



**LACONIA CITY COUNCIL MEETING
MONDAY, FEBRUARY 22, 2010
CITY HALL – CONFERENCE ROOM 200A
7:30 P.M.**

CALL TO ORDER:

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

SALUTE TO THE FLAG:

Councilor Brenda Baer led the Salute to the Flag.

Following the Salute to the Flag, Mayor Seymour requested a moment of silence in memory of Kinney O'Rourke.

ROLL CALL:

City Clerk Mary Cote called the roll with the following Councilors present: Councilor Knytych, Lahey, Baer, Hamel, and Bolduc. Also present in the absence of City Manager Cabanel, Finance Director Pam Reynolds.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Non-public minutes of 1/25/10 and regular and non-public Council minutes of 2/08/10**

Councilor Bolduc moved to accept the non-public minutes of 1/25/10 and the regular and non-public Council minutes of 2/08/10. Seconded by Councilor Knytych. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR:

- 1. Request for approval to use City Hall parking lot between Belknap Mill and City Hall for the period of June 28th through October 2nd for the Laconia Farmers Market.**

Councilor Hamel moved to approve the use of the City Hall parking lot between the Belknap Mill and City Hall for the period of June 28th through October 2nd for the Laconia Farmers Market. Seconded by Councilor Bolduc. **Motion passed unanimously.**

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PRESENTATIONS:

- **Smart Growth/Lakes Region Planning Commission**

Mayor Seymour invited Dave Jeffers from the Lakes Region Planning Commission to address the Council.

Mr. Jeffers reviewed the attached Smart Growth/Natural Resource Assessment Project report. (See attachment #1)

Councilor Lahey asked if there is a specific area of the City that is not being utilized in a positive manner. Mr. Jeffers pointed out the blending of the Weirs to Lakeport areas is done by a strip, and there is no connectivity. Also, developments are being done toward the Meredith and Gilford town lines and the northwest section of the City that does not conform to the “sprawling” effect outlined in the Master Plan. The Future Land Use Map in the Master Plan encourages residential development of the City, and that is not happening at this time.

Carol Foss from the Audubon Society of New Hampshire addressed the Council.

The assessment done by the Audubon Society shows the City of Laconia has done a wonderful job addressing certain areas of the City, such as Downtown. Less attention has been given to the outlying areas of the City and the many natural resources in those areas. At this time there is a good opportunity to look at the natural resources and protect them for future generations. Ms. Foss reviewed the remaining sections of the Smart Growth/Natural Resources Assessment Project influenced by the Audubon Society.

Councilor Lahey asked Ms. Foss if the City should be looking at the areas to stop growth. Ms. Foss stated it should be looked at as the areas the City would want to look to invest for an infrastructure of development. When you have water and sewer in areas, homes can be placed closer together than if the homes are relying on wells and septic systems; decisions on where you want the density of population to be is the goal.

Councilor Hamel asked if this information was passed on to the Planning Department. Ms. Foss confirmed the Planning Department, as well as each member of the Planning Board, has received a copy of the full report.

Councilor Hamel expressed interest in the cluster development. It is his understanding that the Planning Board has been encouraged to include recreation areas, ball fields, and other community space within the developments, where some of them are a significant distance from the main areas of the City. Also, Councilor Hamel noted the surface water management has been a problem in the developments. The developer will come in, complete the project, and the City is left with the larger problem down the road.

Councilor Hamel also feels the development process goes too quickly, before the Planning Department can get out to the site. When this happens, the developer will get too far ahead of themselves. Ms. Foss advised Councilor Hamel the effect on the natural vegetation was addressed in the full report.

Councilor Lahey asked the following: If you have 100 acres tract, would it be preferable to have 50 houses on two acre lots, or 50 houses in a cluster? Ms. Foss stated the cluster for the reasoning to maintain land around it being used for green space.

Councilor Lahey requested the City Manager and Planning Director review the Smart Growth/Natural Resource Assessment Project report and advise the Council of any zoning changes that may be needed.

- **Fire Department 2005 Hazard Plan Update and Emergency Management Plan Bi-Annual Concurrence/Chief Erickson**

Mayor Seymour invited Chief Ken Erickson to address the Council.

Chief Erickson reviewed the attached Hazard Plan Update for bi-annual approval of the Council. (See attachment #2).

Councilor Knytych complimented Chief Erickson on his plan and the proven strength of the plan by its use during the Weirs Boardwalk flooding.

- **Solid Waste Collection Contract/Ann Saltmarsh**

Mayor Seymour invited Ann Saltmarsh to address the Council.

Ms. Saltmarsh was asked by the City Manager to investigate the various possibilities of collection of Solid Waste within the City. This process involved breaking down the five major components of the Solid Waste needs.

1. Curbside collection: Approximately 5,200 stops are done each week throughout the City throughout five distinct routes, collecting an average of 120 tons of solid waste. 72% of these are residential houses, 17% are multifamily homes, with 11% being commercial establishments. A route audit was performed by following the collection truck each day, which involved documentation of the route the current contractor takes and counting the different types of homes on each day.
2. Weirs Beach: During June, July and August, collection is done on the main areas of the Weirs twice a week, on Monday and Friday. This is done to accommodate the businesses in that area.
3. Public Containers: These containers consist of the barrels located in various areas of the City, including Downtown and the parks and beaches. Approximately 115-125 barrels are placed throughout the year, depending on the season and the need for various recreational events. The schedule for collection changes from the month to month in the summer season. It would be the hope to have the Parks & Recreation Department take over this piece of the collection, with the staff already visiting the areas daily at peak times.
4. Motorcycle Week: This 12-14 day event generates approximately 100 tons of solid waste. The current contractor, Waste Management, collects in the area very early in the morning, with the Public Works Department maintain the area for the heavier traffic times of each day.
5. Leaf and Yard waste Collection: This is done twice a year for two weeks. The total tonnage collected from the four weeks is approximately 200. This is something that could be accomplished by the City, but at this time it would be recommended to continue with an outside contractor for collection.

To achieve the above stated components, Ms. Saltmarsh would recommend the purchase of additional equipment and hiring two individuals. Currently, Waste Management is completing the collection using

a rear-end loader, and it would be wise to stay with this type of vehicle should the City decide to go to a “pay as you throw” option of collection. There are other types of vehicles available that are either semi or fully automated, but neither is an option with the “pay as you throw” method.

Councilor Baer requested the price difference of the semi automate and fully automated vehicle. Ms. Saltmarsh did not have all of the figures presently, but the average price for a collection vehicle would be \$200,000. Councilor Baer further inquired as to the number of people needed, as well as insurance premiums, for working with a fully automated vehicle. Ms. Saltmarsh referenced conversations with the City of Franklin, in which the Public Works director mentioned and insurance savings of approximately \$15,000 each year. A semi or fully automated vehicle would require one person to operate, with a rear end loader requiring two people.

Councilor Knytych asked for the container needed to operate the semi or fully automated vehicle. Ms. Saltmarsh confirmed the purchase of toters would be needed, at approximately \$50 each. In the City of Franklin, they have chosen to purchase the containers for the residents, but in other communities they do charge the residents for them. Ms. Saltmarsh expressed her likeness for the toters for recycling.

Councilor Knytych asked if the toters would be large enough to accommodate the recycling now that we have moved to single stream. Ms. Saltmarsh advised the Council that the toters are made up to 96 gallon capacity.

Councilor Hamel thanked Ms. Saltmarsh for all of the time and effort she put into this project. With the single stream recycling, Councilor Hamel inquired if there is a way to get the larger apartments throughout the City to join the recycling efforts, such as sending letters to the landlords. Ms. Saltmarsh advised that she has done this in the past, getting a list of all of the multi-family homes and there owners from the Assessing Department. They were all sent a recycling letter, encouraging them to participate. The list was very long and cumbersome, and feels the landlord association would be a great resource to help with that. Ms. Saltmarsh also noted that she would like to see the haulers collecting single stream from businesses throughout the City.

Councilor Hamel asked if there is a way to determine how much the non-tax paying businesses throughout the City are having collected, in an effort to determine the cost the City is incurring to collect their solid waste. Ms. Saltmarsh advised that this is called subsidizing, and it is a “hot” topic right now. Councilor Hamel advised charging the contractors for the non-tax paying businesses tonnage, and the contractor could then pass the charges along.

Public Works Director Paul Moynihan advised the Council that the single stream facility in Penacook, operated by the Coop, will not be up and running until mid-2011. At this time, we are unable to make a substantial saving with recycling, therefore the only other place we can at this time is with the Solid Waste Collection. Even with purchasing new equipment and hiring two people, the City is in the position to save \$40-50,000 the first year. If the City moves to “pay as you throw”, the non-tax paying businesses throughout the City would be paying for the bags also, which would help alleviate the subsidy issues.

Director Moynihan explained to the Council that the City anticipates beginning the bidding process for the new contract within the next few months. The bid would request separate quotes for solid waste collection and recycling. The City would make it clear they intend to bid on the solid waste portion only, with the hope of having a contractor collect the recycling at this time.

Councilor Hamel requested the time frame for vehicle delivery after it has been ordered. Ms. Saltmarsh stated six months, which would put it very tight for October.

Director Moynihan advised that by the City being part of the bidding process, it will keep a competitive atmosphere. The numbers show to be positive for the City. The Director requested having direction from the Council as to how they want him to proceed, as well as the decision to either move to “pay as you throw” or mandatory recycling which will need to be faced within the next year.

Councilor Knytych verified that the collection of recyclables would be done by the contractor at this time, but in the future it could be added on to the City’s efforts. Ms. Saltmarsh and Director Moynihan collectively confirmed.

Councilor Lahey commented that this is a great example of the public option being used to create competition and lower costs.

- **Weirs Boardwalk Project Update - Change Order/Paul Moynihan**

Mayor Seymour invited Director Moynihan to address the Council.

Director Moynihan distributed pictures to the Council and gave a brief explanation of each image. (See attachment #3)

During the construction of the new Weirs Boardwalk, some problems developed regarding the support structure (sheet piles) of the railroad tracks. There are requirements from the State of New Hampshire requiring the tracks to support 80 tons, and at this time they are not structurally able to do so. An engineer has looked at the work done, and agrees that more work needs to be done to secure the area. The potential additional cost of this work is \$55,000. Director Moynihan wanted to make the Council aware of the necessity to make changes, and advise them that if they want the Boardwalk to be completed by Memorial Day, the City will need to absorb the cost of the additional work, consisting of 90 feet of additional anchor wall constructed.

Director Moynihan explained the breakdown of the FEMA funds, as well as the bond authorized, and additional funds authorized by the Council in the event they are needed.

Councilor Hamel expressed his displeasure with the City absorbing additional costs for railroad tracks that do not belong to the City, but to the State of New Hampshire. The City has already bonded a majority of the cost for the reconstruction of the Boardwalk as well as the tracks, with some money being from FEMA and very little from the State. Even after the railroad was destroyed, the tracks were placed back on the old foundation, and run for the rest of the summer. If it was safe to run the railroad on the tracks then, it should be sufficient with the foundation that has been put in place at this point. The City has gone to the state for not just the railroad but the sewer main also. It is astounding for them to say this isn’t safe now, but was before.

Director Moynihan pointed out that this is not a new requirement from the State, but has been known since the beginning of the project.

Councilor Hamel wants to know why the State isn’t paying for the railroad portion. It is not the City railroad. The Department of Transportation should be doing there share also. Director Moynihan stated

that he believes the Department of Transportation and FEMA have done all they are going to do, related to monetary means, for this project. The railroad was in place long before the Boardwalk or the sewer system, and we need to look at this from their perspective sometimes. Councilor Hamel countered that the rain undermined the whole area; the railroad is there responsibility. Director Moynihan reiterated that we need to move forward or this will not be done before Memorial Day; if we want to challenge the State on this, we will need to do that after because we cannot wait two weeks to proceed.

Councilor Hamel asked why we cannot proceed with the Boardwalk and not the tracks. Director Moynihan explained the additional work to the tracks cannot be done after the Boardwalk is constructed.

Councilor Knytych confirmed that Director Moynihan would like to move forward regardless of whom is paying at this point, and to “wrestle” with the State later. Director Moynihan agreed. Councilor Knytych reminded the other Councilors that we promised businesses in the Weirs that the project would be done by Memorial Day and we need to do what we can to make it happen.

Councilor Hamel continued he has a problem because the retaining wall wasn't in place before. We have driven in 900 feet of sheet piling and they are saying it isn't strong enough. Director Moynihan explained that if a repeat storm were to occur, these measures need to be taken to assure the same damage is not done. When the State was contacted, they did not change their position, as they are requiring these upgrades on any work done on any section of railroad maintained within their system.

Councilor Bolduc thinks there are large problems with the Department of Transportation. He doesn't understand how they can think what has already been done won't hold up. It is much better than what was already in place. Director Moynihan reiterated that engineers have looked at the project, and they are in consensus that this is not stable.

- **Memorial Park Storage Building/George Hawkins**

Mayor Seymour invited George Hawkins to address the Council.

Mr. Hawkins introduced himself to the members of the Council who may not know him. He is a local business man, and a member of the Parks & Recreation Commission.

Mr. Hawkins briefed the Council on his proposal, which consists of donated labor and machine time, to rebuild the storage building at Memorial Park. He has received written proposals, and presented the lowest prices to purchase all of the materials. Alan Blakely will also be donating his time, and siding at his commercial cost. The total cost of the project would be \$29,729.23.

Councilor Baer asked where the money would be coming from. Finance Director Pam Reynolds replied that she has the funds, and if this is approved, would bring a transfer to the next meeting. She also noted that she was asked to find \$20,000 from the City Manager, not \$29,000.

Councilor Hamel moved to allow up to \$29,729.23 for construction of a new building for storage at Memorial Park to be built by George Hawkins and Alan Blakely at no labor charge. Seconded by Councilor Bolduc. **Motion passed unanimously.**

MAYOR'S REPORT: NONE

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: NONE

PUBLIC HEARING:

- **Supplemental Appropriation in the amount of \$1,300,000 for grant funds received in excess of those budgeted by the Laconia School Department**

Before opening the Public Hearing, Mayor Seymour asked the Council for any questions.

Councilor Hamel wanted to confirm this was left over grant money, and if that is correct, to ensure it is not being added to the General Fund. Finance Director Reynolds explained it will go into the General Fund, and back out. If this appropriation is not approved, the School Department cannot spend the money and it will go back to the government.

Councilor Hamel asked if this was an additional grant, or if it was money already received from stimulus grants. Ed Emmond and Joe Cormier from the School Department confirmed it was from the existing stimulus grant. Mr. Emmond and Mr. Cormier reviewed the distribution of the grant money received thus far.

Mayor Seymour read and announced that the notice of the Public Hearing. The Public Hearing was opened at 9:31 p.m.

With no members of the public speaking, the Public Hearing was closed at 9:31 p.m.

COMMITTEE REPORTS:

- 1. FINANCE: (Lipman, Hamel, Baer) (No report on any item in committee)**
 - a) WOW Trail Fund
 - b) Special Item Budget Requests Procedural Review
- 2. PUBLIC SAFETY: (Baer, Knytych, Lahey) (No report on any item in committee)**
 - a) Fair St./Court St. traffic problems and accidents
 - b) Complaints regarding signage on "One Way" streets
 - c) Winter parking restrictions from 9:00 p.m. to 6:00 a.m.
- 3. GOVERNMENT OPERATIONS & ORDINANCES: (Knytych, Bolduc, Lahey) (Report on 2/22/10 meeting re item e.)**
 - a) Energy Committee
 - b) Amendment to Zoning ordinance re Drug Treatment Facilities
 - e) Proposed Amendments to City Charter
 - f) RSA 37:6 and the Powers of the City Manager

Councilor Knytych reviewed the meeting held this evening in regard to proposed amendments to the City Charter. Each member of the Council received a copy of the proposed changes, which were prepared by the City Attorney. He reviewed the proposed changes, including grammatical changes, adding a recount procedure, replacement of Mayor if a mid-term vacancy were to occur, the Library using their income generating funds for Library use, and changing the time of Council Meetings to begin at 7:00 p.m. rather than 7:30 p.m. All of these changes will need to be presented to the voters in November.

Councilor Hamel mentioned that changing the start time of Council Meetings would affect the Committee Meetings, forcing them to start earlier also. With people working, they may not be able to attend earlier meetings. Councilor Bolduc had also noted that some evenings there are two Committee Meetings. Councilor Knytych is with the opinion that business can be conducted within a half hour.

Councilor Bolduc also noted that sometimes members of the public are not home early enough to attend a 7:00 p.m. meeting. Councilor Knytych noted that members of the public can voice that concern during the Public Hearing portion of the process.

Councilor Knytych motion to schedule a Public Hearing for Proposed Changes to the City Charter during the 3/22/10 regular Council Meeting. Seconded by Councilor Lahey. **Motion passed unanimously.**

- 4. PUBLIC WORKS: (Bolduc, Baer, Lahey) (No report on any item in committee)**
 - a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
 - b) Oak & North Main St. Intersection
 - c) No parking on Messer St.

- 5. LAND & BUILDINGS: (Hamel, Lipman ,Bolduc) (No report on any item in Committee)**
 - a) Repair & maintenance of City Buildings
 - b) Use of City docks at Weirs Beach

LIAISON REPORTS: NONE

MANAGER'S REPORT: NONE

NEW BUSINESS:

- 1. A Resolution Relative to Authorizing a Supplemental Appropriation for Grant Funds of \$1,300,000 for the Laconia School Department Received in Excess of those Budgeted for 2009/2010**

Councilor Knytych read the resolution aloud, making a motion for the first reading. Seconded by Councilor Bolduc. **Motion passed unanimously.**

- 2. Airport Authority requesting approval of the following:**
 - **Lease Termination Agreement with Southern NH University**
 - **Lease Agreement with Little Bear PCS, LLC**
 - **Notice of Lease**

Diane Cooper from the Laconia Airport Authority explained the transfer of ownership and the need to a new lease approved.

Councilor Knytych made the motion to:

1. Approve the Lease Termination Agreement with Southern New Hampshire University f/k/a New Hampshire College in accordance with the Lease Termination Agreement attached hereto and made a part hereof.

2. Approve the Lease Agreement with Little Bear PCS, LLC in accordance with the Lease Agreement attached hereto and made a part hereof.

3. Approve the transfer of the building and improvements on the leased premises from with Southern New Hampshire University f/k/a New Hampshire College to Little Bear PCS, LLC in accordance with the deed attached hereto and made a part hereof.
4. Approve the Notice of Lease with Little Bear PCS, LLC in accordance with the Lease Agreement attached hereto and made a part hereof.
5. Authorize the City Manager to execute the Lease Termination, Lease Agreements, and Notice of Lease on behalf of the City of Laconia.
6. The approval of such Lease Termination, Lease Agreements, Notice of Lease, and the transfer of the building and improvements is conditioned upon the closing between Southern New Hampshire University f/k/a New Hampshire College and Little Bear PCS, LLC and the Lease Termination and Lease Agreements coming into effect pursuant to their terms.

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

3. Non-public minutes eligible to be unsealed dated 10/23/06, 11/13/07 and 11/10/07

Councilor Lahey motioned to unseal the non-public minutes of 10/23/06, 11/13/07 and 11/10/07. Seconded by Councilor Bolduc. **Motion passed unanimously.**

4. An ordinance amendment to Chapter 221-36 winter parking

Councilor Lahey read and moved to amend Chapter 221-36 Winter Parking or the Laconia City Ordinances. Seconded by Councilor Bolduc. **Motion passed unanimously.**

5. Proposed Amendments to Wage & Compensation Plan

Finance Director Pam Reynolds spoke on behalf of the City Manager. The process allows 30 days for the Council to decline the proposed changes; if no action is taken within the 30 days, the changes will become effective.

Councilor Lahey asked why some changes were made and Finance Director Reynolds reviewed the positions that no longer exist.

UNFINISHED BUSINESS:

1. WOW Trail
2. Master Plan
3. EPA Update
4. Sewer & Water Master Plan
5. Single Stream Recycling/Concord Co-Op

NOMINATIONS, APPOINTMENTS & ELECTIONS: NONE

COUNCIL COMMENTS:

Councilor Lahey reported the first meeting of the Laconia Muskrats was held. Jonathan and Noah Crane have everything underway for the team, using local facilities.

Councilor Knytych made mention of the street lines on Church Street have faded, and it is creating some misdirection. He would like to ask the Public Works Department to look into correcting it.

NON - PUBLIC SESSION: According to RSA 91-A:3, II: NONE

ADJOURNMENT:

Councilor Bolduc motioned to adjourn at 9:51 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:

Mary A. Cote
City Clerk