



**LACONIA CITY COUNCIL MEETING  
NOVEMBER 28, 2011  
CITY HALL – CONFERENCE ROOM 200A  
7:00 P.M.**

**CALL TO ORDER:**

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

**SALUTE TO THE FLAG:**

Councilor Henry Lipman led the Salute to the Flag.

**ROLL CALL:**

Deputy City Clerk Allen called the roll with the following Councilors present: Councilor Doyle, Lipman, Baer, Hamel and Bolduc. Also present City Manager Scott Myers.

Councilor Lahey was excused from this meeting.

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

- **Minutes for the November 14, 2011 Council meeting**

Councilor Bolduc moved to approve the minutes for the November 14, 2011 regular Council meeting. Seconded by Councilor Doyle. **Motion passed unanimously.**

**CONSENT AND ACTION CALENDAR:**

- 1. Request to schedule polling hours for Presidential Primary Election**

Councilor Bolduc moved to set the polling hours for the Presidential Primary Election from 7:00 a.m. to 7:00 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

**CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:      NONE**

**INTERVIEWS:**

- 1. Michael Foote requesting appointment as a full member of the Conservation Commission**

Mr. Foote is interested in the process by which the City uses undeveloped land and natural resources and appreciates his community. Mayor Seymour noted that Mr. Foote also serves on the zoning Board of Adjustments and the CIP Committee.

Councilor Baer commented that she appreciates everything Mr. Foote is doing for the community through his service, but wonders if being involved with the Zoning Board and the Conservation Commission may be conflicting. Mr. Foote replied that he doesn't foresee it being conflicting but would offer further insight.

Councilor Bolduc thanked Mr. Foote for all of this service.

**COMMUNICATIONS: NONE**

**PUBLIC HEARING: NONE**

**PRESENTATIONS:**

- **Council Presentation – Mayor Seymour**

Councilor Baer made the following statement:

“Tonight the City of Laconia will honor a very special person. Our City has produced a lot of special people and we like to acknowledge and salute them.

Tonight we would like to recognize someone who represents a part of our society that often doesn't get public attention but in our private lives is indispensable and a great source of inspiration. I represent a generation that grew up in a different time when education was a most sought after thing, a natural thing, and something everyone pursued, knowing we would be better people and the chance for a better life laid just ahead of us. I was given all the tools I needed in the public school system to achieve whatever I needed to or wanted to do, and for that, I thank you teachers.

This evening we honor a man who dedicated his life to teaching here in Laconia. He is now retired.

He was recently awarded by the AARP the 2011 New Hampshire Retired Educator of the Year because he has not stayed idle and works zealously for the Retired Teachers Association in a leadership role to protect the rights of these teachers and future teachers.

So, tonight, Laconia honors Gerald Knight as the New Hampshire 2011 Retired Teacher of the year.”

Mayor Seymour read a proclamation for Monday, November 28, 2011 as Gerald Knight Day in the City in recognition for his 28 years of service to the Laconia School District and Laconia's youth.

Mr. Knight received an award through AARP earlier this month.

- **WOW Trail Update – Diane Hanley**

Mrs. Hanley distributed a sketch of the pocket park being constructed at the trailhead on Elm Street (see Attachment #1). Permission has been given by the abutting property owner as well as the NH DOT and the work is being completed by Belknap Landscape Company. The funding is coming from WOW Trail money and a brick fundraiser. The brick fundraiser is still going on but those that have already purchased one will be able to see it in place within a few days.

Communication has been made with the Lakeport Association to make sure trees were not planted that would disrupt the views from the park and bushes will be planted as an alternative. A new picnic table

will be installed and efforts are being made to have an education kiosk placed at the park to display the history of Lakeport.

Mrs. Hanley advised that a family donation was made for two trees and a bench that will be placed on the trail. Subway has also donated a granite bench. Mayor Seymour added that there are new bike racks.

There is also being a staircase being installed to allow access to the parking lot of the O Steak and Seafood Restaurant. The staircase is being made of granite and is accounting for a bulk of the cost. Mrs. Hanley advised the Council that the Planning Department has approved the plan.

Mayor Seymour thanked Mrs. Hanley for her presentation.

- **Cable Franchise Agreement update – Jon Gardner**

Mr. Gardner reviewed the process to date. Section 626 of the Communications Act of 1934 establishes an orderly process for the renewal of cable television franchises. In December of last year (12/23/10) MetroCast initiated the renewal process by asking Laconia to start the renewal process. In doing so, under 626, Laconia became required to take steps towards identifying the future cable related needs and interests of the community and towards reviewing MetroCast's performance under the existing franchise agreement.

In June of this year (6/13/11) the Council voted to begin the process and held the first Public Hearing in August (8/22/11). Turnout to that Public Hearing was minimal so we would like schedule another Public Hearing for December 12. In an effort to get improved turnout Mr. Gardner put together an invitation which has already been distributed to various Department Heads. Mr. Gardner also asked Administrative Assistant Nancy Brown to distribute the invitation to other parties that may have interest. (Health Care Facilities and Providers, Chamber of Commerce and Economic Development Interests – Arts and Cultural Organizations, Private Schools, etc.) Attached to the invitation are questions that will hopefully spark good input towards identifying the future needs of the community and stimulate a larger turnout.

The Audit questions, regarding the performance of MetroCast under the existing agreement, have been drafted and are ready for distribution to Metrocast.

The next step would be to review the results of our Public Hearings and Audit Questions and compare them to the other Consortium members (next Consortium Meeting is Jan 26, 2012) (Alton, Belmont, Franklin, Gilmanton, Laconia, Meredith, New Durham, Northfield, Tilton and Pittsfield) ideally, the information will help towards developing a proposal response to MetroCast. From there we expect some back and forth negotiations until an agreement is reached. If we become unable to reach an agreement we are allowed to discontinue informal negotiations and move towards a formal process.

Mr. Gardner reviewed some items to remember as we go through this process:

- The cable Franchise is NOT exclusive to MetroCast – Other providers may request franchises, however, franchises granted may be no more favorable or less burdensome than the existing franchise.

- The cable Franchise only pertains to cable television – it does NOT cover telephone and internet services
- Cost of services and programming may NOT be negotiated
- Items negotiated include:
  - Customer service standards
  - Build-out criteria
  - Equipment upgrades
  - Free service to public buildings
  - PEG Channels (Public, Educational and Government)
- Items negotiated in last agreement
  - Annual payments to LRPATV for equipment, supplies and/or operating costs (\$30,000/year 1,2 and 7-13 \$15,000/years 3-6)
  - cable link between head-end and LRPATV Studio
  - Fiber network connecting City buildings (NTE \$10,000)
- The maximum allowable Franchise Fee is 5%
  - Under the existing agreement MetroCast is charged 5%.
  - In 2010 MetroCast paid \$269,391
  - Fee is applied to the General Fund and is used to cover the City's contribution to LRPATV which was \$35,525 in 2010 and \$38,356 in 2011

Mayor Seymour commented that the information provided is very good.

Councilor Hamel asked if MetroCast has provided cable drops and high speed internet to all municipal and school buildings as specified in the prior agreement. Mr. Gardner replied that he can confirm the connection in City Hall, Laconia Police Department, Laconia Fire Department and the Department of Public Works. The Audit will define exactly what has been completed.

Councilor Hamel asked if Lakes Region Public Access (LRPA) payments will be continued in the new agreements. Mr. Gardner replied that a key point for all of the communities in the consortium is to get upgrades for LRPA and the payments would be anticipated to continue. The director of LRPA has been asked to put a list of items together with a budgeted amount.

Councilor Hamel commented that he would like to have an upgrade schedule placed in the new agreement. Technology changes over time and the City is still using video tapes that are being converted and losing quality in visual and audio aspects. The upgrade should be done for all of the communities on a staggered basis.

City Manager Myers noted that although we are working with the other communities cooperatively, the City does have a very large subscriber base and that gives them an opportunity to make requests of this nature.

Councilor Lipman asked if the term of the agreement is predefined. Mr. Gardner replied that it is negotiable. City Manager Myers commented that the length of the contract generally will weigh on the willingness of the company to provide long term infrastructure updates for the community. Mr. Gardner

further noted that his understanding is that the last agreement proposed was initially 10 years and MetroCast asked for an additional three years to cover the costs of requested upgrades.

Councilor Hamel asked if Technical Improvements Projects updates have been requested by the City. Mr. Gardner replied that he was just made aware of this aspect of the contract and more information will come out in the Audit.

Councilor Hamel asked if the City pays for service for cable drop locations. Mr. Gardner stated the City does not, but he is aware of the Library paying for services.

Councilor Hamel asked Mr. Gardner to gather information on fiber optic drops be made at municipal buildings, such as the Huot Technical Center. Mr. Gardner will look, but the Huot Center will be completed before the agreement is effective.

With no further questions, Mayor Seymour thanked Mr. Gardner for his presentation.

**MAYOR'S REPORT:**

Mayor Seymour commented on the success of the Holiday Parade. The turnout was the largest that has been seen in many years and it created a favorable amount of foot traffic in the Downtown area.

Gerard Morin, former Mayor of the City, passed away recently at the age of 88. Thoughts and prayers are with his family.

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

**COMMITTEE REPORTS:**

**1. FINANCE: (Lipman, Hamel, Baer)**

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

**No report on any item in committee**

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

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

**No report on any item in committee**

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

- a) Energy Committee
- b) Vending and Licensing Fees
- c) Chapt. 119, Building Construction regarding signed architectural plans for residential units

**No report on any item in committee**

**4. PUBLIC WORKS: (Bolduc, Baer, Lahey) (Report on meeting of 11/28 at 6:00 p.m. item e)**

- 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) Proposed No Parking on Belvidere St, Blueberry Ln, Mechanic St, and Manchester St

Councilor Bolduc reported that at the meeting held this evening in regards to the proposed no parking areas.

In regards to Belvidere Street, two residents came out to comment on the proposal. The pastor of the Church was concerned with the snow removal and is in favor of the no parking.

Councilor Bolduc moved that there will be no parking on the easterly side of Belvidere Street in the north bound direction from the intersection of North Street to the intersection of School Street. Seconded by Councilor Baer.

Councilor Hamel asked if the abutters have been notified of this proposal. City Manager Myers confirmed they had and a few of them came to this evenings meeting.

**Motion passed unanimously.**

In regards to Blueberry Lane, the proposal is to have no parking in front of Lakeshore Estates because of storm water issues.

Councilor Bolduc moved that there will be no parking on the southerly side of Blueberry Lane in the east bound direction in front of the Lakeshore Estates property, tax parcel 395-336-1. Seconded by Councilor Baer. **Motion passed unanimously.**

The final item is a proposal for no parking on Mechanic and Manchester Streets.

Councilor Bolduc moved that there will be no parking on both sides of Mechanic Street from the junction of Clinton Street to the junction of Manchester Street and on both sides of Manchester Street from the junction of Mechanic Street to the junction of Willow Street. Seconded by Councilor Baer.

**Motion passed unanimously.**

Councilor Bolduc informed the Council that there is not overnight parking permitted in municipal parking lots and a sign has been placed in the parking lot for Sanborn Park.

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

- a) Repair & maintenance of City Buildings
- b) Former Laconia Police Department Building

Councilor Hamel requested to schedule a meeting for December 12, 2011 at 6:30 p.m. regarding item b) Former Laconia Police Department Building. City Manager Myers commented that there is a meeting scheduled for this Thursday with Jon Gardner and Kevin Dunleavy to review some options for the building after reading an article regarding the insurance company abutting the property being sold in the near future.

**LIAISON REPORTS: NONE**

## **MANAGER'S REPORT:**

City Manager Myers reviewed the Turkey Plunge event that was held for the Salvation Army. It was a success and all involved were congratulated. Mayor Seymour commented that there was a luncheon held at the Middle School following the event, basketball games for the afternoon, and a play that evening. The School was busy and it was nice to see.

The Local Government Center Conference was held in Manchester a few weeks ago. City Manager Myers and several staff attended the various workshops on several topics.

City Manager Myers informed the Council that second issue tax bills will be mailed tomorrow. A handout was distributed detailing the tax rate for 2011. City Manager Myers stressed that just because the tax rate is higher does not mean the budget has changed; it came down to the assessed value decreasing from the estimate by \$49 million. The increase of the tax rate does not mean the actual bills went up drastically. City Manager Myers briefly explained how the tax rate is set.

Councilor Lipman commented that the budget that was approved did not change. City Manager Myers confirmed that it did not, but because the assessment of properties changed it is spread out throughout the different classes of property.

Councilor Hamel asked if the budget is being done in June or July is it possible to get the assessed values by that time so that when the budget is being done they will have a better estimate to use. City Manager Myers explained that we can tighten the values up, but the numbers will always reflect back to April 1 as the assessment date. For example, if there is a commercial property being constructed and it was only half completed on April 1 than the assessment would be on the structure at that time; if the construction is completed on June 1 you cannot go back and assess the property based on what it there on June 1. The following year the completed structure would be captured.

City Manager Myers presented the Recycling Challenge update (see Attachment #2). For the two weeks ending on Friday, November 25 the Tuesday percentage has increased. Overall, the recycling has increased from 12.1% to 13.8%. The drop off location in the southern area of the City did not work out but bins are now available at the Department of Public Works, but it was reminded that they do not need a special bin to recycle. A meeting was held with the haulers to discuss there participation in the City's recycling goals. City Manager Myers thanked Director Moynihan and Ann Saltmarsh for there coordination of the meeting.

## **NEW BUSINESS:**

- 1. First Reading of A Resolution Relative to Parks & Recreation User Fees and schedule a public hearing for December 12 during the Regular Council Meeting – Kevin Dunleavy**

Parks & Recreation Director Kevin Dunleavy reviewed the proposed fees with the Council. The Council is being requested to approve two separate resolutions. The first is to establish a revolving fund for the fees, with the second establishing the types of fees which include non-resident fees, concession stand use fees, and storage facility fees. These items are in response to the Parks & Recreation Commission vote to institute these fees after a comprehensive fee study. This proposal does not mean that a non-resident cannot use the parks in the City; it is designed for groups that have non-resident participants to

use the facilities. Rosters would be requested as part of the agreement to use the facility to establish what fees, if any, would be charged.

Councilor Baer commented that her understanding was that this fund was going to be established for a specific purpose. At this time it is being set up with no specific purpose and the Council will not be able to take the fund into account to offset a different line item in the budget, such as Maintenance or Equipment. The Commission will be responsible for the expending of the account and the Council will not have a say into how the funds are used. In addition, Councilor Baer stated that the revenue from these fees does not stand to be a large amount. Director Dunleavy explained that his estimate is that there will be \$5-7,000 collected annually. In reference to the concerns of the fund not being specified, Director Dunleavy explained that this is the only type of funds that is available to allow the Commission to make the decisions on how the fund will be spent. The idea has been brought forward to set up separate accounts for the different types of fees, such as one for the storage bays, and it was determined that it would be very cumbersome.

Councilor Lipman recalled a user fee discussion regarding the Weirs Beach parking area, asking if the Commission is looking into this fee. Director Dunleavy replied that this is not included in this proposal but did explain that this has been looked into in the past. The City moves itself into a different liability category if we start charging for walk on swimming rather than just parking because you are increasing the risk factor. Councilor Doyle asked if they are taking a count of people using the beach. Director Dunleavy said they do on the largest weekends, but the biggest weekend with concerns is the 4<sup>th</sup> of July.

Councilor Hamel moved to schedule a public hearing regarding the establishing a revolving fund for non-resident user fees and the adoption of the user fee schedule for December 12, 2011 during the regular Council meeting. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Doyle moved a first reading of a Resolution Relative to the Establishment of a Parks & Recreation Facility Revolving Fund. Seconded by Councilor Bolduc. **Motion passed with 4 in favor and Councilor Baer opposed.**

Councilor Doyle moved a first reading of a Resolution Relative to the Establishment Non-Resident User Fees, Concession Stand Use Fees, and Storage Bay Use Fees for Certain Park Facilities. Seconded by Councilor Bolduc.

Councilor Baer expressed that she is not against the establishment of the fees but is against the disbursement.

**Motion passed unanimously.**

## **2. Temporary Traffic Order 2011-15 Frozen 5K Road Race**

Councilor Hamel questioned the closure of many public streets on a Saturday when the Public Works Department is not working. City Manager Myers explained that one staff will be dropping the barricades off on Saturday morning. Councilor Hamel expressed concerns with the payment of overtime. Mayor Seymour explained that there will be a rolling barricade and as the majority of the runners have gone by the street will be reopened for traffic. City Manager Myers explained that one of the supporters is involved in other foot race events and is very organized in regards to volunteers.

City Manager Myers noted that there was a time change done and the event was moved to begin at 11:00 a.m.

Councilor Bolduc moved to approve Temporary Traffic Order 2011-15 Frozen 5K Road Race with the presented time change. Seconded by Councilor Doyle. **Motion passed unanimously.**

**3. Schedule a Public Hearing for the Cable Franchise Agreement for December 12 during the Regular Council Meeting**

Councilor Lipman moved to schedule a public hearing regarding the Cable Franchise Agreement for December 12, 2011 during the regular Council meeting. Seconded by Councilor Bolduc. **Motion passed unanimously.**

**UNFINISHED BUSINESS:**

1. Council membership on the CIP Committee
2. Milfoil Treatment Funding Request
3. WOW Trail
4. Master Plan
5. EPA Update
6. Sewer & Water Master Plan
7. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
8. Strategic Planning/Goal Setting

**NOMINATIONS, APPOINTMENTS & ELECTIONS:** NONE

**COUNCIL COMMENTS:**

Councilor Bolduc reminded everyone that Christmas Village is opening on December 1 from 6:00 p.m. to 8:00 p.m. They will also be open on December 2 from 6:00 a.m. to 8:00 p.m., December 3 & 4 from 2:00 p.m. to 5:00 p.m. On December 3 from 10:00 a.m. to 12:00 p.m. the elderly are invited to attend. On December 4 from 10:00 a.m. to 12:00 p.m. the handicapped are invited to attend. Councilor Hamel invited the Council as well as the City Manager and his family to the opening on Thursday evening.

Councilor Doyle commented that it was very nice to see the City departments involved in the parade.

**NON - PUBLIC SESSION:** NONE

**ADJOURNMENT:**

Councilor Bolduc moved to adjourn at 8:16 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:



Lindsey Allen  
Deputy City Clerk



2 week total - November 14 thru November 26

Route	Total Tons		Total Tons Recyclables	Current %		Pre-Challenge		Councillor
	Collected (MSW + Recycling)			Recycled		% Recycled		
Remote Sites			23,02 ± 9.61 (4 wks)	2% increase		N/A		Lahey
Monday	27.27		3.80	14%		12%		Doyle
Tuesday	38.34		8.57	22%		18%		Lipman
Wednesday	52.82		6.11	12%		10%		Hamel
Thursday	36.73		4.28	12%		11%		Bolduc
Friday	43.02		4.31	10%		10%		Baer

Curbside Avg: 13.8%

Curbside Avg: 12.1%

Prior 2 weeks: 13.4%