



**LACONIA CITY COUNCIL MEETING
SEPTEMBER 12, 2011
CITY HALL – CONFERENCE ROOM 200A
7:00 P.M.**

CALL TO ORDER:

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

SALUTE TO THE FLAG:

Councilor Brenda Baer led the Salute to the Flag.

ROLL CALL:

City Clerk Reynolds called the roll with the following Councilors present: Councilor Doyle, Lahey, Lipman, Baer, Hamel and Bolduc. Also present City Manager Scott Myers and Acting Finance Director Donna Woodaman.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Minutes for the August 22, 2011 Council meeting**

Councilor Bolduc moved to approve the minutes for the August 22, 2011 Council Meeting. Seconded by Councilor Hamel. **Motion passed unanimously.**

Before continuing with regular business, Mayor Seymour took a few minutes to recognize Marie Bradley's retirement from the City and presenting a proclamation and bouquet of flowers. Mrs. Bradley thanked the City and the Council for her many years of service and commented that she will miss all of her coworkers and the Council but is looking forward to her retirement. Each Councilor expressed their individual thanks to Mrs. Bradley and wished her well.

CONSENT AND ACTION CALENDAR: NONE

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS:

- 1. Hillary May – requesting reappointment to the Conservation Commission**

Ms. May expressed that she would like to continue serving on the Conservation Commission because she has not reached all of the goals she set while on the Commission and would like the opportunity to achieve them.

Councilor Baer asked if the Commission is primarily concentrated on land or do they focus on the water as well. Ms. May explained that they are very involved in the water quality and have recently been pushing an initiative to ask people to not expel runoff into the water and to maintain the shoreline.

Councilor Baer asked if the Conservation Fund is growing from user fees. Ms. May replied that it is slowly growing.

Councilor Bolduc and Mayor Seymour thanked Ms. May for her service.

PRESENTATIONS:

- **Rod Dyer, Chairman of the Cultural Arts Center of the Lakes Region, Inc. – Colonial Theatre**

Chairman Dyer reviewed the progress of the Cultural Arts Center of the Lakes Region, Inc. (CACLR) to date, emphasizing that the group has not reached any interim conclusions with regard to the feasibility of rehabilitation and management of the Colonial Theatre.

Chairman Dyer explained that the CACLR is requesting the Council's approval for the City to act on behalf of CACLR as a sponsoring agent for a Land and Community Heritage Investment Program (LCHIP) application in the amount of \$290,000. The use of these funds would include \$40,000 for additional studies needed to assist in determining the feasibility of purchasing, restoring and operating the Theatre property with the remaining \$250,000 being used toward the purchase price. The CACLR is making this request because the guidelines state the applicant must be a municipality of the State of New Hampshire or a non-profit corporation exempt from federal income taxation under section 501 (c) of the Internal Revenue Code, which CACLR does not expect to have before the September 19, 2011 filing deadline.

Councilor Lipman moved to approve the request by the Cultural Arts Center of the Lakes Region, Inc. for the City to act as sponsoring agent for an LCHIP application. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Lipman motioned approval for City Manager Scott Myers to sign the LCHIP application and all related documents, including for any awarded funds. Seconded by Councilor Bolduc. **Motion passed unanimously.**

COMMUNICATIONS: NONE

PUBLIC HEARING:

- **Public hearing concerning borrowing money and the issuance of bonds and bond anticipation notes in the amount of \$13,625,000 and the appropriation of these funds for the construction/renovation of the Huot Technical Center**

Mayor Seymour opened the public hearing at 7:34 p.m. with announcement of the posting of this hearing being made in the August 25, 2011 issue of the Laconia Daily Sun, as well as City Hall and the Laconia Public Library.

Superintendent Bob Champlin reviewed the process of the funding for the Huot Technical Center to date, as well as the upcoming meeting regarding the plans for the athletic field.

With no members of the public wishing to speak, Mayor Seymour closed the public hearing at 7:45 p.m.

- **Public hearing regarding a request from the property owners of Phoenician Way to impose a betterment assessment**

Mayor Seymour opened the public hearing at 7:46 p.m. with announcement of the posting of this hearing being made in the August 25, 2011 issue of the Laconia Daily Sun, as well as City Hall and the Laconia Public Library. City Manager Myers reviewed the process to date, including the waiver granted by the Planning Board in regards to the slope of the road.

Jeff Drouin, 65 Phoenician Way, addressed the Council. Mr. Drouin reviewed a timeline of the process to date, expressing the residents would like to have the street excepted as a public street and allow them to receive some of the benefits that other residents do, such as trash collection, street lights, and snow removal. When the residents purchased the properties it was always the intent to have the road completed to the standards set by the City for approval as a City road.

Councilor Bolduc commented that the cul-de-sac will need to be enlarged and Mr. Drouin advised that is part of the plan. Councilor Bolduc also expressed concern with the slope in the street. Public Works Director Paul Moynihan replied that the slope is steeper than the approved plan because when the project was built in 2003 the contractor and owner contacted the Planning Department requesting a variance because of the excessive cost to comply with the requirement. When taking the request into consideration the Planning Department did consult the Public Works Department and they did agree to the variance because there was no danger to the slope variance because of the flat surface are after the conclusion of the slope but before the junction with Meredith Center Road. Director Moynihan noted that it is not the practice to stray from the standard but each project is looked at on a case by case basis. Councilor Bolduc asked if the variance will make the slope more susceptible to frost heaves. Director Moynihan stated that it was not anticipated because the gravel base under the road is the same as other roads. City Manager Myers noted that the variance was brought forward for informational purposes only and the Council does not have the authority to change the variance that has been granted by the Planning Board. Councilor Bolduc expressed his concern is with more people seeking a variance because it was granted to one development.

Councilor Baer asked how many homes were involved and if anyone has signed any legal documentation regarding this item. Mr. Drouin stated he has not. City Manager Myers explained that this is the first step in a lengthy process.

Dr. Michael Tovell, 87 Phoenician Way, addressed the Council. Dr. Tovell explained that he has lived on Phoenician Way since 2005, at which time he was told the road would be completed and approved as a City road within two years. The owner did complete the maintenance and plowing until 2009, at which point the property owners took over the snow removal because of the necessity to have it done for safety and maintenance reasons. Dr. Tovell feels that Mr. Fereshetian has had plenty of time to complete the needed improvements and he has no intention of doing so. Dr. Tovell encouraged the Council to consider the request being made and allow for the process to continue.

With no additional public comment Mayor Seymour closed the public hearing at 8:00 p.m.

Councilor Lahey asked if this is a case where the cost of completion has gotten ahead of the funds held in escrow, and if that is the case, what changes in requirements have been made to ensure this will not

happen in the future. Assistant Director Luke Powell explained that when the escrow was established in 2004, the funding was sufficient for the time frame that was anticipated for the completion of the infrastructure and it has been eight years. With the escalation of supplies and paving cost, the escrow is now deficient. Councilor Lahey commented that this seems like it could happen again in the future and asked for a remedy to avoid this from happening. Assistant Director Powell explained that the anticipated costs are captured and that it is very rare for an instance like this to occur. Director Moynihan commented that the Planning Director has been consulted and agrees that the escrow accounts for these projects should be updated more frequently and is in the process of implementing system to do so more efficiently. City Manager Myers confirmed this is a discussion that has already taken place with the appropriate parties.

Councilor Hamel asked if there is a way to require the road and infrastructure be completed before the building begins. Director Moynihan explained that if they build the road before the homes are built they will not be receiving any return on the investment and they will not be able to bring equipment in that is necessary to complete the building of homes.

MAYOR'S REPORT:

Mayor Seymour reminded everyone that there will be a forum on the Pay As You Throw initiative on Wednesday, September 14 at the Laconia Middle School from 6:30 p.m. – 8:30 p.m.

Mayor Seymour also commented on the 10th Multicultural Market Day which was held this past weekend in Downtown. It was a wonderful day and turned Downtown into a busy market place and the City appreciates the efforts made.

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: **NONE**

COMMITTEE REPORTS:

1. **FINANCE:** **(Lipman, Hamel, Baer)**
 - a) WOW Trail Fund
 - b) Special Item Budget Requests Procedural Review
 - c) Huot Center
 - d) Sanitary Sewer Fund rates

Councilor Lipman reported that the Committee has reviewed the recommendation of the increase in Sanitary Sewer Fund rates and has agreed to move the following recommendation to the full Council:

	From	To
Base Rate	\$109	\$120
Unmetered	\$409	\$531
Consumption per HCF	\$2.39	\$3.30

The last increase to the rates was made in 2007, with the prior being in the 1990's. With the general increases in cost over time, the rates need to be adjusted to cover the actual cost of this service. The proposed effective date for the change is with the billing date of January 1, 2012.

City Manager Myers recommended having a policy in place to review these rates annually, as well as advising that a formal amendment to the rate will come before the Council a the next meeting on September 26.

Councilor Lipman moved the recommendation as indicated above. Seconded by Councilor Doyle.
Motion passed unanimously.

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) Vending and Licensing Fees
- c) Chapt. 119, Building Construction regarding signed architectural plans for residential units
- d) Proposed charter amendment regarding election of Library Trustees
- e) Redistricting

Councilor Doyle reported that the Committee is prepared to make a recommendation to the full Council.

Councilor Doyle moved to place a Charter Amendment on the ballot at the Special Municipal Election to be held in conjunction with the Presidential Primary Election that the City Council shall annually elect at a regular City Council meeting in March two trustees of the Laconia Public Library to serve for terms of three years.

City Manager Myers requested adding to the motion that the presented language referring to vacancies, alternates, as well as the opening and closing chapter, be included.

Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Doyle reported that they did not have an update on redistricting at this time.

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

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 that she was in attendance for the Laconia Police Department ceremony on September 11. Captain Clary was able to acquire a piece of one of the buildings from the original event and a flag was flown in memorial of the event.

MANAGER'S REPORT:

City Manager Myers reported that the events of Hurricane Irene were a good exercise for all of the departments and agencies involved. The Laconia Middle School was opened as an emergency shelter and was used by a handful of people. Additional information will be made available in the future including utilizing the City webpage and memo boards throughout the City to get information out to residents.

City Manager Myers updated the building permit information for the assessment cycle beginning April 1, 2011 is \$8.7 million, which is up \$400,000 from the same time frame last year.

City Manager Myers thanked the Council and department heads for their participation in the goal setting meetings and advised that a report will be available within the next few weeks.

Mayor Seymour commented that the coordination of the City Manager in the preparation of the hurricane was refreshing and encouraging to the Council knowing that the City Manager was at the point of the process. Mayor Seymour thanked the School District, department heads and the Community Emergency Response Team (CERT) for their efforts.

Councilor Doyle commented that having a generator at the Weirs Fire Station would be helpful for the residents in that area. City Manager Myers replied that he is working on this item and should have a proposal for the Council at their next regular meeting.

NEW BUSINESS:

- 1. A Resolution Relative to Authorizing the City to apply for Funding of a Capital Project in the amount of \$13,625,000**

Councilor Lahey moved to approve **A Resolution Relative to Authorizing the City to apply for Funding of a Capital Project in the amount of \$13,625,000. Seconded by Councilor Bolduc. Motion passed unanimously.**

- 2. LCHIP application for Colonial Theatre (attached)**
 - a) Request by the Cultural Arts Center of the Lakes Region, Inc. for the City to act as sponsoring agent for an LCHIP application.**
 - b) Approval for City Manager Scott Myers to sign the LCHIP application and all related documents, including for any awarded funds.**

See motion under presentations.

- 3. Debra Bieniarz Award Committee –appointment of Council representative.**

Mayor Seymour appointed Councilor Doyle as the Council representative to the Debra Bieniarz Award Committee.

- 4. Request for the transfer of \$5,300 from Contingency to cover outside services and \$132,000 (40,000 from Retirement Group 1 and 92,000 from Contingency) to cover short fall for increase in NH Retirement Rates.**

Councilor Lahey moved the following transfer:

TO: 01-431-304-0000	Outside Contracts	\$2,000
FROM: 01-431-343-0000	Contingency	

Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Lahey moved the following transfer:

TO: 01-431-304-0000	Outside Contracts	\$3,300
FROM: 01-431-343-0000	Contingency	

Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Lahey moved the following transfer:

TO: 01-437-135-0000	Retirement – Police	\$77,000
TO: 01-445-135-0000	Retirement – Fire	\$55,000
FROM: 01-429-135-0000	Retirement (Group 1)	\$40,000
FROM: 01-431-343-0000	Contingency	\$92,000

Seconded by Councilor Bolduc. **Motion passed unanimously.**

5. Request from Nassau Broadcasting to waive vendor fees for the chowder festival on October 2nd from 10-4pm at Funspot.

Mayor Seymour invited the representative from Nassau Broadcasting to address the Council. The representative advised that they have held this event in Meredith for several years and due to new regulations they will not be able to continue holding the event there. The event raises money for the Conservation Trust as well as the Lakes Winnepesaukee Historical Society. There will be approximately 10 restaurants and 10 vendors at the event.

Councilor Baer asked if there are any concerns with traffic. It was replied that the traffic will consist of approximately 1,500 people but will be no more burdening than a night of bingo is at the facility.

Councilor Lipman asked if all of the funds raised from the event are donated to charities. It was advised that Nassau Broadcasting does make some profit from the event and a portion of the proceeds goes to the charities. The restaurants supply a sponsorship donation and the chowder and are not making any profit from the event. The restaurants come from the Lakes Region and it has been several years since a restaurant has come from a notable distance.

Councilor Hamel asked what the City fees would be if the fees are charged. City Manager Myers explained that there is not a “blanket” vendor fee for events of this kind and it is a profit making event for Nassau, but is also a mechanism for bringing people into the City.

Councilor Doyle commented that we are trying to encourage events to come to the City; in the first year the Council should give the event an opportunity to get off the ground in the new location. In the future, if the event proves to be taxing on resources vendor fees can be assessed. Councilor Hamel agreed but encouraged the Finance Committee to investigate a “blanket” fee for these events.

Councilor Baer made the motion to waive vendor fees for one year for the chowder festival on October 2nd from 10-4pm at Funspot. Seconded by Councilor Doyle. **Motion passed unanimously.**

UNFINISHED BUSINESS:

1. Council membership on the CIP Committee
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

NOMINATIONS, APPOINTMENTS & ELECTIONS: **NONE**

COUNCIL COMMENTS:

Councilor Hamel attended the 9/11 ceremony at the Veterans Cemetery in Boscawen with the Patriot Guards. It was a tremendous ceremony with many people involved.

NON - PUBLIC SESSION: **NONE**

ADJOURNMENT:

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

A True Record Attest:

Mary A. Reynolds
City Clerk