanimously.***

3. Discussion of Lakes Region Public Access request to fund municipal public access agreement

City Manager Myers wished to clarify that neither he, the City Council nor the City of Laconia did anything to reduce the amount that was to be paid to LRPA for producing their content. In prior years the City has budgeted \$39,500 for LRPA services. He believes there are 13 communities that receive LRPA's signal through their cable channels; 6 are paying dues and supporting the process, 7 are not. In late June the City was informed by LRPA that they were going to a different business model of their choice which would include various rates that communities could opt into depending on the level of service they required. The City of Laconia was asked to contribute \$1,700 for the current fiscal year starting July 1st. At Councilor Hamel's recommendation the amount budgeted was reduced to \$29,500 because it was not known what the new business model would be. It was very clear that the role of LRPA moving forward was to continue to provide content for Channel 25 with each community broadcasting its own Channel 24 (the education channel) and its own Channel 26 (the government channel). Metrocast, as part of the old franchise renewal, was not renewed and through negotiations with the consortium of communities Metrocast was firm on that. There was nothing done by the communities to cut that funding. This should not have come as a surprise to LRPA because it was known approximately 12 to 18 months earlier. The City of Laconia asked LRPA repeatedly through July and August for an invoice to pay the \$1,700; an invoice was never received and that was also true of other communities.

There was a need to upgrade technology in the Council meeting room in order to run the City's own meetings. Going forward, the hope for the future is to broadcast more City meetings such as Planning Board, Zoning Board, etc. The City will also be controlling its own blackboard or slide show for community events, etc., which will be broadcast only to Laconia locations. The cost of this equipment is approximately \$9,000, and the understanding is through the technology grant Metrocast will be deferring \$2,500 of that expense. \$7,000 to \$8,000 will be spent out of the \$29,500 budgeted for equipment upgrades.

City Manager Myers stated he is not aware of a community that has stepped up and agreed to pay the amount requested by LRPA in full. Meredith, Belmont and Gilford have not committed and he has no firsthand knowledge of Northwood or Alton. He referred to a letter in the agenda packet from the Chair of the LRPA Board received in mid-October requesting the City for this transition year to contribute the fully requested amount of a little over \$39,000, which was Laconia's prior year funding level. There is approximately \$20,000 to \$21,000 left in the line item for FY ending June 30, 2015.

Councilor Hamel explained that this process started with a consortium; LRPA was left out of the discussion. He explained that according to FCC rules if communities do not ask Metrocast to provide public access they do not have to provide it. He stated that LRPA needs a longer period of time to come up with a new business model.

Mayor Engler asked if all communities paid giving LRPA \$126,000 how many months would they be able to stay in business. Councilor Hamel answered probably until July of 2015. He added there were

originally 18 towns in the consortium, now there are six; however, those other towns are still receiving the content and the franchise fees. The signal continues to go out to all of these towns who have not paid their share in years. He explained part of the problem is that some outside expertise is needed and there are no funds to provide that assistance.

Councilor Bownes asked if the \$22,000 that is budgeted would allow broadcasting of the children's auction. Councilor Hamel answered he feels they could make that work.

*Motion made by Councilor Lipman to appropriate \$20,000 to Lakes Region Public Access. Seconded by Councilor Bolduc. **Motion passed unanimously.***

4. Discussion of amended Laconia Parks and Recreation Rules and Regulations as unanimously approved by the Parks and Recreation Commission on September 15, 2014

City Manager Myers stated the amended Rules and Regulations were unanimously approved by the Parks and Recreation Commission. Rule number seven was stricken because it is similar to another item, and number eight was stricken because State law does not allow the City to restrict firearms on Park properties. The other changes are self-explanatory.

*Motion made by Councilor Hamel to approve the Laconia Parks and Recreation Rules and Regulations as amended. Seconded by Councilor Bolduc. **Motion passed unanimously.***

5. Discussion regarding Early Street Acceptance

City Manager Myers explained he has been working with the Department of Public Works to put something together that protects the City's interests in accepting a road earlier than has normally been the case, while at the same time trying to be friendly to developers in the business of building and helping to grow our community and residents who may be the first or second person to buy a house on a particular street. This would allow residents in that situation to receive City services while they are paying property taxes. An approach has been developed to put the appropriate protections in place to give the City the comfort of accepting the street knowing it is protected. City Manager Myers summarized the information contained in the agenda packet.

Scott explained the procedure for adopting the criteria for early road acceptance; Chapter 197 of the Code would need to be amended. If the consensus of the Council is to move forward, this language would be drafted into an amendment for the next meeting for Chapter 197 and would also tie into Section 6.2 of the City's Subdivision Regulations. It would be brought back to the Council at the November 10th meeting for a first reading and referred to a public hearing and Council vote on November 24th.

Councilor Lipman stated he feels this proposal seems to be a reasonable balancing of risks to protect the City's interests while at the same time being more responsive to our residents. Also, the faster developments get built out the more tax revenue is brought in to help fund services and reduce the tax burden on others. It would help the City become more development friendly.

Councilor Hamel stated this will add a lot of things on the books for the City to check to be sure everything is in order. There are things on the books now that the City should be doing but they are not getting done, such as cuts across roads. He is concerned if there is a problem that it will not be corrected and a pass will be given.

City Manager Myers explained that there is a full one year cycle of utilities and the road base being in the ground going through a freeze/thaw cycle. There is a requirement that a 2.5 inch winter binder be applied on the top of the road. It is the road base and utilities in the ground that start the clock ticking.

Responding to Councilor Hamel's comments about cuts across the roads, some patches are holding very well and the City has gotten a couple years use out of them. If there is a very good patch and the cut is fixed immediately, some of the useful life of the patch is lost.

Councilor Doyle asked if the utilities are in the ground for 12 months and it fails after the freeze/thaw cycle does that reset the 12 month clock. City Manager Myers answered if that were to happen it would be within the City's realm to say the developer had not yet completed a valid 12 month cycle.

Public Works Director Moynihan explained there is a long clear list of requirements for a developer to build a road. There are very clearly outlined standards that anyone building a street that is intended to be taken over by the City has to meet; these are taken out of State DOT standards that are well known throughout all municipalities. Historically, the burden has been on the developer to take the initiative to do the things he is required to do. An evaluation has been required for physical factors but also if there is a public need, and public need was not very clearly defined. The rule of thumb that has been used that if only two lots are developed in a 20 lot subdivision, then public need has not been met.

*Motion made by Councilor Lipman to authorize the City Manager to proceed with drafting the appropriate language to change Chapter 197 of the City Code and Section 6.2 of the City's Subdivision Regulations as outlined in the agenda packet. Seconded by Councilor Baer. **Motion passed unanimously.***

UNFINISHED BUSINESS:

1. Second reading of a Resolution relative to authorizing a supplemental appropriation for Adequate Education Aid of \$313,005 for the Laconia School Department in excess of the budgeted amount for FY 2014/2015

*Motion made by Councilor Bolduc to approve the second reading of a Resolution relative to authorizing a supplemental appropriation for Adequate Education Aid of \$313,005 for the Laconia School Department in excess of the budgeted amount for FY 2014/2015. Seconded by Councilor Hamel. **Motion passed unanimously.***

2. Discussion of City-owned parcel on Elm Street (Lakeport Landing)

Mayor Engler stated when the Council last discussed this agenda item the general consensus was that the Council's goal is to decide on a general direction of what to do with this parcel and pass that on to a public hearing for a future meeting. There are three possible courses of action: to do nothing and the lease will expire on November 1, 2015 and becomes City property; to negotiate a new lease with the current party or any other party, or to declare the property as surplus and sell the property to the highest bidder.

Erica Blizzard, Lakeport Landing, stated their lease is expiring and they have an interest in renewing it. The property provides a showroom for them on Union Avenue and the land allows them to show their boats. They also have storage at the building and it houses their offices. There is a storage building close by and the parts and service department is on the other parcels close to the water. They also have a marina on the water itself.

Councilor Lipman asked what would happen if they lost the lease. Ms. Blizzard answered they would have to consider moving their sales to a different location outside of their property as there is not room on the other three parcels. They would not be able to continue offering boat sales at the facility, and it is very difficult to operate a marina with a sales facility in one location and an actual marina at a different location. It would ruin their sales and would have a significant impact on their business.

Councilor Baer noted the property at 23 Elm St. was assessed two years ago at \$485,000 and it is a valuable property for tax revenue for the City. This is also dealing with a business that has had the

property for 30 years, and she feels to say they are no longer entitled to do business as they always have is one more instance of being unfair to the business community.

Ms. Blizzard stated she does not understand the premise of putting more parking in this area in order to benefit other businesses; it does not make sense to her that the Council would be willing to hurt her business in order to benefit other businesses they hope will come into the area in the future.

Mayor Engler asked if the railroad crossing next to the showroom is the City's easement or Lakeport Landing's easement. Ms. Blizzard answered it is their easement, they pay for it every year. Councilor Bolduc explained that when the State moved Elm Street they closed the entrance there along the railroad track off from Union Avenue to get to those 10 parking spaces. They did not want two entrances and exits on the railroad tracks.

Mayor Engler asked what can be done from a legal standpoint, if anything, exclusively with the current tenants as opposed to opening it to negotiations with other parties. City Manager Myers answered when this parcel went through the process of leasing the City was tied up in court with the challenge that the City was not open and on a level playing field with the process. Based on direction from the Council he would want to sit down with legal counsel and talk about the available options. The other thing to keep in mind is that the City owns the building at the end of this lease; when the land was leased 30 years ago the building was not constructed until after the lease was in place. Between the lease and the property taxes, the City receives between \$14,000 and \$15,000 each year.

Mayor Engler stated his sense from the Council is that a firm legal opinion is needed before going further as to whether or not there is a legal right or where the City stands in terms of negotiating with only one party either for sale or lease. City Manager Myers wished to make the Council aware that correspondence has been received on a regular basis from an abutter to the property indicating their interest in the parcel should the City ever look to do another lease, sell the property, etc. They have been on record many times, including very recently, that they are interested in this parcel. He recommended legal counsel be present at a future meeting to allow the Council to hear their opinion first hand and ask questions.

Councilor Bownes asked if there are restrictions to having more parking in this area. City Manager Myers answered they did look into an option for an easement to cross the railroad tracks. If the Council was to look to subdivide the property to have the structure remain on a smaller parcel and to control some of the parking spaces where the boats and trailers are now, that is something that could be explored. He believes there are ways to legally structure this if the Council wished to consider subdividing the property as an option.

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: NONE

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.

- (b) The hiring of any person as a public employee.
- (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.
- (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.
- (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.
- (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

Councilor Lipman moved to enter into nonpublic 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, the Council entered into nonpublic session at 9:41 pm.

*Councilor Lipman moved to come out of nonpublic session. Seconded by Councilor Baer. **Motion passed unanimously.***

The Council reconvened in public session at 9:56 pm.

*Councilor Hamel moved to seal the minutes of the nonpublic session for three (3) years. Seconded by Councilor Bolduc. **Motion passed unanimously.***

ADJOURNMENT:

*Councilor Bolduc moved to adjourn at 9:57 pm. Seconded by Councilor Hamel. **Motion passed unanimously.***

Respectfully Submitted,

Nancy Brown
Acting Recording Secretary