



**LACONIA CITY COUNCIL MEETING
JANUARY 23, 2012
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 Ava Doyle 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 Finance Director Donna Woodaman.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Regular and non public minutes of January 9, 2012 and the non public minutes of December 27, 2011**

Councilor Bolduc moved to approve the regular and non public minutes of January 9, 2012 and the non public minutes of December 27, 2011. Seconded by Councilor Hamel. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR:

1. **Authorization for the following boat dealers to act as agents for the City to collect boat registration fees: Paugus Bay Marina, Thurston's Marina, Channel Marine, Irwin Marine and Lakeport Landing**

Councilor Bolduc moved to authorize Paugus Bay Marina, Thurston's Marina, Channel Marine, Irwin Marine and Lakeport Landing to act as agents for the City to collect boat registration fees. Seconded by Councilor Doyle. **Motion passed unanimously.**

2. **Weirs Action Committee request to waive MTRC application fees for Endicott Rock parking lot June 10 thru 18, 2012**

Councilor Bolduc moved to waive the MTRC application fees for the Endicott Rock parking lot for June 10 thru 18, 2012. Seconded by Councilor Doyle. **Motion passed unanimously.**

3. **Lakes Region Sled Dog Club request to waive vendor fees for 83rd Annual Sled Dog Races**

Councilor Bolduc moved to waive the vendor fees for the 83rd Annual Sled Dog Races. Seconded by Councilor Doyle. **Motion passed unanimously.**

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:

Rod Dyer, on behalf of the Cultural Arts Center of the Lakes Region, requested to address the Council and present the findings of the group. Mr. Dyer read the official notification from the group for the Council (see Attachment #1). Mr. Dyer assured the Council that the group is disappointed with the outcome but they made their best efforts to try and secure a more favorable one.

Mayor Seymour thanked Mr. Dyer and the other members of the committee for their efforts.

Mayor Lahey asked if the roof of the theatre is still in danger of failure. Mr. Dyer stated that the opinion of the owner is contrary to that of the engineer, which is that the roof is in a state of failure. Councilor Lahey asked if more damage is being done on days like today when it is raining heavily. Mr. Dyer replied that it is likely and that the committee has confidence in the professionals they chose to evaluate the property.

Councilor Bolduc thanked Mr. Dyer for all of the work the committee has done, noting that this is a sad day for the City. Mr. Dyer echoed that this is a lost opportunity, not only for the City and Downtown, but for the greater Laconia area as well.

David Bownes, Vice Chair of the Cultural Arts Center of the Lakes Region, advised the Council that no one has worked harder and been more creative than Mr. Dyer.

Tom Tardif requested to address the Council. Mr. Tardif stated the Council appropriated \$65,000 to the Colonial Theatre project and he is unable to locate the expenditure in the budget or financial reports. Mr. Tardif also noted that there is a penalty assessed in the agreement for failure to acquire and agreement and the City is responsible. Mayor Seymour noted that only \$50,000 was expended from the City budget and an additional \$15,000 was made by a donor and filtered through the City. Mr. Tardif questioned that the funds were handled and appropriated correctly. Mayor Seymour advised Mr. Tardif that the matter will be looked into and he will be notified of the outcome.

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING: NONE

PRESENTATIONS:

- **Capital Improvements Plan – Don Richards & Kyril Mitchell for Planning Board**

Don Richards addressed the Council. Mr. Richards reviewed the report from the Capital Improvements Committee on behalf of the Planning Board (see Attachment #2).

Councilor Hamel thanked Mr. Richards and the Capital Improvements Committee for the time they invested in the report.

City Manager Myers advised the Council that information was received today relative to an item on the list. The fire engine listed was dependent on a grant which was not awarded, therefore the item will not be grant funded. This is the only change that has been noted.

- **Legislation Update from Delegation**

The following Representatives (Rep) were in attendance to update the Council: Rep. Tilton, Rep. Flanders, Rep. Luther and Rep. Accornero. Also present Belknap County Commissioners Philpot and Nedeau.

Rep. Tilton updated the Council on the recently passed redistricting. The approved plan involves four at-large seats and one flotarial seat, which will be shared with Belmont, for the City. This proposal will now move on to the Senate for approval, which is expected.

Rep. Tilton thanked the Council for the support of HB 1130 that would establish a weighted voting policy for the Winnepesaukee River Basin Project (WRBP). The bill was heard in committee last Thursday with both Rep. Tilton and former City Public Works Director James Presher testifying on behalf of the bill. There have been other suggestions on voting among the advisory group, including flow, which may give the City more votes. Rep. Tilton will be meeting with the advisory board and may be willing to table the bill until the next opportunity.

In regards to held over bills, Rep. Tilton advised that the bills from last year are almost completed and then they will begin working on the currently presented.

Rep. Flanders commented that the redistricting plan was fair for the City and that there should be no budgetary concerns with this session.

Rep. Accornero advised the Council that HB 1498, relative to dog licensing, was heard in committee today and it was discussed at length. Rep. Accornero did not elaborate on the outcome of the hearing.

Rep. Accornero advised that HB 1482, relative to taxation of certain hospital property, was heard on January 19 by committee. Councilor Lipman commented that concerns with this particular bill reflect the concerns of one community, identified as the City of Manchester, and the taxation of hospital property in specified areas; in this concept a blanket policy is not a positive means of correcting the concerns. Rep. Accornero is a supporter of the hospitals and that they give to the communities in many other ways in lieu of taxes, such as emergency service support in the City, and this would in turn remove this support.

Councilor Lipman commented that HB 1342, relative to restricting municipalities from expending funds for the purpose of employing a person as a lobbyist as is done through dues to municipal associations, would have an impact on the New Hampshire Municipal Association in a way that would hinder their ability to be heard and use what limited influence they already have. Rep. Accornero requested any information the Council may have for information so he may present the concerns in an educated manner.

Councilor Baer stated that there are 500 bills presented this session and the legislature cannot possibly go through each one and make assessments of them. If the right of the municipalities to have representation through lobbyist is taken away it would leave an unfair advantage to the other interests

that are permitted to. Rep. Accornero replied that the representatives for the City that are elected fight hard for the City and they have access to legislators as well, but the City would need to communicate their interests to the representatives. Councilor Baer stated that it is a matter of fairness. City Manager Myers advised Rep. Accornero that the hearing on HB 1342 will be heard in the Municipal and County Government Committee tomorrow. Rep. Accornero requested the Council advice of their official position.

Councilor Baer asked where the representative's stand on HB 1306, relative to requiring retirement system employers to make contributions for part-time employees, as it would be devastating to the communities because of the cost associated. No response was made.

Councilor Baer asked where the representative's stand on HB 1303, relative to removing the requirement for federal background checks to obtain a local vendor license. No response was made.

Councilor Baer asked where the representative's stand on HB 1185, which would require penalty assessments that go to the police standard and training fund and move them into the general fund, noting the significant impact this would have on local departments that would no longer be able to afford the sending of officers to the Police Academy in Concord for trainings and certifications. Rep. Accornero replied that they want to do this so the Academy would be solely tuition based and the result could have a negative impact on the public safety because of varying standards among departments in the municipalities. Councilor Hamel asked where the bill is at and what the general feeling is. Rep. Accornero replied that he will get a consensus and get the information to the Council. Councilor Hamel stated that the Academy has been working this way since it began and it is running well. Councilor Lipman stated that this is a big downshift to the communities because the expense of training will be sent back to the taxpayers.

Councilor Baer asked where the representative's stand on HB 1323, relative to giving part-time employees the same benefits, on a prorated scale, as full-time employees, noting the cost that would be associated. No response was made.

Mayor Seymour invited Commissioner (Comm.) Philpot to update the Council on the County. Comm. Philpot explained that the County has prepared a budget that reflects a 0.6% increase over last year, which is commendable with the increased cost of many products and services. Over the last couple of years, the County has received a large support of stimulus funds for projects that are anticipated to be completed this year, with no direct impact on the taxpayers of the County. Comm. Philpot explained that the County will need to construct a new jail and the County is looking at a cost effective way to do so in the next few years.

In regards to pending legislation, Comm. Philpot commented that HB 1323 and HB 1342 would have a negative impact on the County. In addition, the County faces downshifting associated with the nursing home facility because of the decrease in Medicaid funding compared to the cost to operate.

Comm. Philpot commented that the strategic planning process will begin again in a few weeks. The topics will be based on the conversations that take place with the municipalities. With the redistricting, Comm. Philpot would be representing additional communities and will seek re-election this year.

Councilor Hamel commented that the proposed County budget reflects wage increases for employees. Comm. Philpot explained that a 2% Cost of Living Adjustment (COLA) was built into the budget for all employees and up to 3% for merit increases, which are not guaranteed increases. The County has kept

in mind that contract negotiations are on-going at this time. Councilor Hamel replied that the local employees are not receiving increases and he doesn't see how the County can offer increases to their employees because the economy doesn't allow for it. Comm. Philpot stated he understands the concern, but that if the County does nothing with wages they will face a 38% increase in their health insurance costs because of contract negotiations. Regarding non-union and department head salaries, they have been reviewed and it has been realized the amount of work these individuals have done to accomplish the goals of the County in the last few years and the Commission is very supportive of them.

Councilor Hamel asked why there was an increase of almost 50% in the Finance budget. Comm. Philpot explained that there were consolidations from other areas of the budget which would be reflected where they belong now. Last year the County did hire a full time Finance Director, and has eliminated \$500,000 in salaried positions in the last couple of years and the hire has been offset by these cuts.

Councilor Hamel asked if the County offers continuing education programs. Comm. Philpot replied that they do, in the form of seminars and other classes. There was a conversation with the Delegation because there have been some cuts backs, but the County still wants to keep the employees educated to complete their job functions.

Councilor Hamel asked how much money was taken from the Fund Balance to sustain this year's budget. Comm. Philpot replied that \$4 million was used leaving a balance of \$6 million. Councilor Hamel expressed concern over the Fund Balance being decreased. Comm. Philpot explained various ways the County is able to add to the Fund Balance each year.

Councilor Hamel asked if there has been any movement in the area of shared resources throughout the County. Comm. Philpot replied that they have put out ideas, such as a regional police dispatch center, but the communities are not interested. The County will continue to offer programs as they are brought forward, but the communities have to want to participate.

Councilor Lipman commented that the role of County government seems to be in question at the State level. Comm. Philpot replied that he is confident that the Legislators in Concord do not want to spend the day in Concord doing their elected job and then come to the County and run the daily operations of the County. Comm. Nedeau commented that he was in the Legislature for 10 years and the topic came up each year and never passed. Comm. Philpot commented that the people should be able to decide what form of government is to be used. A brief discussion followed regarding centralized jail systems for the State.

City Manager Myers and Mayor Seymour thanked the Representatives and Commission members for their attendance this evening.

MAYOR'S REPORT: NONE

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:

Tom Tardif requested to address the Council. Mr. Tardif commented that the generator for City Hall that is listed on the CIP report should be reconsidered. If the City were to purchase a portable generator with the ability to connect to natural gas, than connections could be placed at other City buildings and the generator could be used for more than one location. Mr. Tardif also noted that the Gunstock Recreation Area is the Regional Relocation Center for the County.

Mr. Tardif also commented that the County giving pay increases sets a disastrous precedent for the communities in the County. With giving 2% increases when no other public employees have not received increases, and in some cases reduced hours or rates, is not acceptable with the increasing costs of health insurance.

COMMITTEE REPORTS:

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

No report on any item in committee

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

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

No report on any item in committee

5. **LAND & BUILDINGS:** (Hamel, Lipman ,Bolduc) (Update on item b from City Manager)
 - a) Repair & maintenance of City Buildings
 - b) Former Laconia Police Department Building**

City Manager Myers presented the proposed Request for Proposal (RFP) for the expressions of interest on the former Laconia Police Department Building. The will be due on March 3 and showings of the building have been scheduled for February 3 and February 10.

Councilor Lahey moved to approve the presented Request for Proposal for the former Laconia Police Department building. Seconded by Councilor Bolduc. **Motion passed unanimously.**

LIAISON REPORTS: NONE

MANAGER'S REPORT:

City Manager Myers reviewed the Monthly Economic Development report (see Attachment #3) and the Recycling Challenge report (see Attachment #4).

City Manager Myers noted that the Judge has ruled on the on-going case regarding the Wide Open Saloon and City staff will be watching the progress over the next two weeks.

Councilor Hamel commented that the Council has requested overtime costs be included in the Monthly Economic Report by department. City Manager Myers replied that it is slated to be added in February because information could not be gathered in time for this report.

NEW BUSINESS:

1. Acceptance by Council of Capital Improvement Committee report

Councilor Baer asked if by accepting this report the Council is compelled to adhere to the recommendations. Mayor Seymour advised that it is not and the report is a recommendation.

Councilor Lahey moved to accept the report of the Capital Improvement Committee. Seconded by Councilor Bolduc. **Motion passed unanimously.**

UNFINISHED BUSINESS:

1. Ordinance Amending Chapter 195, Special Events regarding Burn Out Pits

Councilor Hamel moved an Ordinance Amending Chapter 195, Special Events regarding Burn Out Pits. Seconded by Councilor Bolduc. **Motion passed unanimously.**

2. Ordinance Amending Chapter 195, Special Events regarding Accounts Receivable Balances

Councilor Lahey moved an Ordinance Amending Chapter 195, Special Events regarding Accounts Receivable Balances. Seconded by Councilor Bolduc. **Motion passed unanimously.**

3. Council membership on the CIP Committee
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: NONE

COUNCIL COMMENTS:

Councilor Hamel thanked Hector's Restaurant and the community for supporting the Police Department in their drive to raise funds for the K-9 unit. There was a very good turnout at the event and it was appreciated. The Police Department has reached their goal for the purchase of the K-9 dog and is now working on the funding for the training.

Councilor Hamel requested that the Council purchase defibrillators from the Motorcycle Week fund to be placed at locations to be decided by Deputy Fire Chief Shawn Riley. Councilor Hamel formally moved this request with a purchase price not to exceed \$2,000. Seconded by Councilor Baer. **Motion passed unanimously.**

Councilor Lahey thanked the Police Department for their thorough yearend report, which was published in a way that was healthy for the community to see.

NON - PUBLIC SESSION:

Councilor Lahey moved to enter into 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; and (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. Seconded by Councilor Lipman.

On a roll call vote of the Council it was entered into non-public session at 8:50 p.m.

On a motion by Councilor Bolduc and seconded by Councilor Lahey, the Council came out of non-public session at 9:45 p.m.

Councilor Bolduc moved to seal the minutes of the non-public session for one year. Seconded by Councilor Lahey. **Motion passed unanimously.**

ADJOURNMENT:

Councilor Bolduc moved to adjourn at 9:46 p.m. Seconded by Councilor Lahey. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds
City Clerk