



**LACONIA CITY COUNCIL MEETING
NOVEMBER 23, 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 Robert Hamel led the Salute to the Flag.

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

Mayor Engler noted that all 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 minutes of November 9, 2015

Minutes were distributed to the Council on November 13, 2015. With no corrections being made the minutes were accepted as distributed.

CONSENT AND ACTION CALENDAR:

1. Request by Laconia Kiwanis to raise funds at Rotary Park on Sunday, August 28, 2016 from 8 am to 3 pm

*Councilor Bolduc moved to approve the request by the Laconia Kiwanis to raise funds at Rotary Park on Sunday, August 28, 2016 from 8 am to 3 pm. Seconded by Councilor Hamel. **Vote was 6-0 and the motion passed.***

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING:

1. The acceptance and expending of donations received by the City of \$3,000

Mayor Engler opened the public hearing at 7:04 p.m. with the notice of this public hearing being made in the November 11, 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. Action will be taken on this item by Resolution under "Unfinished Business".

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

2. Adoption of RSA 31:95-b, Appropriation of funds made available during the year

Mayor Engler opened the public hearing at 7:06 p.m. with the notice of this public hearing being made in the November 11, 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. Action will be taken on this item by Resolution under "Unfinished Business".

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

PRESENTATIONS: NONE

MAYOR'S REPORT: Mayor Engler mentioned that there are upcoming events within the City. The annual Holiday Parade will begin at 4:00 p.m. on Sunday, November 29, 2015. Additionally, Christmas Village will be opening on December 3, 2015 and concluding on December 6, 2015; this event is one that is enjoyed by all ages.

Mayor Engler updated the Council on the Colonial Theatre project. It was announced that an architectural firm, general contractor and engineering firm to manage the project with all three (3) being from local businesses. The architect will be Misiaszek & Turpin LLC, the construction manager will be Bonnet, Page and Stone Corporation, and Rist-Frost-Shumway, PC will be the engineering firm. The fundraising effort to raise \$2 million for this project is underway and a meeting has been held with a consultant. The fundraising committee will be meeting very frequently moving forward. This project is moving favorably on all fronts .

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

No report on any item in committee

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

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: Councilor Baer reported on the Police Commission meeting at which time there were three (3) retirements announced, including Captain William Clary who has been serving for 28 years and he will be missed. The newest Commissioner, Thomas Tarr, began serving his term and Commissioner Whittum was installed as the Chair. There was also recognition of Warren Clement for his years of service on the Commission.

MANAGER'S REPORT: City Manager Myers reviewed the Project Updates.

It was reported that Tom Drouin has resigned from the Laconia Housing Authority because he is moving out of the area. This has been filled with Mark Condodemetraky who will fill the term, which expires in August 2018.

The tax rate has been set at \$22.20, which is \$.38 lower than anticipated. This is due to the City wide assessment coming in \$34 million higher than the tax rate anticipated. The plan is to have the bills printed and in the mail by Friday with a due date of December 28, 2015.

Councilor Hamel noted that the former Burger King parking lot location appearance has not been addressed and he would like an update. Additionally, the dumpsters at Dunkin Donuts on Union Avenue are not fenced in and he would like to have a follow up. City Manager Myers noted they have reached out recently and will follow up.

Councilor Hamel also requested an update on the intersection traffic lights and the problems with the timing. City Manager Myers noted that Busy Corner, Messer and Union, and the Lakeport set have been repaired within the last week. The traffic light at Veterans Square will be done in the spring due to unforeseen factors at this time. There was a discussion on the use of loop detectors compared to cameras for traffic light locations.

Councilor Hamel also inquired about the possible upgrade to the cross walk signals to be count down indicating rather than flashing. City Manager Myers replied that he will get the information but he believes this is going to be costly.

Councilor Hamel commented that the patch work on Highland Street has not been done by contractor and asked if it is being done. City Manager Myers replied that he will look into this and noted that the infrared company out of Claremont is on retainer for a few days and will make note. Also, there has been testing on a pliable cold patch and it is being monitored.

Councilor Hamel asked if the trenches cut on Beaman Street are going to be looked at because they are out of compliance with policy. City Manager Myers replied that he will look into this.

Councilor Lipman commended the work done to track the information for the tax rate because it is helpful. City Manager Myers commented that he will pass this along to the Assessing Department and thanked Finance Director Woodaman for her efforts to stay on top of this process during a very busy time for the Department of Revenue Administration.

NEW BUSINESS:

1. Repurpose Request for Millstone Park/Drainage Project

Councilor Baer commented that she will not vote for this item because the Council did not vote to have a pocket park made and it was masked as a drainage project. The drainage was needed and a pocket park was not. Councilor Hamel added that he does not want to see money come out of Contingency. City Manager Myers responded that there was a lot of hard surface and it was replaced with some softer aspects for aesthetic reasons. Additionally, it was noted that the Contingency is from TIF funding not the General Fund.

Councilor Bownes asked for clarification of Councilor Baer's opposition. Councilor Baer reiterated that the Council voted against a pocket park on Pleasant Street and it should have come back before the Council if the outcome was going to resemble a pocket park. City Manager Myers again noted that this was a scaled back project and was primarily a drainage project and was needed, as well as noting that there were many positive comments about the project from the public and Downtown merchants.

Councilor Lipman moved the following transfer

| | | | |
|-------------|------------------------|--|--------------------|
| <i>From</i> | <i>21-401-001-0001</i> | <i>TIF - Gateway</i> | <i>\$19,515.17</i> |
| | <i>21-401-001-0012</i> | <i>TIF - Bond Fees/Contingency</i> | <i>\$10,074.83</i> |
| <i>To</i> | <i>21-401-001-0010</i> | <i>TIF - Millstone Park Drainage & Sidewalks</i> | <i>\$29,590.00</i> |

Seconded by Councilor Bownes.

Councilor Lipman commented that although it probably would have been in the best choice to have the Council make the decision to have this look more like a park it has been done.

Vote was 4-2 and the motion passed. (For: Councilor Doyle, Bownes, Lipman, Bolduc; Opposed: Baer, Hamel):

2. Discussion of monumental oak tree on Union Avenue

City Manager Myers reviewed the conditions for approval for the development of the lot and the safety review done, which indicates the oak tree causes a site impediment for traffic safety.

Additionally the Department of Resources and Economic Development, Division of Forests and Lands, did an analysis of the oak tree and the location with the recommendations reviewed. The Heritage Commission has encouraged the oak tree be saved. An assessment was also done by Luke Powell, Assistant Director of the Department of Public Works, on the impact of the oak tree on exiting vehicle site distance, feasibility of moving the sidewalk, and the condition of the tree. Discussion followed regarding the City jurisdiction and actions that can be taken, the need to remove the sidewalk pavement to give the tree access, the potential for the tree to rot from the inside out and the community request to save the tree.

The Council requested the City Manager have a letter drafted to the Planning Board to note there request to have the tree saved. It was also requested to have the Planning Board take more care when developments are being approved with larger parking lots and using pavement to cover root systems.

Councilor Lipman moved to take immediate action to remove sidewalk material from the base of the tree before winter in an attempt to save the tree. Seconded by Councilor Hamel. **Vote was 5-1 and the motion passed.** (For: Doyle, Bownes, Lipman, Hamel, Bolduc; Against: Baer)

UNFINISHED BUSINESS:

- 1. Second reading of a resolution relative to the acceptance and expending of donations received by the City of \$3,000**

*Councilor Lipman 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 Bolduc moved a second reading of a Resolution relative to the acceptance and expending of donations received by the City of \$3,000. Seconded by Councilor Lipman. **Vote was 6-0 and the motion passed.***

- 2. Second reading of a resolution relative to the adoption of RSA 31:95-b, Appropriation of funds made available during the year**

*Councilor Hamel moved to table the adoption of this resolution until pending litigation has been resolved. Seconded by Councilor Lipman. **Vote was 6-0 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:

Trustees of the Trust Fund (1 vacant position)

1. Anthony Felch - seeking appointment as a full member of the Trustees of the Trust Funds to fill the remaining 3-year term of Karl Reitz which expires at the end of March, 2016 (1 vacant position)

Councilor Lipman noted the appreciation for Mr. Felch coming forward but feels that he does not have the knowledge base to fill this position. Councilor Baer also noted that the Trustees of the Trust Funds advised that the Council should be soliciting someone that can handle the investments.

No nomination was made and the position remains vacant.

Parks & Recreation Commission (1 vacant position)

1. Anthony Felch - seeking appointment as a full member of the Parks & Recreation Commission to fill the remaining 3-year term of Jeff Pattison which expires at the end of March, 2016
2. Arthur Kirk - seeking appointment as a full member of the Parks & Recreation Commission to fill the remaining 3-year term of Jeff Pattison which expires at the end of March, 2016

Councilor Bolduc moved to appoint Arthur Kirk as a full member of the Parks & Recreation Commission to fill the remaining 3-year term of Jeff Pattison which expires at the end of March, 2016. Seconded by Councilor Baer.

Councilor Doyle commented that she will be supporting this nomination but not because she doesn't think Mr. Felch would do a quality job; she feels he should be concentrating his efforts on the Leavitt Park Association and the new, fresh ideas from Mr. Kirk will be welcomed.

Mayor Engler called the question. **Vote was 5-1 and the motion passed.** (For: Doyle, Bownes, Lipman, Baer, Bolduc; Against: Hamel)

COUNCIL COMMENTS: Councilor Bolduc invited everyone to attend Christmas Village from December 3 through December 6. The hours were reviewed as being Thursday and Friday from 6-8, Saturday and Sunday from 2-6 with special hours for the elderly and handicapped on Saturday and Sunday from 10-12. This is the 40th year and the opening ceremony will be on Thursday evening.

Councilor Hamel thanked Sharon Cavanaugh for her efforts in the preparation of the downstairs area. It will be very

NON - PUBLIC SESSION: NONE

ADJOURNMENT: Councilor Bolduc moved to adjourn at 8:17 p.m. Seconded by Councilor Baer. **Vote was 6-0 and the motion passed.**