

Minutes approved September 26, 2022

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

9/12/2022 - Minutes

1. CALL TO ORDER

Mayor Pro Tem Haynes called the meeting to order at 7:01 PM

2. SALUTE TO THE FLAG

Councilor Cheney led the salute to the flag

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

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

Mayor Pro Tem Haynes stated that all members of the Council were present, and a quorum was established.

Mayor Hosmer arrived at 7:05 PM

5. STAFF IN ATTENDANCE

Scott Myers, City Manager; Glenn Smith, Finance Director

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular City Council meeting minutes of August 22, 2022

Minutes of the regular City Council meeting of August 22, 2022 were distributed to the City Council on September 8, 2022.

With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

8. CONSENT & ACTION ITEMS

8.A. Request to waive fees associated with the Easterseals NH/Veterans Count Red, White & Brew Craft Beer & Wine Festival

Easterseals NH/Veterans Count is hosting a Red, White & Brew Craft Beer & Wine Festival to benefit Veterans Count, a nonprofit assistance program for veterans and military families throughout New Hampshire. The Festival is scheduled for Saturday, September 24, 2022 at Funspot in Laconia

from 1 pm to 4 pm. This is the 6th annual Red, White & Brew Craft Beer & Wine Festival.

The Special Events Review Committee approved this event at their September 7, 2022 meeting.

Easterseals NH/Veterans Count is requesting a waiver of City fees associated with this event.

Councilor Cheney made a motion to approve the request from Easterseals NH/Veterans Count to waive all City fees associated with the Red, White & Brew Craft Beer & Wine Festival scheduled for September 24, 2022. Seconded by Councilor Felch, Discussion: None. The ***motion passed with all in favor.***

8.B. **Temporary Traffic Order 2022-12 - LHS Homecoming Parade**

The Laconia High School has requested approval of a Temporary Traffic Order for the LHS Homecoming Parade from 4:00 PM to 5:00 PM on Friday, September 23, 2022.

Councilor Haynes made a motion to approve Temporary Traffic Order 2022-12, LHS Homecoming Parade, to be held on September 23, 2022 from 4:00 PM to 5:00 PM. Seconded by Councilor Hamel, Discussion: None. The ***motion passed with all in favor.***

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

None

10. **INTERVIEWS**

11. **NOMINATIONS, APPOINTMENTS & ELECTIONS**

There was a late staff report submitted by the City Clerk for the City Council to appoint a Moderator to fill the vacancy in Ward 6.

Councilor Hamel made a motion to appoint Catherine Tokarz as Moderator Pro Tem for the State Primary Election on September 13, 2022 and the appointment will be valid until all contests are settled. Seconded by Councilor Haynes. Discussion: None. The ***motion passed with all in favor.***

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

13.A. **Public Hearing on the sale of unique property located at 20 Indian Path, Tax Map 180-516-15**

Notice of this public hearing was made available in the August 24, 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 August 24, 2022.

Mayor Hosmer opened the public hearing at 7:10 PM

The following people spoke during the public hearing:

Attorney Ethan Wood representing the Paugus Beach Association.

Attorney Connor O'Neill from Wescott Law representing the Indian Path Association.

James Kelley of 49 & 63 Bobby's Way

Bill Mcgrath of 39 Bobby's Way

Charlene Santoro of 54 Bobby's Way

Henry Sacco of 150 Birch Haven Rd as a representative of the Birch Haven Association.

Allison Genetelli of 192 Hillcroft Rd

Gene Heider of 272 Hilliard Rd

Sean Cox of 12 Hillcroft Rd

Patti Taylor of 106 Hillcroft Rd

Michael Lannan of 85 Birch Haven Rd

Mike Foote of 222 Rollercoaster Rd, spoke as a member of the conservation commission.

Mayor Hosmer closed the public hearing at 8:03 PM

13.B. **Public Hearing for Ordinance 2022-235-41:N, amending Chapter 235, Zoning, to update Section 41, adding a new section N - Home Gardens, and amending Table 1, Table of Permitted Uses, adding Home Gardens as a residential, accessory use**

Notice of this public hearing was made available in the August 24, 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 August 24, 2022.

Mayor Hosmer opened the public hearing at 7:08 PM.

No one in the audience wished to speak.

Mayor Hosmer closed the public hearing at 7:09 PM

Mayor Hosmer reopened the public hearing at 8:04 PM because he believed there were members in the audience that arrived after the initial public hearing now in attendance.

The following people spoke during the public hearing:

Elizabeth Gleason of 78 Garfield Street

Charlie St. Clair of 792 N Main Street

Mayor Hosmer closed the public hearing at 8:07 PM

13.C. **Public Hearing for Resolution 2022-11, relative to authorizing acceptance of \$1,044,400 for replacement of the water main on Weirs Boulevard and associated paving**

Notice of this public hearing was made available in the August 24, 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 August 24, 2022.

Mayor Hosmer opened the public hearing at 8:08 PM

No one in the audience wished to speak.

Mayor Hosmer closed the public hearing 8:08 PM

13.D. **Public Hearing on request to release and discharge from all public servitude the unimproved portion of Eastman Shore Road South in accordance with RSA 23A:51**

Notice of this public hearing was made available in the September 2, 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 September 2, 2022.

Mayor Hosmer opened the public hearing at 8:09 PM

The following people spoke during the public hearing:

Patricia Anderson of 94 Eastman Shore Rd South

Robert Stephan of 79 Eastman Shore Rd South

Mayor Hosmer closed the public hearing at 8:11 PM

14. **PRESENTATIONS**

14.A. **Presentation on the proposed cart allocation plan for automated curbside solid waste collection**

At its August 8, 2022 meeting the City Council approved the conversion of the City's curbside solid waste collection service from manual to automated collection.

In 2020 the City Council provided guidance to staff that the City would provide carts, at City cost, to those properties eligible for City funded curbside collection. Under this concept the carts belong to the City and are "assigned" to each address, not the property owner. The carts stay with the property if there is a change in ownership or tenants.

The City must also update the City's ordinances which established the existing container allowances for the current manual collection system. The updated allowance will enable staff to determine the number containers that must be purchased, and to negotiate any changes to collection fees based on a change in the number of stops.

The addenda item included a table showing the current curbside container allowance for residences and businesses. And the allocation plan recommended by the Public Works Subcommittee that met on August 25, 2022.

Public Works is working on a system that will allow residents to request a smaller trash container before the request for bids is finalized.

* The Recycling Partnership allows the City to establish a policy that enables certain households to obtain a smaller recycling cart. This policy is based on age and disabilities.

The Recycling Partnership still considers the City eligible for its grant to assist the City in converting its recycling system from manual to automated collection. This grant provides:

· \$15 per cart towards the purchase of recycling carts for residential property only

1. 1 cart per unit
2. Every other week collection requires a 96-gallon container.
3. May grant an exception for businesses

· \$1 per residence to assist in educating the City's residents on the transition.

15. **MAYOR'S REPORT**

Mayor Hosmer noted that there will be a need for a non-public session at the end of this meeting. When they get out of the non-public they will be adjourning the meeting.

The State Primary Election is tomorrow from 7am – 7pm, he strongly encourages all voters to get out and exercise their right to vote.

This past weekend was the 20th year of multicultural festival, it was a very successful event, and he was happy to see everyone back in person. He recognized Becky Guyer and her team who put a lot of hours into organizing and planning for the event.

This upcoming weekend on Sunday September 18th, Laconia is the host of the 2nd annual Timberman Ironman Triathlon, which has over 1400 participants registered.

16. **COUNCIL COMMENTS**

Councilor Haynes commented that he was concerned to hear that Keene has created another pumpkin type festival called "gathering of the gourds". He'd like to see the City fully embrace and take advantage of having this event in Laconia.

Councilor Hamel spoke about the Putnam show at The Colonial last night, he saw the "Bachelors of Broadway". The Putnam shows are free, but you must get tickets online. He also mentioned that recently The Colonial was featured on NH Chronical.

Councilor Cheney spoke about several emails he has gotten from members at the senior center about parking enforcement. He said he will be talking to the Police Chief about it, but he also wanted to make the Council aware. He also mentioned the lights from Oak and North Main lights need to be looked at, he thinks they are out of sync.

Councilor Hamel said he also got emails about the parking situation at the senior center, and he forwarded them along to the City Manager.

Manager Myers noted that he is trying to come up with a plan for extended parking for the senior center patrons and he has spoken to the police department about easing up on the enforcement in that area until they come to an agreement. He believes an agreement will be reached soon.

17. **COMMITTEE REPORTS**

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

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**
- 17.F. **APPOINTMENTS (Councilors Soucy (Chair), Cheney and Haynes)**

18. LIAISON REPORTS

Mayor Hosmer asked Councilor Cheney to speak with Chief Canfield about the idea of considering electric bikes.

19. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

Tracy Elder is from the Senior Center; they have sent her to the meeting about the parking issues. Participants have stopped going to the Senior Center because they are in fear about getting tickets. The Senior Center is located at 532 Main Street but the main entrance is not used due to safety concerns, the back door is 184 Beacon Street West, next door to Empire Beauty School and has a handicap entrance. The patrons of the Senior Center have been receiving tickets in the Beacon Street West parking lot. She noted there is a lack of signage in the lot and there are no signs in the whole front row near the door to the senior center. She feels it is a large burden on the participants.

Mike Dellavecchia- Zoning board member, he told the council that he was one who made the motion to grant the variance/ special exception for the goats on Garfield Street. The result on the vote was 3-2. He wanted to note that the initial meeting didn't consist of the full membered board and there was an alternate present.

He noted that if the full board was there the outcome may have been different. The reason why he granted it was because he doesn't consider the goats to be farm animals.

Quinn Brouillard of 50 Fenton Ave spoke about chickens. He thought they were not allowed because there was a concern about noise and pollution. He have an example that motorcycles are noisier that chickens and create more pollution. He is glad to see the home gardens being corrected in the ordinance. He thinks the idea of E-bikes that the Mayor mentioned is great, but he thinks we don't have the infrastructure to support it, the bicycle lane is not wide enough on the streets. He also likes the idea of upgrading the recycling bins with covers to prevent further litter on the streets when it is windy.

20. CITY MANAGER'S REPORT

20.A. Financial and Operational Trends Report

Manager Myers stated that the financial and operational trends report is included in the packet, most of the items in here are right on track, we are two months into the new fiscal year and there is nothing concerning. We continue to be at a strong pace with the new construction value that is shown at the top of the report.

He told the Council about the appointment of our new City Treasurer has been selected. Lindsey Allen is our current personnel specialist, and she has worked with the City for a long time and has experience with our software and reconciling bank accounts because she was our Tax Collector for a number of years. They double checked with the auditor and there is no concern.

He reported he is happy to announce he is reappointing Bob Harrington to the Laconia Housing Authority Board. Bob has been on the board for 51 years, he does a tremendous job, and has been an extremely valuable asset to that board for the past 51 years and he hopes to see him on it for another 51 years.

This weekend the Ironman Triathlon with have Athletes village in the City Hall Parking Lot, we will lose parking for the remainder of the week. Employees are encouraged to park in the reverse angle parking on the street, in the parking garage or in the parking lot behind St. Joseph's Church.

Councilor Felch asked if we could get better signage for parking behind the church.

21. NEW BUSINESS

21.A. New Hampshire Municipal Association Legislative Policies

The NHMA, through the efforts of its members, creates legislative policies that guide its government advocacy process through the upcoming legislative sessions. Approval of these legislative policies allows the NHMA to focus on drafting and/or supporting legislation according to the vote of NHMA members. It is NHMA's opportunity to craft and support bills on what is important to municipalities regarding Finance, Revenue, Rules, Regulations, Land Use, General Governance and more. As the City does every two years, these proposals are brought forward to the City Council for review and approval. The City will be represented at the Conference and will vote the wishes of the governing body. Please see the attached documents: 2023-2024 NHMA Legislative Policy Positions and Legislative Principles.

Councilor Felch made a motion to approve the 2023-2024 NHMA Legislative Policies as presented. Seconded by Councilor Soucy. Discussion: None. The ***motion passed with all in favor.***

21.B. Request to accept seven private roads under the "Accept As-Is" program and to schedule a Public Hearing for October 11, 2022

All abutters on the seven roads listed below have agreed to provide easements to the City. This

requirement is the first step in the process to accept a private street that the City has been plowing under the accept as-is process. • Janes Ave • Thompson Ave • Allan Ave • Kingsley Ave • Lucerne Ave • Hillcrest Drive • Bayside Court

The roads have been surveyed to establish the proposed rights of way for the seven roads. Public Works and the City Attorney have prepared the necessary easements for the property owners and their mortgage companies, if any. The documents will be sent to the property owners during the weeks of September 12th and 19th. The mortgage company, if there is a mortgage, also must sign the easement document. This could delay receipt of the easements depending on the mortgage company's requirements and procedures.

The City Council viewed the seven roads on August 30, 2022. The next step in the process is to hold a public hearing to accept the seven roads as-is.

Public Works recommends that:

- City Council schedule a public hearing on October 11, 2022, to accept as-is the seven roads.
- After the Public hearing, the City Council should accept the seven roads as-is contingent upon receipt and filing in Belknap County Registry of Deeds of all easements for a road.

The City already plows these streets and Public Works has treated these roads as if they were emergency lanes. Once the roads are accepted as-is the roads will be included in the City's pavement management system. City Council typically appropriates \$1.25 million for the road improvement program. Any improvements to these streets would be funded under this program.

Councilor Haynes made a motion to schedule a Public Hearing on October 11, 2022, during the regular City Council meeting to gather input prior to any action being taken. Seconded by Councilor Felch. Discussion: None. The ***motion passed with all in favor.***

21.C. **Lease Agreement between the City of Laconia / Laconia Airport Authority and 42 Airport Road, LLC**

This is a new Lease. 42 Airport Road, LLC, has purchased the hangar located at 29 Aviation Drive, Lot 7, at the Laconia Municipal Airport.

- The Lease Agreement duration is 40 years and 5 months in length, to be reviewed in 20 years to negotiate a new rate.
- The agreed rate is \$0.173 per square foot per usable acre for the 2022- 2023 FY with adjustments according to the December CPI-U each successive year.

There is no cost incurred by the City; the revenue generated by this Lease Agreement amounts to \$8,484.09 for the first-year base rental, payable to the Laconia Airport Authority to be applied to the operation of the Airport.

At a meeting on Thursday, May 19, 2022, the Laconia Airport Authority authorized the Chair, Andrew Hosmer to sign the agreement.

- The Laconia Airport Authority is seeking approval from the City Council for Andrew Hosmer to sign the agreement as Mayor.

Councilor Cheney made a motion to authorize Andrew Hosmer, Mayor of the City of Laconia, to sign the Lease Agreement between the City of Laconia / Laconia Airport Authority and 42 Airport Road, LLC. Seconded by Councilor Soucy. Discussion: None. The ***motion passed with all in favor.***

21.D. **Grant agreement between Laconia Municipal Airport and the New Hampshire Department of Transportation, Bureau of Aeronautics**

The New Hampshire Department of Transportation, Bureau of Aeronautics has offered a grant for the following project:

SBG-09-20-2022 Install Perimeter/Wildlife Fence (approx. 7,400± LF) Phase I (Design, Permit, Bid) on behalf of the Laconia Airport Authority

The Bureau of Aeronautics requests the Grant Agreement be executed by the airport sponsor – Laconia Municipal Airport - and returned to the NHDOT, Bureau of Aeronautics to be submitted to the Governor and Council for approval.

There is no fiscal impact for the City; the Laconia Municipal Airport is responsible for 5% of the total cost of the grant agreement. The Federal Aviation Administration covers 90%, and the NHDOT, Bureau of Aeronautics covers 5%.

At its meeting on August 18, 2022, the Laconia Airport Authority approved the agreement and authorized the Chair, Andrew Hosmer, to sign the agreement on behalf of the LAA. We are now seeking authorization for the Mayor of the City of Laconia to sign the agreement on behalf of the City of Laconia.

Councilor Felch made a motion to authorize Andrew Hosmer, Mayor of the City of Laconia, to sign Grant SBG09-20-2022, Install Perimeter/Wildlife Fence (approx. 7,400± LF) Phase I, (Design, Permit, Bid) on behalf of the Laconia Airport Authority. Seconded by Councilor Haynes. Discussion: None. The *motion passed with all in favor.*

21.E. **Grant acceptance for the Laconia Fire Department - Walmart Community Grant**

The Laconia Fire Department has been awarded a Walmart Community Grant in the amount of \$4,500. This money will be used towards purchasing intra-venous medication pumps for the City's three ambulances.

Any additional costs above the grant money received will come from the EMS operating budget.

Councilor Soucy made a motion that the Laconia City Council approve acceptance of the Walmart Community Grant for the Laconia Fire Department in the amount of \$4,500 to be used towards the purchase of intra-venous medication pumps for the City's three ambulances. Seconded by Councilor Cheney. Discussion: None. The *motion passed with all in favor.*

21.F. **Request to purchase City-owned property on Lexington Drive, Tax Map 375, Lot 324, Sublot 4**

A written offer has been received from Robert Gallagher to purchase a City-owned parcel of land consisting of 4.89 acres located on Lexington Drive, Tax Map 375, Lot 324, Sublot 4 for \$80,000. Please see the letter dated August 26, 2022 from the prospective purchaser and a map of the property included as additional information.

Per Sections 183-7 and 183-8 of the City's Code (copies attached to the agenda), the City Council previously held a public hearing on November 12, 2013 to declare the property as surplus to open it up for offers and allow flexibility in moving forward if an offer was received. At that time immediate abutters of the property were notified of the date of the public hearing. The parcel was subsequently declared as surplus at the Council's November 25, 2013 meeting by a unanimous vote.

Councilor Soucy made a motion to approve the request by Robert Gallagher to purchase City-owned property located on Lexington Drive, Tax Map 375, Lot 324, Sublot 4 as surplus property for the

amount of \$80,000. Seconded by Councilor Hamel; Discussion: Councilor Lipman asked about what his intent was and if he was going to be building something on the parcel. Manager Myers noted that Mr. Gallagher is looking to add 1 or 2 buildings subject to wetlands and zoning regulations. The ***motion passed with all in favor.***

21.G. **Consultant to the City Manager Agreement**

After the new City Manager, Kirk Beattie, takes over on October 3, current City Manager Scott Myers has agreed to remain employed by the City of Laconia on a temporary basis as a Consultant to the City Manager for a period of 6 months from October 3, 2022 to April 30, 2023.

A letter setting out the terms of the offer of employment is included in the agenda packet for the Council's review and approval.

Councilor Hamel made a motion to approve the offer of employment for the position of Consultant to City Manager Kirk Beattie as presented. Seconded by Councilor Felch. Discussion: None. The ***motion passed with all in favor.***

22. **UNFINISHED BUSINESS**

22.A. **Sale of unique property located at 20 Indian Path, Tax Map 180/516/15**

The City acquired a parcel of land by tax deeding in 1994 which was referred to as Community Beach Lot, Map 150, Street 346, Lot 32A. The property identification was subsequently reclassified to be Tax Map 180/516/15. This is a deeded community beach lot for residents of Harglen Lane, Hillcroft Road, Bobby's Way and limited properties on Hilliard Road. These properties have created a new entity known as Paugus Bay Beach Association.

There is no purpose for the City to retain ownership of the parcel because of the uniqueness of the circumstances regarding the deeded ownership by multiple properties in this area. The Paugus Bay Beach Association has expressed interest in buying the property.

Under Chapter 183-5 of the City Code, the City Manager may bring forward a written certification to the City Council that a specific property has certain characteristics and, that in the City Manager's opinion, because of these characteristics, the property should not be sold according to the procedures identified in Chapter 183-3 of the City Code. A copy of Chapter 183-5 is attached as background material.

Transfer of ownership of this parcel to the Association will allow the Association to care for and make whatever improvements to the community beach it desires, subject to any deed restrictions.

The staff report constitutes the written certification from the City Manager to the City Council.

Action to facilitate a sale to Paugus Bay Beach Association supersedes any prior action taken by the Laconia City Council.

The new Paugus Bay Beach Association is comprised of 51 homeowners on Harglen Lane, Hillcroft Road, Bobby's Way and Hilliard Road. A survey was conducted with 77% of the residents responding. As shown in the table in the staff report, the results of the survey show that a majority of those homeowners are in favor of the Association purchasing the property as proposed.

Manager Myers does recommend an amendment to the deed to restrict the use of fertilizers and pesticides on the parcel.

Councilor Felch made a motion to table this agenda item until the October 11, 2022 Council Meeting seconded by Councilor Hamel. Discussion: None. The ***motion passed with all in favor.***

22.B. **Second reading of Ordinance 2022-235-41:N amending Chapter 235, Zoning, Section 41 to add a new Section "N" relating to Home Gardens, and related amendment to Table 1, Table of Permitted Uses**

At the August 8, 2022 City Council meeting the Council was presented with an amendment to the Zoning Ordinance which, if approved, would have allowed a property in the Residential Single Family (RS) or Residential General (RG) zones to have a maximum of two sheep or two goats.

Upon recommendation by the Council, the Government Operations and Ordinances Committee met on August 15, 2022 to review the proposed Ordinance. The consensus of the Committee was to recommend to the full Council that the Ordinance as originally presented be amended to remove the reference allowing two sheep or two goats in the RS or RG zones, and to amend the percentage of cultivation area for home gardens from 20% to 25%. The attached Ordinance, 2022-235-41:N, has been amended to reflect those changes and is attached to the agenda.

Councilor Lipman mentioned hearing Zoning Board member Dellavecchia testifying earlier during public comment and he asked if the Zoning Board review process has been fully exhausted on this topic, and how do we get it back to the Zoning Board if they want to take it back due to different composition. Mayor Hosmer stated that if it is rereferred to the Zoning Board by the City Council. Then they can send it back to the Government Ops and Ordinances Committee to review it again.

Manager Myers is going to follow up with legal on the grounds for the appeal, the timeline given for the appeal and will give an update to the Council.

Councilor Lipman said that if we can have this go back to the Zoning Board versus having the Council make the decision, he would prefer that, and he'd like to wait to hear from legal on the options.

Mayor Hosmer clarified that the only thing before the Council tonight was the vote on the cultivation area in the RG & RS Zones.

Councilor Cheney made a motion to waive a reading of this Ordinance in its entirety and to read by title only. Seconded by Councilor Haynes. Discussion: None. The ***motion passed with all in favor.***

Councilor Felch made a motion for a second reading of Ordinance 235-41-N, amending Chapter 235, Zoning, Section 41 to add a new section "N" relating to agriculture in residential zones, and related amendment of Table I, Table of Permitted Uses, as presented. Seconded by Councilor Soucy. Discussion: None. The ***motion passed with all in favor.***

Councilor Haynes made a motion to approve Ordinance 235-41-N, amending Chapter 235, Zoning, Section 41 to add a new section "N" relating to agriculture in residential zones, and related amendment of Table 1, Table of Permitted Uses, as presented. Seconded by Councilor Felch. Discussion: None. The ***motion passed with all in favor.***

22.C. **Second reading of Resolution 2022-11 relative to authorizing acceptance of \$1,044,400 for replacement of the water main on Weirs Blvd and associated paving**

The July 10, 2018 Planning Board's conditional approval of the Langley Cove Development required the Developer to replace 1,900 ft of water main on Weirs Blvd and then reclaim/pave the roadway in the same limits (Planning Board Conditional Approval dated 7/10/2018, item 2.a.iii and item 2.a.vii. (5) second sentence). The Developer has proposed providing the City with the funds (\$1,044,400.00) to perform this work in lieu of the Developer contracting out the work. The proposed transfer represents the full cost to complete the work as required per the Planning Board's conditional approval. If the City Council agrees, Public Works will manage the water main replacement and associated paving on Weirs Boulevard utilizing funds received from the Developer. Public Works will amend the existing contract with Busby Construction, Inc to perform the work in the spring of 2023. Based on the current lead time on the pipe necessary for the project, the contractor will have to order

the pipe in September to ensure delivery in time to start work next spring. The amendment with Busby Construction will be signed prior to agreeing to the Developer's proposal to protect the City's interests. If the funds are accepted, the Developer will have satisfied the requirements in the Planning Board's conditional approval and may receive building permits within the development provided that all other restrictions pertaining to building permit issuance have been satisfied. Fiscal Impact: Approval will authorize the City to acceptance \$1,044,400.00 for construction of the 1,900 feet of water main and the associated road repairs. Recommendation: Public Works Department, Laconia Water Works, and Planning Department recommend that the funds be accepted.

Councilor Cheney made a motion to waive a reading of this Resolution in its entirety and to read by title only. Seconded by Councilor Haynes. Discussion: None. The ***motion passed with all in favor.***

Councilor Cheney made a motion for a second reading of Resolution 2022-11, a Resolution authorizing acceptance of \$1,044,400.00 for replacement of 1,900 ft. of water main on Weirs Blvd. and appropriating funds for same. Seconded by Councilor Felch. Discussion: None. The ***motion passed with all in favor.***

Councilor Felch made a motion to approve Resolution 2022-11, a Resolution authorizing acceptance of \$1,044,400.00 for replacement of 1,900 ft. of water main on Weirs Blvd. and appropriating funds for same. Seconded by Councilor Cheney. Discussion: None. The ***motion passed with all in favor.***

22.D. Request to release and discharge from all public servitude the unimproved portion of Eastman Shore Road South in accordance with RSA 23A:51

The City received a request to release a dedicated way of the unimproved portion of Eastman Shore Road South. The City Council conducted a site visit during a Special Meeting on August 30, 2022. At that site visit, the Public Hearing was recessed until this evening's meeting.

Councilor Felch made a motion that the City Council releases the dedication of the undeveloped portion of Eastman Shore Road South (a.k.a. Eastman Shore Road Extension) southerly of the cul-de-sac between the property identified in the City's tax records as 316-67-5 and that identified as 316-67-1, as shown on the plan entitled "Subdivision of Land of the Estate of Louis A. Heinis Easterly of Eastman Shore Road, Laconia, Belknap County, N.H., for Alice Joy Heinis," prepared by Ronald M. Mitchell & Associates, Inc., last revised February 15, 1979, and recorded in the Belknap County Registry of Deeds in Plan Book 85, Pages 35-38. This release is subject to the rights of public pedestrians and bicyclists to cross over the released road to access Ahern Park; and is conditioned upon easements memorializing this right which shall be executed by each of the property owners over whose property the released right of way runs and recorded by the City. Seconded by Councilor Cheney. Discussion: None. The ***motion passed with all in favor.***

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)**

Councilor Felch made a motion to enter into non-public session according to RSA 91-A:3, II (d) which is for the 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 Cheney.

By Roll Call Vote:

Councilor Cheney: Yes

Councilor Soucy: Yes

Councilor Lipman: Yes

Councilor Haynes: Yes

Councilor Hamel: Yes

Councilor Felch: Yes

The Non-Public session began at 9:35 PM

Councilor Hamel made a motion at 9:55 PM to reconvene the public session and to seal the minutes of the non-public session for 60 days. Seconded by Councilor Felch. Discussion: None. The ***motion passed with all in favor.***

26. **ADJOURNMENT**

Mayor Hosmer adjourned the meeting at 9:56 PM.

Respectfully Submitted,

Katie Gargano, City Clerk