

Minutes of this meeting were approved by City Council on April 11, 2022.

**CITY OF LACONIA - CITY COUNCIL MEETING
7:00 P.M.**

3/28/2022 - Minutes

1. CALL TO ORDER

Councilor Mark Haynes will be serving as the Mayor Pro Tem this evening and called the meeting to order at 7:00 PM

2. SALUTE TO THE FLAG

Councilor Hamel led the salute to the flag.

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

City Clerk Gargano called the roll of Councilor Cheney, Councilor Soucy, Councilor Lipman, Councilor Hamel, Councilor Felch and Councilor Haynes.

Mayor Pro Tem Haynes noted all six councilors were in attendance and a quorum was established.

5. STAFF IN ATTENDANCE

Glenn Smith, Finance Director/ Zoom Coordinator and Wes Anderson, DPW Director

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular meeting minutes of March 14, 2022

Minutes of the meeting were distributed to the City Council on March 17, 2022; no corrections or changes were submitted to the Clerk, the minutes were accepted by the Council as distributed.

8. CONSENT & ACTION ITEMS

8.A. Request to hold Juggernaut 5K on July 9, 2022 and to approve Temporary Traffic Order 2022-02

Juggernaut Fitness, located at 24 Lexington Drive in Laconia, has requested approval of a 5K race to be held on City streets on July 9, 2022, as shown on the map included with this agenda item. Organizers of the race anticipate having between 150-200 participants. Proceeds will be donated to the Children's Auction. There will be no closure of streets, but Laconia Police Department will provide personnel to ensure the safety of the event.

Councilor Soucy made a motion to approve the request to hold Juggernaut 5K on July 9, 2022 and to approve Temporary Traffic Order 2022-02, Seconded by Councilor Felch; no discussion. The ***motion***

passed with all in Favor.

9. **CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA**

No one from the public came forward at this time and Finance Director Smith noted there were no online attendees who raised their hand to speak.

10. **INTERVIEWS**

11. **NOMINATIONS, APPOINTMENTS & ELECTIONS**

11.A. **Appointment of Krista Larsen as an alternate on the Concord Regional Solid Waste/Resource Recovery Cooperative to a three-year term expiring at the end of December, 2025**

Per the Concord Regional Solid Waste/Resource Recovery Cooperative agreement, each member community needs to appoint a board representative and an alternate. The City's current board representative is Public Works Director Wes Anderson. Assistant Public Works Director Krista Larsen has agreed to serve as the alternate on this board.

Councilor Felch moved to appoint Assistant Public Works Director Krista Larsen as an alternate on the Concord Regional Solid Waste/Resource Recovery Cooperative to a three-year term expiring at the end of December, 2025 seconded by Councilor Hamel; no discussion. The ***motion passed with all in favor.***

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

13.A. **Public hearing for Resolution 2022-03, relative to authorizing an application for a two million five hundred thousand dollar (\$2,500,000) loan from the New Hampshire Clean Water State Revolving Loan Fund for the Northern Lakeport Area Sewer Project and appropriating funds for same**

Notice of this public hearing was made available in the March 16, 2022 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Community Center, Laconia Public Library and the offices of the SAU on March 15, 2022.

Mayor Pro Tem Haynes opened the public hearing at 7:08pm

Director Smith notified Mayor Pro Tem Haynes that there were no online attendees who raised their hand to speak.

Hearing no comments from the public in person or online, Mayor Pro Tem Haynes closed the public hearing at 7:09 PM

13.B. **Public hearing on Ordinance 2022-189 to amend City Code Chapter 189, Sewers**

A public hearing on Ordinance 2022-189 to amend City Code Chapter 189, Sewers, was held at the March 14, 2022 City Council meeting. In order to provide an opportunity for additional public input, the March 14 public hearing was recessed and an additional public hearing was scheduled for the March 28, 2022 Council meeting. Notice of this evening's public hearing was made available in the March 16, 2022 edition of the Laconia Daily Sun, and posted at Laconia City Hall, the Parks and Recreation Community Center, Laconia Public Library and offices of the SAU on March 15, 2022.

Mayor Pro Tem Haynes opened the public hearing at 7:10 pm

Ian Bryson, 153 Hickory Stick Lane – Mr. Bryson stated he was representing Country Club Shores lot owners association which is a development of 18 houses off of Elm St and they have a private sewer system which is why they have an interest in this Ordinance change. First he'd like to let the Council know that the association supports the implementation of controls over sewage into the public system. He said it makes sense to do that. They support the controls and any controls that are deemed necessary to be implemented, as long as those requirements are equally applied to all systems including all the City's systems that they are a part of effectively. The next point he'd like express is their concern for this whole process as it seems to be conducted with undue haste; everything is happening very quickly and it wasn't communicated very effectively. They only got to know about this by chance because they attended the last Council meeting. They were very surprised that no one got up and spoke at the last meeting. They were hoping to learn something about the Ordinance and what the potential impact would be to their community but they did not learn anything at the last meeting. They came tonight prepared to ask the questions that they have. The problems that they have with this Ordinance is that it lacks definition, it lacks any kind of detail over what the obligations will be for the owners of the private systems. They'd like to see this Ordinance defined much more carefully and rigorously so that they know exactly what their members of the association are going to be responsible for in terms of cost. The details that have been published don't seem to mention the size or the scope of the systems involved and they could be applied from a major sewer plant to any small system like a gravity fed or a pump system like their private developments have. They need to understand before this ordinance moves forward what the implications are for their members. Many of their members are on fixed incomes; he'd say about 50 percent. An estimate of \$5-10 thousand dollars annually was thrown out in the Laconia Daily Sun; in their association that would reflect an 8-16% increase in their annual fees that they'd have to budget for. Another thing that he'd like to point out is the list that was published of the private systems that are supposedly affected by this does not seem accurate. He noted that their association was featured twice, and he can assure to all the Council that they are just one entity, they were listed as Hickory Stick Lane and Country Club Shores, this causes them to question how rigorously this was communicated out to the different private associations. He was not speaking on behalf of any of the other associations there, but he'd be interested to know if any of the other associations knew about this in advance because they certainly did not. He stated that the Water Department has no trouble finding them and certainly manages to get the bills out to them regularly; and he felt that maybe some consultation between the Water and Sewer Departments could help clarify where all the private systems are. He'd also like to raise the question over who should bear the cost; their association has an annual preventive maintenance and repair program that they conduct every year for their system; this includes the pumps and the standby generator, he noted that all the work is done by local reputable sewage or plumbing contractors. The whole process is documented, and they can make that information available on request to the council if its required. The association would like to know since they already do that, what else do they'd need to do and how much is it going to cost them; they don't think to say \$5-10 thousand dollars is sufficient. They'd also like to ask if this Ordinance amounts to more of a reporting and inspection type of operation than the City Council should take this on because they already maintain their system and the cost, and they are paying for the City system which they don't get any advantage of using. They feel that they are paying twice. They feel that the City should be paying for this if it is a reporting requirement. They'd like to request that the Council delays the passing of this Ordinance until there is a clearer definition of what is required with a reasonable estimate of the cost.

The Council had no questions for Mr. Bryson, Mayor Pro Tem Haynes thanked him for coming up and speaking to them.

Richard Mariano, 32 Yale Place- Mr. Mariano stated his home was a single family in South Down, and he was also a Council Representative for the South Down Shores Association. First, he wanted to thank all the people that put in the work into creating this Ordinance. He understands the need for aligning federal requirements to the State of NH and the Winnepesaukee River Basin, he also wanted to thank the first speaker because a lot of what he has said he echoed. He wanted the Council to know that they are a very large community within South Down and they have the complexity of single-family homes as well as the condominium communities and a lot of what has already been

said applies to an even greater extent within South Down. The additional point he'd like to make specifically highlighting under the heading of the need more information is on the reporting requirements. He mentioned a report from Feb 28th which talked about interactions among various departments looking at the original Ordinance within the private systems. He doesn't think that anyone has had any chance to give any input to develop an understanding of really what that means. More importantly he noted he can certainly understand that at some point they are going to be required to have reporting that parallels with what the City and State are required to have. He thinks that there is comment in the February 28th report that the DPW understands the issue here and is willing to help, but he needs much more of a definition of what that help entails. He mentioned that all too often in his career he's seen how things flow downhill and we all know that there is a big difference between what the strategy is and what translating that strategy to execution. Until there is a better understanding of the ordinance, he cannot support it at this point.

The Council had no questions for Mr. Mariano, Mayor Pro Tem Haynes thanked him for coming up and speaking to them.

Stephen Murfitt, 19 Chipper Lane- Mr. Murfitt stated that he was the President of the South Down Shores Association. He wanted the Council to know that he has been in contact with the president of the Long Bay association and between the two of them they represent 700 homes in Laconia, he'd also like to echo what the others have said this evening. He wanted the Council to know that they are upset about the notification process, the lack of consultation and clarity on what this Ordinance means for their community. In the article he read he said that South Down and Long Bay are mentioned as if they are one community and in fact, they are two separate communities that represent 27 different HOA's in those two communities and they range in size from 2 to 48 homes plus the single-family homes that are within each community. He told the Council they disagree with this proposal; they feel this is an additional tax on their community members. He told the Council that they pay the exact same rate for their sewage like everybody else within the City. He mentioned that the Council just approved a loan for 2.5 million for another part of the City, which is a good thing, and they are paying their fair share on that. He stated the City is asking them to pay more in a tax that they have no detail on and what it involves. They understand that this is part of our permitting process that the City needs to do. He stated that these permits have been in place since 2009 without the need for this inspection and they agree that if this is needed the city should do this as a common practice because they will get benefits of size. If this is put onto smaller communities, it would mean that they must go out and try to find somebody to do these inspections on a regular basis and it is very difficult in this day and age. He feels that the city would be putting a strain on those communities. He told the Council the financial concerns are obviously problematic, when they look at the two communities of South Down and Long Bay, they contribute a lot of money to Laconia in their property taxes; they feel that they get very little back from the City, most of their members are not here during the week and their load on the school system is very low. They don't complain about paying their property taxes, but this ordinance feels unfair. They'd like to ask the City to reject this Ordinance and to come up with a better plan that is more equitable for all the owners in Laconia.

The Council had no questions for Mr. Murfitt, Mayor Pro Tem Haynes thanked him for coming up and speaking to them.

Mark Perreault, 36 Teddington Way- Mr. Perreault stated that he was a member of the Long Bay Association, and he wanted the Council to know that he was not representing the Long Bay Association, that he was there as an individual taxpayer. He told the Council that he pays his property taxes, water, and sewer bills just like everyone else. He lives in a community where there is hardly anyone there in the wintertime and he said that they put very little pressure and stress on the sewer and water infrastructure. He said that they put very little stress on the Laconia community in general, most of them are retired, their children are grown and do not live with them, they are not involved with the school system but pay for it through their property taxes. He stated that this seems very inequitable to be passing this cost onto them as taxpayers. He noted that additionally there are things that they pay for that they do not get from the City, they do not receive City trash pickup, they must pay separately for trash removal, but everyone else in Laconia receives trash pickup and they help pay for that and do not receive the same benefits. Lastly, he told the Council that as an

individual he is very aggrieved that this is being pushed onto these individual communities and this is being pushed on the individual taxpayers of Laconia.

The Council had no questions for Mr. Perreault, Mayor Pro Tem Haynes thanked him for coming up and speaking to them.

Mike Mignault, 26 Carriage Lane- Mr. Mignault started out by saying that he'd like to echo what everyone else has been coming up and saying, he thinks they have all done a great job. He thinks the City is pushing this on a private community where they get nothing from the City as it stands, they plow their own roads, they pay for rubbish removal, they maintain their own sewers, they just finished doing a bunch of work in the community. He feels that the City is looking for a cash cow, he thinks that maybe the City made a mistake in the past and are now looking for help to pay for it to correct it. He feels that the private communities are being picked on by the City.

Mayor Pro Tem Haynes thanked Mr. Mignault for coming up and speaking to them.

Kim Dougherty, 105 Garden Circle- Ms. Dougherty stated she is also a resident of South Down Shores, and she echoes what everyone else has said so well tonight. She stated that she also disapproves of this Ordinance, and she'd like to point out that if they are going to be responsible for these things at some point that it's like buying a house that is 38 years old. When you don't know what condition, the house is in then you are going to hire an inspector to come in and inspect the house before you buy it. If they need to take assumption of these sewers, she wants to make sure the City is handing them over in good condition. She feels that the process should be inspected before the City, and she doesn't want to take over control over 38-year-old pipes that are not in good condition.

Mayor Pro Tem Haynes thanked Ms. Dougherty for coming up and speaking to them.

Joan Trovato, 25 B Cardinal Dr- She wanted the Council to know that she is also from South Down, and she'd like to echo what everyone else has said tonight. She appreciated what the previous resident stated about the age of the system. She knows the systems are very old and she'd like to ask what has been done in the past for inspections and wants to know who has done the inspections? She'd like to know who covered that cost of the inspections because she does not think it has ever been delineated on anything that she has paid in the last couple of years. She'd like to reiterate that she pays the same taxes as everyone else, and they don't receive any of the other benefits like other taxpayers. She does not think it is fair for the City of Laconia to give this to all the associations stating that they are now responsible for this cost without any explanation of how it's all going to work. She then asked what is the definition of what a private sewer system and is South Down's system private? She does not know. She stated that until someone can explain what all this is, she thinks that it should be tabled until they can get more information and make a better decision going forward.

Mayor Pro Tem Haynes thanked Ms. Trovato for coming up and speaking to them.

James Wason, 4 Race Point Rd- He'd like to know that the rush is on this project. He stated that the City has been certified before and has been recertified in 2009 and the City met all the requirements then. He wants to know why the Ordinance is burdening the communities now; what has changed since 2009? He stated that the requirements are the same now as they were in 2009 so he doesn't understand why the costs are being shifted to the private communities. He feels that this is a cost shifting game.

Mayor Pro Tem Haynes thanked Mr. Wason for coming up and speaking to them.

Gordon Roberts, 54 Aberry Drive- Mr. Roberts told the Council he was a resident of Long Bay Association, and his opinions already echo what the others have stated tonight. He wanted to point out that many of the folks that live in these communities like himself, have been paying taxes for several years with the hopes of retiring in the community, he is now a full-time resident here and has

been paying taxes here for the past 15 years. He wanted to reemphasize to the council that this association does not drain a lot of the resources of Laconia where you see the major tax line items such as education, roads maintenance, water, and sewer. He believes that things should be equally distributed when you are using a general tax base for these items. He thinks that the Council should take a step back and figure out what is fair for all. He stated someone mentioned trash and why do some folks in Laconia have to pay for trash and others don't. Where he used to live in a different community you paid for that as a service, if he didn't want to pay for it then they had the option of bringing it to the transfer station themselves. He'd like to see other types of ideas come forth of how you could take this added expense and do what is right for the community rather than passing it along to the condo and homeowners associations surrounding the Lakes Region. He said that it would be nice to have the people who represent us to look out for their interests as well and a lot of them cannot come to the meeting to speak because they are part time homeowners. He'd like to see the representatives of Laconia reach out to the leaderships in these condo associations to get their opinions as well.

Mayor Pro Tem Haynes thanked Mr. Roberts for coming up and speaking to them.

James Maling, 240 Franklin St- Mr. Maling told the Council that he was from Opechee Shores condominiums, and he feels that this is discrimination against the condo owners because they bought a condo instead of a house in a community that now he is going to have a different rate because he is getting an added tax. He does not feel that this is a fee, it is a tax, a fee is where everyone pays the same and the City is trying to tax them separately. He told the Council that he thinks they are heading down the road for a lawsuit. He pays the same as everyone else and that is all he expects to pay.

Mayor Pro Tem Haynes thanked Mr. Roberts for coming up and speaking to them.

Marge Lynn participated via Zoom- She stated she was also from South Down and told the Council that their cages were rattled because they read in the Laconia Daily Sun that they were singled out in all of this to be carrying a burden for these costs. She then asked the Council if they do in fact intend to tax condo associations separately on top of the people who are using these facilities.

Mayor Pro Tem Haynes asked the Public Works Director to come up and address that question.

Director Anderson took the podium to tell the audience and Council that no property taxes go to pay for the sewer system. The rates that you pay for those who run water and sewer go to pay the City's costs for maintaining our mains and paying the cost of the Winnepesaukee River Basin programs, interceptors, and their plant. All the fees collected from the sanitary sewer side go back into the systems.

Councilor Hamel asked Director Anderson to please explain why this Ordinance change came about, where it came from and who's responsible.

Director Anderson stated that for years we've had the requirements for annual reports to EPA. The EPA has recognized that all the municipalities are having problems and all they can expect to see gradual improvement over time. Part of the issue that Laconia has had is the number of private sewer systems within the City. Director Anderson stated that they started working through updating their sewer ordinances to match what is required at the State and EPA level to bring the private sewer systems in for the annual inspections but Covid set them back a little bit. The Ordinance was purposely created to be vague because the EPA doesn't have set guidance; what it does have is an expectation of a plan of how the associations intend to maintain their systems so that it limits sanitary sewer overflows. An example of what that could be is an inspection once every 4 or 5 years and others if they are fairly large, they could have 1/6th of an inspection done every six years for that standpoint; so that over a period of time it is done. The key portion of what has to be done is reporting of where they are in their process to meet all the rules and regulations and requirements underneath the permit. He continued to say that presently they have been doing this for the City system, but they haven't been doing it for all the private systems because they don't have the

information. This is the purpose of gaining that information so they can include it into the reports that go to EPA. Director Anderson reiterated that this Ordinance was left purposefully vague to give the opportunity for the various private communities to develop their plan based off the age of their system, what the system is made of and how big or small it is. This would allow them some flexibility so they're not having to obey or follow a certain set of regulations that may not apply to them.

Councilor Hamel asked Director Anderson how the associations are supposed to know how involved they are supposed to get.

Director Anderson said that they are planning to have multiple classes and sessions. These sessions are going to be grouped together based off the type of community and size of their system. They don't want to mix a one street system with South Down or Long Bay. They plan on going through the process and help them analyze what they are going to have to do. The City cannot do it for the associations, but the City will be there to help them in figuring out what is best for their community to meet the basic guidelines that are put upon us by the EPA.

Councilor Hamel asked out of all the private communities has the City installed any of the water and sewer systems?

Director Anderson replied with that you must break this down into different sections because there is a different set of regulations for water. Water runs underneath those federal regulations and basically the City has taken the water lines not quite up to the house but to a stop. There are not the same regulations for sewage. Generally, what has happened is the City goes up to our main and will take it past the property. Whether it is a single-family home, or a condominium association and they are required to tap their system into our main, so they own their system and they own it to the point that connects to our main whether its in the right of way or not. The follow up is to get the data necessary to report back to the EPA. He stated that have been doing this for years, it has been done prior to 2009 because that is what the other permit required. They are just trying to do sequential improvements to the ordinance to get us up to meet the full requirements of the permit.

Marge Lynn via Zoom was looking for clarification. She stated to Director Anderson that she believes he stated that he'd be looking at the individual streets and she wants to know why they're going to get the City's services and yet South Down and Long Bay and other kinds of condo associations who pay the same tax rates, the same amounts for our sewer and water would be feathered out to do this cost ourselves.

Director Anderson replied that they're not doing it for them; there is no difference in it, it is a matter of how they put the groupings together for the educational sessions. It will be easier to have a session focused on one that has one or two streets on a system versus a lot. They are just trying to group it for more efficient training and meetings. Director Anderson further explained that they have private developments that are just one street long and others that are maybe a couple hundred yards long, so they are grouping those together for just the purpose of the training sessions.

Mayor Pro Tem Haynes asked Ms. Lynn if she had anything further and she concluded that she is still very confused over what has been said tonight and it is not clear on who is going to pay for what. She hopes that they can clarify that.

Councilor Cheney, asked Director Anderson if the last time was that we inspected the sewer systems in the city was in 2009?

Director Anderson replied no, the City inspects their own system, the ones the City owns; they inspect 1/5th of the sewers per year. Over a course of 5 years, they have completely inspected all the City owned sewage systems and that includes cleaning and inspection.

Councilor Cheney asked if there would be a requirement for these communities to conduct

inspections annually.

Director Anderson said no, it really depends on the size of their system and what the age is. The City has some that are 100 years old.

Councilor Cheney asked if the City does this work or do we contract it out to do the inspections.

Director Anderson said we manage our effort, but we contract with large firms with the appropriate equipment to come through and do the cleaning and the DVing. And they don't just do the lines, it's the manholes too so there are 2 pieces to it.

Councilor Cheney asked the Mayor Pro Tem Haynes to ask Director Anderson to do some research on what the cost for each of these associations would be and before he votes on something like this, he'd like to know what the costs will be.

Mayor Pro Tem Haynes agreed and asked if there was anyone else from the public who would like to speak because we are still in the public hearing.

David Wood, 24 Dillion Way via Zoom- Mr. Wood stated that it seems like we're playing with the law of unintended consequences. He is in the Moulton Cove in the Weirs. It seems to him that none of the bigger associations have been notified that there was an Ordinance change coming. Moulton Cove has 42 units, and he thinks that is medium sized compared to other associations like the Village of Winnepesaukee, South Down, Meredith Bridge that all have hundreds of people. It seems like the burden is being pushed onto the individual communities. He appreciates the Public Works Director being vague, but he thinks that it's too vague. Since the rules are being changed there should be more definition to the law like how many years should be in between the inspections. He went back to when he said about playing with the law and unintended consequences. He wondered because our Ordinance is the law, what happens to when somebody doesn't adhere to the inspection requirements? He then stated since everyone pays the same water and sewer rates, he doesn't think this burden should be spread by all instead of just individual communities. He doesn't understand why this is being done and he wants to know what is the exact EPA regulation that we're not conforming to? If the inspection cost was to be \$10 thousand per year that would reflect a 10% increase to his condo association dues per year. He feels that it is not fair and it is biased to the condo communities.

James Wason, 4 Race Point Rd- Mr. Wason addressed the Council again and stated that South Down there are 16 or 17 different condo communities that are going to have to have a plan and then all the separate single-family homes in South Down are going to need a plan and he thinks it's going to cost them double the inspection costs. He'd like to know if Director Anderson has thought that through because he is the one who is proposing the change.

Director Anderson replied that it is up to the South Down and Long Bay Associations to figure out what's the most efficient way for them to do it. He would rather see them have the flexibility to determine what is best for their association and the other associations below them.

Councilor Soucy asked Director Anderson why there is an immediacy of doing this right now.

Director Anderson said there is no immediacy as Councilor Soucy is thinking of but what they are constantly trying to do is the improvement that is required underneath the terms of their permit with EPA. The piece that they need to have going is the process started so they can do the reports. He'd like to show them that they have their plan done and how they are going to do it and they are going to implement it beginning 2 years out (figurative estimate). He wants to get the associations piece together on how they are intending to meet the permit requirements of their sewer collection system. A lot of it for the first year may just be how they plan to handle an issue with their sewer collection system. Who do they call in the event of an overflow. How do they handle a spill and how do they record how much is flowing out of it and who do they report it to. The City has a reporting requirement for a certain number of gallons that they must report to the EPA. There is only one report that goes to

the State from the City at the end of the year, so they know exactly in the report, how many spills we had, what actions we took to correct those spills, if we are maintaining all of our sewer pump stations, and what we have done, they don't necessarily expect us to do everything every year, but they are expecting us to do what we need to do to keep our system running.

Councilor Felch asked Director Anderson what the difference is between inspection requirements because a regular single-family home does not inspect their own sewer lines.

Director Anderson said it has to do with volume, and the amount of flow that is coming out. When there are larger communities, they are aggregating to the amount of flow. EPA requires them to report on the systems that could aggregate a problem. That's why he needs to meet with everyone to determine each systems needs. There are too many variables to put into a regulation.

Mark Perrault, 36 Teddington Way- Mr. Perrault wants to know who's currently responsible to reporting to the EPA. If it is in fact the City's responsibility, he thinks that the City wants to decentralize it.

Richard Mariano, 32 Yale Place- Mr. Mariano stated that the City has already adopted one of the communities within South Down and there are several small systems in the one community, and they shouldn't be treated as one large entity, he thinks that is inappropriate.

Councilor Lipman would like to request that we do not close this public hearing but continue it because he thinks the Council needs more information. He thinks the public would like to see a more comprehensive presentation by our DPW Director and he'd like to get some sense of how other communities who are similarly situated are handling this now if possible. He'd also like to state to the people who have already come and testified the process for introducing proposed rules has been followed here, there was public notice, the City's website has the same agenda packet that the Council gets. He understands some people don't like to follow the City's website and that is where the newspaper is helpful in terms of lifting things up that may be of interest to a larger group. He wanted them to know that nothing is finalized here and it's a proposed rule and they are taking public comment and they are glad that they all came out tonight to express their concerns. He thinks that the public wants to learn more, and the Council wants to learn more and that's why he is suggesting rather than to close the public hearing to continue it so they can take more input.

Director Smith notified the Mayor Pro Tem that there have been three people with their hands raised on zoom.

Mayor Pro Tem Haynes acknowledged them and for Director Smith to go ahead with them.

John Farrell, 37 Captains Walk- Mr. Farrell told the Council that he was a resident of South Down and there were 10 or 12 homes in their village. He thinks this is unclear for an inspection requirement of an association compared to an apartment building that could have larger output compared to these seasonal used homes. He would like some input on how the private sewage line is defined to reflect the capacity, he wants to know about private septic systems, are they being inspected and what regulations are in place by the EPA for them to protect the water quality for lake Winnepesaukee and other bodies of water in Laconia.

Mayor Pro Tem Haynes wanted to remind everyone that we still are in the public hearing, and this will be wrapped up under unfinished business on the agenda.

Joe Bayusik, 31 Carriage Lane via Zoom- Mr. Bayusik stated to the council that his home is part of the Willow Pond Village within Long Bay, there are 38 homes in his village. His village is one of five villages of 179 homes in addition to the five villages they have Long Bay proper so that is 6 villages total sewer systems. He is also a homeowner in South Down at 13 Darwin Place which is the newest village where there are only 7 homes; there are 20 villages plus in South Down proper for a total of 21 sewer systems. His question for the Council or Director Anderson is he is wondering if they have overlaid tax maps relative to sewer maps because he can assure the Council that none of the 700

plus homeowners in South Down and Long Bay know where all of these pipes are and on whose property they are on, but there are a total of 27 or 28 independent sewer systems. Each of those villages in South Down and Long Bay not only pay their Laconia taxes, but he also pays his Long Bay dues and his Willow Pond dues, his South Down dues, and his Darwin Place dues. They all maintain their roads separately because the City does not pave or plow them. They must maintain all their infrastructure costs themselves so if this burden is going to be put on them, the newspaper stated it was South Down and that is incorrect because South Down is 21 villages. They are all on separate systems and the City would have to identify where these pipes are because they do not have these maps, these are City maps. He imagines the Water Department has them.

Councilor Lipman made a motion to continue the public hearing to the next meeting so that they could get more information, this would allow the public to leave the meeting now instead of staying because they are going to collect more information and they are not going to act on this tonight. The motion was seconded by Councilor Cheney. **Discussion on the motion-** The public hearing was ended for tonight at 7:57 PM but will be continued to a later date to be determined by the Council, the Council thinks that it is going to take longer than 2 weeks to obtain the information and they do not want to table to item. Councilor Lipman amended the motion to continue the public hearing to a future date to be determined. The ***motion passed with all in Favor.***

14. PRESENTATIONS

15. MAYOR'S REPORT

16. COUNCIL COMMENTS

Councilor Felch wanted to let the Council and public know they had the Robbie Mills pool tournament that raises money for the Boys and Girls Club and the Children's Auction. With the help of our community and lots of organizations the fundraiser raised \$8,998.00. He wanted to thank everyone that was involved.

Councilor Cheney asked about lights at the Opechee Skate Park.

Councilor Felch said that he could speak on that a little bit- He knows that there is an organization that is raising money for the lights at the Opechee Skate Park and he was at the meeting for Parks & Rec the other night and they said they were pretty close to raising all the money that they need to be able to install the lights.

Councilor Hamel said that there will be two lights at the Skate Park that will be controlled by an automatic timer that will turn off at 10pm.

Mayor Pro Tem Haynes wanted to bring to the Council's attention that he knows they are gearing towards the end of hockey season but he'd like to compliment Andrew Trumbell and the New England Wolves Hockey Association that plays out of the Merrill Fay rink. They won the community award for volunteerism and he believes this is the third year in a row that they have won this award. He wanted to send congratulations to the hockey team for a great season and wanted to thank them for all their volunteer work.

Councilor Lipman asks about the re-procurement RFP on the solid waste collection.

Director Anderson told the council that on April 15, 2022 the RFP's are due.

17. COMMITTEE REPORTS

Councilor Soucy- the Appointments Committee had their first meeting, they interviewed approximately 14 or 15 people for various committees and boards within the City. He thought it was very productive and he liked that they had the chance to speak with all the candidates about several different topics. They have another

meeting scheduled for March 31, 2022.

17.A. FINANCE (Lipman (Chair), Hamel, Cheney)

Councilor Lipman- Finance Committee update for those who have been following the welfare guidelines; it was requested from the City Manager and Director Smith to pause on the meetings to allow them to catch up and work on the guidelines a little bit, so they have a better document to work with. He believes the pre meeting's will be skipped for the next two Council meetings and will pick back up after that.

17.A.i. WOW Trail Funding

17.A.ii. Downtown TIF Financing

17.B. PUBLIC SAFETY (Cheney (Chair), Soucy, Lipman)

17.C. GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)

17.C.i. Review of Chapter 167, Noise and Chapter 161 Licensing as it pertains to outdoor sound equipment and loudspeakers

17.C.ii. Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns

17.C.iii. Procedural review of grant applications

17.C.iv. Regulation of Short Term Residential Rental Businesses

17.C.v. Proposed Historic Overlay District

17.C.vi. Scenic Road Motorcycle Noise Petition

17.C.vii. Use of public property by for-profit entities

17.C.viii. Short Term Rentals

17.C.ix. Naming privilege's to public areas

17.D. LAND & BUILDINGS (Hamel (Chair), Haynes, Felch)

17.D.i. Downtown parking garage

17.D.ii. Repair & maintenance of City buildings

17.D.iii. Plan for the DPW Compound

17.E. PUBLIC WORKS (Haynes (Chair), Felch, Soucy)

17.E.i. Retaining Wall Policy

17.E.ii. Discussion for converting from a manual to an automated solid waste curbside collection service

18. LIAISON REPORTS

None

19. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

Ian Bryson, 153 Hickory Stick Lane- Wanted to know what Councilor Cheney was going to say about the sewer ordinance.

Councilor Soucy clarified that Councilor Cheney was planning to say something when the item is up on the agenda for the vote, he reiterated that they will not be voting tonight but he will be making some comments.

20. CITY MANAGER'S REPORT

Mayor Pro Tem Haynes noted the two reports (items 20.A. & 20.B.) that the City Manager submitted for tonight's agenda; since the City Manager is not present tonight at the meeting he told Councilors to go over these reports on their own time and if they have any questions about them they can ask the City Manager at the next Council meeting.

20.A. Project Updates Report

20.B. Monthly Economic Development Report

21. NEW BUSINESS

21.A. Request authorization to use Impact Fee revenues to offset costs of repairs on Beech Street

The Public Works Department seeks to restore the roadway by repaving Beech Street and replacing the sidewalk on the north side of the street with gravel and loam. The projected cost of the project is \$46,000. The Public Works Department requests authorization to use \$16,000 in impact fee revenues to offset project expenses.

The approval of this request will reduce the balance of impact fees available for Public Works' projects by \$16,000, leaving a balance of \$10,095.96.

Councilor Felch moved that the Council authorize the use of Impact Fee revenues in the amount of \$16,000 to offset costs of repairs on Beech Street. seconded by Councilor Hamel, **discussion-** Councilor Haynes wanted to make note that the residents on Beech Street have been very patient and he's glad to see the project finally coming to fruition. The ***motion passed with all in favor.***

22. UNFINISHED BUSINESS

22.A. Future of the wood bridge over the railroad tracks on Centenary Avenue

The State's current ten-year transportation improvement plan (2021-2030) included the removal of the wood bridge on Centenary Ave in 2025. The first draft of the next ten-year transportation improvement plan (2023 -2032) also included the removal of the wood bridge on Centenary Ave in 2025.

Mayor Pro Tem Haynes asked Director Anderson to approach the podium to give an overview of this project.

Director Anderson stated that profile of the bridge is fixed, this bridge goes over active railroad tracks so the distance from the rails to the arch of the bridge must remain the same. The State is going to fund the project, but we have to manage the project by going out to bid and once the bridge is done the City Council must accept the bridge from the State and then the City is responsible for all future maintenance costs of the bridge.

Councilor Soucy asked Director Anderson to clarify, if the City Council does not accept this then the State is going to take down the bridge.

Director Anderson replied that that is correct. Director Anderson also stated that it is a wood bridge, and they do not plow it during the wintertime. He continued to say that the City has no experience with wood bridges, so he asked the State since they have several about the longevity of the decking and the State said that if you plow the bridge, you'll have to re deck it every 10 years. But if you do not plow it the decking could last 15 years. Director Anderson noted that at the current prices the cost to re deck is about \$50,000.00 plus labor. He also estimates that we'll need about \$2500.00 per year to replace warped boards. Director Anderson stated the biggest issue will be conducting maintenance on the bridge because they can only work on the bridge when the railroad is down.

Mayor Pro Tem Haynes mentioned that the Council needs to take this item off the table.

Councilor Cheney moved to take the agenda item concerning the future of the wood bridge over the railroad tracks on Centenary Avenue off the table. Seconded by Councilor Soucy, the **motion passed with all in favor.**

Director Anderson continued to say that this will be a summer only bridge because of the constraints of the bridge but in the winter, they do open up the gate at the end of Weeks Street so that they have a second entrance to that area.

Councilor Felch asked Director Anderson if the bridge was to be taken down is it possible to put a road over the railroad tracks and what would the cost be?

Director Anderson stated that the original plan was to demolish the bridge and improve the intersection down by Akwa Marina or improve the intersection down by the Boardwalk. And when they City built Lakeside Ave, the City put in a large concrete pad to handle heavy traffic. The pad is located down by the Weathervane area.

Councilor Felch asked if that was built to be open all year round?

Director Anderson said from the infrastructure standpoint that it was built that way to support it just in case the City decided to change the flow of traffic in that area.

Councilor Cheney moved that the City accepts the wooden bridge at Centenary Avenue upon completion of a substantial rehabilitation by the State of New Hampshire, and further that the City agrees to provide all further maintenance of the bridge and operate it in a seasonal manner as is current practice. Seconded by Councilor Soucy. **Discussion-** Councilor Lipman looking to amend that the motion to allow the agreement between the City and the State be reviewed by the Council. Councilor Cheney noted that this approval is conditional on the Council reviewing the State's plan. The **amended motion passed with all in favor.**

Director Anderson did want to note that there is no State plan, they are turning over the funds to the City and the City will be developing its own plan.

The Council stated that they still want to see the agreement from the State.

Director Anderson stated he will give a copy of the agreement to the Council.

- 22.B. **Second reading of Resolution 2022-03, relative to authorizing an application for a two million five hundred thousand dollar (\$2,500,000) loan from the New Hampshire Clean Water State Revolving Loan Fund for the Northern Lakeport Area Sewer Project and appropriating funds for the same**

The Northern Lakeport Area sewer project includes North Street, Sheridan Street, Belvidere Street and School Street. The sewer collection pipes on these streets are undersized and made of clay which makes them susceptible to clogging. The pipes are experiencing significant groundwater infiltration. The sewer collection pipes in these streets are at risk of failure due to age. NH DES has committed funding through the State's Clean Water State Revolving Loan Fund. Additionally, NH DES has committed a \$747,600 grant from the American Rescue Plan Act (ARPA) which, once approved, will reduce the amount of the loan. The project is currently in the preliminary design phase and scheduled for construction in 2022 after the completion of the Elm Street Sewer project.

The approval will authorize borrowing \$2.5 million from the CWSRF at interest rates ranging from 2.0% to 2.37%, depending on the term as determined by the City Council Finance Committee.

Councilor Felch moved to waive a reading of this Resolution in its entirety and to read by title only. Seconded by Councilor Hamel. The ***motion passed with all in favor.***

Councilor Felch moved a second reading of Resolution 2022-03, a Resolution authorizing application for a two million five hundred thousand dollar (\$2,500,000) loan from the New Hampshire Clean Water State Revolving Loan Fund for the Northern Lakeport Area Sewer Project and appropriating funds for same. Seconded by Councilor Hamel The ***motion passed with all in favor.***

Councilor Felch moved to approve Resolution 2022-03, a Resolution authorizing application for a two million five hundred thousand dollar (\$2,500,000) loan from the New Hampshire Clean Water State Revolving Loan Fund for the Northern Lakeport Area Sewer Project and appropriating funds for same. Seconded by Councilor Hamel. **Discussion-** Councilor Lipman wanted to comment to the rest of the council that obviously that taking the funds from the loan fund makes sense because of the good rate. He questioned the 747,600.00. He wants to accept it, but Councilor Lipman wants to know if Director Smith knows if they can apply that over time because he thinks that the goal is to keep our tax rate level. If spreading it out versus applying it right up front to reduce the loan amount, what they will end up doing is paying this off early and the people who are going to benefit from this improvement aren't going to end up contributing to it. He was asking if that strategy is possible to do that.

Director Anderson told the Council that those are ARPA dollars that expire in 2024, so that is not an option.

No further discussion, the ***motion passed with all in favor.***

22.C. **Second reading of Ordinance 2022-189 to amend City Code Chapter 189, Sewers**

Mayor Pro Tem Haynes introduced this as the Second reading of Ordinance 2022-189 to amend City Code Chapter 189, Sewers. He stated at this time he would entertain any Councilor comments on this agenda item.

Councilor Cheney wanted to let the Council know that he has some sympathy for these people that have spoken tonight. He wants to know more details like how often these inspections need to be done. He understands how our inspections are done now and that they are every few years. He would like Director Anderson to give us the information how much it would cost the City to conduct these inspections on our own and how much would it cost the City to add the private roads and communities to the inspections cycle. If it is a few thousand dollars he'd like to see if the City can absorb it. He'd like to see if we can help them and give an estimate on the cost in a 5- or 6-year plan.

Councilor Soucy asked Director Anderson as an example using South Down, if anything were to break like a sewage line and it was found who would be responsible for repairing that pipe.

Director Anderson said that they are responsible to fixing everything.

Councilor Soucy asked if they City were to go in there and do those inspections would that indicate

that the City has accepted those sewer lines and is then responsible?

Director Anderson noted that the City has no authority to be on their properties the city would need easements.

Councilor Lipman said that the Council should ask that question to the City's legal counsel.

Councilor Cheney said that he thinks it would be beneficial for the City to have a written agreement with all private land owners if the City were to conduct these inspections.

Councilor Soucy asked if the sewer lines in these private communities have been installed to the City's standards.

Director Anderson said that it is even more complicated than that. Any expansion to a system gets approved at the State level so it must meet the State, the cCities and the Winnepesaukee River Basin's requirements.

Councilor Lipman would like to know if any other communities have been through this now.

Director Anderson said that the city is very different compared to other communities because DES oversees the 10 communities that are a part of the Winnepesaukee River Basin program, and it is the only State-run wastewater treatment facility in the country.

Councilor Felch would like to see more of a breakdown of which roads would be affected. For example, Hillcrest Dr is considered a private road, but it is not part of an association.

Director Anderson said that Hillcrest Drive is going through the acceptance process and is eventually going to become the City's anyway. The list that Councilor Felch saw was the first draft of a list, it has evolved since then and will continue to change as they move through the process.

Councilor Lipman would like to see some sort of a categorization of how often some of these associations are going to have to conduct their inspections.

Councilor Hamel wants to know when these meeting are going to start.

Director Anderson said that they aren't going to move forward with the meetings with these associations if the Council isn't going to approve the agreement.

Councilor Hamel stated that there is no agreement that they've seen, and they aren't going to vote on something that they know nothing about.

Director Anderson stated that what the Council is being asked to vote on is the general Ordinance. They don't want to put these associations in a box and restrict them. He wants to give them the flexibility to make a plan based off their system size. If the council wants the Director to change the Ordinance and put each association in the box, then that is going to restrict them and take away their leeway.

Councilor Lipman stated that he thinks that they received an overwhelming amount of testimony tonight that the Ordinance is not clear. So, he thinks that we have a responsibility to take it to a different place.

Director Anderson stated that they can do that, but it will remove the flexibility to the various organizations.

Councilor Lipman stated if he created proper classifications then it wouldn't necessarily remove the flexibility.

Councilor Hamel thinks that there are a lot of legal questions that need to be asked and like Director Anderson said, we aren't even allowed on the land because it is private land.

23. FUTURE AGENDA ITEMS

23.A. **Master Plan**

23.B. **Milfoil Treatment funding requests**

23.C. **Sewer & Water Master Plan**

23.D. **Single Stream Recycling/Concord Co-op/Solid Waste disposal cost reductions**

23.E. **Strategic Planning/Goal Setting**

23.F. **WOW Trail**

23.G. **Weirs Beach Restoration Project**

23.H. **Fair St/Court St traffic problems and accidents**

24. **Any other business that may come before the Council**

25. **NON-PUBLIC SESSION (According to RSA 91-A:3, II)**

26. **ADJOURNMENT**

Without objection the meeting was adjourned at 8:36 PM

Respectfully Submitted,

Katie Gargano, City Clerk

27. **APPOINTMENTS (Councilors Soucy (Chair), Cheney and Haynes)**