



**LACONIA CITY COUNCIL MEETING  
NOVEMBER 8, 2010  
CITY HALL – CONFERENCE ROOM 200A  
7:30 P.M.**

**CALL TO ORDER:**

Mayor Seymour called the meeting to order at the above date and time.

**SALUTE TO THE FLAG:**

Councilor Ava Doyle led the Salute to the Flag.

**ROLL CALL:**

City Clerk Cote called the roll with the following Councilors present: Councilor Doyle, Lahey, Lipman, Baer, Hamel and Bolduc. Also present City Manager Eileen Cabanel.

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

- **Regular minutes of October 25, 2010**

Councilor Bolduc moved to accept the regular minutes of October 25, 2010. Seconded by Councilor Hamel. **Motion passed unanimously.**

**CONSENT AND ACTION CALENDAR:**

1. **Temporary Traffic Order 2010-11 Evangelical Baptist Church/American Red Cross Community Blood Drive**

Councilor Hamel moved to approve Temporary Traffic Order 20101111 Evangelical Baptist Church/American Red Cross Community Blood Drive as presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

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

**INTERVIEWS:      NONE**

**COMMUNICATIONS:      NONE**

**PRESENTATIONS:**

- **Recognition of 2010 Adopt-a-Spot Winners**

Marie Bradley, Ann Saltmarsh, and Mayor Seymour presented the following acknowledgements:

Best Barrels

- Beacon St. West Condominiums – Carmel Lancia and Sandy Hickok
- Franklin Savings Bank –Veteran’s Sq. – accepted by Mayor Seymour
- Stafford House/Laconia Housing Authority

Best Planter

- Weirs Action Committee – accepted by Councilor Ava Doyle

Landscape Recognition Award

Residential:

- Linda Vollmerding for her home on Windmill Lane

Civic:

- Ginger Wells of Garden Artisans, LLC for Rotary Park
- Blythe Caruso for Enchanted Earth Designs, LLC for the area in front of the new addition at the Laconia Library
- Jonathan Marchant, Katie Mountain of Belknap Landscape Company, Inc. for Stewart Park Memorial Garden

Special Recognition Awards

- Suzanne Perley - Opechee Garden Club for the adopted area at Belknap County Superior Court and the Lakeport gardens on the WOW Trail.
- Christopher Haddock - CBH Landscape Contractor for the care and maintenance of the entire Laconia Library grounds. Chris and his crew for many years have donated their time to do all the spring and fall cleanups, weekly mowing and cleanup of the outside grounds of the Library and have for over 10 years maintained the entire area around the Welcome to Laconia sign on Rte. 3. His generosity has been unmatched!

**MAYOR’S REPORT:      NONE**

**CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:**

Ralph Alexander asked for clarification on the proposed Pawnbroker changes and how the items came to be discussed. Mayor Seymour noted that the Council would be hearing presentation on the proposed changes shortly, and Mr. Alexander would have an opportunity to comment on the items at that time.

**PUBLIC HEARING:      NONE**

**COMMITTEE REPORTS:**

1. **FINANCE:** (Lipman, Hamel, Baer) (Report on meeting of 11/08/10 at 6:45 p.m. re 2011-2012 Budget)
  - a) WOW Trail Fund
  - b) Special Item Budget Requests Procedural Review

Councilor Lipman reported on the meeting held this evening at 6:45 p.m. in regards to the 2011-2012 budget. This was a preliminary meeting to gather information, at which time it was discussed that the City will need to know more factors, such as State of NH projections, before determining how aggressive action needs to be for the upcoming fiscal year. City Manager Cabanel noted that Councilor Hamel had a great idea, which is to have the Department Heads give their thoughts to City Manager Cabanel, which will allow for preparation.

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) Amendment to Zoning ordinance re Drug Treatment Facilities
  - c) Service on more than one board or commission

**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
  - e) Inventory of Public Works Equipment

**No report on any item in committee**

5. **LAND & BUILDINGS:** (Hamel, Lipman ,Bolduc)
  - a) Repair & maintenance of City Buildings
  - b) Replacement of windows at Weirs Beach Fire Station

**No report on any item in committee**

**LIAISON REPORTS:**

Councilor Lahey reported on the Lakes Region Facility Study Committee. Councilor Lahey, Councilor Baer, and City Manager Cabanel attend a meeting in Concord last week of the Monetization Commission, which is looking at properties owned by the State of NH to sell for profit. The outcome at this time is that the property is not ready to sell, which is the position that the Lakes Region Facility

Study Committee is taking. Disposition of the property will not be happening at this time, which will allow the Study Committee complete their report which is due in June 2011.

Councilor Hamel asked if this included just the buildings or the undeveloped land also. Councilor Lahey stated that the Lakes Region Facility Study Committee includes everything other than Ahern State Park, but the State of NH is looking at Ahern also.

Councilor Bolduc confirmed that the property across the street on Lake Opechee was also being discussed. Councilor Lahey noted that the property is under conservation, even though there was a comment that it wasn't subject to easement.

### **MANAGER'S REPORT:**

City Manager Cabanel reported that the revaluation numbers have been reviewed by Vision Appraisal; those who had appointments will be receiving a letter with the outcome. City Manager Cabanel did obtain a list from Vision Appraisal showing all of the adjustments made. There is still another opportunity to appeal your assessment after the second issue tax bills are completed through and abatement request to the Board of Assessors. Councilor Hamel confirmed that all of the adjustments have been made, as he was talking to a tax payer last week who is not aware of her adjusted assessment. City Manager Cabanel offered to share her list with the Councilors, and encouraged tax payers to contact City Hall for the information as well.

City Manager Cabanel informed the Council that another phase of the Riverwalk Project would be beginning soon. The area of Stewart Park will have several upgrades made to it, including the sidewalks, park benches and lighting. The bid was granted to Belknap Landscape Company for \$75,000 and is funded through the Tax Increment Financing District. After this project, the fund will still balance \$100,000 for the other areas of the Riverwalk.

Duncan Webb will begin appointments on Wednesday, November 10, 2010, concluding on Friday, November 12, 2010. Over 150 people have scheduled appointments, and all will receive a phone call or email to confirm their appointment. A wide variety of people and businesses from all over the Lakes Region have scheduled appointments. This will be a step toward completion of the feasibility study.

Councilor Hamel asked to have the City Manager include reports on pending litigation against the City, only those that can be discussed in public, and the outcome when known. It was also asked to have the cost for legal fees associated with each case. City Manager Cabanel noted that those who bring the "unnecessary lawsuits" do cost the City a lot on money. Councilor Hamel asked if decisions are made in favor of the City, are we asking the court for reimbursement of legal fees. City Manager Cabanel stated we are not, but in her opinion we should be.

Councilor Hamel also requested to have an addition made to contracts, particularly for road repairs, which would indicate when major work needs to be completed by. It was noted that the work on Highland Street is well past the acceptable time for completion; paving is completed, but there is no curbing, man holes or sidewalks done. It would be recommended by the Council that any major projects be completed by the end of September, and if for some reason they cannot be estimated for completion by the middle of October, they should not even be started. The Council agreed with this suggestion.

Councilor Hamel also mentioned a residence that had their basement fill with two and one half inches of concrete, and the issue was not addressed correctly by the contractor when the resident approached

them. When the resident contacted Public Works, there was no one available to speak with. Eventually, the resident contacted the City Manager's Assistant, Marie Bradley, and the problem was addressed. Councilor Hamel noted that he was not happy with the process and the contractor should not be ignoring an issue like this. City Manager Cabanel assured Councilor Hamel that she will address this issue.

#### **NEW BUSINESS:**

- 1. Proposed ordinance amendment to Chapter 161, Licensing concerning pawnbrokers**
- 2. Proposed ordinance amendment to Chapter 173, Pawnbrokers**

City Manager Cabanel explained that the above proposals were brought up by the Licensing Board, consisting of the Police Chief, Fire Chief and one member of the public. City Manager Cabanel invited Chairman of the Licensing Board, Jim Rogato, to address the Council in reference to the above proposals.

Mr. Rogato explained that Chapter 173 - Pawnbrokers already contains the language enabling the Licensing Board to require a license for Pawnbrokers and this is a matter of "housekeeping" to incorporate the language into Chapter 161, which contains all of the Licensing procedures. The issue arose when someone requested a license for a Pawnbroker, and one does not exist at this time. Mr. Rogato reviewed the changes in the language to allow clarification. It was also noted that the existing Pawnbrokers within the City are complying with the reporting guidelines to the Laconia Police Department and they would not be subject to the initial application fee of \$100 because they currently exist; anyone coming into the City after January 2011 will be subject to the initial fee.

Councilor Hamel asked why the fee doubles if not done prior to seven days. Mr. Rogato explained that this is like a penalty for not having it in earlier because the process then needs to be expedited, and this is consistent with the fees for other Licenses.

City Manager Cabanel asked if the Pawnbrokers had been paying a fee before, and Mr. Rogato explained that they did not because a license was not in place for them.

Councilor Hamel asked if background investigations have been done anyway, or if it is new. Mr. Rogato explained that the Licensing Board has the authority to request them of any applicant now; this just clarifies it for this particular license type. Councilor Hamel asked if this is inclusive of employees of the shop as well, or just the owner. Mr. Rogato explained the avenue had not been discussed, but it could be clarified to include all employees.

Mayor Seymour invited Mr. Alexander to express his concerns.

Mr. Alexander noted that under State of NH law, if you operate as a Pawnbroker in a municipality of less than 40,000 people, you do not need a license. His concern is that once they open this up to a licensing requirement, you are allowing for less personal control of his store. They follow all of the guidelines set forth by the Police Department at this time, and Mr. Alexander does not see the need for a license also.

City Manager Cabanel asked Mr. Rogato if this subject was brought up because the Police Chief has concerns about new Pawnbrokers coming into the City. Mr. Rogato stated this was brought up because someone came in and asked for a license and we did not have an application to give them.

Mr. Alexander noted that there are several second hand shops in the City, and the only difference is they don't loan money on collateral. They are conducting the same type of business and they don't need a license.

Mayor Seymour asked the Council for a consensus, and it was decided to refer these proposals the Government Operations and Ordinances Committee for review. Councilor Doyle requested to schedule a meeting at 6:30 p.m. on Monday, November 22, 2010.

### **3. Effective date for City Charter amendments**

City Manager Cabanel reviewed the process for making the Amendments effective.

Councilor Baer noted that we are getting into a busy time of year and we have several meetings coming up with the budget and would prefer to have them effective July 1, 2011.

Councilor Hamel moved to make all City Charter Amendments approved by the voters on November 2, 2010 effective at the beginning of the next municipal year, which is July 1, 2011. Seconded by Councilor Bolduc. **Motion passed unanimously.**

#### **UNFINISHED BUSINESS:**

1. WOW Trail
2. Master Plan
3. EPA Update
4. Sewer & Water Master Plan
5. Single Stream Recycling/Concord Co-Op

**NOMINATIONS, APPOINTMENTS & ELECTIONS:                      NONE**

#### **COUNCIL COMMENTS:**

Councilor Doyle reminded everyone that the deadline for submission for the Debra Bienarz Award is November 12 and all submissions should be directed to Marie Bradley in the City Manager's Office.

Councilor Hamel commented that he was joined by Councilor Bolduc and Councilor Doyle at the grand opening of the McDonald's Restaurant last week. They did a very nice job and the grand opening was great. Mayor Seymour noted the contributions made to the Boys & Girls Club and Elm Street School.

Mayor Seymour noted that there is a meeting of the Planning Board tomorrow evening at which the architect will be present to discuss the designs plans for different areas of the City.

Councilor Baer asked City Clerk Cote for a general consensus on the 7:00 a.m. opening of the polls of Election Day. City Clerk Cote commented that they were very busy, and that this was an exceptional Election with 51% voter turnout.

Councilor Lipman asked for Councilor Lahey to give opinion in reference to the City position with the Lakes Region Facility and Ahern State Park being adequately identified, or does a letter from the Council need to be submitted. Councilor Lahey commented that it appears to be clear as to the City's interests,

and if the Council would like, a letter could be submitted with the final findings of the Lakes Region Facility Study Committee.

**NON - PUBLIC SESSION: NONE**

**ADJOURNMENT:**

Councilor Bolduc moved to adjourn at 8:41 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:

Mary A. Cote  
City Clerk