



**LACONIA CITY COUNCIL MEETING  
DECEMBER 13, 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 Henry Lipman led the Salute to the Flag.

**ROLL CALL:**

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

Councilor Baer excused herself at 8:00 p.m.

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

- **Regular minutes of November 22, 2010**

Councilor Bolduc moved to accept the regular minutes of November 22, 2010. Seconded by Councilor Hamel. **Motion passed unanimously.**

**CONSENT AND ACTION CALENDAR:     NONE**

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

**INTERVIEWS:     NONE**

**COMMUNICATIONS:     NONE**

**PRESENTATIONS:**

- **Council Presentation/Mayor Seymour and Councilor Doyle**

Mayor Seymour and Councilor Doyle awarded the 2010 Debra Bienarz Award to Meghan Noyes of the Greater Lakes Child Advocacy Center.

- **Scenic Byways Recommendations of Exploratory Committee/Seth Creighton**

Seth Creighton, Assistant Planning Director, addressed the Council.

Mr. Creighton explained that there is a 97 mile National Scenic Byway that encompasses 13 communities, including Laconia, known as the Lakes Region Tour Scenic Byway. The portions in Laconia include: Rt 106: from the intersection of Main St/Court St/Union Ave to the Meredith town line; and, Route 3: Union Ave from the intersection of Main St/Court St/Union Ave to Lake St, Lake St, Weirs Blvd, Endicott St East, Endicott St North. In 1996, the Lakes Region Planning Commission (LRPC) was awarded a grant to create a Corridor Management Plan for the Lakes Tour Scenic Byway; this plan is a guidebook of what the communities wanted for the Scenic Byway, but is outdated and does not encompass the Lakes Tour Scenic Byway to the fullest extent because only five communities were involved. The State Corridor Management Director has indicated that with the current Corridor Management Plan, it is likely that no funds would be granted to the Lakes Tour Scenic Byway.

Beginning in late summer, four representatives from City began meeting with representatives from nine of the 13 communities to discuss revitalizing the Lakes Region Tour Scenic Byway. The representatives from Laconia included Mr. Creighton, Chairman of the Planning Board Bill Contardo, Planning Director Shanna Saunders and Assistant Public Works Director Luke Powell. At this and subsequent meetings, which have been held about once a month, ideas for marketing the byway, safety improvements and scenic view conservation areas have been discussed; however, it is has been realized that with no Corridor Management Plan in place, they cannot proceed.

The representatives from the communities have looked at ways to proceed with the Corridor Management Plan through an application process with the State of New Hampshire. There is a one week window each year for accepting applications, which occurred around the Thanksgiving Holiday; the Lakes Region Planning Commission felt comfortable enough to send a letter of intent to the State of NH to hold a spot in the application process. For the application process to begin the exploratory committee needs the endorsement of the Council or Selectman from each community represented. If for some reason the communities do not support the beginning of a Corridor Management Plan at this time, the exploratory committee can request the process again next year.

Mr. Creighton explained that the grant being offered does have a 20% match, but that match can be fulfilled in kind by professional staff time.

Councilor Bolduc asked for clarification as to what the byway improvements could include. Mr. Creighton explained there will be no construction of roadways with this byway, because it is the existing road. Bill Contardo requested to join Mr. Creighton to help with clarification. Mr. Contardo explained that there are specific items that can be updated and maintained with grant funding. This would be during the implementation stage and could include signs directing people to stay on the byway, highlighting conservation areas, or directing to rest areas. The City is in a prime location of the Tour because people can go to Meredith or Gilford and continue on to other areas.

City Manager Cabanel asked how people from other areas (out of the State) would know about the Lakes Region Tour Scenic Byway. Mr. Contardo explained that during the planning phase, there is a marketing element.

Councilor Lipman requested clarification on his understanding. The Scenic Byway would have a Master Plan which would try to steer some of the development along the byway to promote it as a scenic ride

with some historical and cultural values, and there would be grant funds available to allow this to happen. Mr. Contardo and Mr. Creighton both agreed with this statement.

Councilor Lipman further asked if there would be future financial implications for the City with this type of project. Mr. Contardo noted that the improvements to the byway would be primarily funded by grants, and nothing would be done without the approval of the communities involved.

Mr. Creighton explained that the exploratory committee plans to reach out to each community involved to find out what they would like to see in the Corridor Management Plan so it is inclusive. The intention will also be to reach out the other organizations, such as the Chamber of Commerce, to make sure they are not overlapping.

Councilor Lipman encouraged the Council to support this item, therefore moving to support the initial phase of putting together the Corridor Management Plan. Seconded by Councilor Doyle.

Councilor Lahey asked if the route receives this designation, would there be requirements or limitations that would trump our local ordinances. Mr. Creighton stated that the one restriction is that no billboards are permitted within the public right of way along the Scenic Byways, with the grandfathering of existing billboards, which is not permitted by the City at this time.

Councilor Hamel asked if the end result would be to have a State of NH Map reflect a route around/through Laconia as a Scenic Byway. Mr. Contardo confirmed. Mr. Creighton shared an example of how marketing can be done with a map of the State of Vermont outlining each Scenic Byway in the State.

City Manager Cabanel asked for a list of some top projects that have been completed through these programs in the past. Mr. Creighton shared the following examples of items that may be applied for after the plan is completed: tourist information, design and fabrication of kiosks, road signage along the corridor, wild life centers, bicycle and pedestrian improvements, conservation easements, pedestrian bridges, creation of a heritage park, scenic vista improvements, websites/brochures and rest area improvements.

Mayor Seymour called for a vote. **The motion passed unanimously.**

**MAYOR'S REPORT:**

Mayor Seymour thanked Councilors Hamel and Bolduc for their efforts and dedication to Christmas Village. They are providing a wonderful experience for the children of the community and the tradition does not go without thanks from the residents.

**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

**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) Amendment to Zoning ordinance re Drug Treatment Facilities
- c) Service on more than one board or commission

**No report on any item in committee.**

**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 on any item in committee.**

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

- a) Repair & maintenance of City Buildings

**No report on any item in committee.**

**LIAISON REPORTS: NONE**

**MANAGER'S REPORT:**

City Manager Cabanel reported that she met with Duncan Webb today regarding the Colonial Theatre Feasibility Study. On January 31, 2011 he will be coming to have a "Town Hall" style meeting to detail the Feasibility Study and answer questions. Mr. Webb expressed he understood the importance of this project and that it needs to begin soon. The project is feasible, and needs to be completed in phases. More information will be available with the final draft of the Feasibility Study.

City Manager Cabanel met with the Commissioner from the Department of Environmental Services (DES) last week, accompanied by the other Town Managers for the communities in the Winnepesaukee River Basin Project (WRBP). The Commissioner was receptive to the concerns of the Managers, as well as finding a solution. At this time, legislation cannot be proposed to change the form of government of the WRBP for the upcoming session; however continued efforts will be made to propose changed

legislation for 2012. The Commissioner also ensured the Managers that no work would be done or funding approved until this situation was resolved.

Councilor Hamel asked if they are working on a plan to prevent this type of situation from happening again. City Manager Cabanel explained that a plan is outlined for funding of capital projects, but it has not been followed.

Councilor Hamel further inquired as to where the fees are being used, which WRBP is collecting from the communities. City Manager Cabanel advised that it appears the funds are being used for running the plant and administrative fees associated.

With regard to the revaluation, City Manager Cabanel advised the Council that the Department of Revenue Administration (DRA) will be attending a future meeting to give the Council a "report card" on the work done by Vision Appraisal. It was noted that the DRA was involved in the entire revaluation process from start to finish. City Manager Cabanel has also asked City Assessor Jon Duhamel to come in and explain the abatement process, with dates and deadlines, to the Council and public. Councilor Lipman requested to have this presentation at the next meeting on December 27, as the January meetings will be full and it would be nice to get this information out before the tax payments are due on December 30.

City Manager Cabanel has received a draft of the 2011-2012 budget and has begun looking over the requests.

#### **NEW BUSINESS:**

##### **1. Request to allocate funds for the design of a Weirs Beach restoration project**

City Manager Cabanel explained that over the years, many groups in the Weirs Beach area have wanted to refurbish the beach and sand that is continually washing away. The beach was originally much larger than it is currently, and the sand erosion is not getting any better. The City has made attempts through the Department of Environmental Services (DES) to make improvements, but was given various reasons why it couldn't be done. Assistant Public Works Director Luke Powell has attempted to get the project approved again, and this time the DES was receptive to the plan, this is in part due to the Army Corp of Engineers pulling away from smaller projects such as this. City Manager Cabanel explained to the Council that a fund was set up to accommodate improvement projects to Weirs Beach, which is funded through the parking fees collected in excess of \$25,000 each year. Currently, this fund holds \$68,072.78.

Mr. Powell, accompanied by Charlie St. Clair displaying an aerial photograph of Weirs Beach from the 1950's, briefed the Council on his proposal for the restoration. In May, Mr. Powell, accompanied by Parks & Recreation Director Kevin Dunleavy, Robert Ames from the Weirs Beach Action Committee, and Joe Driscoll, attended a meeting at the DES to discuss the proposal. After ensuring the DES that the intent was not to dump loads of sand on the beach and that studies will be conducted, they were supportive of the restoration efforts. The DES gave recommendations of how to proceed.

The first step is to show that the beach restoration is critical for the economic vitality of the Weirs. This would involve using the City's Master Plan and the knowledge of the Weirs Action Committee. The next step would be to partner with a specialized engineering firm to conduct a multi-seasonal sand migration study, which will be required by the DES Wetlands Bureau to obtain a permit. The study would involve periodic surveys to evaluate if the erosion is seasonal or follows a linear progression and would include

historical research and evaluation of the shoreline erosion. Once the study is completed, a new design and permitting would be initiated; at this time, this step is understated because the migration study has not been completed, which doesn't lead to any conclusion.

City Manager Cabanel asked Mr. Powell to show the Council where the beach ends currently in comparison to Mr. St. Clair's photograph from the 1950's. Mr. Powell did so, estimating a loss of approximately one half acre to one full acre of shore front.

Councilor Hamel asked where the sand appears to be migrating to. Mr. Powell stated that once the sand dislodges from wave movement, it enters the channel and disbursts into Paugus Bay. There is no notable place downstream where it is settling, although there are some pockets of considerable build up that cannot not be determined if the origin is from Weirs Beach.

Councilor Hamel asked if the engines from the Mount Washington Cruise Ship could have caused the sand erosion. Mr. Powell does not believe the ship could have caused the erosion.

City Manager Cabanel asked when the beach was originally developed. Robert Ames answered that the beach was developed in 1950, and it took about 10 years to build the entire beach. For many years they brought truck loads of sand from other communities in to fill the beach.

Mr. Powell requested to have \$25,000 allocated from the parking fund to conduct the sand migration study.

Councilor Doyle asked if Mr. Powell has received confirmation in writing from the Army Corp of Engineers that they will not intervene with this project. Mr. Powell has not and only has verbal. The way the permitting process is set up, a programmatic general permit allows for the impact to be below a certain threshold, the Army Corp of Engineers gives the authority to the State to act on. In this instance, the impact area is below three acres, therefore the Army Corp of Engineers will not get involved, however, if the area is more than three acres they will.

Councilor Hamel asked if it is possible to have funding assistance from the Army Corp of Engineers at later stages of the restoration. Mr. Powell has not gotten far enough in the process to have an answer for this. City Manager Cabanel stated that the Army Corp of Engineers is more of a regulating operation, with Mr. Powell noting they have a branch in charge of flood control as well.

Councilor Bolduc moved to appropriate \$25,000 from the parking fund for a sand migration study. Seconded by Councilor Doyle.

City Manager Cabanel noted that with any appropriations from this fund, it is requested to consult the Weirs Action Committee. This has been done and the City has received a letter of support from Robert Ames on behalf of the Weirs Action Committee.

**Motion passed unanimously.**

## **2. Scheduling defibrillator training by Laconia Fire Dept. in Jan. 2011/Councilor Hamel**

The Councilors scheduled defibrillator training for February 14, 2011 during the regular Council Meeting.

**UNFINISHED BUSINESS:**

**1. Proposed ordinance amendment to Chapter 161, Licensing concerning pawnbrokers (Second Reading)**

Councilor Bolduc moved a second reading of an Ordinance Amending Chapter 161, Licensing concerning pawnbrokers. Seconded by Councilor Hamel. **Motion passed unanimously.**

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 Doyle asked to have item c removed from the Government Operations & Ordinances committee agenda as requested at the last meeting.

Councilor Bolduc wished everyone a Merry Christmas.

Councilor Lipman advised the Council that he has met with the City Manager regarding Impact Fees, and a draft ordinance pertaining Impact Fees will be presented at the January 10, 2011 meeting. A Public Hearing has been planned for the January 24, 2011 during the regular Council Meeting.

Councilor Hamel thanked Mayor Seymour for his work at the WLNH Children's Auction. He was a good representative of the City.

**NON - PUBLIC SESSION:**

Councilor Doyle moved to go into non-public session according to RSA 91-A:3, II:

(a) The dismissal, promotion or compensation of any public employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

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

Councilor Bolduc moved to come out of non-public session. Seconded by Councilor Hamel. **Motion passed unanimously.**

Councilor Bolduc moved to seal the minutes from this session for two years. Seconded by Councilor Lipman. **Motion passed unanimously.**

**ADJOURNMENT:**

Councilor Bolduc moved to adjourn at 9:50 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds  
City Clerk