



**LACONIA CITY COUNCIL MEETING  
NOVEMBER 10, 2014  
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.

**SALUTE TO THE FLAG:**

Councilor Baer led the Salute to the Flag.

**ROLL CALL:**

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

*Councilor Doyle was absent.*

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

1. Regular meeting minutes and two non-public minutes (three sets) of October 27, 2014

*Councilor Bolduc moved to approve the three sets of minutes of October 27, 2014. Seconded by Councilor Hamel. **The motion passed unanimously.***

**CONSENT AND ACTION CALENDAR:**

1. Rent for Boardwalk, Lakeport and Weirs Boulevard spaces for Motorcycle Week 2015

*Councilor Baer moved to set the rental rates for the Boardwalk, Lakeport and Weirs Blvd spaces for Motorcycle Week 2015 as presented in a memo to City Council dated November 10, 2014. Seconded by Councilor Hamel. **Motion passed unanimously.***

Councilor Hamel stated it had been several years since a rate change and wondered if there was interest in an increase. Councilor Bownes asked when the last time the rates were increased and Councilor Hamel said they had been decreased when the economy went down. Councilor Baer asked if any vending spots have been lost or added and Councilor Hamel noted a few spots were lost when they gave them to the Motorcycle Week Association. City Manager Myers noted there has been a consistent return of vendors year after year. They give those vendors right of first refusal if they had been there the previous year. There are the five spaces that are equipped for restaurant use because of water and grey

water disposal. A few spaces were lost when the Motorcycle Week Association headquarters requested space on the Boardwalk. There are still a few vendors that think the price is reasonable and there is a waiting list. Councilor Bolduc asked why this area is the only one in concern and not all of them; City Manager Myers answered that there is more demand in the Weirs for vending space.

2. Temporary Traffic Control Order 2014, Holiday Parade

*Councilor Bolduc moved to approve the Temporary Traffic Control order for the 2014 Holiday Parade as submitted by staff. Seconded by Councilor Hamel. **Motion passed unanimously.***

**DISCUSSION: NONE**

**CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:**

Mayor Engler stated this is time when anyone present would like to offer comment on any item not on the agenda.

Quinn Brouillard of 50 Fenton Ave brought up the chicken issue. He stated that it is complex and deserves more attention and should be brought up in the future. He lives near the downtown area and is not allowed to have chickens, even though he has a third of an acre. He feels he has more than adequate space for chickens, ducks or a milking goat. Mayor Engler told him he needs to go to the Planning Board for the issue. There was a proposal a year ago and that died at the Planning Board level, so it never was before the Council.

**INTERVIEWS: NONE**

**COMMUNICATIONS: NONE**

**PUBLIC HEARING:**

1. Proposed Ordinance Re: Possession or Sale of Synthetic Cannabinoids

Mayor Engler stated notice of this Public Hearing was made in the Thursday, October 30, 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 7:06 pm.

Quinn Brouillard told his story. 12 years ago he was in California. He was never a drinker or drug user. He bought what they called Salvia and was brought to a bad place like a daydream. He couldn't control thoughts, emotions or motions. He feels it should be completely illegal, any strains of it. About a year ago he had a friend living with him and found out that his friend was addicted to bath salts or incense. He feels they are very addictive and should be illegal.

Mayor Engler closed the public hearing at 7:09 pm.

2. Proposed Sale of City-Owned Property on Winnisquam Avenue, Parcel 451-245-15 to Ralph and Jacqueline Langevin for \$20,000.

Mayor Engler stated notice of this Public Hearing was made in the Thursday, October 30, 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 7:10 pm. There was no public comment, and the public hearing was closed at 7:11 pm.

**PRESENTATIONS: NONE**

**MAYOR'S REPORT:**

1. NH Lakes Association gave the City a Token of Appreciation for the record of the largest launch of canoes and kayaks in the Weirs on August 3, 2014 at 396. No one was there to present the letter of appreciation from NH Lakes Association, so Mayor Engler read it into the record. Mayor Engler acknowledged and thanked NH Lakes Association.
2. The 7 charter amendments that were on the ballot all passed. The new Ordinance is now in effect and will feel the first change late next summer.
3. The Belknap Mill trustees approached the City and informed that they have declared they no longer view themselves as a viable owner of the building itself and are looking for new owner. Their preference is to keep the public profile and use and they would like to partner with an entity or the City, where the owner will own the building and Belknap Mill Society will still have the use. If that doesn't work the building will have to put on the market. City Council has spoken with the trustees and agreed to offer services. At the beginning of the first Council meeting on December 8 there will be public forum for comment on the situation. Anyone and everyone is invited to offer comment and representatives will be present to hear.

**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".

Regis Galt, of Laconia, commented on the Spice ban. He wanted to know why the City wants to put a ban on something that is already illegal in the state and can be faced with felony charges. He feels it a waste of time. He bought it legally and has 4 felony charges. Mayor Engler asked Captain Canfield to comment. Captain Canfield noted he couldn't comment on Mr. Galt's case but said the Spice that the Ordinance would ban is legal now and can be legally sold in the state of NH.

Steve Whalley, of 54 Pendleton Beach Road, spoke on the Lakeport Landing lease. He lives in Laconia and has owned HK Powersports on Union Avenue for 30 years. He feels Union Avenue is the business strip. He feels the people of Laconia don't understand the importance of the area. He feels the majority have the attitude about the downtown. Lakeport Landing has been a good business member and he would like to see them have a shot at keeping the building. The fire station might be a better place for a parking lot.

John Moriarty, President of the Main Street Initiative, wanted to thank the Council for passing the Temporary Traffic Order for the Holiday Parade. He also noted at the Special Events meeting there was discussion on the three page application that they were expected to submit. For an event that is 60 years old, the Downtown Initiative is hoping to continue conversations with the Planning Dept. to streamline this process.

**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. Project Updates Report

City Manager Myers explained the construction season is almost done. Union Avenue is completely finished and striped. There are some punch list items will be occurring this fall and next spring. Installation of the school zone sign will be put in during Thanksgiving in conjunction with LRGH for a pedestrian crossing. Other streets around are finishing up prior to winter. The Main Street Bridge will be wrapped up by Friday and traffic flow will be back to normal for winter. They will start again in the spring of 2015.

2. Financial & Operating Trends Report (attached)

There was a net gain in construction value in building permits at \$21.5 million in new project value. That exceeds all of last year's amount. There have been 176 building permits pulled this year so far which is higher than last year at 168 for the year. Motor vehicle registration is up. The Impact Fee is starting to bring in money. The bulky item pickup started the beginning of October and 77 stickers have been sold. The final report to the state for the tax rate will be submitted this week. The bidding process for fire station construction renovations is underway with 7 qualified contractors. Bids will be due on December 9. Councilor Hamel asked if boat registrations were in with the motor vehicles registrations and City Manager Myers said boats are a separate line item. City Manager Myers will get that into the report. Mayor Engler asked for the status on the Pleasant/Main Street project and City Manager Myers told the Mayor that it is complete and the patch will be paved over in the next week or so. Upgrades to the sidewalk by Vintage Row will be on the drawing board for the spring.

**NEW BUSINESS:**

1. Transfer Request

City Manager Myers noted this request came from the Finance Director. A long time employee recently retired from the Police Dept. and the accrued leave came to \$70,000. The hope was that \$35,000 would come out of the accrued leave account and the other half be paid by the Police Dept.

*Council Baer moved to approve the transfer of \$35,000 from the Accrued Leave Stabilization account to the Police Retirement Payment account. Councilor Bolduc seconded. **The motion passed unanimously.***

**UNFINISHED BUSINESS:**

1. Second Reading of an Ordinance Inserting Chapter 70, Possession or Sale of Synthetic Cannabinoids

*Motion made by Councilor Bownes to pass the ordinance by title only and waive the reading of the ordinance. Councilor Bolduc seconded. **The motion passed unanimously***

*Motion made by Councilor Hamel to approve the second reading of the Ordinance concerning Chapter 70, Possession or Sale of Synthetic Cannabinoids as presented. Councilor Bolduc seconded.*

Councilor Bownes feels it difficult to draw a conclusion prohibiting something that doesn't have factual basis in terms of threat to the City and a factual basis of the long list of synthetic drugs to attempt to control. It shouldn't be passed because there is a general fear or other communities are passing it.

***The motion passed by a vote of four in favor, one opposed.***

2. Proposed Sale of City-Owned Property on Winnisquam Avenue

*Motion made by Councilor Bolduc for the City owned property on Winnisquam Avenue (Parcel 451-245-15) to be declared as surplus property. Councilor Baer seconded. **The motion passed unanimously.***

*Motion made by Councilor Baer to proceed with the sale of the property for \$20,000 on Winnisquam Avenue as outlined in a memo from the City Manager dated November 10, 2014 and to authorize the*

*City Manager to sign all necessary documents. Councilor Bolduc seconded. **The motion passed unanimously.***

### 3. Early Street Acceptance

City Manager Myers updated the Council. He and staff looked at Chapter 192 which is the ordinance for street acceptance, which is the general approach of the real full process is in the Subdivision regulations Chapter 6.2. He asked Planning Director Saunders to bring early street acceptance to the Planning Board last week as a first review. The vote by Council would be a recommendation that the Planning Board adopt this as an option, separate from the traditional street acceptance. Through the Planning Board process there were a few technical changes. City Manager Myers said the vote if the Council chose, would be to recommend the Planning Board adopt this as an option. Developers still have the option to go the traditional route. Councilor Hamel asked if the City would be responsible for damages and City Manager Myers stated that would be made a punch list condition of the final work going in so if there would be damage caused by the continued construction it would be expected the contractor would fix it. Councilor Bownes added there was discussion at the Planning Board meeting about the City getting stuck for damages after the acceptance and some members were concerned that the plow would destroy any raised manholes. City Manager Myers said Assistant Director of Public Works Powell was asked and will attend the next Planning Board meeting on December 2. City Manager Myers noted that if there are issues with an early acceptance, then down the road it can be revisited. Councilor Bownes asked if a public hearing should be scheduled and City Manager Myers said it is not necessary because it basically impacts developers. The Planning Board will vote and that will be final.

*Motion made by Councilor Lipman to recommend the Planning Board update Section 6.2 of the Subdivision Regulations to include the method for early street acceptance as outlined in a memo from the City Manager dated November 10, 2014. Councilor Bolduc seconded.*

Councilor Lipman commented early street acceptance is friendly to the tax payer buying into the development. Councilor Bownes agreed.

***The motion passed unanimously.***

### 4. City-owned parcel on Elm Street (Lakeport Landing); Discussion and Request to Schedule a Public Hearing on November 24, 2014

Mayor Engler noted this was discussed at the last meeting. The lot is .81 acres located at the intersection of Elm Street and Union Avenue that runs parallel to Union Avenue. It is currently occupied by Lakeport Landing Marina. The lot is owned by the City and has been leased to Lakeport Landing for 29 years; the lease will expire in 2015 and is no longer extendable by the Lessee. The options are: the City do nothing and it would become City property, the lease could be continued to the current party or another party or the parcel could be declared as surplus property and be sold. Mayor Engler noted earlier Council had a private meeting with the City's attorney for options. The reason for the close attention is because the parcel has been the subject of a lawsuit in the 80's that went to Supreme Court and that is the reason for being cautious.

Councilor Lipman noted that the Council doesn't have the legal option to just extend the lease. Councilor Lipman would like to have a public comment session on the position of selling the building and

some land to preserve an option for the City. It would not be a formal hearing or proposal. He agrees with Steve Whalley that Lakeport Landing should have a fair shot.

*Motion made by Councilor Lipman putting forward an informal position of the City Council subject to a public comment session at the next meeting.*

Mayor Engler stated that if this motion passes, then it will be at the top of the agenda on November 24 and public comment would be taken. This would be to sell the building with a portion of land.

*Councilor Baer seconded. **The motion passed unanimously.***

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

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

#### **COUNCIL COMMENTS:**

Councilor Baer mentioned that there will be services for Veteran's Day tomorrow in Veteran's Square at 11:11 am and are encouraged all to go.

#### **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.

#### **ADJOURNMENT:**

*Councilor Bolduc moved to adjourn at 8 pm. Seconded by Councilor Hamel. **The motion passed unanimously.***

Respectfully Submitted,

Kalena Graham  
Acting Recording Secretary