



**LACONIA CITY COUNCIL MEETING  
NOVEMBER 24, 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 Robert Hamel led the salute to the Flag.

**ROLL CALL:**

Deputy City Clerk Anders called the roll with the following Councilors present: Councilor Baer, Hamel, Doyle and Bolduc and Mayor Engler. Also, City Manager Myers and Finance Director Donna Woodaman.

Councilors Bownes was absent and Councilor Lipman arrived at 7:03 pm.

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

Regular meeting minutes of November 10, 2014

*Councilor Bolduc moved to approve the minutes from November 10, 2014. Seconded by Councilor Hamel.  
**The motion passed unanimously.***

**CONSENT AND ACTION CALENDAR: NONE**

**DISCUSSION: NONE**

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

Mayor Engler stated this is the when anyone present could offer comment on any item not on the agenda.

Dennis Lantz of 59-65 Weirs Blvd discussed the prison coming to Laconia and is against it. According to Time Magazine, NH is the number 1 in population growth. He feels there should be a look at how and why the state is growing. He had attended Police Commission meetings and looked at the statistics.

**INTERVIEWS: NONE**

**COMMUNICATIONS: NONE**

**PUBLIC INPUT:**

## 1. Public input on City-owned parcel on Elm Street (current lessee - Lakeport Landing)

Mayor Engler noted action will need to be taken in the future on this item, but not at this time. The subject is a City owned parcel of land just under an acre at the intersection of Union Ave. and Elm Street that is occupied by Lakeport Landing Marina. Lakeport Landing leased the property from the City in 1985 for a 30 year term, or ten year term twice renewable, with the provision that the lease could not be extended by the tenant beyond the time frame under those terms. An important provision was that any and all improvements made to the property, including buildings, would become City property at expiration of the lease. The tenant built a 9,000 square foot building. The lease expires at the end of October 2015. The reason for the discussion now is that it is a well-known and established business and the decision will affect the tenant and possibly other businesses. Council met with the City's attorney before the last meeting and was given the history of the property. There was a lawsuit that ended up in Supreme Court from the original sales agreement. The Purchase and Sales agreement was voided by court and the lease agreement preceded that. Council had been advised that they couldn't legally negotiate only with Lakeport Landing and would have to go through an open bid process if the City decided to sell or lease the property again. Other interested parties would need to have an equal shot at the property as well as the current tenant. The three options are to do nothing, the land would revert to City ownership and the land and building and Lakeport Landing would have to find another parcel. A second option would be to decide to continue to lease the property to Lakeport Landing or someone else based on most favorable terms to the City. The third option would be to declare it surplus and sell the lot to an interested party at the highest bid. At the last meeting Council decided to propose to declare a portion of the property to be surplus with the intent of subdividing the lot so that the part with the building would be separate and sell to the highest bidder. The lower part of the lot the City would keep as parking at this point in time, noting that it is across from the fire station and would add value to that lot for the future. Mayor Engler asked for comments.

Attorney Rod Dyer represented the Blizzard family, the owners of Lakeport Landing. Paul Blizzard bought the property in 1978. Attorney Dyer noted some facts: a 9,000 square foot building was erected which cost approximately \$200,000. The lease payments made over the years have been approximately \$200,000 and property taxes have been approximately \$150,000. Paul Blizzard went to the Council in 2005 to obtain approval of a Right of First Refusal if the property was determined to be sold. Attorney Dyer believes that the City should take into consideration what is fair. Councilor Lipman noted that if the City could legally keep the lease he feels they would. Attorney Dyer noted that there would be problems with the use as parking. There is one entrance that goes over the B & M Railroad right of way and there may be some issues with that. The loss of the parking would negatively affect the marina. The City received the parcel by the railroad and there is an additional provision in the Section 8 of the Ordinance. The lessee has a proposal still in the works. Attorney Dyer proposed the Council defer any action for 90 days to give Lakeport Landing the opportunity to make a specific proposal to the City Manager and then the City Manager would give that proposal to the City Council. Councilor Lipman asked if there were any other options because he would like to protect the taxpayers against litigation. Attorney Dyer suggested the bid process not start and give it to Lakeport Landing. Mayor Engler noted the subject will be taken up later on the agenda.

Russ Thibault noted that he was there as a friend of the family. He appreciates the time spent by Council on the City's affairs. He feels the Council is faced with a dilemma; on one hand the Council must be fair to taxpayers of the City and the other hand there is a business that has paid taxes and employed people

for the last 30 years. He feels both can be done and hopes the Council can find a way to balance the two interests. Russ Thibault volunteered his services to help if needed.

Mayor Engler closed the public hearing at 7:29 pm.

**PUBLIC HEARING: NONE**

**PRESENTATIONS:**

1. Community Matters - Presentation on community engagement

Kate Bishop-Hamel from Community Matters gave her presentation. She thanked the Council for the opportunity to present about initiatives and organizations in the Lakes Region. She handed out some examples of the initiatives that she would be referring to. The Financial Stability Partnership (FSP) is a collaborative community based initiative focused on bringing all sectors of the community together through non-profit agencies, businesses, individuals and communities at large. This is done through a collective impact model in addressing a common agenda which is to reduce poverty 20% by 2020. The backbone organization is Granite United Way. They have a series of groups out in the community talking about the poverty issue. Partnering with community members and engaging the youth are being done with the Master Plan efforts and in talking with Planning Director Saunders brought her here, to say there are overlaps as missions. Better Together started some programs like Got Lunch, Stand up Laconia, etc. and now those are stand alone groups. The BCEDC has been training people for the 20% by 2020 and the Chamber of Commerce and BIBA work with the businesses. This approach is being used throughout the country. The collective impact is following 5 conditions: to have a common agenda, a shared measurement, mutually reinforcing activities, continued communication and backbone organization. Bishop-Hamel works with the United Way with BIBA and the Partnership for Public Health to get the word out. Councilor Lipman suggested putting some of this information in the newsletter.

**MAYOR'S REPORT:**

Mayor Engler noted the Public Input session on December 8<sup>th</sup> about the Belknap Mill's financial situation. It will be a public input session, not a public hearing. A representative from the Mill will be present to hear public input and provide explanation of the situation. He stated the City volunteered to host and allow public comment; it is not intended to be the final word on the subject, but a starting level. Councilor Hamel asked about having the meeting at the Mill and Mayor Engler said to see where this input session goes first, then if needed, another location can be decided on.

**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".

Charlie St. Clair of 39 Messer Street feels that the 90 days for Lakeport Landing is fair. He has an issue with his neighbors on Messer Street. The street is wide enough for people to park on the side of the road but people are still parking on lawns. He would like something to happen with the sub lawn. He is not sure who is responsible of the care and maintenance and would like it to be taken care of. He asked Chief Adams if tickets were given out and was told no. Charlie St. Clair continued by saying even in the winter people park up on the snow banks.

**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) Amending Chapter 221, Vehicles and Traffic/Parking on Sub lawns
- 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)**

- 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 that there were a couple of statistics that were not available yet for the Monthly Economic Development Report so that will be in the next meeting's packet. The Holiday Parade is Saturday at 1 pm. Councilor Lipman asked about paving of the intersection at Main Street and Veteran's Square and City Manager Myers said that should be finished up tomorrow. City Manager Myers noted there are two new items of technology. A new patching approach called infrared technology, deals with patching. A company was brought out of Claremont that specializes in the infrared technology. It does the trouble area and a little bit of the area around it. The second

new technology update is with the sand/salt spreader. The speed of the truck is tied into the spreader so there should be no more piles of salt/sand when the truck is stopped. That will be on all 4 vehicles. There is a GPS on the trucks so there is more awareness of where the spread of salt/sand has been.

Councilor Lipman asked Chief Adams for an update on the project that was funded. Chief Adams said it may be mid-January. Councilor Hamel asked about the thought of putting cameras at intersections and City Manager Myers said as the intersections are being updated, cameras are being put in. The cameras that need to be fixed will be fixed. Councilor Bolduc noted that Lakeport Square trip sensor has not been working since it was dug up. City Manager Myers will check on that.

### **NEW BUSINESS:**

#### 1. Restoring a lot on Country Club Road to its pre-merger status

City Manager Myers told Council this request came from the property owner, Adrienne M Johnson Trust. He noted the map in the Council's packets. The lots were purchased in the early 1970s. In subsequent years other lots have been purchased. It had happened all over the State where the same ownership of lots were merged, not by owners. There are no structures on the newer lots purchased, the owner did not benefit from having the lots together. If the lots are restored they will be separate lots for tax and tax bill purposes as opposed to one lot. City Manager Myers recommends the lots be restored to premerger status as the owner requested. He was just made aware of another two lots to be unmerged. That may be another request at the next meeting.

The lots originally purchased were the one the house sits on at 199 Country Club Road, also known as Lot 42 and the second purchased lot was declared unbuildable at that time. There is no water access in the area so the property owner got permission to use the lot for water purposes and a sump pump was put in. Her intention was to have individual lots.

*Motion made by Councilor Bolduc to return 199 Country Club Road 461-215-7 to its pre-merged status as requested by Adrienne M Johnson Trust, pursuant to RSA 674:39-aa. Seconded by Councilor Lipman. **The motion passed 4-0, with Councilor Doyle temporarily out of the room at 8:16 pm.***

#### 2. Sewer warrant

Mayor Engler noted this is a semi-annual warrant that allows the Tax Collector to bill the sewer taxes for sewer only accounts. That accounts for around 700 to 800, and about 10% of the total accounts in the City.

*Motion made by Councilor Hamel to approve the semiannual SewerTax Warrant in the amount of \$112,682. Seconded by Councilor Bolduc. **The motion passed 4-0.** Mayor Engler passed around the tax warrant to be signed.*

Councilor Lipman asked for a second look at the rates. City Manager Myers said the audit was just finished and that will be presented.

## **UNFINISHED BUSINESS:**

### **1. Continued Council discussion: City-owned parcel on Elm Street (Lakeport Landing)**

Councilor Doyle returned at 8:19 pm.

*Motion made by Councilor Bolduc to table the matter for up to 90 days without prejudice. Seconded by Councilor Baer. **The motion passed unanimously.***

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

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

### **COUNCIL COMMENTS:**

Councilor Hamel would like to add a line to the Public Work's dept. He would like to have the Public Works committee have a conversation with Public Works Dept. on their procedure on the repair of the trenches and patches that were done. There is a procedure that should be followed and sometimes isn't. He would like to clarify who has the authority to say that patch is ok or not.

Motion made by Councilor Hamel to add to the Public Works committee in Section d, "Review of Road Cut Repair Procedures". Seconded by Councilor Bolduc. **The motion passed unanimously.**

Councilor Hamel asked City Manager Myers if Public Works had expended any money toward the purchase of new vehicles. Councilor Hamel would like to have a discussion with them beforehand.

Councilor Lipman asked the status on the new position of in-house maintenance and City Manager Myers said no one has been hired yet. Public Works Director Moynihan worked with Paula on the advertisement on the position and City Manager Myers will update Council.

Councilor Bolduc noted that Section a, b, and c don't belong to Public Works and asked where they go. City Manager Myers said it deals with vehicles and under Public Works for the enforcement. There are challenges of adopting an ordinance for enforcing sub lawns. Some parts of the City have not delineated curb/sub lawn to the street and have not paved. There is a gray area with the sidewalk versus sub lawn on a level surface.

Councilor Lipman has an issue with enforcement in the parking area downtown. There was more money lost in ticketing than saved. He understands the entire City cannot be enforced but the targeted areas should be enforced. Councilor Bolduc said Lakeport has issues with cars on the sidewalk with a curb. There is one car in Lakeport Square that is there all night. He feels it not fair for others that want to park there. Councilor Bolduc brought up the second house on Morrill Street is tearing up the sub lawn area. City Manager Myers noted that Morrill Street will be looked at.

*Motion made by Councilor Doyle to remove item d under Government Operations and Ordinances committee. Seconded by Councilor Bolduc. **The motion passed unanimously.***

Councilor Hamel commented on the sub lawn, and said rather than come up with an ordinance, asked Chief Adams if there is something that can be done about ticketing. Chief Adams said it would be criminal mischief and violators would be arrested. He noted they speak about the issue at the Police monthly staff meetings and remind officers to ticket, especially in the problem areas.

*Motion made by Councilor Hamel to remove items b and c from the Public Works agenda. Seconded by Councilor Baer. Councilor Bolduc wants something to be done with big vehicles starting early in the morning. **The motion passed 4-1.***

*Motion made by Councilor Lipman to move Item a under Public Works Committee to Government Operations and Ordinance. Seconded by Councilor Hamel. **The motion passed unanimously.***

Councilor Bolduc noted Christmas Village is ready and will be open for December 4, 5, 6 and 7. December 4 and 5 is in the evening from 6-8 and 2-5, Saturday at 10am is for the elderly and Sunday from 10am -12pm is for handicap. It is free and all are welcome. Thursday is the opening and pictures will be taken.

*Motion made by Councilor Bolduc to go into a non-public session for the purpose of discussing the acquisition sale or lease of real or personal property. Seconded by Councilor Hamel.*

**On a roll call vote of the Council, the Council entered into nonpublic session at 8:45 pm.**

**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 Bolduc moved to come out of nonpublic session. Seconded by Councilor Hamel. **The motion passed unanimously.***

*Councilor Hamel moved to seal the minutes of the nonpublic session for one (1) year. Seconded by Councilor Bolduc. **The motion passed unanimously.***

**ADJOURNMENT:**

*Councilor Bolduc moved to adjourn at 9:07pm. Seconded by Councilor Hamel. **The motion passed unanimously.***

*Respectfully Submitted,  
Kalena Graham*

*Acting Recording Secretary*