



**LACONIA CITY COUNCIL MEETING
TUESDAY, OCTOBER 12, 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 Bob Hamel led the Salute to the Flag.

ROLL CALL:

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

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Regular minutes of September 27, 2010**

Councilor Bolduc moved to accept the minutes of the regular meeting of September 27, 2010. Seconded by Councilor Hamel. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR:

1. **Salvation Army Turkey Plunge - November 20, 2010, Endicott Rock Park - request to raise funds for Salvation Army programs**
2. **Cystic Fibrosis Foundation – May 22, 2011, Opechee Park & bathhouse - request to raise funds for cystic fibrosis**

Councilor Hamel moved to approve both requests as presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PRESENTATIONS:

- **Proposed ordinances for small wind energy and steep slopes/Shanna Saunders, Planning Director**

Planning Director Shanna Saunders reviewed the proposed ordinances and addressed questions previously raised.

During the prior presentation, concerns were raised with the placing of Small Wind Energy Systems in the area of Lakes Region General Healthcare (LRGH), which requires access for helicopter transportation for patients. After research, it was decided to add an area of 300 feet around the helicopter landing zone where no systems can be placed to ensure there will be no obstructions. The Laconia Airport Authority has also been consulted, and language was adjusted to add the requirement of applicants to meet all Federal Aviation Administration (FAA) requirements.

With regard to the steep slopes, the Planning Board has made the recommendation to change the definition of “steep slope”.

City Manager Cabanel asked how the steep slope ordinance assists the process with developments. Director Saunders explained that the cluster ordinance passed prior does not allow for steep slopes to be taken into effect. With this ordinance, the Planning Department sought assistance from the development community and their consultants. There is a requirement to have an expected level of investigation before design can be submitted, with both the precautionary (smaller, less steep slopes) and the prohibitive; if they cannot produce engineered plans showing there will not be an impact, and then it would not be approved. This ordinance will help prevent further problems like those experienced in the past.

City Manager Cabanel asked if this would help with the development happening on Weirs Boulevard, where the City has concern with run off going into Lake Winnepesaukee, as well as issues with developments that are below the sloped developments and have issues later. Director Saunders expressed that this will be extremely helpful in ensuring these problems don't occur, as well as helping make sure the City does not have to adjust their infrastructure to correct problems caused by the sloped developments as they have done in the past.

Councilor Bolduc asked if the Water Department was consulted to ensure there would be no problems meeting pressure requirements for development on the slopes. Director Saunders ensured that the Water Department was consulted and they have no issues with the ordinance in the current form.

Councilor Lahey asked if the ordinance has the general support of the development community. Director Saunders expressed that those who helped in the process do; the ordinance is designed to allow the building on steep slopes as long as it is within the specified criteria.

Councilor Bolduc asked if a small wind energy system is placed on the top of a building, what the total height is. Director Saunders explained that it cannot exceed the total allowable height in the zoned district. Councilor Bolduc also requested to see pictures of the systems; Director Saunders will make sure the Councilors receive pictures. Councilor Bolduc also requested the allowable noise of the systems. Assistant Director Seth Creighton referred the Council to page 2 of the ordinance for the height requirements; the sound requirement of the system is no more than 60 decibels.

Councilor Hamel noted the clear cut provision on the steep slope ordinance, asking what the plan is to monitor this problem. Director Saunders noted that if someone chooses to disobey the ordinance, a cease and desist may be placed on the owner as well as forcing a replanting plan. There would also be an enforceable fine with this ordinance of \$275.00 per day per state statute; it cannot be determined at this time if that fine is per tree or for the entire incident. Councilor Hamel asked if the permit can specify that they cannot cut on the weekend when no one is around to monitor them. Director Saunders stated no, and those who are going to do this on a weekend and violate the ordinance are ignorant of the provisions on the first place.

Councilor Lipman asked if a Certificate of Occupancy can be held if someone violates the ordinance with the regard to clear cutting. Director Saunders explained that the Planning Department only has jurisdiction over multifamily homes, subdivisions and site plans. It would not be possible to withhold a Certificate of Occupancy on a single family home or duplex.

City Manager Cabanel asked if someone pays there Timber Tax through the Assessing Office, is there a way through that process to have them sign a section stating they understand the clear cutting portion of this ordinance. Director Saunders stated that she is not sure if the Planning Department has jurisdiction to do so, but will check.

Councilor Hamel asked, in relation to cluster housing, if there is a way to prohibit the clearing of the entire property and having the cutting done in phases. Director Saunders used the Paugus Woods development on White Oaks Road as an example; the Planning Department has asked for "phasing" to be done, which includes the entire phase being completed before another can begin and includes the clear cutting. City Manager Cabanel noted that they cannot get a Certificate of Occupancy to the homes until the entire phase is completed.

Councilor Hamel asked if the current construction is held to changed regulations. Director Saunders explained that if they are making substantial progress on the project, then they are "grandfathered", however, if they are not completing any work they will be held to the changed regulations.

The Council chose to vote on the ordinances at this time.

Councilor Hamel moved to read both proposed ordinances by title only and place both proposals as attachments to the meeting minutes. Seconded by Councilor Lahey. **Motion passed unanimously.**

Councilor Hamel moved for approval of the Proposed Ordinance Amendment to Chapter 235/Zoning Concerning Steep Slopes. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Hamel moved to approve the first reading of the Proposed Ordinance Amendment to Chapter 235/Zoning Concerning Small Wind Energy. Seconded by Councilor Bolduc. **Motion passed unanimously.**

City Manager Cabanel asked to have the motion amended and the Penalties associated noted.

Councilor Hamel moved to amend his prior motion to approve the first reading of the Proposed Ordinance Amendment to Chapter 235/Zoning Concerning Small Wind Energy, emphasizing the penalty for any person who fails to comply with any provision of this ordinance or a building permits issued pursuant to this ordinance shall be subject to enforcement and penalties by NH Revised Statutes Annotated Chapter 676:17. Seconded by Councilor Bolduc. **Motion passed unanimously.**

MAYOR'S REPORT: NONE

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: NONE

PUBLIC HEARING:

- **Informational public hearing concerning a question that will be on the November 2, 2010 ballot to adopt RSA 202-A:11-a. Adoption of this RSA permits the Library to retain all money it receives from its income-generating equipment for general repairs and upgrading and the purchase of books, supplies and income-generating equipment. (Second PH to meet statutory requirement.)**

Mayor Seymour opened the Public Hearing at 8:02 p.m.

With no members of the public choosing to speak, Mayor Seymour closed the Public Hearing at 8:03 p.m.

COMMITTEE REPORTS:

1. FINANCE: (Lipman, Hamel, Baer)

- a) WOW Trail Fund
- b) Special Item Budget Requests Procedural Review

NO REPORT

2. PUBLIC SAFETY: (Baer, Doyle, Lahey)

- a) Fair St./Court St. traffic problems and accidents

NO REPORT

3. GOVERNMENT OPERATIONS & ORDINANCES: (Doyle, Bolduc, Lahey)

- a) Energy Committee
- b) Amendment to Zoning ordinance re Drug Treatment Facilities

NO REPORT

4. PUBLIC WORKS: (Bolduc, Baer, Lahey)

- a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) Oak & North Main St. Intersection
- c) Proposed ordinance regarding vehicles over 18,000 lbs. and engines idling between the hours of midnight and 6:00 a.m.
- d) Proposed ordinance regarding large vehicles parked on City streets and sidewalks
- e) Inventory of Public Works Equipment

NO REPORT

5. LAND & BUILDINGS: (Hamel, Lipman ,Bolduc)

- a) Repair & maintenance of City Buildings

NO REPORT

LIAISON REPORTS: NONE

MANAGER'S REPORT:

City Manager Cabanel informed the Council that there were not as many meetings held with Vision Appraisal as anticipated. The thought is that there will be another round after the tax billing is done. A few issues were addressed, and Vision Appraisal has been very helpful. The anticipated completion of the revaluation is the end of the month. It was encouraged to the public to come in and view your tax cards periodically; it will assist you in knowing what is being reflected.

Although the winners for the Seven to Save Program have not been announced, for which the Colonial Theatre was nominated, they will be having an awards ceremony on October 19 at Gunstock beginning at 4:00 p.m. with a tour of the ski jump followed by the awards at 4:30 p.m. City Manager Cabanel invited the Council to attend, but is unsure if there is space for more.

Councilor Hamel thanked City Manager Cabanel and Marie Bradley for all of the efforts taken to complete this process.

City Manager Cabanel noted that during this process, they were able to find substantial information on the Colonial Theatre. An issue of the Laconia Democrat from the day after the Colonial Theatre opened in 1914 was located and depicts the event and opulence of the Theatre.

NEW BUSINESS:

1. 2010 Byrne Justice Assistance Grant (JAG)/Police Department

Captain Bill Clary explained that this grant will be used for laptop replacement in cruisers, an additional camera in the booking room, and active shooter training.

Councilor Lipman moved to accept the GMS Application number 2010-H8618-NH-DJ 2010 Byrne Justice Assistance Grant in the amount of \$23,753 and authorize the City Manager to sign on behalf of the City of Laconia. Seconded by Councilor Bolduc. **Motion passed unanimously.**

2. Proposed transfer of \$78,291 from Belknap County Tax to Contingency

Councilor Hamel moved to transfer \$78,291 to account 01-431-343-0000 Contingency from account 01-431-339-0000 Belknap County Tax. Seconded by Councilor Bolduc. **Motion passed unanimously.**

3. Proposed transfer of \$3,000 for the demolition Manchester St. property

Councilor Hamel moved to transfer \$3,000 from account 01-499-401-0005 to account 01-499-401-0006. Seconded by Councilor Bolduc. **Motion passed unanimously.**

4. Storm window units for the Goss Reading Room

City Manager Cabanel reviewed the proposal.

Councilor Bolduc moved to fund the storm window installation at the Goss Reading Room in the amount of \$5,163.50 (\$5069 for windows and \$94.50 for bid advisement) from the Non-Capital Reserve Fund. Seconded by Councilor Hamel. **Motion passed unanimously.**

5. Proposed ordinance amendment to Chapter 5, Administration of Government regarding serving on more than one City board or commission at the same time

Councilor Baer requested to have the Mayor refer this item to the Government Operations and Ordinances. Mayor Seymour obliged.

6. Annual Debra Bieniarz Award Committee

Mayor Seymour appointed Councilor Doyle to the Debra Bieniarz Award Committee.

UNFINISHED BUSINESS:

- 1. Proposed Ordinance Amendment to Chapter 235/Zoning Concerning Small Wind Energy**
See "Presentations"
- 2. Proposed Ordinance Amendment to Chapter 235/Zoning Concerning Steep Slopes**
See "Presentations"
- 3. Formal vote concerning Fire and Police union contracts**

City Manager Cabanel explained that the Council did not formally to take action on the Fire and Police contracts at the time it was made known that the Council did not agree.

Councilor Lahey moved to reject the cost items contained in the tentative agreement between the City and the Laconia Professional Firefighters Association. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Lahey moved to reject the cost items contained in the tentative agreement between the Police Commission and the Laconia Police Officers Association presented at the Council meeting on February 8, 2010. Seconded by Councilor Bolduc. **Motion passed unanimously.**

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

NOMINATIONS, APPOINTMENTS & ELECTIONS: NONE

COUNCIL COMMENTS:

Council Baer expressed concern with the various issues still unaddressed. City Manager Cabanel asked to have each Councilor send the items they would like to take up and they will add them to the agenda as time allows. Councilor Lipman noted that this would make it helpful to plan out agenda's rather than working on a "per meeting" basis.

NON - PUBLIC SESSION:

Councilor Lahey moved to enter into non-public session according to RSA 91-A:3, II:
(d) 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 Hamel.

On a roll call vote, the Council entered into non-public session.

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

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

ADJOURNMENT:

On the motion of Councilor Bolduc and seconded by Councilor Hamel, it was voted to adjourn at 9:15 p.m.

A True Record Attest:

Mary Cote
City Clerk