

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Government Operations & Ordinances
August 25, 2023 - 2:00 pm

City Hall - Armand A. Bolduc City Council Chamber

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **RECORDING SECRETARY**
4. **ROLL CALL**
5. **STAFF IN ATTENDANCE**
6. **ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS**

6.A. **Minutes of June 19, 2023**

Documents:

[6.19.23 GOVERNMENT OPERATIONS AND ORDINANCES
SUBCOMMITTEE DRAFT MINUTES.PDF](#)

7. **GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch,
Cheney)**

7.A. **Parks and Recreation rules**

Documents:

[STAFF REPORT - PARKS AND RECREATION COMMISSION RULES AND
REGS.PDF](#)
[ORD 2023-59-12 - PARKS AND RECREATION COMMISSION RULES AND
REGULATIONS.PDF](#)

7.B. **Proposal to change the City's Solid Waste Ordinances to reduce
customers leaving the Transfer Station without paying**

Documents:

[STAFF REPORT - PROPOSAL TO CHANGE ORDINANCE RELATING TO
DRIVEOFFS AT THE TRANSFER STATION.PDF](#)

7.C. **Discussion of a 1968 RSA regarding maintenance of private roads for
20 years**

Documents:

[STAFF REPORT - DISCUSSION OF 1968 RSA RE MAINTENANCE OF
PRIVATE ROADS.PDF](#)
[RSA 229.1.PDF](#)

7.D. Discussion of no parking on one side of Girard Street

Documents:

[STAFF REPORT - DISCUSSION REGARDING NO PARKING ON ONE SIDE OF GIRARD STREET.PDF](#)

7.E. Discussion regarding a legal procedure to enforce owners of a dilapidated or abandoned building to tear it down

Documents:

[STAFF REPORT - DISCUSSION REGARDING DILAPIDATED AND OR ABANDONED BUILDINGS.PDF](#)

7.F. Fireworks

Documents:

[STAFF REPORT - FIREWORKS.PDF](#)

7.G. Discussion regarding a potential zoning change which would allow casinos in the City of Laconia

Documents:

[STAFF REPORT - DISCUSSION REGARDING A POTENTIAL ZONING CHANGE WHICH WOULD ALLOW CASINOS IN THE CITY OF LACONIA.PDF](#)

7.H. Discussion regarding impact fees and tax incentives in the City of Laconia

Documents:

[STAFF REPORT - DISCUSSION REGARDING IMPACT FEES AND TAX INCENTIVES.PDF](#)

7.I. Discussion regarding Heritage Commission By-Laws

Documents:

[STAFF REPORT - DISCUSSION REGARDING HERITAGE COMMISSION BY-LAWS.PDF](#)
[CHAPTER 40 - HERITAGE COMMISSION.PDF](#)

8. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

9. Any other business that may come before the Council

10. ADJOURNMENT

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact City Clerk Katie Gargano, Meeting ADA Coordinator, at City Hall by calling (603) 527-1265 at least 72 hours in advance so that the City can make any necessary arrangements.

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Government Operations & Ordinances
6:00 P.M.

6/19/2023 - Minutes

1. CALL TO ORDER

Chairman Soucy called the meeting to order at 6:00 PM

2. SALUTE TO THE FLAG

Chairman Soucy led the salute to the flag

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

City Clerk Gargano called the roll of the following committee members: Councilor Cheney, Councilor Soucy, Councilor Felch.

Councilor Haynes was also present and was invited to sit at the table with the committee.

5. STAFF IN ATTENDANCE

Kirk Beattie, City Manager

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

6.A. Discussion on City Flag Policy

Chairman Soucy thanked Councilor Felch for sharing a flag flying guideline. Councilor Soucy spoke about his recent travels in Georgia, Alabama, Texas, Massachusetts and New Hampshire. Councilor Felch said one of his friends went to Maine and they saw several pride flags bring flown in Ogunquit and a neighboring town.

Councilor Soucy said that he agreed with some of the points that Councilor Lipman made at a previous city council meeting. Laconia citizens have the right to fly whatever flag would like on their own property. His concern is it looking like an endorsement if flown on City property and he doesn't want to have any divisiveness.

Patrick Wood spoke to the committee about a court case in Boston, Massachusetts. In front of that city hall there was a gathering place with three flag poles. One flag was the American flag, the other was Commonwealth flag and the third pole was available to other groups to fly a flag in conjunction with an event. This event would only last one day. However, the problem with this case is that there was no policy. Someone stepped forward with a flag claiming it to be the Christian flag. When it was presented to those in charge, they said they cannot allow it to be flown because of the church and state separation. This case went up to the supreme court. It was decided that because they had no policy, and it is a private flag, where other private flags have been flown before, they were not able to tell this person no. So they adopted a policy. He thinks it's important to make sure there is a distinction that whatever is flown on municipal flag poles is not the council as individuals making a decision, it's representing the City as a whole. He also things the policy should be inclusive of ALL

city flag poles not just the one in front of city hall and in Veteran's Square. Councilor Cheney brought back up that this still could create divisiveness and he doesn't want to see it as a statement and it makes him worried. Councilor Soucy agreed that it could look like government endorsement and only wants to see the American, State, City of Laconia and POW flags flown on municipal flag poles. Councilor Felch asked "What if Pleasant Street School wanted to put up a flag for the PTO?". Councilor Cheney said that is where his problem is, if they start picking away at what can be flown or not. He mentioned that he has received some phone calls that have made him nervous. He is leaning toward seeing government authorized flags on government buildings, and citizens can fly what flags they would like on their property. He doesn't want it to look like the city is in favor of anything. Councilor Soucy said he had a conversation with a constituent that agreed with Councilor Cheney's comments. Councilor Felch referred to when the City flew a flag in support of nurses and said that with this policy they would be completely ruling out the support that was given to those nurses during COVID. Yes was said by another member of the committee. There was also conversation of having a private flag pole. Sections 2 and 7 of the policy have unintended consequences and that it needs a lot more work. City Manager Beattie reminded the committee that the lawyers made this up not to be an ordinance but talking points to build an ordinance off of. It was never intended to be voted on 100% as is.

The plan is review and make it clear and thorough of what can be flown on City poles and adding a designated place where people could hold demonstrations and fly their flag for one day only during their event.

Councilor Haynes mentioned that he had done some research and what appeared in the newspaper. He feels that what Councilor Lipman stated came to fruition. He doesn't do social media but his wife said that there were more comments about the flags than there were about the garbage cans. He stressed to the committee that he really feels this is a topic to make sure that they cross their I's and dot their T's.

Councilor Felch said that he'd like to see the City purchase some city flags, for them to be flown and available for purchase to the public. Another thing he'd like to see is a POW flag at Veteran's Square, where the veteran's memorial is. He also read that other flags can be the same size as the American flag but not any bigger than the American flag and it does have to fly below it.

The Human relations committee is meeting in July and then the committee will meet again to discuss the feedback from the human relations committee. Then this committee will report back to the full council and then another meeting will be scheduled once they hear from Pat.

6.B. Discussion on Short Term Rentals

Manager Beattie went over the proposed short-term rentals suggestions he has made. The code, planning and fire department will have a working session with legal to solidify their procedures in house. There are a large number of short-term rentals in Laconia with very few complaints. The previous planning board director was asked to review the ordinance to see where adjustments could be made and Manager Beattie took that on. Some of them have gone through legal for advice but not all of it. These changes are suggestions based on challenges they have seeing along with questions that have been raised. Short-term lodging has been defined. The states definition of a house being a primary residence is being used. An affidavit to be signed by the property owner is also added stating they're residence is their primary place of residence per the state RSA.

Councilor Felch asked to have the legal team review the short term lodging definition because there are some landlords that rent month to month where there is no lease.

Multifamily homes, prohibited zones and seasonal homes also were mentioned. Section F is new and will need discussion, because there was discussion of renting out a multifamily home having all of its units being rented out or all but one, should this be allowed. Councilor Felch believes that short term rentals are taking away from hotels and taking away income that the state gets from the hotels. There is no rooms and meals tax on short term rentals. Section 2 would require local information to

someone that can be contacted in case of an emergency to be provided to planning and fire and police. Councilor Cheney would like to see a notice to abutters to be added so they can be notified of a new short term rental when applications are made. Manager Beattie will find out when and how abutters are officially notified. Councilor's Soucy and Felch want to make sure the grandfather clause is clear as well. Section 6 talks about fines for those not in compliance, this section has not been shown to legal yet. Manager Beattie reminded the committee that the goal is to speed up the process through the courts and have the fines to deter those from not being compliant with the ordinance. It's to correct those locations who have been told they cannot do this but are doing it anyway.

Patrick Wood spoke to the committee to ask a question. The state law distinguishes between motels, hotels and rentals. If there is a disturbance the police can come in and take care of it immediately without having to go through the court process when talking about motels and hotels. He is not sure if this can be applied to short term rentals in this ordinance or not and he recommends asking the city attorney if this can happen.

Last page on special exceptions referring to if it brings the greater good to the community. The concern raised is that it is very vague and how can it be defined so Manager Beattie removed that language. Manager thinks they are getting closer and will continue to work on this ordinance.

Councilor Soucy asked if they are able to put a lien on a property for a civil penalty. The answer is believed to be no, but it will be double checked. It was brought up to add a provision to notify the mortgage holder.

7. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

8. Any other business that may come before the Council

Councilor Cheney asked the City Manager about the status of the hazardous building's ordinance. It is very close and will soon be brought to the committee.

Councilor Felch asked about the status of the Country Club property. It is in the mortgage holders' hands right now. It is going to public auction in the next couple of weeks.

Councilor Cheney asked about an update on the naming of public buildings/areas. It will be coming forward to the lands and building committee then government ordinances and operations then the full council.

9. ADJOURNMENT

Chairman Soucy adjourned the meeting at 7:15 PM.

Respectfully submitted,

Katie Gargano, City Clerk

**LACONIA GOVERNMENT OPERATIONS & ORDINANCES SUBCOMMITTEE
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.A.
PARKS AND RECREATION COMMISSION RULES AND REGULATIONS**

Discussion: Parks and Recreation Director Amy Lovisek has requested that the City Council consider adding language to an existing Ordinance to allow certain rules contained in the Parks and Recreation Commission Rules and Regulations to be subject to law enforcement actions, as well as violations and penalties. The Laconia Police Department has indicated that including these specific rules and regulations in an Ordinance will allow enforcement of them by their department. Any violations of these rules will also then be subject to the penalties set forth.

Please see the attached draft Ordinance that includes the changes requested. This draft Ordinance was presented to the City Council at their meeting on August 14, 2023. At that meeting the City Council referred this matter to the Government Operations and Ordinances Subcommittee for further discussion.

Fiscal Impact: Not applicable

Staff Recommendation:

This report submitted by: Kirk Beattie, City Manager

Proposed motion:

CITY OF LACONIA

In the year of our Lord two thousand and twenty-three

AN ORDINANCE AMENDING CHAPTER 59, PARKS AND RECREATION COMMISSION, ADDING A NEW SECTION 59-12 – PARKS AND RECREATION COMMISSION RULES AND REGULATIONS

The City of Laconia ordains:

That the Ordinances of the City of Laconia, as amended, be and are further amended in Chapter 59, Parks and Recreation Commission, to add a new section, Parks and Recreation Commission Rules and Regulations, as follows:

§ 59-12. Parks and Recreation Commission Rules and Regulations

The following Rules and Regulations as contained in the Parks and Recreation Commission’s General Park Rules are subject to enforcement by the City’s law enforcement personnel, and are also subject to the violations and penalties contained in this Chapter:

- A. Damage to any structure, plant or natural feature within the City’s park areas is prohibited.
- B. No person shall affix, hang, drape, or display items on any structure, either natural or man-made, within a City park or City-maintained property.
- C. No person shall bring in, use, or possess more than one bicycle at any time in a City park. This shall also include bicycle parts for a second bicycle.

This Ordinance amendment shall take effect upon its passage.

Andrew J. Hosmer, Mayor

Passed and approved this _____ day of _____, 2023.

Katie Gargano, City Clerk

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.B.
PROPOSAL TO CHANGE THE CITY'S SOLID WASTE ORDINANCES TO REDUCE
CUSTOMERS LEAVING THE TRANSFER STATION WITHOUT PAYING**

Discussion: The fee for Transfer Station customers disposing of household waste, construction and demolition debris and metal are based on the weight of the material. A customer's vehicle is weighed before disposing of the material and after disposing of the material. A customer with both household trash and construction and demolition debris is weighed after disposing of each type of material.

The fee is calculated using the difference between the vehicle weights before and after disposing of the waste.

When a customer crosses the scale for the first time, the Transfer Station operator enters their license plate number into the station's operating software. When a customer who is disposing of household waste, construction and demolition debris or metal leaves the Transfer Station without coming across the scale to weigh out (drive off), the City only knows the vehicle's entry weight not their final weight, so the City cannot provide the weight of materials brought into the Transfer Station. Thus, the City does not have a means of determining the value of the service.

During the summer the Transfer Station has as many customers during the four hours it is open on Saturday as the station has during a weekday.

Many weekend customers have different types of materials with different fees that result in more processing time.

Recently, the Department has seen an increase in the number of customers who do not come across the scale to weigh after disposing of their solid waste (driveoffs) from about one per quarter to an average of one per weekend.

Most residential customers with only household waste charge will not exceed \$100 per "use". For construction debris, most residential customers' charges will not exceed \$300. For mixed loads most will not exceed \$300.

In order for the City to recover its costs, the scale operator must report the incident to Police. This would occur after the Transfer Station closes resulting in an increase in the solid waste program's overtime costs. To recover the City's costs and to act as a deterrent to potential drive offs, Public Works is proposing that the City include the following in its solid waste Ordinance:

First Offense – a fine of \$500 with no suspension of Transfer Station privileges.

Second Offense - a fine of \$1,000 and suspension from use of the Transfer Station for one month

Third Offense - a fine of \$2,000 and the City may seek an injunction from use of the Transfer Station from the Belknap County Superior Court.

Public Works is asking for the City Council's guidance on the proposal. Public Works will prepare a change to the City's solid waste Ordinance for the Council's consideration at a future meeting.

At their meeting on August 14, 2023 the City Council referred this matter to the Government Operations and Ordinances Subcommittee for further discussion.

Fiscal Impact:

Staff Recommendation. Staff recommends that the City Council provide guidance on the proposal to change the solid waste Ordinance to include fines for leaving the Transfer Station without paying.

This report submitted by: Wesley B. Anderson, Director of Public Works

Proposed motion:

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.C.
DISCUSSION OF 1968 RSA REGARDING MAINTENANCE OF PRIVATE ROADS
AFTER 20 YEARS**

Discussion: Councilor Soucy has requested the Government Operations and Ordinances Subcommittee discuss this matter.

Attached is a copy of RSA 229.1 and an article from NHMA on this topic.

Fiscal Impact:

Staff Recommendation:

This report submitted by: Wesley B. Anderson, Director of Public Works

Proposed motion:

TITLE XX

TRANSPORTATION

CHAPTER 229

HIGHWAY SYSTEM IN THE STATE

Section 229:1

229:1 Highways Defined. – Highways are only such as are laid out in the mode prescribed therefor by statute, or roads which have been constructed for or are currently used for motor vehicle, bicycle, or pedestrian public travel over land which has been conveyed to a city or town or to the state by deed of a fee or easement interest, or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located, or roads which have been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968, and shall include the bridges thereon. Highway does not include any bridge, trail, or path intended for use by off highway recreational vehicles, as defined in RSA 215-A:1, or snowmobiles, as defined in RSA 215-C:1.

Source. RS 53:7. CS 57:7. GS 68:8. GL 74:8. PS 67:1. PL 74:1. RL 90:1. 1943, 57:1. 1945, 188:1, part 1:1. RSA 230:1. 1967, 283:1. 1981, 87:1, eff. April 20, 1981. 2017, 156:123, eff. July 1, 2017.

Article from NH Municipal Association Magazine

Roads Created by Prescription Are Not Yesterday's Problem

C. Christine Fillmore, Esq

The information contained in this article is not intended as legal advice and may no longer be accurate due to changes in the law. Consult NHMA's legal services or your municipal attorney.

Imagine this:

The property owner through whose land an old road runs has installed a locked gate across it to prevent joyriders from "mudding" on it.

A developer seeking approval for a 10-lot subdivision (and 10 building permits) claims the old road on which all of the new lots will have frontage is a public road, not a private road.

Abutters on an old road have performed "maintenance" work on it which has led to erosion and flooding in the area.

The owner of land on both sides of an old road has strung a large amount of maple sap piping across the road.

dead end

What do these real-world situations have in common? In each case, the rights of the abutters and the municipality depend upon whether the road at issue is a public road. Something either is a public road or it isn't; there are no other options. However, proving which it is can be especially tricky with older roads.

Most New Hampshire towns and cities keep some records regarding the creation and status of their public roads. These can range from detailed files (one for each public road with copies of town meeting or governing body votes to accept dedicated roads, layout votes, discontinuance votes, details of maintenance and disputes, votes to change from Class VI to Class V) down to bare-bones lists of public roads and the year in which some of them were created. There are, however, almost always some roads for which there are no records. Some are fairly well-traveled while others are barely passable. Some are widely believed to be private, while others have existed for so long that no one doubts they are public.

When there are no records, it is often because the road was established, if at all, by "prescription," one of the four ways to create a public road in New Hampshire. Prescription requires continuous use of a road by the public for at least 20 years, without permission of the owner of the land over which it travels, and under a claim of right (meaning the public assumed it had the right to travel along that route). *Mahoney v. Town of Canterbury*, 150 N.H. 148 (2003). Once a public road has been established by prescription, it cannot be lost through later disuse or by someone else occupying it, no matter for how long. *Windham v. Jubinville*, 92 N.H. 102 (1942). Even if the municipality doesn't maintain the road, the most that would happen is that the road would lapse to Class VI, non-maintained status. RSA 229:5, VIII. The only way a public road, once established, can ever cease to exist is by a vote to

Article from NH Municipal Association Magazine

discontinue it completely by the municipal legislative body (town meeting, town council or city council). RSA 231:43.

Although a large number of roads in the state were established by prescription, this informal method of creation has one major drawback, which is that it doesn't require any particular votes or documentation. It is not surprising, then, that the records about these roads are so often sparse or nonexistent. This is all made more complicated by the fact that prescription was abolished through a change in the law in 1968 that grew out of the Great Depression of the 1930s. To save money on road maintenance and repair, many municipalities in that decade voted to discontinue some of their less important roads. However, in many cases, the public went right on using those roads as they had before. As a result, these roads began popping back into existence again in the 1950s and 1960s after another 20 years of continuous public use. To avoid any more unintentional creation of roads in this manner, the New Hampshire legislature amended RSA 229:1 to eliminate prescription as of January 1, 1968. To prove the existence of a highway created by prescription today, there must be evidence of at least 20 years of continuous public use beginning at the latest on January 1, 1948.

dirt road

Unfortunately, abolishing prescription did not turn it into an issue merely of academic interest. Each of the situations described above has been the cause of litigation in the 21st century and similar situations are bubbling up across the state today. Although a select board or town/city council may make judgment calls about whether to treat a particular road as public or private, if someone challenges a road's status in court, the municipality may have to convince a judge that prescription did (or did not) occur. See *Gordon v. Town of Rye*, 162 N.H. 144 (2011). While a formal resolution may not seem necessary if the town/city and the property owners agree on the status of a particular old road, it can become important very quickly when a disagreement surfaces. If a town suddenly finds itself in the middle of a dispute among property owners over a locked gate that prevents some of them from traveling on an old road through another abutter's property, or if a city decides it needs to regulate an old road to prevent truck traffic from damaging it, the court's order will depend upon what kind of proof of prescription the parties can produce.

And proof is the crux of the problem. To establish that a road was created by prescription, the party claiming that the road is public will need to demonstrate not just that people used the road, but also: that the owner of the land through which the road ran knew or should have known the public was traveling there with no regard to whether the owner had given consent; that there were no breaks in the 20+ years of public use long enough to suggest that the public was told by the underlying land owner to keep out; that the public traveled along a consistent path during this time; and that the road was used not just by the abutting owners and their guests, but also by those in the general public. See, e.g., *Sleeper v. Hoban Family Partnership*, 157 N.H. 530 (2008); *Town of Warren v. Short*, 139 N.H. 240 (1994); *Town of Weare v. Paquette*, 121 N.H. 653 (1981); *Young v. Prendiville*, 112 N.H. 190 (1972).

Article from NH Municipal Association Magazine

The burden of proof is on the party claiming prescription, and the standard is the “balance of probabilities” – in other words, is there sufficient evidence for the court to find it is more likely than not that the road was established by prescription? *Arnold v. Williams*, 121 N.H. 333 (1981). A variety of different kinds of proof are usually necessary. These can include old maps showing the road over the years, a history of municipal use and maintenance, stone walls and cellar holes along the road, authenticated photographs of people using the road, records of municipal maintenance, and a history of businesses located along the road that would have involved public travel to reach it. See, e.g., *Gill v. Gerrato*, 156 N.H. 595 (2007); *Williams v. Babcock*, 116 N.H. 819 (1976); *Catalano v. Windham*, 133 N.H. 504 (1990); *Blagbrough Family Realty Trust v. A&T Forest Products*, 155 N.H. 29 (2007). It can be especially compelling to present eyewitness testimony of people who personally used the road or performed municipal maintenance and repair during the 20+ year period. *Mahoney v. Canterbury*, 150 N.H. 148 (2003). Making it even more difficult is the need for this testimony to cover the entire period from 1948-1968. Based on a recent NH Supreme Court opinion, it is likely that testimony about only the later years in that period, even in combination with some of the other kinds of evidence, will not be enough. *Town of Dunbarton v. Guiney*, 173 N.H. 1 (2020).

Layered over this is the additional challenge of the passage of time. Public use of the road must have begun no later than 1948. As years go by, memories fade, people age and pass away, and this kind of evidence becomes difficult (if not impossible) to obtain. These memories can be preserved for future use, but if it doesn't happen soon, the opportunity may be lost.

class 6 hill

To increase the odds of success, towns and cities may benefit from a review of their road creation files and the compilation of a list of roads about which they are uncertain. Consider also that a municipality may be on either side of a road dispute, so it can be equally important to consider questionable roads that the municipality would prefer not to be public. For all of these roads, to the extent it hasn't already been done, towns and cities really should begin assembling files for each public road and those that are in question. Each file should contain copies of any information that can be gathered about their existence and creation, particularly regarding dedication and acceptance, layouts, deeds, and of course evidence of prescription (or evidence to refute a claim of prescription, as the case may be). If personal recollections are available for the period before 1968, it is best to get them in writing in a notarized affidavit or through a deposition. It will likely also be necessary to review town meeting records, governing body meeting minutes, planning records, highway department records, town histories, old maps, and a host of other sources, as well as to consult with realtors, surveyors, historians, and title attorneys. Municipalities interested in strengthening their road files should consult with their municipal attorney to be sure they are gathering the right evidence and looking in the right places.

An effort made today to preserve evidence and memories before they are lost may make the difference in a dispute tomorrow. Don't leave it to chance – get started!

Article from NH Municipal Association Magazine

For more information on road files, see Chapter 2 of NHMA's A Hard Road to Travel.

drummond logo

C. Christine Fillmore is a municipal attorney with the firm of Drummond Woodsum based in Manchester. She can be reached at cfillmore@dwmlaw.com or via phone at 603.716.2895.

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.D.
DISCUSSION REGARDING NO PARKING ON ONE SIDE OF GIRARD STREET**

Discussion: A request was made to include an agenda item regarding no parking on one side of Girard Street.

Public Works Director Wes Anderson will be present at the meeting to provide additional details.

Fiscal Impact:

Staff Recommendation:

This report submitted by:

Proposed motion:

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.E.
DISCUSSION REGARDING A LEGAL PROCEDURE TO ENFORCE OWNERS OF A
DILAPIDATED OR ABANDONED BUILDING TO TEAR IT DOWN**

Discussion: At several Government Operations and Ordinances Committee meetings there has been discussion of including a legal procedure in the City's Ordinances to enforce owners of a dilapidated, abandoned or burned out building to tear it down during an established timeframe.

Fire Chief Tim Joubert will be present to discuss the current status of this matter.

Fiscal Impact:

Staff Recommendation:

This report submitted by:

Proposed motion:

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.F.
FIREWORKS**

Discussion: Councilor Felch requested that the City Council receive an update and discussion regarding current regulations governing fireworks in the City of Laconia as compared to other New Hampshire Communities.

The Council discussed this matter at their July 24, 2023 meeting at which time Mayor Hosmer referred the item to the Government Operations and Ordinances Subcommittee for further review.

Fiscal Impact:

Staff Recommendation:

This report submitted by:

Proposed motion:

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.G.
DISCUSSION REGARDING A POTENTIAL ZONING CHANGE WHICH WOULD
ALLOW CASINOS IN THE CITY OF LACONIA**

Discussion: The City Council agenda for the August 14, 2023 meeting contained an item for a discussion regarding a potential zoning change which would allow casinos in the City of Laconia.

This matter was referred to the Government Operations and Ordinances Subcommittee for further discussion and review.

Fiscal Impact:

Staff Recommendation:

This report submitted by:

Proposed motion:

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.H.
DISCUSSION REGARDING IMPACT FEES AND TAX INCENTIVES**

Discussion: At the July 24, 2023 City Council meeting Councilor Cheney requested that the Government Operations and Ordinances Subcommittee review impact fees and tax incentives in the City of Laconia.

Fiscal Impact:

Staff Recommendation:

This report submitted by:

Proposed motion:

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
AUGUST 25, 2023**

**STAFF REPORT
AGENDA ITEM 7.I.
DISCUSSION REGARDING HERITAGE COMMISSION BY-LAWS**

Discussion: Councilor Soucy requested an agenda item to discuss Heritage Commission By-Laws. The Planning Office states that there are no By-Laws for the Heritage Commission, only the Ordinance which is attached for review.

Fiscal Impact:

Staff Recommendation:

This report submitted by:

Proposed motion:

City of Laconia, NH
Wednesday, April 27, 2022

Chapter 40. Heritage Commission

[HISTORY: Adopted by the City Council of the City of Laconia 7-14-2003 by Ord. No. 03.2003.03. Amendments noted where applicable.]

§ 40-1. Commission established.

A heritage commission is hereby established in the City in accordance with RSA 673. In accordance with RSA 674:44-a, the purpose of the Heritage Commission shall be to insure the proper recognition, use and protection of resources, primarily man-made, that are valuable for their historic, cultural, aesthetic, or community significance within their natural, built, or cultural context.

§ 40-2. Membership; qualifications; terms.

[Amended 2-25-2008 by Ord. No. 02.2008.02]

- A. The Heritage Commission shall consist of five members who shall be appointed by the City Council. All members of the Heritage Commission shall serve without compensation and shall hold no other municipal office, excluding the Council member.
- B. Each Heritage Commission member shall be a resident of the City. One Commission member shall be a member of the Laconia City Council. Three alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Heritage Commission.
- C. Term of office. The term of each appointed member shall be three years.

§ 40-3. Powers.

Generally. Heritage commissions shall have advisory review authority, specifically, as follows:

- A. Survey and inventory all cultural resources.
- B. Enlist volunteers to assist with the survey and inventory of the City's cultural resources.

[Added 2-25-2008 by Ord. No. 02.2008.02^[1]

[1] *Editor's Note: This ordinance also relettered former Subsections B through E as Subsections C through F, respectively. Ordinance No. 02.2008.02 also repealed former Subsection F, which provided for the hiring of consultants and contractors.*

- C. Assist the Planning Board, as requested, in the development and review of those sections of the Master Plan which address cultural and historic resources.
- D. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resource.
- E. Coordinate activities with appropriate service organizations and nonprofit groups.

- F. Publicize its activities.
- G. The Heritage Commission shall serve as the Demolition Review Committee as outlined in Chapter **119**, Building Construction, § **119-2D**, Demolition review.

[Added 2-25-2008 by Ord. No. 02.2008.02^[2]]

[2] *Editor's Note: This ordinance also repealed former Subsection G, which provided for receiving of gifts.*

- H. Hold meetings and hearings necessary to carry out its duties.^[3]

[3] *Editor's Note: Former § 40-4, Heritage fund established, and § 40-5, City Treasurer to manage fund, which immediately followed, were repealed 2-25-2008 by Ord. No. 02.2008.02.*