



**LACONIA CITY COUNCIL MEETING
AUGUST 9, 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 Ava Doyle led the Salute to the Flag.

ROLL CALL:

City Clerk Cote called the roll with the following Councilors present: Councilor Doyle, Lahey, Lipman, Baer, and Bolduc. All present City Manager Eileen Cabanel.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Regular and non-public minutes of July 26, 2010**

Councilor Bolduc moved to accept the regular and non-public minutes of July, 26, 2010. Seconded by Councilor Lahey. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR: NONE

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PRESENTATIONS:

- **Small Wind Energy and Steep Slope Ordinances/Shanna Saunders, Planning Director**

Planning Director Saunders reviewed the proposed Small Wind Energy Ordinance, highlighting that it is intended for personal use, as well as the height, sound, code, zoning, and aesthetic effects.

Councilor Lipman asked if the Planning Board had considered the aviation issues that may result from this Ordinance. Assistant Planner Seth Creighton directed the Council to review page five, section nine,

which states “The small wind energy system shall be built with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.” Councilor Lipman further inquired if any communication had been done with the Laconia Airport Authority or Lakes Region General Healthcare (LRGH), which could be effected by a Small Wind Energy system. Assistant Planner Creighton will contact Bud Salmon, Head of Security for LRGH, and Diane Cooper at the Laconia Airport Authority to discuss any concerns they may have.

Councilor Bolduc asked if other surrounding communities have the same type of Ordinances in place. Planning Director Saunders replied that if they do not have one in place, they will be required by RSA 674-63 to do so in the very near future, which would require adjusting their height ordinance to become compliant.

City Manager Cabanel noted that this Ordinance has been drafted to bring the City into compliance, and nothing has been added that the State is not requiring. Planning Director Saunders confirmed that the State distributed a template, and in designing the Ordinance used that as a main source.

Councilor Lahey asked for clarification of the regarding setbacks required; would it be from property line or from occupied buildings on abutting lots. Planning Director Saunders stated that it would be from whichever allowed for the greater setback, with both taken into consideration.

Councilor Lipman requested examples of the noise requirement of 60 decibels at the property line. Assistant Director Creighton offered the following as an example of 60 decibels: quieter than a running dishwasher or a running refrigerator. This is only heard when the device is spinning. There is a Wind Map available with color coded areas to determine the highest efficiency for the devices, and the City is actually in one of the low efficiency areas.

Planning Director Saunders pointed out the zones in the City which would be restricted from the Small Wind Energy devices; Downtown Riverfront (DR), Business Central (BC), and Business Central/Industrial (BCI). This area encompasses the Downtown area. This was done because the type of units that could be used in these areas would be roof top in style, and could compromise the architectural and aesthetic value of the zones. An architectural consultant will help look at the architectural elements of these areas, and when that analysis is done, it will be presented to allow the units in these areas with restrictions that will uphold the architectural and aesthetic values of the areas.

Councilor Baer referred to section III, item E-2 that states “The building inspector shall provide notice of the application for a building permit to the City Council”, inquiring if each person applying would need to come before the Council. Planning Director Saunders clarified that the Council would receive a notice only through the City Manager to prepare the Councilors to answer any questions that may arise from the device being built. The intent is to have the applicant go through the Building Permit Process only.

Councilor Bolduc asked if the unit would be 150 feet tall on top of a building. Planning Director Saunders noted that the 150 feet includes the height of the building the unit is being placed on. Councilor Bolduc expressed concerns regarding the aesthetic consequences. Planning Director Saunders assured the Council that the units are generally not large, and are restricted in the Downtown area.

Councilor Lahey noted that with the setback requirements, it will be impossible in many neighborhoods to have a unit installed.

With no further comments, Planning Director Saunders explained the proposed Steep Slope Ordinance. The Planning Board has been working on this revision since early 2009, getting substantial feedback from the public. Several work sessions were held, as well as the required Public Hearings. The purpose of the Ordinance is to allow the development in the areas with slopes between 15-24% to be controlled throughout the entire process, with restrictions for slopes greater than 25%. The developer will need to meet criteria to determine if it is safe and monitor the erosion throughout the process.

Councilor Bolduc asked if the Water Department has been involved with this process. Planning Director Saunders explained that the Water Department and the Public Works Department have been given copies of the proposed Ordinances and have not expressed concerns. Councilor Bolduc expressed concerns with the water lines and the height concerns to provide 25 pounds of pressure required. Planning Director Saunders reaffirmed that the steep slopes would not be permitted to be built upon.

Councilor Lipman asked what percentage of land within the City this would apply to. Planning Director Saunders explained that as part of the Natural Resource Inventory conducted, it was determined that which areas contained the different sloped areas. A map was explained outlining the areas.

These proposed Ordinances will be presented for approval at a later meeting of the Council.

MAYOR'S REPORT:

Mayor Seymour reminded of a Public Hearing being held by the Department of Transportation in regard to the proposed construction of a roundabout intersection on Route 3, which will be held on August 10.

Mayor Seymour, along with Councilors Doyle, Bolduc and Baer, attended the accreditation hearing for the Police Department, which was held this evening. Several people spoke favorably of the Police Department, and the overall meeting went well.

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: **NONE**

PUBLIC HEARING: **NONE**

COMMITTEE REPORTS:

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

2. **PUBLIC SAFETY:** **(Baer, Doyle, Lahey)**
 - a) Fair St./Court St. traffic problems and accidents

3. **GOVERNMENT OPERATIONS & ORDINANCES:** **(Doyle, Bolduc, Lahey)**
 - a) Energy Committee
 - b) Amendment to Zoning ordinance re Drug Treatment Facilities
 - e) Proposed Amendments to City Charter

4. **PUBLIC WORKS:** **(Bolduc, Baer, Lahey)**
 - a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
 - b) Oak & North Main St. Intersection

- c) **No parking on Highland St. between Crescent and Gilford Ave.**
- d) **Equipment purchases for Public Works**

Councilor Bolduc reported on the meeting held this evening in regard to item c – No parking on Highland Street between Crescent and Gilford Avenue. After input from the requesting party, Thomas and Michelle Walsh, and other surrounding residents, the committee concluded that it was in the best safety of the neighborhood to restrict the parking as requested. Some concerns were raised by a property owner on the even numbered side of the street, including the loss of a parking space. It was also noted that this issue will need to be revisited at the conclusion of road construction on Highland Street, as curbing is being installed at that time.

Councilor Bolduc motioned to have no parking on Highland Street from Crescent Street to Gilford Ave on the odd numbered side. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Bolduc noted that item d – Equipment purchases for Public Works was discussed on July 29 at a meeting held at the Public Works garage. At this time, there is nothing to present because the condition of the equipment will require bonding to get them up to standard, and it has not been decided which equipment will be presented for replacement. The item will remain on the agenda for further review.

- 5. **LAND & BUILDINGS: (Hamel, Lipman ,Bolduc)**
 - a) Repair & maintenance of City Buildings

Mayor Seymour advised that the Heritage Commission Public Hearing will be held on August 10 at 6:00 p.m. to discuss the future of the Putnam Perley House.

Mayor Seymour also advised that the Lakes Business Park met in July to discuss various issues, including signage, trust funds, and the current real estate conditions.

LIAISON REPORTS: NONE

MANAGER’S REPORT:

City Manager Cabanel reported further on the Lakes Business Park. The Park itself is primarily located within the tax boundaries of the Town of Gilford, and an arrangement was devised in which Gilford received the first 15%, but no less than \$25,000, each year, and an additional \$58,000 goes into a fund for improvements that the Park may need. There has now been an accumulation of over \$60,000 in the fund, and in the next tax year an additional \$58,000 will be added. It was recommended by a real estate professional to extend proposals to additional businesses outside the City which would allow bringing additional business opportunities to the area.

City Manager Cabanel asked for a consensus of the Council in reference to the Public Hearing being held by the Department of Transportation (DOT). The total cost of the project is estimated at \$1.3 million, of which the City’s share would be 10%, or approximately \$110,000. It is anticipated that the DOT will ask if the City is willing to support that cost. This is something that has not been prepared for, but it is something that can be added into the next Budget Year, or be taken from other funds. Councilor Bolduc feels that this is not something that should be turned down because the cost is minimal to the City for the type of project that this will be. No other Councilors spoke in regards to this item.

City Manager Cabanel will be attending a meeting on August 11 at 9:00 in Gilford with the administrative staff of the Winnepesaukee River Basin Project. It has been known that the Project has not been preparing for the future, and upgrades are needed. It is estimated that the upgrades will cost approximately \$61-80 million, of which the City is responsible for 40% of Capital Improvements. It is estimated to have the upgrades completed by 2020. With the municipalities involved sitting as an Advisory Board only, the State of New Hampshire will vote on the upgrades being done. It is anticipated that the municipalities involved will express their concerns with making payments for such a large project, which was noted by Councilor Lipman to be \$4.3 million a year for the City.

Councilor Lipman asked if all of the sewer payments made by residence are used to fund the maintenance of the Project. City Manager Cabanel explained that the Operating Expenses of the Sewer Fund are budgeted at \$3.566 million with the Winnepesaukee River Basin Project contributing to \$2.145 million.

Councilor Lahey asked if the upgrades would be paid for through bonding and the bonds would be paid by sewer fees. City Manager Cabanel explained that the Winnepesaukee River Basin Project would issue bonds, and the City would be charged for payments, which would need to be paid through the sewer rates increasing.

Councilor Lipman asked how the rates charged by the City compare to other rates. City Manager Cabanel stated we are lower than other communities, but the increases associated would put the City as a disadvantage.

City Manager Cabanel reported that the proposals for the Colonial Theatre from seven consultants, ranging from \$40,000 to \$151,000. A needs assessment, restoration plan cost, business planning, and a capital campaign were included in the proposals. Most of the proposals did not include a capital campaign. Informal conversations have been conducted to try and conclude how the decision would be made as to how to proceed with the proposals. It is understood that before anyone can be approached for contributions, an effective business plan needs to be in place.

After a meeting held at the Colonial Theatre walk through was conducted, City Manager Cabanel met with representatives from Senator Shaheen's office, and they will be meeting again on August 13 to discuss possible available funding.

NEW BUSINESS:

1. Establish polling hours for Primary Election on September 14, 2010

Councilor Lipman moved to set the polling hours for the Primary Election on September 14, 2010 as 8:00 a.m. until 7:00 p.m. Seconded by Councilor Baer. **Motion passed unanimously.**

UNFINISHED BUSINESS:

1. A Resolution relative to authorizing bonds and notes for a capital project (Endicott water line) in the amount of \$315,000/Second Reading

Councilor Lipman moved a second reading for a Resolution relative to authorizing bonds and notes for a capital project (Endicott water line) in the amount of \$315,000 by title only. Seconded by Councilor Bolduc. **Motion passed unanimously.**

City Manager Cabanel noted that the Finance Director is looking through local banks for better rates than the Bond Bank can offer because this Bond is small.

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

NOMINATIONS, APPOINTMENTS & ELECTIONS: NONE

COUNCIL COMMENTS:

Councilor Bolduc noted that the Muskrats had a great season, and it is anticipated that they will return next season. City Manager Cabanel echoed this statement, commending Laconia Savings Bank for their contributions. Mayor Seymour noted the enjoyment of the games, and the Crane family has ideas in the works for the next season.

NON - PUBLIC SESSION:

Councilor Lipman moved to enter into non-public session according to RSA 91-A:3, II: (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

Seconded by Councilor Bolduc. On a roll call vote the Council entered into non-public session at 8:28 p.m.

On motion of Councilor Bolduc and seconded by Councilor Baer, it was voted to come out of non-public session.

Councilor Bolduc moved to seal the minutes for five years, seconded by Councilor Baer. **Motion passed unanimously.**

ADJOURNMENT:

On motion of Councilor Bolduc and seconded by Councilor Baer, it was voted unanimously to adjourn at 8:50 p.m.

A True Record Attest

Mary A. Cote
City Clerk