



**LEBANON CITY COUNCIL
SEPTEMBER 21, 2022 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, [please join live via Microsoft Teams](#) or call 929-229-5356 (access code: 508 163 236#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The September 21, 2022 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

4. Open to the Public

5. Recognitions

- A. Paula Maville Retirement Resolution, Deputy City Manager
- B. Inclusiveness Resolution

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the September 21, 2022 agenda packet.

7. Appointments: None

8. Public Hearing Items: None

9. Old Business: None

10. New Business

- A. Discussion & Set Public Hearing for October 5, 2022: Ordinance 2022-04 to delete and repeal City Code Chapter 117, Passenger Vehicles for Hire
- B. Discussion and Recommendation on Lebanon Essential Air Service Contract

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

15. Adjournment

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Board of Cemetery Trustees

Position: Regular Member

Applicant: D. Muzzy

Re-Assigned Councilor: G. Sykes

Re-Assigned Date: 08/09/2022

Board/Committee: Downtown Lebanon TIF Advisory Board

Position: Regular Member

Applicant: V. Smith

Assigned Councilor: E. Heistad

Assigned Date: 08/09/2022

Board/Committee: Downtown Lebanon TIF Advisory Board

Position: Regular Member

Applicant: B. Schuster

Assigned Councilor: D. Whittlesey

Assigned Date: 08/09/2022

Board/Committee: Conservation Commission

Position: Regular Member

Applicant: B. James

Assigned Councilor: K. Hill

Assigned Date: 08/09/2022

Board/Committee: West Lebanon Revitalization Advisory Committee

Position: Resident

Applicant: J. Sherman

Assigned Councilor: D. Whittlesey

Assigned Date: 03/30/2022

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list is not considered all-inclusive.

SEPTEMBER 27, 2022 - Joint Special Meeting with Hartford, Vermont Selectboard - Housing

OCTOBER 5, 2022

PUBLIC HEARING ITEM:

A. **ORDINANCE 2022-04 TO REPEAL CITY CODE CHAPTER 117** – A public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2022-04 to repeal City Code Chapter 117, Passenger Vehicles for Hire.

NEW BUSINESS:

A. Review and adoption of City Council Policy CC-103 - Procurement Policy

B. Presentation of Zoning Amendments

OCTOBER 19, 2022 - Start time 6:00pm

NEW BUSINESS:

A. Review and Discussion of 2022 3rd Quarter Budget Report and Release of Public Schools Impact Fees.

B. Review and Action on Properties Qualified for Tax Deeding

C. Overview and Presentations of the 2023 Capital Improvements Program (CIP) Budget



RESOLUTION HONORING

Retiring Deputy City Manager

PAULA MAVILLE

WHEREAS, Paula Maville has devoted herself to a lifelong career in public service, having served the residents and businesses of the City of Lebanon and the region for more than 35 years; and

WHEREAS, Paula began her service with the City in 1986 as a temporary clerk/typist in the Planning Office and, upon recognition of her remarkable work ethic and skills, was recruited as a full-time employee working across several city departments until she was promoted to the City Manager's Office in 2008, eventually being appointed as the first Deputy City Manager in 2013 for the City of Lebanon and serving as Interim City Manager off and on until 2018; and

WHEREAS, during her time with the City, Paula faced and overcame many challenging issues and situations. She consistently took charge and provided communication to elected officials, in-house staff, legal counsel, and the public, and helped guide the City through each situation in the best way possible; and

WHEREAS, during her time as Deputy City Manager, Paula regularly made improvements in citywide systems and procedures. She built in resources to help educate residents on City operations by creating the Lebanon Citizens Academy. Her ability as a critical thinker and problem solver allowed her to provide support for City Staff and the public with many great outcomes; and

WHEREAS, Paula was an exemplary city employee with decades of experience, institutional knowledge, a knack for creative thinking, a willingness to be open to new ideas and to try new approaches. She routinely sought to implement more streamlined, efficient methods for the daily operations of the city; and

WHEREAS, Paula's leadership through actively listening, making intelligent and logical suggestions, and instilling confidence in employees to ask questions and use their skills and knowledge to work together and solve issues, made her someone who always had the utmost respect from her peers, coworkers, and the public.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Lebanon City Council, on behalf of the citizenry of Lebanon, Paula's friends, and her fellow employees and associates, express our admiration of and respect for the career of our outstanding and faithful employee, and extend to her our sincere gratitude and wish her well in her retirement,

BE IT FURTHER RESOLVED that this Resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to Paula L. Maville.

Dated this 21st day of September 2022.

TIMOTHY J. MCNAMARA, MAYOR
City of Lebanon



INCLUSIVENESS RESOLUTION

WHEREAS, the City Council of Lebanon wishes to act in accord with the City's Master Plan, Principles for Sustainability and Guiding Principles in preserving the public trust and promoting community identity, civic pride, and quality of life for all residents, regardless of age, sex, gender identity or expression, race, creed, color, marital status, familial status, physical or mental ability, national origin, sexual orientation, ethnicity or culture, language or religion, economic or housing status, or citizenship or immigration status; and

WHEREAS, the City Council of Lebanon wishes to take a leading role in protecting civil liberties, promoting inclusiveness, and providing equal protection under the law to all persons in the City; and

WHEREAS, the City Council of Lebanon recognizes that a diverse population supports a resilient economy and fosters a high quality of life for its residents and visitors, in accordance with the City's Sustainability Principles; and

WHEREAS, the City Council of Lebanon recognizes that while Free Speech is protected under the First Amendment; we can speak out against and discourage hate speech as contrary to our values; and

WHEREAS, the City Council of Lebanon has demonstrated its commitment to protecting its residents and visitors against discrimination on the basis of age, sex, gender identity or expression, race, creed, color, marital status, familial status, physical or mental ability, national origin, sexual orientation, ethnicity or culture, language or religion, economic or housing status, or citizenship or immigration status; and

WHEREAS, the City Council wishes to take a stand against ideologies of violence, hatred, and intolerance.



INCLUSIVENESS RESOLUTION

NOW THEREFORE, I, Timothy McNamara, Mayor of the City of Lebanon, New Hampshire, on behalf of the Lebanon City Council, resolve that:

1. The City Council of Lebanon denounces and rejects ALL ideologies based on discrimination, hatred, and intolerance, including racism, xenophobia, and homophobia, and condemns activities that promote these ideologies; and
2. The City Council of Lebanon affirms its strong support for the fundamental constitutional rights and civil liberties of every person, regardless of age, sex, gender identity or expression, race, creed, color, marital status, familial status, physical or mental ability, national origin, sexual orientation, ethnicity or culture, language or religion, economic or housing status, or citizenship or immigration status; and
3. The City Council of Lebanon celebrates and embraces its diverse community and is committed to fostering a community of inclusiveness where everyone can feel safe, welcome, and valued; and
4. The City Council of Lebanon commits to fair and equal treatment of everyone in our community, including in housing, education, employment, and healthcare, and will strive to ensure all of our actions, policies, and operating procedures reflect this commitment.

Dated this 21st day of September 2022.

TIMOTHY J. MCNAMARA, MAYOR
City of Lebanon

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 21, 2022**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- August 17, 2022 (Regular Meeting)
- September 7, 2022 (Regular Meeting)

MOVED, to approve the minutes as presented in the September 21, 2022 agenda packet.

DRAFT

LEBANON CITY COUNCIL
MINUTES

Wednesday, August 17, 2022, 7:00 p.m.

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Public Works Assistant Director Jay Cairelli, Assistant City Engineer Erica Douglas

1
2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.

3
4 **2. PLEDGE OF ALLEGIANCE:** Councilor Sykes led the Council in the Pledge.

- 5
6 • City Manager Shaun Mulholland announced the meeting criteria for the public.

7
8 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

9
10 **4. OPEN TO PUBLIC:** No one from the public, or who was attending virtually came forth.

11
12 **5. RECOGNITIONS: NONE**

13
14 **6. ACCEPTANCE OF MINUTES:** August 3, 2022 (Regular Meeting)

15
16 *Councilor Heistad MOVED to approve the August 3, 2022 (Regular Meeting) minutes as written*
17 *and presented in the August 17, 2022 City Council agenda packet.*

18 *Seconded by Councilor Simon..*

19 **The Vote on the Motion was approved (8-0). Councilor Liot Hill was not present at the time vote was*
20 *taken.*

21
22 **7. APPOINTMENTS:**

- 23 • Arts & Culture Commission, Jessica Giordani (Reappointment Ward 3 Citizen)

24 *Councilor Wilkie put forth the Nomination of Jessica Giordani for Reappointment as a Ward 3 Citizen*
25 *to the Arts & Culture Commission. (Three-year term: (8/22-8/25))*

26 **The Vote on the NOMINATION was approved (7-0-1). Councilor Zook abstained. Councilor Liot*
27 *Hill was not present at the time vote was taken.*

28
29 **Councilor Liot Hill arrived at 7:06 PM.**

- 30
31 • Conservation Commission, Sean Dittrich (Alternate Member)

32 *Councilor Whittlesey put forth the Nomination of Sean Dittrich (Alternate Member) to the*
33 *Conservation Commission. Three-year term: (8/22-8/25)*

34 **The Vote on the NOMINATION was approved (9-0).*

- 35
36 • Lebanon Housing Authority, Karen Wynkoop (Citizen Member)

1 *Councilor Liot Hill put forth the Nomination of Karen Wynkoop (Citizen Member) to the Lebanon*
2 *Housing Authority. Five-year term: (8/22-8/27)*

3 **The Vote on the NOMINATION was approved (9-0)*

- 4
- 5 • Pedestrian & Bicyclist Advisory Committee, Colin Smith (Reappointment Regular
- 6 Member)

7 *Councilor Liot Hill put forth the Nomination of Colin Smith for Reappointment (Regular Member) of*
8 *the Pedestrian & Bicyclist Advisory Committee. Three-year term: (8/22-8/25)*

9 **The Vote on the NOMINATION was approved (9-0)*

- 10
- 11 • Pedestrian & Bicyclist Advisory Committee, David Koch (Alternate Member)

12 *Assistant Mayor Below put forth the Nomination of David Koch (Alternate Member) to the Pedestrian*
13 *& Bicyclist Advisory Committee. Three-year term: (8/22-8/25)*

14 **The Vote on the NOMINATION was approved (9-0)*

- 15
- 16 • Diversity, Equity & Inclusion Commission, Alisha Robinson (Public Representative)

17 *Councilor Wilkie put forth the Nomination of Alisha Robinson (Public Representative) to the Diversity,*
18 *Equity & Inclusion Commission. Two-year term: (8/22-8/24)*

19 **The Vote on the NOMINATION was approved (9-0)*

- 20
- 21 • Trustees of Trust Funds, John Jay Hutchins (Reappointment)

22 *Mayor McNamara APPOINTED John Jay Hutchins for Reappointment to the Trustees of Trust*
23 *Funds. Three-year term: (8/22-8/25)*

24 *No Action Needed – For Council Information Only*

25

26 **8. PUBLIC HEARING ITEMS: NONE**

27

28 **9. OLD BUSINESS: NONE**

29

30 **10. NEW BUSINESS**

- 31 A. Discussion & Set Public Hearing for September 7, 2022: Ordinance #2022-03 to amend
- 32 City Code Chapter 124, Use of Public Stormwater Systems

33 1. Included in the agenda packet: Proposed Ordinance 2022-03 (*Pages 46-48, City Council agenda*
34 *packet.*)

35 2. August 9, 2022 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2022-03
36 Stormwater Systems, Chapter 124 (*Page 49- City Council agenda packet.*)

37

38 Erica Douglas, Assistant City Engineer, reviewed the proposed amendments to Ordinance #2022-03 as
39 listed above.

40

41 **BACKGROUND**

42 Ordinance #2022-03 proposes to amend City Code Chapter 124, Use of Public Stormwater Systems, to
43 provide updated criteria that applicants must satisfy in order to determine sufficient capacity of the relevant
44 stormwater system where they propose to connect; to require on-site stormwater management; and to
45 provide for waivers under certain conditions. She noted that they were looking at what the stormwater rate
46 is versus the volume of stormwater that would be leaving a site in order to make sure Lebanon is in line
47 with the State and other municipalities.

1 Mayor McNamara explained how attenuating the process of stormwater flows into the City's stormwater
2 system works.

3
4 In response to Councilor Liot Hill's question, Ms. Douglas spoke about how this would affect the average
5 homeowner, noting the way the regulations were originally written it was focused on the volume of water
6 (i.e., if there was a 100 cu. ft. of water that was discharging from the property before a project, there had
7 to be 100 cu. ft. of discharge storage after a project). The proposed Ordinance amendments would allow
8 even a homeowner the flexibility to tie into the City's stormwater system by filing a waiver if they cannot
9 infiltrate their amount of discharge.

10
11 Mayor McNamara noted that there are three categories of projects:

- 12 • Large projects (he believed these included exceeding 100K sq. ft) which are regulated under a
13 very specific set of State regulations.
- 14 • Smaller projects that do not meet the State criteria which are essentially governed by the Lebanon
15 Planning Board to mitigate the impact on the City's stormwater system.
- 16 • Single family homeowners typically do not have any regulations. Homeowners are basically
17 applying for a building permit. However, if someone is on a small lot and there is nowhere to go
18 with that water, and it may impact an adjoining property, this would provide a mechanism for
19 them (homeowners) to connect to the City's stormwater system through a waiver process.

20
21 The Council discussed the impact of these amendments on if someone were to add an ADU (Accessory
22 Dwelling Unit) on their property; and, whether this would add additional costs to the home builders.

23
24 Assistant Mayor Below wanted to be clear that this Ordinance only pertains to those who would be
25 applying to connect to the City's stormwater system. All these provisions are not even triggered if
26 someone is not seeking to connect to the City's stormwater system.

27
28 **ACTION:**

29 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for***
30 ***Wednesday, September 7, 2022, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via***
31 ***City's Virtual Platform, for the purpose of receiving public input and taking action on proposed***
32 ***Ordinance #2022-03 to amend City Code Chapter 124, Public Stormwater Systems, Use of.***

33
34 ***Seconded by Councilor Sykes.***

35 ****The Vote on the Motion was approved (9-0)***

36
37 Proposed Amendments are listed below in RED. Language to be omitted is listed with a ~~strike through~~.

38
39 **CITY OF LEBANON**
40 **ORDINANCE #2022-03**

41
42 AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 124, Public Stormwater
43 Systems, Use of, Stormwater Connections and extensions, Section 124-4.

44
45 BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

46
47 **Section 1**

The Code of the City of Lebanon is hereby amended to revise Chapter 124, Public Stormwater Systems, Use of, Stormwater Connections and extensions, Section 124-4.A(5) as follows:

§ 124-4 Stormwater connections and extensions.

A. Stormwater permit.....

(5) The Director of Public Works shall review the service data to determine whether it has sufficient capacity to provide stormwater drainage service to the applicant.

(a) The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate the following:

- (i) Sufficient measures will be implemented to control the post-development peak rate runoff so that it does not exceed pre-development runoff. The drainage analysis should be practical for the site, fiscally responsible, and shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the two-, twenty-five-, fifty-year and one-hundred year twenty-four-hour storm events.
- (ii) To the extent that onsite control measures are insufficient at keeping the post-development peak flow rate at or below the existing peak flow rate, a stormwater study will be required to show that, at a minimum, all affected elements of the City's Stormwater system have sufficient capacity for such discharges. In such cases, the applicant shall be permitted to discharge a peak flowrate for the twenty-five-year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. Culverts and storm sewers shall be able to pass the one-hundred-year twenty four hour storm event without overtopping and roadway ditches shall be required to pass the twenty-five year twenty four hour storm event without overtopping. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124-3C.
- (iii) Every applicant shall provide for stormwater management as required by these Regulations, unless a waiver is granted pursuant to this section. Waiver requests shall be submitted in writing to the Director of Public Works, who may waive the minimum requirements for stormwater management in whole or in part, provided that the following conditions apply:
 - a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to implement a particular BMP (Best Management Practice) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - d) The granting of the waiver will not be contrary to the spirit and intent of the regulations; and,
 - e) The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

~~The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate, either: that any volume of water~~

diverted by the proposed activity will be recharged (infiltrated as groundwater) elsewhere on the affected property so as to result in a net zero increase in stormwater leaving the property during a twenty-five year storm event, including a check for the impacts for fifty year and one hundred year storm frequency events, and including a check on proposed roadway conveyance channels to ensure that they can accommodate one hundred year storm events, and further including design provisions that emergency overflow structures are designed for the one hundred year, twenty-four hour storm frequency storm discharge rate discharging to abutting properties or public roadways; or that to any extent such peak flows will not be fully recharged, all affected elements of the City's stormwater drainage system have sufficient capacity for such discharges. In such cases the applicant shall be permitted to discharge a peak flow rate for the twenty-five year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124-3C.

- (c) If the City Manager determines, based on input from the Director of Public Works that there is sufficient capacity to provide adequate service, the City Manager may approve the service. ~~and access a permit fee.~~

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective upon passage.

B. Presentation by Wright-Pierce Engineers: Water Source Study

Included in agenda packet:

1. Presentation by Wright-Pierce Engineers: Water Source Study (*Pages 51-65, City Council agenda packet*).

Mayor McNamara noted that we did not have materials initially in the Council's agenda packet. Those were sent out this afternoon.

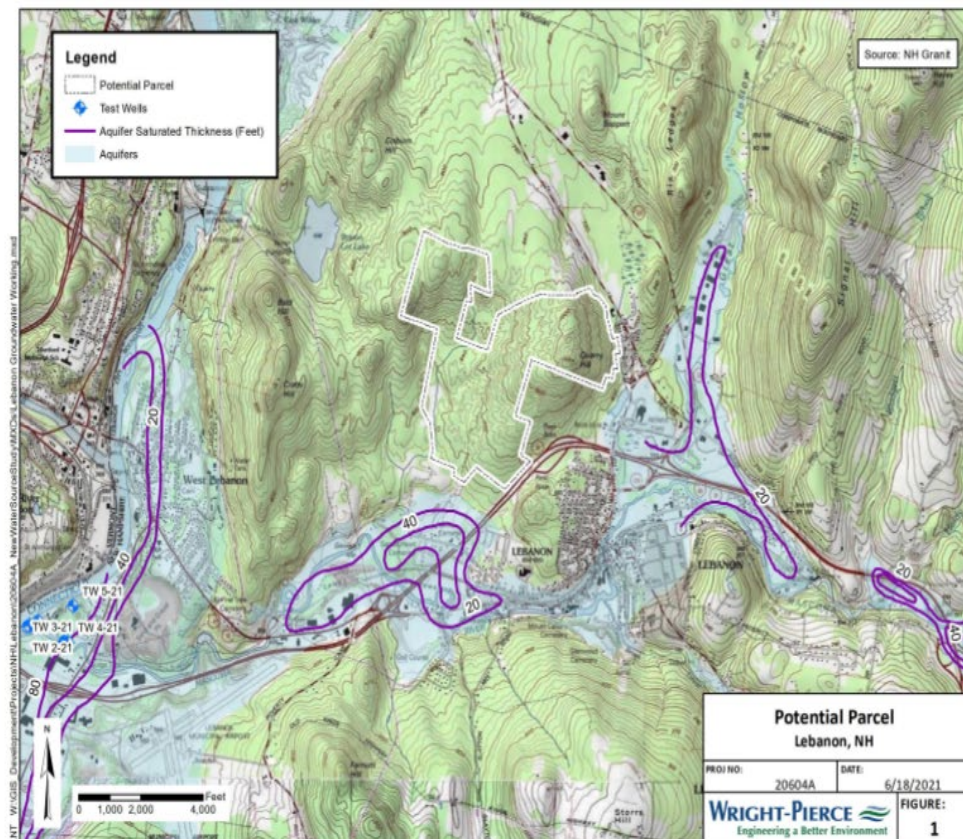
BACKGROUND

The City contracted with Wright-Pierce Engineering to conduct a water source study to determine an alternate source of water for the City's water system. The city presently relies on one water source, the Mascoma River, which has an impoundment in the Mascoma Lake. The water is treated at the water treatment plant and pumped into the City's water distribution system. This source was compromised in the 1950's when a tanker truck rolled over and spilled fuel into the river. Within several days, the fuel spill was cleaned up and the system was operating again. Recently, we have had several summers in which the lake, and companion river levels, have been dangerously low due to drought. It is unknown whether or not drought conditions will continue but there is a concern these conditions will continue due to climate change. This year, algae blooms were located on the lake that tested positive for cyanobacteria, which presented a warning call about our one source of water, which has known risks, and resulted in the City reviewing other options. This project will be included in the City's Capital Improvements Plan, which will be presented to the Council at their October 19, 2022 meeting.

City Manager Mulholland further described the background of this project by noting that the City has contracted with Wright-Pierce to look at an alternate source of water. There are several reasons for this, one of which is the city relies upon the Mascoma River, and the Mascoma Lake as our source of our only source of water. As you know, in other parts of the country, drought is far more dire than it is here. As important as drinking water is, it is critical to the survival of the City that we develop another water source and start the planning process to look at alternatives. Normally, we would be discussing this in October, but I wanted to get ahead of the game so the Council has more time to think about this. You will hear more about this on the 19th of October.

Senior Hydrologist, Greg Smith, of Wright-Pierce Engineering, reviewed and shared a screen presentation regarding the findings for an alternate water source for the City.

Lot 10 Site



Mr. Smith noted the first thing they did was to look at one property which is owned by Dartmouth. This property itself is mostly bedrock, so it is not really going to be a viable water source. The aquifer map shows depths and this is all like high rock. So really, unless you're looking for 50 gallons a minute, that property itself is kind of out of your realm.

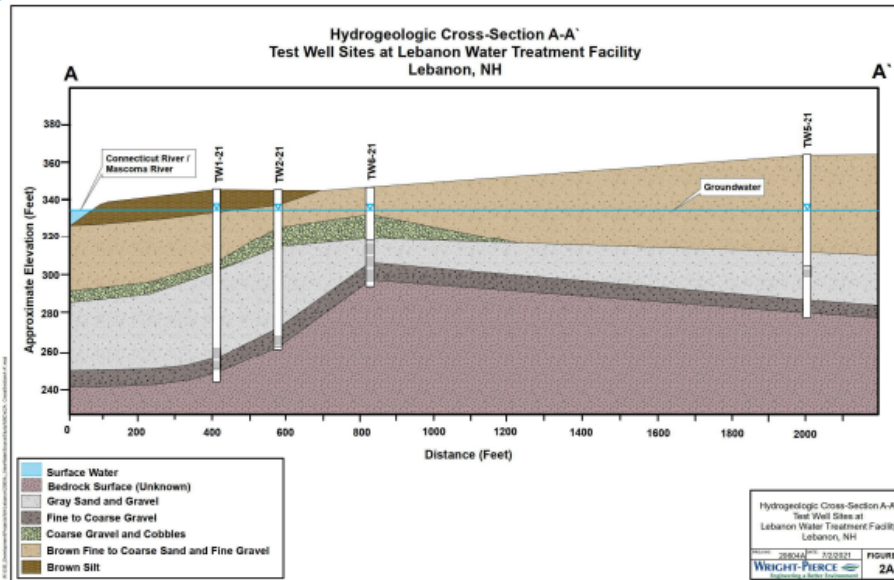
Test Well Drilling – WW Treatment Site



WRIGHT-PIERCE

We did look at an area by your wastewater treatment plant and found quite a bit of water. This is at the confluence of the Connecticut and Mascoma Rivers. What that provides is a massive, drought proof scenario and a significant water source for any wells Lebanon would want to put in on this property. We also found a very, very high yielding scenario right off at TW1 and TW2. (Circled above).

Geologic Cross Section



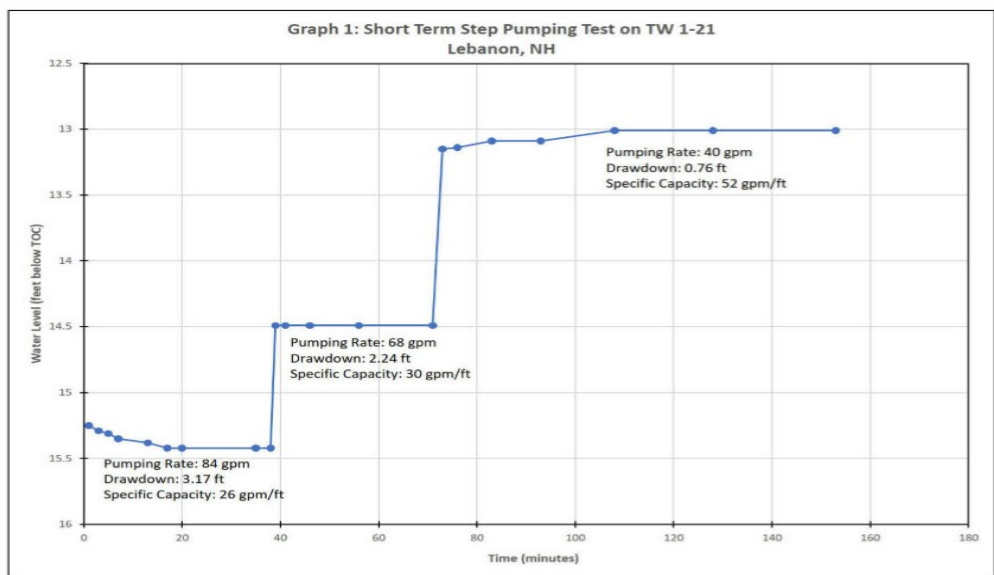
WRIGHT-PIERCE
Engineering & Better Environment

We drilled quite a few wells, did a geologic process cross section and basically the bedrock drops off really significantly fast.

The slide shows that when you get away from land this area it is all high yielding sand and gravel materials. What this does is allows for you to put in conventional wells that would provide significant treatment for any pathogens or water quality issues that would result from surface water. If you think about your treatment plant right now, your running water through 3 feet of sand.

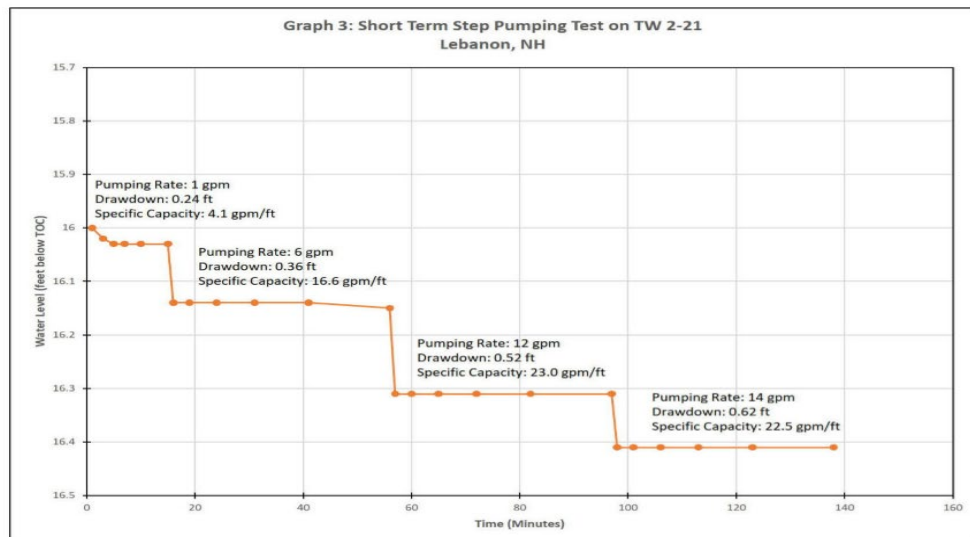
At sites TW1 and TW2 (below) you would be running through at least 150 feet of sand, which would provide massive filtration potential. Beholden to the dam upstream, those sands and gravels will provide significant filtration throughout that whole pumping process. Instead of it running through 3-4 feet of sand, it will be running through 150 feet of sand and running towards your wells and getting pumped out. Basically, we are looking at easily being able to not only match what you want to be able use, but potentially a larger yielding source.

Test Well TW 1-21



WRIGHT-PIERCE
Engineering a Better Environment

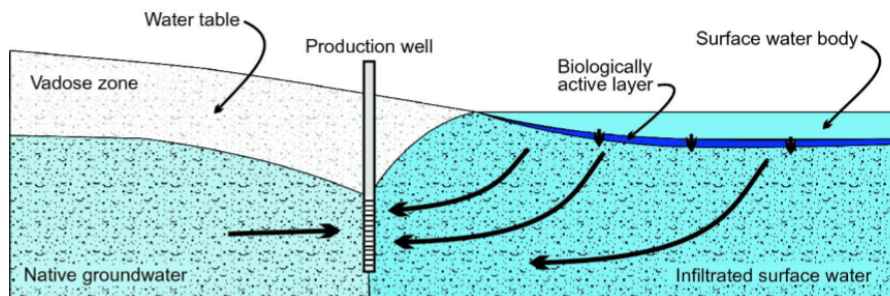
Test Well TW 2-21



WRIGHT-PIERCE
Engineering a Better Environment

1 We did some step tests (well tests) and 52 gallons per foot is pretty much highest we got. What that
2 means is that if you pump that well at 50 gallons per minute, it will drop about 1 foot.

Well Yield



- TW 1-21: 1,600 gpm+ yield potential
- TW 2-21: 750+ (1 MGD)
- Estimates do not include positive head boundary effects (surface water)
- Yields are potentially much higher (lower drawdowns) at higher pumping rates.
- Limited zone of contribution
- Estimate nearly all of the water to well(s) would be derived from surface water recharge depending on pumping rate.

4 At TWI we identified at least 1,600 gallons a minute without stressing the well. We believe that you
5 could easily match one or two wells (Lebanon's current source), with complete redundancy. Water
6 quality needs to be tested, but that is the next step at this point.

8 Mayor McNamara noted that at this point it is important to set the stage for the Council in terms of an
9 understanding of the geologic history of this particular area and how it impacts the groundwater supply
10 which has glacial history. Literally, I am assuming that what you are tapping into here is probably the
11 result of the last glaciation period.

13 Mr. Smith noted the esker that runs along and parallels the Connecticut River. That is why you are
14 getting these relatively loose materials sands and gravels. If you go to that site and look across the river,
15 you will see that there is very coarse gravel that goes along the other side, swoops across towards our site
16 and then veers off, so we get a lot of good bridge boring data and things along those lines to be able to
17 cite this well. It is very coarse material, but there is some significant filtration capacity, especially with
18 that 150 feet plus of sand and gravel, to not only be able filtrate, but it will pull out any the contaminants
19 or pathogens and also adjust the water quality as well.

21 Mayor McNamara explained that during the last glaciation period is when we had a mile or so of ice over
22 us. There were channels running under the ice that were in contact with the ground surface in certain
23 areas. There was literally liquid water running under the ice, but it ran in channels like rivers do today and
24 it deposited some coarser materials (sands and gravels) that typically will hold more water than clay (i.e.,
25 glacial till). If you look at areas upgradient away from the river, you will see that there is very little of
26 that sand and gravel present. It is largely tight glacial fill material. To make it worse, post glaciation,
27 there was a feature known as Glacial Lake Hitchcock, which was created by a dam at the end of the
28 glacier in Connecticut, and it backed up this enormous lake for thousands of years that settled out even
29 finer materials. There are certain areas, most of them seem to be situated along the Connecticut River,
30 where we have these eskers (areas of material that was flowing out of the water under the glacier and are
31 a much higher yielding for water). The Dartmouth area that Greg mentioned was one that I was thinking
32

of, which is in the landmark crack south of the hospital. It is very, very wet at the bottom and I kind of had hopes that maybe there is an area that is close to one of our tanks where we could situate a well and it would not be so far downstream. As Greg's began to look at it, they realized that it is wet because of the glacial till. The City just happens to own this wonderful little undeveloped peninsula where the Connecticut and the Mascoma meet, and part of it is a pretty big wetland and part of it has a treatment plant on it. We are fortunate that it is not under one of the plazas. It's right there on land that the City owns.

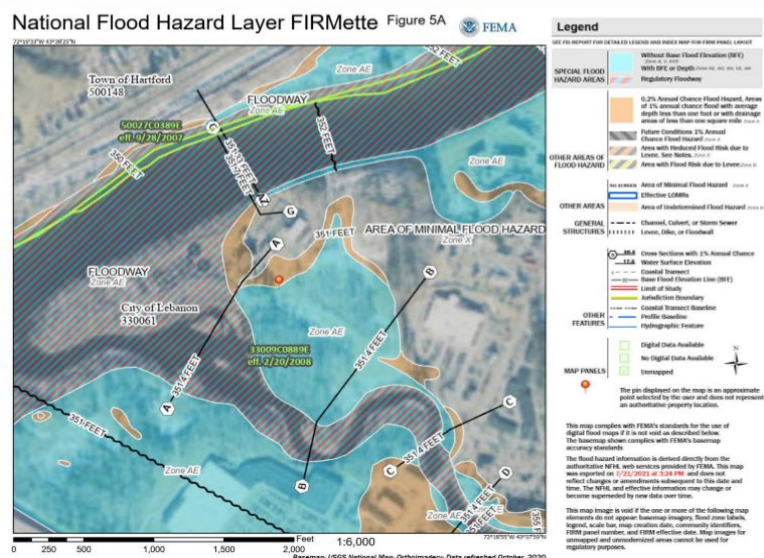
Councilor Liot Hill questioned what the City's current capacity demand is and how the area that would potentially yield 1600 gallons per minute compares to what Lebanon's daily average is.

Mr. Jay Cairelli, Assistant DPW Director, noted that right now our average day is 1.2 million gallons and our peak day it is about 2.2 million gallons. The projected yield from the proposed production well would cover the current system demand. We really do not know what we could potentially get and we have only done a small diameter pass well at this point. If we do get the \$175K, we are going to do a large area test well with a long-term pump test and then we will know exactly what our yield could be. We have an estimate based on the small diameter well at 1600 gallons per minute, but without the larger diameter well, we really do not know what it will be, but it seemed right now that it could be a completely redundant source for us.

Mr. Smith noted the 1600 figure is very conservative. However, that does not account for bringing in water from both the Mascoma and Connecticut Rivers at the same time and that could potentially be very high yield. There is a lot of potential here just from conventional wells and there is also a lot of potential for a regional resource as well. Honestly, from a permitting standpoint, you do not have to worry about anything from a stream depletion standpoint from this location. The DES will most likely say this is a non-issue.

Potential Issue: Floodway (FEMA 2008)

- Treatment plant located in mapped floodway. Treatment plant age?
- Other large portions of the property and building to the south within the Floodway elevation
- FEMA flood mapping based on old low-resolution topography (20-foot contours)
- Lidar data indicates that flood mapping is highly inaccurate in this area.



One of the big issues we are going to have to overcome is the FEMA flood mapping where basins are within the floodway zone. However, if you do conventional wells, you could cut down 2 trees and you would overcompensate for a 24 inch well sticking out of the ground and is kind of a non-issue when it

1 comes down to it. He spoke with the DES about putting a well in there. They will not have a problem
2 with that.

3
4 Mayor McNamara wanted to clarify with Mr. Smith that what he was talking about was regarding the
5 floodway, and if this is general.

6
7 Mr. Smith said this was correct. He also noted that the DES does not like to have things constructed in
8 the floodway because it can create additional flooding conditions upstream, but this well field really
9 would not involve constructing anything of any significance in the floodway. It is not so much that the
10 wells are in danger of a flood, it is that they generally they do not want structures of any significance to be
11 constructed in the floodway.

12
13 Mayor McNamara asked if Lebanon could flood-proof wells so that if flood waters were to occur on the
14 well field it would not cause the wells to go down.

15
16 Mr. Smith said yes. They would put in a seal and an access way. Basically, that well is located off of the
17 access way, so there is already a roadway to it and there would not be any kind of wetland impacts.

18
19 Mayor McNamara asked if Mr. Cairelli was going to have an item in his CIP request to essentially do a
20 large diameter well that will hopefully prove out the inferential information you have now from the small
21 diameter well.

22
23 Mr. Cairelli explained that for this year they will be putting in a production well; do the long-term pump
24 test; get water quality data submitted to the State; and then the State will come back to us with what
25 treatments we need, etc. That (dollar) number will get fine tuned as we get closer with the water quality
26 data we are going for this year and that will get us permitted and able to build our pump house and our
27 treatment. Then, down the road, we will be able to tie it into the system.

28
29 Mr. Smith noted that generally, the whole idea is that you are getting a lot of water from both these water
30 bodies that it is getting filtered through all this sand and gravel coming to your well. Basically, it makes
31 it a drought proof scenario, which is ideal. We can engineer our way into constructing that well, which
32 would be basically just raising the well casing up and making sure we have a good seal for any flooding
33 scenarios and access to that well itself. From a capital standpoint it is relatively inexpensive.

34
35 Councilor Sykes, directing his question to City Manager Mulholland, asked what the long term plan for
36 the construction of this well would be and if it would fit within our Debt Management Program.

37
38 City Manager Mulholland explained there is space for the well, but not the upgrade of the distribution
39 system at a cost of \$8M. Since we do not know the cost yet, this will need quite a bit of fine tuning. He
40 pointed out that pipes need to be bigger to move the water through the rest of the City and this is where
41 the major costs would be. No, it would not fit in the City's Debt Management Policy, assuming we are
42 also going to continue to maintain our system and deal with all of the broken/deteriorating pipe issues we
43 have.

Radial Collector Well



Conceptual Radial Collector Well

- Potentially serve as a regional source (NHDES is pro-regionalization)
- Requires 4-log treatment – lower costs due to filtration
- Theoretical yield is the highest in New England (10 MGD+)
- Requires barge borings and significantly more work to design, permit and treat
- High capital cost



Mr. Smith spoke about another potential option for the future called a Radial Collector Well (as shown above). From our array of collector wells, you would pump out of a Caisson that sucks water in from each of these wells. From a conceptual point of view, you could do something like this, but you do need a four logged treatment plan, which means a full surface water treatment plant and that is expensive. This site has the potential to yield on the order of 10 to 20 million gallons a day. So, if you are going to look at going forward for a regional supply, that would be the way to go, but I think conventional wells at this point will completely give you redundancy and a high quality water source.

I do not think you want to do this at this point, but it is something that you should actually put in your records because this site could easily be the highest yielding well site in New England, by a longshot, just based on the two rivers coming through.

City Manager Shaun Mulholland noted that while there is no demand for this type of well now, we should look at what is going on in the rest of the country (with their water supplies). This is a resource a lot of people do not have and may be of value to our region/State in the next 20-30 years from now.

1 In response to Assistant Mayor Below's question regarding water quality and treatment due to drawing
2 water closer to the bottom of the river, Mr. Smith said NH State regulations require that if any well is
3 within 50 feet (vertically or horizontally) within the presence of service water, then it is considered to be
4 automatically under the presence of surface water and then you have to do 4 log treatment, which is the
5 basically the highest level of treatment that you are required to do. Because this well would not draw
6 (water) until you are more than 50 feet below the surface, we are beyond those thresholds with
7 conventional wells, so therefore we would not have to deal with that. We would have to show we were
8 getting ample filtration to the State of New Hampshire via some testing, but that is just their requirements
9 at this point in time so.

10
11 Councilor Heistad was concerned about the risk of salt filtrating into the wells from Interstate 91. Mr.
12 Smith explained how this could be mitigated through soil filtration, and noted that in his professional
13 opinion this potential risk would be overcome by the sheer volume of water in the rivers. This theory
14 could be proven by putting in a large diameter test well.

15
16 Mr. Smith explained possible funding sources for the City, which Wright-Pierce could help with and
17 reiterated again that Lebanon has the potential for a drought-proof water source. He also explained how
18 the City could fund this project (as listed below).

19 20 **Funding**

- 21 • SRF Funding – Lebanon has had limited success due to rate structure
- 22 • NH Drinking Water & Groundwater Trust Fund
- 23 • Next round of grant applications
- 24 • Complete redundancy with conventional wells
- 25 • Potential regional supply source
- 26 • Elevate funding priority by:
 - 27 1. Stressing cyanobacteria and water quality issues
 - 28 2. Lack of control of dam levels
 - 29 3. Single source is susceptible to drought
 - 30 4. Regional growth

31
32 **Mr. Nick Mouzourakis (Ward 3)** came forth and spoke about extending the outlet of the plant past where
33 water is drawn from and questioned if the City should go to other regional towns to see if they would be
34 willing to contribute to the project.

35
36 Mayor McNamara noted that the City needs to get to the next stage of a production well first.
37 Participation from other municipalities could certainly occur in a staged fashion in the future because very
38 few of the local municipalities actually have a municipal water supply. He felt the market is potentially
39 there, but it is a very small market.

40
41 Councilor Whittlesey questioned if a Risk Assessment was done on the flow rates of the rivers from
42 upstream development. City Manager Mulholland noted this was discussed at the Municipal Manager's
43 meeting and they were not interested in talking about a backup or water source because due to the
44 regional development that would occur if additional water sources were added.

45 46 **ACTION:**

47 ***No action was required by the Council. Item was for informational purposes only.***

1
2 **11. City Manager Report:**

3 City Manager Shaun Mulholland update the Council on the following:

- 4 • Westboro Yard Status.
5 • DPW City road projects and State Funding.
6 • Kimball Street concerns from the public regarding the flow of traffic.
7 • Right-to-Know Law: Reminded and encouraged Council members to only use their city email
8 accounts for City business and not their private email accounts.
9 • He will be on vacation until September 6th. During his absence, Deputy City Manager Paula
10 Maville will be in charge until August 31st, then David Brooks would be in charge from Sept 1
11 through Sept 2nd.
12 • Joint Hartford, VT/City of Lebanon meeting will be taking place on Sept 27th at Hartford High
13 School. Time TBD. He will send a calendar invite to the Council with the details.
14 • Mascoma Greenway and Northern Rail Trail eBike concerns regarding eBike Safety and other
15 safety concerns along the Mascoma Greenway.
16 • Tax Rate Re-evaluation Assessments: Have been delayed.
17 • Deputy City Manager Paula Maville's Retirement Party, September 9th, 2022, Salt hill Pub,
18 starting at 4 P.M.
19 • Punch card fraud at the landfill.
20 • Comments on the Civility of City Council: Kudos to Lebanon's City Council. He has received
21 many positive comments from the public acknowledging the civility and praising the Council for
22 the way they treat each other and the citizens of Lebanon. Thank you for that!

23
24 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

25
26 **13. FUTURE AGENDA ITEMS: NONE**

27
28 **14. NON-PUBLIC SESSION: NONE**

29
30 **15. ADJOURNMENT:**

31 *Councilor Whittlesey MOVED for adjournment.*

32 *Seconded by Councilor Heistad.*

33
34 **The Vote on the MOTION was unanimously approved (9-0).*

35
36 **The meeting was adjourned at 8:32 PM.**

37
38 Respectfully submitted,
39 Dona E. Gibson
40 Recording Secretary

DRAFT

LEBANON CITY COUNCIL
MINUTES

Wednesday, September 7, 2022, 7:00 p.m.

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill (by phone), Christian Simon, Douglas Whittlesey, Devin Wilkie, and Karen Zook (virtual)

MEMBERS ABSENT: George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, Assistant City Engineer Erica Douglas, Assistant Director Public Works Jay Cairelli, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams

-
- 1
 - 2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.
 - 3
 - 4 **2. PLEDGE OF ALLEGIANCE:** Councilor Whittlesey led the Council in the Pledge.
 - 5
 - 6
 - City Manager Shaun Mulholland announced the meeting criteria for the public.
 - 7
 - 8 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
 - 9
 - 10 **4. OPEN TO PUBLIC: No one came forth.**
 - 11
 - 12 **5. RECOGNITIONS:**
 - 13
 - Childhood Cancer Awareness Month (Proclamation)
 - 14

PROCLAMATION

CHILDHOOD CANCER AWARENESS MONTH – SEPTEMBER 2022

WHEREAS, the State of New Hampshire recognizes and honors the children, families and caregivers affected by childhood cancer; and

WHEREAS, 43 children per day, and 15,780 kids are diagnosed with cancer annually in the United States, and the incidence of childhood cancer continues to increase each year and is the leading cause of death by disease among children under the age of 18; and

WHEREAS, some progress has been made in treating childhood cancer, but significantly more research and funding is necessary to find a cure, with only four new drugs having been approved by the Food and Drug Administration in the last 20 years; and

WHEREAS, hundreds of non-profit organizations at the local and national level are helping children with cancer and their families cope through educational, emotional and financial support; and

WHEREAS, childhood cancer affects all ethnic groups, social backgrounds and geographic regions; and

WHEREAS, New Hampshire recognizes the severity of childhood cancer across our state and the

1 nation, and we honor all those impacted by childhood cancer and recognize all the work that still needs
2 to be done in finding a cure;

3
4 ***THEREFORE, BE IT NOW RESOLVED***, that the City of Lebanon proclaims September 2022 to be
5 Childhood Cancer Awareness Month and calls this to the attention of all citizens.

6
7 Proclaimed this 7th Day of September in the year 2022.
8

9
10

Timothy J. McNamara Mayor, City of Lebanon

11 - Native American Heritage Month (Proclamation)
12

13 **PROCLAMATION**
14 **NATIVE AMERICAN HERITAGE MONTH – NOVEMBER 2022**

15 ***WHEREAS***, November 2022 is recognized nationally as Native American Heritage Month to celebrate
16 and honor indigenous peoples and their diverse and rich cultures, histories and traditions; and
17

18 ***WHEREAS***, the Abenaki people have inhabited what is now New Hampshire and Vermont for over
19 10,000 years, and the Abenaki people are active members of the community today; and
20

21 ***WHEREAS***, the indigenous peoples of our region and the entire country have endured centuries of
22 discrimination and mistreatment, but have persevered and maintained their culture in the face of these
23 challenges; and
24

25 ***WHEREAS***, The City of Lebanon desires to recognize both the historical importance of indigenous
26 people in the region and our current residents of indigenous heritage; and
27

28 ***WHEREAS***, The City of Lebanon values the importance of accurate historical memory and its critical
29 role in building and sustaining a diverse, welcoming and informed community, and
30

31 ***WHEREAS***, Native American Heritage Month provides an opportunity for our community to
32 recognize, learn about and honor the indigenous people of our region;
33

34 ***THEREFORE, BE IT NOW RESOLVED***, that the City of Lebanon proclaims November 2022 to be
35 Native American Heritage Month and encourages every resident to recognize the importance of
36 indigenous people in our history and as fellow citizens today.
37

38 Proclaimed this 7th Day of September in the year 2022.
39

40

Timothy J. McNamara Mayor, City of Lebanon
41
42

43 Mayor McNamara wanted to make this proclamation early this year in order to give everyone in the
44 Community a chance to prepare for celebrations. The Lebanon Libraries have expressed some interest in
45 in doing programs associated with Native American Heritage Month. He encouraged everyone to reach
46 out those they know in the indigenous community and communicate to them that the City has declared
47 November as National American Native American Heritage Month.
48

1 **6. ACCEPTANCE OF MINUTES:** August 17, 2022 (Regular Meeting)

2 Mayor McNamara noted the portion pertaining to the discussion regarding an alternate water supply
3 source had some issues with clarity and detail. He asked the City Manager to have the minutes reviewed
4 again against the tape because this is such an important issue for the City. It is going to be a long
5 discussion. It is going to be an expensive project, and it is going to take years, so he wanted the first set of
6 minutes, in particular, to be as accurate as they possibly could be. These will be reviewed at the
7 Council's next meeting in September.

8
9 **7. APPOINTMENTS: NONE**

10
11 **8. PUBLIC HEARING ITEMS:**

12 **A. ORDINANCE 2022-03** – A public hearing for the purpose of receiving public input and taking
13 action to amend City Code Chapter 124, Use of Public Stormwater Systems

14
15 Included in the agenda packet:

- 16 1. Proposed Ordinance #2022-03 (*Pages 16-19, City Council agenda packet*)
17 2. August 9, 2022 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2022-03
18 Stormwater Systems, Chapter 124 (*Page 20, City Council agenda packet*)
19

20 **BACKGROUND**

21 Ordinance #2022-03 proposes to amend City Code Chapter 124, Use of Public Stormwater Systems, to
22 provide updated criteria that applicants must satisfy in order to determine sufficient capacity of the relevant
23 stormwater system where they propose to connect; to require on-site stormwater management; and to
24 provide for waivers under certain conditions.

25
26 City Manager Mulholland noted this proposed amendment will provide some changes in terms of how
27 applicants apply for the criteria that is used to determine the capacity of the existing stormwater system
28 just in the City by providing some waivers to the code that presently do not exist. Downtown Lebanon
29 certainly has more densely developed areas where it is not practical for property owners to be able to put
30 in what is called best management practices to keep the stormwater on their property site. In some cases
31 that is simply not possible. This amendment allows a bit more flexibility, in some cases, for property
32 owners to tie into the City stormwater system at their expense.

33
34 **Mayor McNamara opened the Public Hearing and the following came forth to speak:**

35
36 Ms. Sarah Riley (Chair, Conservation Commission): She questioned if this was a loosening or a
37 narrowing of the conditions under which the City might permit a property to discharge into Lebanon's
38 stormwater system. She also spoke about her concerns over water quality and availability
39 and thought the more the City can let water infiltrate through the less impervious surfaces where practical,
40 the better this would be in slowing down the burden on our stormwater system.

41
42 She would like to see other components added to this ordinance in the future (i.e., require or encourage
43 additional limits to impervious surfaces), noting the longer we can hold on to our water, the more water
44 will regenerate into our aquifers and fewer pollutants will enter our systems and our waterways.

45
46 She also wondered if this ordinance should address runoff and discharge during the development
47 processes.

1
2 City Manager Shaun Mulholland noted that right now the City does require people to maintain the
3 stormwater that is generated or falls on their property. This is already a requirement in our Site Plan
4 Regulations. With this amendment, property owners must demonstrate they cannot meet any of the best
5 management practices and a waiver process for them to enter into the City's Stormwater System was
6 created. They would have to pay for any upgrades that are required to ensure the system can handle the
7 flow of water coming into it. We already have requirements to maintain the stormwater on site when
8 buildings are under construction, or any site work is done, and this is already part of our regulations.
9

10 Mayor McNamara stated this is intended to apply to only those sites that do not have the ability to detain
11 and treat stormwater on site. These are largely smaller, undeveloped lots, and single/two family lots in
12 existing neighborhoods. One of the reasons for this is to try to encourage infill development and
13 discourage, to the extent we can, green fields development. This is intended to be for those little lots
14 where there is not any potential on site to detain/retain stormwater and where the only option is to connect
15 to the City Stormwater System. Projects of any significant size (over 100,000 square feet) are subject to
16 State Law (NH RSA 45(a):17), which is a site specific regulation that specifically requires detention and
17 treatment of stormwater. This does not obviate any of the existing regulations on stormwater.
18

19 **Hearing no further comments from the public, the Public Hearing was closed.**
20

21 Councilor Heistad noted that whatever the City can do to retain water and refill the aquifers will help us
22 out in the long term.
23

24 **ACTION:**

25 ***Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts Ordinance #2022-03 to***
26 ***amend City Code Chapter 124, Public Stormwater Systems, Use of.***
27 ***Seconded by Councilor Whittlesey.***
28

29 Assistant Mayor Below spoke to his motion by stating he thought this is a pretty thoughtful and well
30 developed/tweaked policy. It does recognize the capacity with our stormwater system, but also where
31 some infill opportunities may exist, noting that even ADUs could potentially trigger the need for such a
32 connection. He thought that in many cases it will be rare that somebody has to go this route because in
33 many cases they will be able to handle it (stormwater) on the site.
34

35 **Councilor Zook signed in remotely to attend the meeting at approximately 7:16 PM**
36

37 **Roll Call Vote:**

38 **Voting Yea: Assistant Mayor Below and Councilors Heistad, Simon, Whittlesey, Wilkie, Zook, and**
39 **Mayor McNamara.**

40 **Voting Nay: None**

41 **Councilor Sykes was absent.**

42 **Councilor Liot Hill was not present at the time of this vote.**
43

44 ****The Vote on the Motion was approved by those present (7-0).***
45

46 Amendments are listed below in RED. Language to be omitted are listed with a strike through.
47

**CITY OF LEBANON
ORDINANCE #2022-03**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 124, Public Stormwater Systems, Use of, Stormwater Connections and extensions, Section 124-4.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended to revise Chapter 124, Public Stormwater Systems, Use of, Stormwater Connections and extensions, Section 124-4.A(5) as follows:

§ 124-4 Stormwater connections and extensions.

A. Stormwater permit.....

(5) The Director of Public Works shall review the service data to determine whether it has sufficient capacity to provide stormwater drainage service to the applicant.

(a) The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate **the following:**

(i) Sufficient measures will be implemented to control the post-development peak rate runoff so that it does not exceed pre-development runoff. The drainage analysis should be practical for the site, fiscally responsible, and shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the two-, twenty-five-, fifty-year and one-hundred year twenty-four-hour storm events.

(ii) To the extent that onsite control measures are insufficient at keeping the post-development peak flow rate at or below the existing peak flow rate, a stormwater study will be required to show that, at a minimum, all affected elements of the City's Stormwater system have sufficient capacity for such discharges. In such cases, the applicant shall be permitted to discharge a peak flowrate for the twenty-five-year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. Culverts and storm sewers shall be able to pass the one-hundred-year twenty four hour storm event without overtopping and roadway ditches shall be required to pass the twenty-five year twenty four hour storm event without overtopping. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124-3C.

(iii) Every applicant shall provide for stormwater management as required by these Regulations, unless a waiver is granted pursuant to this section. Waiver requests shall be submitted in writing to the Director of Public Works, who may waive the minimum requirements for stormwater management in whole or in part, provided that the following conditions apply:

- a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;

- c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to implement a particular BMP (Best Management Practice) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- d) The granting of the waiver will not be contrary to the spirit and intent of the regulations; and,
- e) The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

~~The applicant shall have the burden of presenting sufficient information, based on such engineering data as deemed necessary by the Director of Public Works, to demonstrate, either: that any volume of water diverted by the proposed activity will be recharged (infiltrated as groundwater) elsewhere on the affected property so as to result in a net zero increase in stormwater leaving the property during a twenty-five year storm event, including a check for the impacts for fifty year and one hundred year storm frequency events, and including a check on proposed roadway conveyance channels to ensure that they can accommodate one hundred year storm events, and further including design provisions that emergency overflow structures are designed for the one hundred year, twenty-four hour storm frequency storm discharge rate discharging to abutting properties or public roadways; or that to any extent such peak flows will not be fully recharged, all affected elements of the City's stormwater drainage system have sufficient capacity for such discharges. In such cases the applicant shall be permitted to discharge a peak flowrate for the twenty-five year storm frequency amount not to exceed 50% of the remaining capacity of the receiving stormwater system. In either case the applicant shall be responsible for all costs incurred by the City in making a determination of sufficient capacity except as outlined above in § 124-3C.~~

- (c) If the City Manager determines, based on input from the Director of Public Works that there is sufficient capacity to provide adequate service, the City Manager may approve the service. ~~and access a permit fee.~~

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective upon passage.

9. OLD BUSINESS: NONE

10. NEW BUSINESS

A. Dog Licensing Civil Forfeiture Update

Included in the agenda packet:

1. August 29, 2022 Memo from City Clerk Kristin Kenniston, re: Dog Licensing – Civil Forfeiture Notice – Returns (*Pages 23-25, City Council agenda packet*)

BACKGROUND

In accordance with NH RSA 466:14, at the June 15, 2022 City Council Meeting, City Clerk Kristin Kenniston presented the Dog Licensing Warrant for Civil Forfeiture Notice to the Council for approval. NH RSA 466:16 requires the City Clerk to report back to the Council on or before August 31st with the

number of owners who received and paid the civil forfeiture, the number of dogs in the City which have been seized and held, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture or license their dog.

ACTION:

No Council Action is required, item for discussion purposes only

B. Presentation by Wright-Pierce Engineers – Asset Management Program for Stormwater & Wastewater Systems

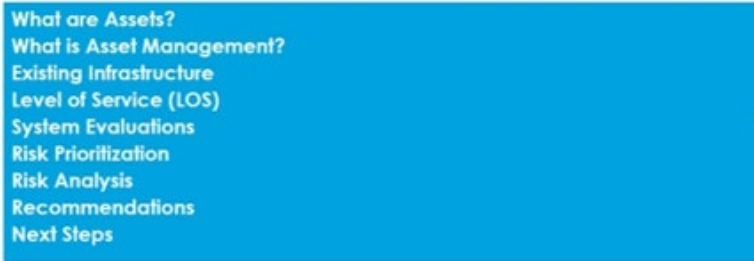
Included in the agenda packet:

1. PowerPoint Presentation- Wastewater and Stormwater System Asset Management (*Pages 27-50, City Council agenda packet*).

Ms. Erica Douglas, Assistant City Engineer, reviewed some of this historical information on what has been going on starting back in 2018. She noted the city received a clean water state revolving fund loan to develop an asset management program for our stormwater and wastewater assets. The purpose of the plan was to help the City understand what assets we have; what is the current state of the City's assets and what we want to do with them; which assets are critical to doing, and; how we are going to manage, operate, maintain, repair, replace them over their entire lifecycle.

Mr. Chris Berg, Wright-Pierce Engineering Consultant, presented and reviewed the PowerPoint presentation regarding the City of Lebanon's Wastewater and Stormwater System Asset Management. He noted the presentation are the results of the asset management program work they have been working on over the last couple of years with the staff in Lebanon.

The presentation Overview contained the following:



A quick overview of what he discussed were assets; what asset management is; some of the existing infrastructure that you have in place in there in the city in both the stormwater system and both the vertical (which is sort of the building components of the wastewater system) and the horizontal components (the collection system). He also discussed the level of service, and talked about risk prioritization, analysis recommendations, the system evaluation, and next steps.

What are Assets?

An asset is a resource with economic value and the expectation that it will provide a future benefit.



Wastewater

- Manholes
- Sewer Mains
 - Gravity mains
 - Force mains
- Pump Stations
- WWTP



Stormwater

- Culverts
- Catch Basins
- Drain Manholes
- Drainage System Pipes

Assets: Wastewater

The assets that we assessed related to this project are on both wastewater and stormwater. On the wastewater side this included sewer manholes, the mains, both the gravity and the force mains and the Pump stations that are in place (i.e., sewer siphon and the wastewater treatment facility).

Assets: Stormwater

On the stormwater side, the assets we looked at were culverts that are in place, catch basins, drainage, manholes and the drain drainage system piping. We are looking at it through the lens of asset management.

Asset Management

Asset management is a systematic process of operating, maintaining, upgrading, and disposing of those assets cost effectively while maintaining that level of service that is acceptable to the customer. That level of service is really important in asset management in that you want to be able to deliver a service at a desired level of expectation for your customers that are utilizing your system.



"Asset Management is a systematic process of operating, maintaining, upgrading and disposing of assets cost-effectively while maintaining a level of service that is acceptable to the customers."



This is a continuous process that should be revisited annually

This asset management process is a continuous process that should be revisited on an annual basis by looking at the existing infrastructure; reviewing your level of service to make sure it is adequate;

reviewing risk; looking at a condition assessment; prioritizing around that risk and reviewing your capital improvement plans to ensure you are investing appropriately so from an existing infrastructure perspective so you know what they are and how many things there are in the system.

Existing Infrastructure - Summary

Lebanon owns and maintains thousands of assets.

Asset Type	Number of Assets in System
Wastewater	
Manholes	1562
Mains (force and gravity)	1868
Vertical Assets	632
Stormwater	
Catch Basins	3995
Drainage Piping	2091
Drain Manholes	335
Culverts	1457

These assets are valuable, and represent a large portion of the City's worth:

\$250M Wastewater System

\$75M Stormwater System

\$325M of total assets

This value equates to the City's "system replacement value."

Lebanon owns and maintains thousands of assets across these two systems (wastewater/stormwater). As the slide above shows, there are 1500+ manholes; actual number of pipes in the system or mains in the system are about 1800 which span over 66 to 70 miles of mains between the forced mains and gravity mains that are in place. Vertical assets are kind of the individual building specific components that were assessed. There is over 600 of those on the stormwater side of things; almost 4000 catch basins are in the system; 1500 culverts; almost 40 miles of drainage piping equating to about 2000 individual type segments; and, 300 drain manuals.

High level cost estimate.

If you were to replace everything now (i.e., what your system is worth), it is a staggering amount of money that is buried under the ground and is providing a really great and amazing service to the Lebanon you know. Supports systems to have in place for the wastewater/stormwater side of things are worth investing in the management of effective asset management associated with these two systems.

Assistant Mayor Below requested an explanation as to what a vertical asset is. Mr. Berg explained vertical assets are what we consider building level assets (i.e., at a wastewater pump station). One of the vertical assets that we assessed in the pump station would be one of the pumps itself. So, the pump and the motor would be an asset and you would manage/replace a pump or you would replace/maintain that motor.

Existing Infrastructure – Condition Assessment

- City currently owns ArcGIS license and Beehive Asset Management
- Data in GIS is integrated with Beehive Software
- City utilizes a combination of ArcGIS tools and Beehive to update asset condition data.



We spent a couple of days assessing those assets on an individual basis at each of those facilities with Lebanon staff leveraging the assets of the tools that both Lebanon has and the tools that Wright- Pierce can leverage as well. The two tools the City has to assess conditions and continue to add value into that continual assessment is the Beehive Asset Management Program and ArcGIS, which is the geographical information system that the City uses. These are two powerful asset databases management programs the City can leverage to continue to support the City's assets.

Existing Infrastructure: Wastewater Collection System

Existing Infrastructure – Wastewater Collection System



So, looking at the existing infrastructure (slide above) from a visual perspective, the yellow lines are the 66 miles of gravity pipe or gravity mains that are in place. The green lines indicate the force means throughout your system here. All those gravity mains and enforce mains push and have the sewer flow down to pump stations and then pump back up and then pump to eventually the wastewater treatment facility where the water is treated and released. Those vertical assets that we talked about: they are all housed within these eight pump stations facilities, which are the sewer siphon vault and the wastewater treatment facility.

What we ended up doing was assessing a portion of the system (slide below) to develop our risk assessment framework associated with that area. We went out and collected condition information on those assets to see how the scoring worked and how Lebanon should move forward with additional condition assessment across the system.

Existing Infrastructure-Stormwater

Existing Infrastructure – Stormwater



On the stormwater side of things (above), all these yellow and blue pipes are the drainage system that is in place in Lebanon. What we ended up doing was a portion of the system and to develop our Risk Assessment framework associated with that area.

Level of Service Agreements

Mr. Berg discussed the Level of Service Agreements as listed below for both the wastewater and stormwater objectives:

Level of Service

A Level of Service Agreement (LOS) defines how the utility owners, managers, and operators **want the system to perform** over the long term.



The City chose to create a LOS that covers both vertical and collections systems



Separate LOS objectives for Sewer and Drainage systems were defined

1

Level of Service – Wastewater System Objectives

Goal	Objective	Measure
System Reliability	Asset Reliability	Infiltration and Inflow (I&I) identified
		Collection system inspection (units inspected/year)
		Eliminate sewer discharges to the environment
		Combined sewer overflows (CSOs) & volume (# CSOs/year, total gal)
	Operational Performance	Inspect and clean fog areas in the collection system
		Number of identified areas inspected and cleaned (#checks/year)
		Maintenance of siphons
		Number of times siphons maintained (#/year)
	Resource Management	Maintenance of capacity (lining)
		Areas identified to watch (# w/ capacity/ total # identified to watch)
		Growth capacity
		Areas predicted for growth by commission have available capacity (# of areas w/ available capacity/total # of areas)
Workforce Management	Operational Performance	Hanover capacity flows and management
		MGD under Hanover's limit (MGD/Hanover's MGD limit)
		Odor complaints (Enfield area)
		Number of odor complaints (#/year)
	Resource Management	Rate adjustments
		Cost to average user (% increase/year)
		GIS data
Workforce Management	Resource Management	Updates/CMMS push (#/year)
		Made available to field staff (yes/no)
		Organizational data management improvements
	Workforce Management	Review staffing needs
		Annual review (yes/no)
		Training levels/certification updates
		Maintain certifications and training (# of employees w/ appropriate certification/# of overall employees)
	Workforce Management	Succession planning
		Annual review (yes/no)

2
3

Level of Service – Stormwater Objectives

Goal	Objective	Measure
System Reliability	Asset Reliability	Prevent flooding
	Operational Performance	Floods (# floods/year)
	Resource Management	Maintenance of capacity
		Areas identified to watch (# w/ capacity/ total # identified to watch)
	Resource Management	GIS data
		Updates/CMMS push (#/year)
	Workforce Management	Organizational data management improvements
		Made available to field staff (yes/no)
		Review staffing needs
	Workforce Management	Annual review (yes/no)
		Training levels/certification updates
	Workforce Management	Maintain certifications and training (# of employees w/ appropriate certification/# of overall employees)
		Succession planning
	Workforce Management	Annual review (yes/no)
		Annual review (yes/no)

4
5

How we measure how the systems are performing would be to know how many checks or how many times that area has been inspected over the course of the year. Whether that is done through work orders or information that has been entered into Beehive, it can be reviewed to see how it measures against your goals for the year and then be re-evaluated for years.

Mr. Berg noted there might be additional investments that he needs to put into manpower associated with checks, or if there are additional capital improvements/maintenance that needs to be made to make sure the collection system functions the way we want it to.

The major objective for a stormwater system is to prevent flooding. It is measured by how many floods there are in a year; having an understanding of where those floods took place geographically; how many flooding incidents have happened in a certain area; and, how can these be mitigated (i.e., more maintenance?).

For Risk Prioritization

Risk Prioritization: Wastewater-Vertical

Risk Prioritization – Wastewater Vertical

Probability of Failure	Consequence of Failure									
	1	2	3	4	5	6	7	8	9	10
	D	D	B	B	A	A	A	A	A	A
	D	D	B	B	A	A	A	A	A	A
	D	D	C	B	B	B	A	A	A	A
	D	D	C	B	B	B	B	B	A	A
	F	F	C	C	C	B	B	B	B	B
	F	F	F	C	C	C	C	C	C	C
	F	F	F	E	C	C	C	C	C	C
	F	F	F	E	E	E	E	C	C	C
	F	F	F	E	E	E	E	E	E	E

Recommendations are developed for each asset (inspection, repair, or rehabilitation). **Inspections may result in new BRE scores.**

Group	Strategy	Group	Strategy
A	Critical R&R	E	RI or PM Schedule
B	Priority R&R	F	Run to Fail
C	Add P&M Schedule		
D	Opportunistic R&R		

Risk Prioritization on the vertical assets are conducted a little differently than the horizontal assets and are done on two different scales:

1. Probability of failure and how probable is it for this asset to fail?
2. What is the consequence if this asset fails?

Taking those two scores, we can put a business risk exposure (BRE) score together by multiplying those two things together. If you look at it on a graphical basis, this table shows if you have a high consequence

of failure and a high probability of failure. Those assets that score very highly, we want to be able to pay more attention to. If they are likely to fail, we want to be replacing or repairing those assets so we can reduce and the probability of a failure score.

By taking the Probability of Failure Score and the Consequences of Failure Score we can get a new BRE (Business Risk Evaluation) score by multiplying those two things together.

In looking at how many assets Lebanon has in the system, there were two associated with blowers that need to be replaced in the future which are associated with the wastewater collection system assets. From a percentage standpoint, 1% of the gravity pipes in place are in that high category and some of those assets probably need a little bit more inspection to get a better understanding of what condition they are actually in.

Risk Analysis Results - Wastewater Vertical

Group	Strategy	Count	% Assets
A	Critical R&R	2	0%
B	Priority R&R	15	2%
C	Add PdM Schedule	27	4%
D	Opportunistic R&R	30	2%
E	Rt or PM Schedule	229	36%
F	Run to Fail	349	55%
G	(undefined)	0	0%
Total		632	

- Probability of Failure (PoF)
- Consequence of Failure (CoF)
- Business Risk Exposure (BRE)
 - Combines the two measures of failure into one category that can be **used to sort and rank assets**.
 - $BRE = PoF \times CoF$

Risk Assessment – Horizontal

Risk Prioritization – Horizontal

		Consequence of Failure				
		2	4	6	8	10
Probability of Failure	10	D	C	B	A	A
	8	D	C	B	B	A
	6	D	C	C	B	B
	4	E	D	C	C	C
	2	E	E	D	D	D

Recommendations are developed for each asset (inspection, repair, or rehabilitation). **Inspections may result in new BRE scores.**

Group	Strategy
A	Critical Repair or Replacement
B	Priority Repair or Replacement
C	Priority Monitoring
D	Opportunistic Repair or Replacement
E	Monitor

On the horizontal side of things (above), risk and scoring were done a little differently but the same concept was used. Mr. Berg explained how this was assessed, noting Lebanon falls into the middle two tiers which will require more monitoring and assessment management with wastewater collection system assets. However, from a percentage standpoint, 1% of the gravity pipes in place are in that high category. Some of those assets probably need more inspection to provide a better understanding of what condition they are actually in.

Mayor McNamara asked if the breakdown of the groups that Mr. Berg was showing for Lebanon regarding the horizontal wastewater collection was typical and if the condition of Lebanon's system is better or worse than the average.

Mr. Berg stated Lebanon was probably in what he would consider average, but noted Lebanon does have a decent amount of older infrastructure in place so that will skew things a little bit higher than some systems. However, for the systems that are the same vintage that you have here, he thought Lebanon ranked very much in line with what we see throughout the State. We did not have a lot of existing condition information for all of the drainage pipes and the manholes in place. For the manholes we assessed a little more than 300. Between the drainage, manholes, and the catch basins, we only reviewed a segment of those, so the ones we did review (showed here) were not included in the additional (roughly 4000) unknown conditions in this table. Collection of that information is important to help understand the actual risk associated with those assets and he did not want to skew the information for the catch basins.

RECOMMENDATIONS:

Mr. Berg reviewed the recommendation (listed below) with the Council.

Risk Analysis Results – Wastewater Collection System

Asset	BRE Group									
	Group A		Group B		Group C		Group D		Group E	
	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets
Gravity Pipes	20	1%	180	10%	704	39%	737	41%	156	9%
Sewer Manholes	0	-	110	1%	1292	83%	160	10%	0	-
Pressurized Main	0	-	11	15%	60	85%	0	-	0	-
Totals	20	1%	301	9%	2056	60%	897	26%	156	5%

- Likelihood of Failure (LoF)
- Consequence of Failure (CoF)
- Business Risk Exposure (BRE)
 - Combines the two measures of failure into one category that can be **used to sort and rank assets**.
 - $BRE = LoF \times CoF$

Risk Analysis Results – Stormwater System

Asset	BRE Group									
	Group A		Group B		Group C		Group D		Group E	
	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets	Count	% Assets
Drain Pipes	2	<1%	10	<1%	792	38%	1287	62%	0	-
Drain Manholes	1	<1%	4	1%	235	70%	95	28%	0	-
Catch Basins	0	-	2	2%	54	45%	21	18%	42	35%
Totals	3	<1%	16	1%	1081	42%	1403	55%	42	2%

- Likelihood of Failure (LoF)
- Consequence of Failure (CoF)
- Business Risk Exposure (BRE)
 - Combines the two measures of failure into one category that can be **used to sort and rank assets**.
 - $BRE = LoF \times CoF$

Horizontal Recommendations – Collection & SW System

Improvement Description	Purpose of Improvement	Approximate Quantity
Replacement of 18" gravity sewer line from Bridge Street to Market Street	Age, Critical Main	6,400 feet
Replacement of BRE group B manholes along sewer line from Bridge Street to Market Street	Age, Critical Main	21 manholes
Inspection of BRE Group C manholes along sewer line from Bridge Street to Market Street	Age, Critical Main	12 manholes
Inspection of 21" gravity sewer line from manhole LI-41 to LI-44	Age, Critical Main	400 feet
Inspection of BRE group B manholes from LI-41 to LI-44	Age, Critical Main	4 manholes
Hydraulic capacity assessment of drainage system in the areas of Spencer St., Estabrook Cir., Maple St., Tracey St., and along Route 12A.	Age, Failure Frequency	4,250 feet
CCTV Inspection of BRE group B sewer gravity main	Age, Capacity, Proximity to Water	30,000 feet
CCTV inspection of BRE group B sewer force main	Traffic Disruption, Capacity, Proximity to Water	10,800 feet
Inspection of BRE group B sewer manholes	Age, Proximity to Water	85 manholes
Collection of Asset attribute Data for Drainage Structures and Pipes	Asset Inventory Development, Risk Management	2900 manholes and 30 miles of pipe

Mayor McNamara asked if the information that says horizontal recommendations collection and strong motor system was sanitary only, and Mr. Berg affirmed.

Mayor McNamara noted that at the top of the list it looks like the 18 inch gravity sanitary sewer line running from Bridge Street southerly all the way to Market Street along the river needs to be replaced. Mr. Berg confirmed and Ms. Douglas noted this is all along the Connecticut River, but it is something that could be a lining project in the future as opposed to a replacement project. We have gone through the pipes, TV'd them, and it is a great candidate for lining so we can save a ton of money that way.

Next Steps

Mr. Berg also reviewed the Next Steps and the Systems Evaluation refining the existing data.

Next Steps

Asset Management Maintenance Plan

- 1 Continue collection of missing assets and asset characteristics. Drainage System
- 2 Revise asset information as inspections, rehabilitation and capital projects are completed.
- 3 Add asset information from development projects to GIS and Beehive.
- 4 Continue to identify and provide training to staff members who will be maintaining data sets and coordinating with GIS and Beehive.
- 5 Perform bi-annual audits of GIS and Beehive data sets to ensure consistency.

System Evaluations – Refining the Existing Data

OBJECTID	Install Date	Inlet Type	Access Diameter	Invert Elevation	Cover Type	Wall Material	Condition	Grate Style
13220		Catchbasin	24		Grate			Square
13221	2008-05-20	Catchbasin	24	597.94	Grate		Excellent	Square
13227		Catchbasin	24		Grate	PreCast	Very Good	Square
13228		Catchbasin	24		Grate	PreCast	Very Good	Square
13229		Catchbasin	24		Grate	PreCast	Very Good	Square
13230		Catchbasin	24		Grate	PreCast	Very Good	Square
13231		Catchbasin	24		Grate	PreCast	Very Good	Square
13232		Catchbasin	24		Grate	Block	Fair	Square
13233		Catchbasin	24		Grate	Brick	Good	Square
13234		Catchbasin	24		Grate			Square
13235		Catchbasin	24		Grate			Square
13238		Catchbasin	24		Grate			Square
13239		Catchbasin	24		Grate	PreCast	Fair	Square
13240		Catchbasin	24		Grate	Brick	Good	Square
13241		Catchbasin	24		Grate	Brick	Fair	Square
13242		Catchbasin	24		Grate	Brick	Good	Square
13243		Catchbasin	24		Grate	PreCast	Very Good	Square
13244		Catchbasin	24		Grate	Brick	Fair	Square
13245		Catchbasin	24		Grate	PreCast	Excellent	Square
13253		Catchbasin	24		Grate			Square
13254		Catchbasin	24		Grate			Square
13255		Catchbasin	24		Grate			Square
13256		Catchbasin	24		Grate			Square
13258		Catchbasin	24		d			
13261		Catchbasin	24		d			

- Structure is in place
- ~2900 structures + pipes to be inventoried and assessed
- Drainage Asset Attribute information is not complete, allocate effort to complete condition assessment on a watershed basis annually
- Need exists to fill in data gaps to better understand risk and plan improvements

1 **Council and Public Questions/Comments:**

2
3 **Sharon Nall (Department of Environmental Services)** came forth, thanked the City Manager, Chris and
4 Erica, and encouraged them to keep using and building the Asset Management Systems in place. She also
5 spoke about the DES's 50% principal forgiveness loans for those projects through their SRF program and
6 their planning principal forgiveness loans so the City can continue to build on this, noting there is up to
7 \$100,000 principal forgiveness that can cover a plenary design.

8
9 Mayor McNamara thanked Ms. Nall for noting the City for their collaborative approach taken with
10 Lebanon and would appreciate any help that DES can you give.

11
12 Sarah Riley and Ms. Nall discussed how the culvert assets in the Beehive System compared to the DES
13 database and how the DES handles culvert processes. Ms. Nall would be happy to answer any questions
14 from Ms. Riley.

15
16 Ms. Riley requested that when the City replaces a culvert ahead of schedule, to keep wildlife passages in
17 mind.

18
19 City Manager Shaun Mulholland noted that on October 19th the Council would be reviewing the CIP for
20 these projects. He also explained the reasons why the 18-inch interceptor would be scheduled for next
21 year, noting it had to be pushed off to deal with the forced main breach.

22
23 **As requested by Mayor McNamara, Councilor Zook noted her reason for attending the meeting**
24 **remotely was because she was out of state.**

25
26 **ACTION:**

27 *No action is required by the Council. Item is for informational purposes only.*

28
29 **C. Discussion and action to place about the adoption of provisions of NH RSA 287-E (Bingo**
30 **and Lucky 7) on the March 2023 Municipal Ballot**

31
32 Included in the agenda packet:

33 1. NH RSA 287-E:27 - Bingo and Lucky 7, Referendum *(Page 53, City Council agenda packet).*

34
35 City Manager Shaun Mulholland reviewed the reasons behind the adoption of NH RSA 287-E , noting
36 this referendum came to the attention of the City Manager's Office and that the City of Lebanon has never
37 formally adopted the provisions of NH RSA 287-E that permits the playing of bingo and the selling of
38 Lucky 7 tickets in the City.

39
40 The absence of action by the City to adopt the provision of the statute could jeopardize organizations such
41 as the American Legion and Elks in their fundraising capabilities.

42
43 In order for the provisions of the statute to be adopted, a vote by the citizens of Lebanon is required. The
44 Council is therefore asked to take action to place the question on the ballot for consideration by the voters
45 in the March 2023 Municipal Election in order to allow that which is occurring to become legal. Obviously,
46 there is an impact on some non-profits that rely on these funds.

1 Mayor McNamara spoke about bingo in his church every Friday night for as long as he could remember.
2 He knows this has been going on in the City for decades, and from his perspective this is different from the
3 previous discussions the Council had on Keno. In his perspective, Bingo and Keno are different.

4
5 Councilor Heistad noted the difference between Bingo and Keno, and spoke about how Bingo has been a
6 tradition since the 1950's.

7
8 **ACTION:**

9 *Councilor Whittlesey MOVED, that the City Council hereby directs the City Clerk to place the following*
10 *question on the March 14, 2023 Municipal Ballot: "Shall we adopt the provisions of RSA 287-E relative*
11 *to the conduct of games of bingo and the sale of lucky 7 tickets?"*

12 *Seconded by Councilor Simon.*
13

14 **Roll Call Vote:**

15 **Voting Yea: Assistant Mayor Below and Councilors Heistad, Simon, Whittlesey, Wilkie, Zook, and**
16 **Mayor McNamara.**

17 **Voting Nay: None**

18 **Councilor Sykes was absent.**

19 **Councilor Liot Hill was not present at the time of this vote.**
20

21 **The Vote on the Motion was approved by those present (7-0)*
22

23 **D.** Consideration of NHMA 2023-2024 Legislative Floor Policy Proposal submitted by the Town
24 of Grafton re: Change to NH RSA 100-A:43 to permit municipalities with 15 or fewer full-time
25 employees to allow their new hires to opt out of participation in the New Hampshire Retirement
26 System
27

28 Included in the agenda packet:

29 1. Floor Policy Proposal submitted by the Town of Grafton for the NHMA 2023-2024
30 Legislative Policy Process (*Page 55, City Council agenda packet*)
31

32 **BACKGROUND**

33 On June 15, 2022 and July 20, 2022, the City Council reviewed legislative policy proposals put forward
34 by the NH Municipal Association as part of the 2023-2024 Legislative Policy Process. Since that time,
35 the Town of Grafton submitted a floor policy proposal to change NH RSA 100- A:43 to permit
36 municipalities with 15 or fewer full-time employees to allow their new hires to opt out of participation in
37 the New Hampshire Retirement System.
38

39 The Council was asked to review the request by the Town of Grafton and provide direction for the Mayor
40 (as the Council's delegate) on whether to vote to support or oppose the proposal at the NHMA Policy
41 Conference in September.
42

43 City Manager Mulholland noted this is a floor policy that the town of Grafton submitted. What they are
44 proposing is to allow those towns/municipalities with 15 employees or less to have the option to opt out
45 of the State's Employee Retirement System. One of his concerns, since the funds used to pay that
46 retirement system is paid for by towns/municipalities and their employees now, is that this would erode
47 that system which already has problems meeting all its payments. What this would mean for Lebanon,
48 and other towns/municipalities, is we would take on more of that burden for those employees who have

1 retired from the Town of Grafton and other towns because they would no longer be contributing to the
2 system. He encouraged the Council to think about the risks of that sort of measure.

3
4 Councilor Heistad said it sounds like we are asking taxpayers in the future, from towns that are still part
5 of the system, to pick up the tab for townships that can drop out. It does not seem to him the way a
6 normal funding system for the State works, and it does not seem to be a just way to proceed. He opposed
7 this proposal.

8
9 Councilors Simon and Wilkie concurred with Councilor Heistad.

10
11 Mayor McNamara was also not in favor of this either, noting this sort of a bifurcation seems to be to
12 unduly complicating an already complicated situation. It would only benefit a small number of towns, but
13 would impact all the rest of us who have more than 15 employees.

14
15 **ACTION:**

16 ***Councilor Wilkie MOVED, that the Lebanon City Council hereby directs the City's Policy Conference***
17 ***delegate to vote in OPPOSITION to the Floor Policy Proposal submitted by the Town of Grafton for the***
18 ***NHMA 2023-2024 Legislative Policy Process as included in the September 7, 2022 City Council Agenda***
19 ***Packet.***

20 ***Seconded by Councilor Heistad.***

21
22 **Mayor McNamara noted that Councilor Liot Hill has arrived remotely at approximately 8:07PM**

23
24 Councilor Liot Hill stated the reason for her remote participation was because she was out of town.

25
26 Councilor Liot Hill caught the tail end of the discussion and spoke about her reasons for opposing NHMA
27 2023-2024, noting it would disrupt the entire retirement system.

28
29 **Roll Call Vote:**

30 **Voting Yea: Assistant Mayor Below and Councilors Heistad, Simon, Whittlesey, Wilkie, Zook, and**
31 **Mayor McNamara.**

32 **Voting Nay: None**

33 **Councilor Sykes was absent.**

34
35 ****The Vote on the Motion was approved by those present (8-0)***

36
37 **E. Discussion of possible endorsement of federal House Bill 3172 aka the "HELPER Act of**
38 **2021"**

39
40 Included in the agenda packet:

41 1. House Bill 3172, a.k.a. the "HELPER Act of 2021" (*Pages 57-64, City Council agenda packet*).

42 **BACKGROUND**

43 Mayor McNamara requested the Council to consider endorsing federal House Bill 3172, a.k.a. the
44 "HELPER Act of 2021". The bill is proposed to amend the National Housing Act to establish a mortgage
45 insurance program for first responders, and for other purposes.

1 Mayor McNamara explained that a couple of weeks ago Commonwealth Strategic Partners, which is a
2 lobbying firm in Massachusetts, reached out to him regarding this Helper Act and asked if he would
3 endorse it. He wanted to bring it before the Council since he does not endorse anything unilaterally.
4 He researched the bill (included in the Council agenda packet) and from his understanding this bill is sort
5 of intended to be a facsimile of a VA mortgage program specifically geared toward first responders,
6 police officers, firefighters, EMT's, and teachers at the state, federal and local levels. It does appear to
7 have strong bipartisan support in both the US Senate and the US House. On the surface, this would
8 potentially benefit Lebanon, as we have talked about the difficulty in finding and retaining our municipal
9 employees, both in the city and the school district.

10
11 City Manager Shaun Mulholland stated this looks like it mirrors the VA Loan Program. There are
12 certainly some benefits to first-time homebuyers, and it really is a way to help build that public sector
13 employee base which is being eroded right now.

14
15 Councilor Wilkie did not see a problem with this bill but was curious what sort of history the Council had
16 with endorsing federal bills of this sort. While he saw no reason not to support this bill, he also did not see
17 it as a function of the City Council to endorse select federal bills.

18
19 Mayor McNamara stated Councilor Wilkie made a great point and noted he does not get these requests
20 very often. This one seemed to have a little local applicability because of the discussions we have had
21 about hiring and retaining local employees but thought this one is going to rise or fall regardless of what
22 we say. He certainly could and would support just being silent on this and letting it go. He also explained
23 he was not approached by any of our Congressional delegations. This came to him from a lobbying firm.

24
25 Councilor Whittlesey noted that from a personal perspective, he thought the bill is great and it looks like
26 it will pass. However, he sided with Counselor Wilkie and felt that while it will impact the City, it is not
27 directly related to City business and thought it was inappropriate for the Council to weigh in on this.

28 29 **ACTION:**

30 **No Action taken by the Council**

31 32 **11. City Manager Report:**

33 City Manager Shaun Mulholland updated the Council on the following:

- 34 • Paula Maville's Retirement Party: Friday, September 9, 2022, 4-7 PM, Salt hill Pub.
- 35 • Joint Lebanon/Hartford, Vermont Selectboard Meeting: This discussion will be facilitated by
36 New Hampshire Listens and Vital Communities regarding the role of municipalities in addressing
37 the housing issue. A calendar invite will be sent to Councilors for the September 27, 2022,
38 6:30pm, SAU #88 Building Auditorium, 20 Seminary Hill, West Lebanon and will be posted as a
39 Quorum Notice.
- 40 • Childcare: He has been working with Vital Communities and a multidisciplinary group to explore
41 the possibility of facilitating the construction of a childcare facility that would house about 200
42 kids with a focus on infant care, which is not being met presently in the Upper Valley. This
43 facility would provide care on a sliding scale for those who can least afford it (i.e., workers
44 making minimum wage, etc.). He also noted this childcare facility would facilitate early
45 education and other educational needs in the Upper Valley. He requested the Council's approval
46 to allow him to move forward with the exploration of this project. If approved, he will come back
47 with detailed proposals.

Councilors each spoke about their reasons supporting the City Manager to explore the construction of new childcare facility.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

Assistant Mayor Below informed the Council that on August 30th, the Public Utilities Commission request approved Lebanon's Electric Aggregation Plan. This is the first plan that has been approved in the State under the State Law, which means that Lebanon Community Power is authorized to exist.

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION:

- RSA 91-A:3.II(a) "The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, 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."

Councilor Simon MOVED to go into a NON-PUBLIC SESSION at 8:32PM
Seconded by Councilor Whittlesey.

Roll Call Vote:

Voting Yea: Assistant Mayor Below and Councilors Heistad, Simon, Whittlesey, Wilkie, Zook, and Mayor McNamara.

Voting Nay: None

Councilor Sykes was absent.

**The Vote on the MOTION was approved by those present (8-0).*

Assistant Mayor Below MOVED to come out of NON-PUBLIC SESSION at 9:23PM
Seconded by Councilor Whittlesey.

Roll Call Vote:

Voting Yea: Assistant Mayor Below and Councilors Heistad, Simon, Whittlesey, Wilkie, Zook, and Mayor McNamara.

Voting Nay: None

Councilor Sykes was absent.

**The Vote on the MOTION was approved by those present (8-0).*

15. ADJOURNMENT:

Assistant Mayor Below MOVED for adjournment.
Seconded by Councilor Whittlesey.

Roll Call Vote:

Voting Yea: Assistant Mayor Below and Councilors Heistad, Simon, Whittlesey, Wilkie, Zook, and Mayor McNamara.

Voting Nay: None

1 **Councilor Sykes was absent.**

2

3 ****The Vote on the MOTION was unanimously approved by those present (8-0)***

4

5 **The meeting was adjourned at 9:23PM.**

6

7 Respectfully submitted,

8 Dona E. Gibson

9 Recording Secretary

AGENDA LEBANON CITY COUNCIL SEPTEMBER 21, 2022

10. NEW BUSINESS:

10.A – DISCUSS AND SET PUBLIC HEARING FOR OCTOBER 5, 2022: ORDINANCE #2022-04, REPEAL CITY CODE CHAPTER 117, PASSENGER VEHICLES FOR HIRE

BACKGROUND

The City Council originally adopted City Code Chapter 157 in 2008 to regulate taxicabs. This chapter was repealed in 2017 and replaced with Chapter 117, Passenger Vehicles for Hire. The reasons for the change related to reducing the insurance requirements and expanding the types of services regulated relative to vehicles for hire.

Chapter 117 does not address Uber and similar digital network companies (which offer rides for a fee) as these are regulated and permitted through the State of New Hampshire under NH RSA 376-A – Transportation Network Company.

Presently there are no taxicab services that operate within the City. The broader definition of passenger vehicles for hire does include a limousine type service. The city administration does not see a compelling public need to regulate this industry. We have no means to determine the accuracy of taxicab meters. Vehicles operated by providers are already subject to vehicle inspection, as are all vehicles in the state under the state motor vehicle code. Additionally, the city does not have resources to adequately provide oversight of this industry. Services such as Uber and Lyft are now the major provider of what were traditional taxi services.

The City Administration recommends repeal of this chapter of the city code. If there is a compelling need for regulation by the city of this industry in the future, the Council could re-adopt the provisions of Chapter 117 at that time.

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 5, 2022, beginning at 7:00 p.m. in Council Chambers, City Hall, for the purpose of receiving public input and taking action on Proposed Ordinance #2022-04, to amend the Code of the City of Lebanon, by repealing Chapter 117, Passenger Vehicles for Hire.

Included in this Section:

1. Proposed Ordinance #2022-04
2. September 15, 2022 Legal Opinion by Attorney Christine Filmore RE: Ordinance #2022-04, Passenger Vehicles for Hire, Chapter 117

Available but Not Included:

City Code Chapter 117, Passenger Vehicles for Hire: <https://ecode360.com/32352856>

**CITY OF LEBANON
ORDINANCE #2022-04**

AN ORDINANCE TO AMEND the Code of the City of Lebanon by deleting and repealing Chapter 117, Passenger Vehicles for Hire, in its entirety.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended by deleting and repealing Chapter 117, Passenger Vehicles for Hire.

Section 2. Severability:

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective immediately upon its adoption.



C. Christine (Fillmore) Johnston
Admitted in NH

603.792.7417
cfillmore@dwmlaw.com

670 N. Commercial Street, Suite 207
Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

September 15, 2022

Shaun Mulholland
City Manager
City of Lebanon, NH
51 N. Park Street
Lebanon, NH 03766

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 09/15/2022

DS

RE: Ordinance #2022-04
Repeal Ch. 117 Passenger Vehicles for Hire

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2022-04, Repeal City Code Chapter 117, Passenger Vehicles for Hire, which your office forwarded to me today. The ordinance is being proposed, as I understand it, because the policy reasons for adopting Chapter 117 are not currently relevant to the prevailing types of passenger ride services operating within the City. Services such as Uber and Lyft (already regulated by the State) are now the primary providers of the service previously provided by taxicab services, of which there are currently none within the City. While Chapter 117 also covers limousine services, the City does not see a compelling reason to regulate this sort of service. In addition, the City does not have the resources to adequately oversee ridesharing services.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,

C. Christine (Fillmore) Johnston

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 21, 2022**

10. NEW BUSINESS:

**10.B – DISCUSSION & RECOMMENDATION TO THE UNITED STATES
DEPARTMENT OF TRANSPORTATION: ESSENTIAL AIR SERVICE – SOUTHERN
AIRWAYS EXPRESS**

BACKGROUND

Cape Air's current contract with the US Department of Transportation (USDOT) to provide Essential Air Service (EAS) to Lebanon (LEB) Airport will expire on November 30, 2022. In anticipation of the contract expiration, the USDOT issued an order in June 2022 requesting proposals from air carriers interested in providing EAS to Lebanon for a new contract term beginning December 1, 2022. The USDOT received proposals from Boutique Air, Cape Air, and Southern Airways Express, which were subsequently forwarded to the City for review.

A Selection Committee was established to review the proposals, receive presentations, and make a recommendation to the City Council on a preferred carrier. The Selection Committee reviewed the proposals and received presentations on August 22nd and 23rd. On September 1st, the Selection Committee voted to recommend Southern Airways Express as the preferred EAS carrier based on the proposals and presentations received.

The Southern Airways Express proposal is for four (4) daily flights to Boston and two (2) daily flights to Newark. Southern Airways is requesting that the Council consider a four-year contract term. For the last two USDOT EAS solicitations, Cape Air has been selected for four-year terms.

The USDOT is requesting comments from the City Council relative to a recommended EAS carrier for Lebanon Airport for the upcoming contract. All comments must be submitted to USDOT no later than September 30, 2022.

Airport Manager Carl Gross and Mark Cesteri from Southern Airways Express will be present to discuss the proposal and answer any questions.

ACTION

If the Council supports Southern Airways Express' proposal for Essential Air Service, the following motion(s) are offered for consideration:

MOVED, that the Lebanon City Council hereby recommends to the United States Department of Transportation that Southern Airways Express be selected to provide Essential Air Service to the Lebanon Airport for a four-year term beginning December 1, 2022.

BE IT FURTHER MOVED, that the Lebanon City Council understands that Southern Airways Express operates its service utilizing 9-seat, single engine, Cessna 208 aircraft and hereby waives its right to receive Essential Air Service with 15-seat or larger aircraft and waives the right to use a multi-engine aircraft as a selection criterion.

Included in this Section:

1. US Department of Transportation Order Requesting Proposals, issued June 22, 2022
2. Proposal of Southern Airways Express to provide subsidized Essential Air Service for Lebanon, NH
3. Proposal of Cape Air to provide subsidized Essential Air Service for Lebanon, NH



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 22nd of June, 2022

Essential Air Service at

LEBANON, NEW HAMPSHIRE

Under 49 U.S.C. § 41731 *et seq.*

DOT-OST-2003-14822

ORDER REQUESTING PROPOSALS

Summary

By this Order, the U.S. Department of Transportation (the Department) is requesting proposals from air carriers interested in providing Essential Air Service (EAS) at Lebanon, New Hampshire, for a new contract term beginning December 1, 2022, with or without subsidy. Air carriers should file proposals no later than July 26, 2022.

Background

By Order 2018-9-14, issued on September 14, 2022, the Department selected Hyannis Air Service, Inc. d/b/a Cape Air (Cape Air) to provide EAS at Lebanon to Boston Logan International Airport (BOS) using 9-passenger Cessna 402 aircraft *or* 9-passenger Tecnam P2012 Traveller (Tecnam) aircraft for the four-year contract term from December 1, 2018, through November 30, 2022. The annual subsidy rates are as follows:

<u>Year</u>	<u>LEB-BOS Annual Subsidy</u>	<u>LEB-HPN Annual Subsidy</u>	<u>Total Annual Subsidy</u>
1	\$2,126,633	\$1,476,034	\$3,602,667
2	\$2,190,432	\$1,520,316	\$3,710,748
3	\$2,256,145	\$1,565,925	\$3,822,070
4	\$2,323,829	\$1,612,903	\$3,936,732

By Order 2020-5-2, issued on May 5, 2020, the Department approved the request of Cape Air to change its EAS pattern at Lebanon, effective March 28, 2020, for the duration of the contract. With that Order, Cape Air was permitted to provide all service to BOS in lieu of Westchester County Airport. There was no change to the annual subsidy, type of aircraft, number of weekly flights, or the contract end date of Cape Air's term at Lebanon. Because the Department allowed the alternate service pattern and did not require it, Cape Air was permitted to revert to the original service pattern at any time.

The complete public file for EAS at Lebanon may be accessed online through the Federal Docket Management System at www.regulations.gov by entering the community's docket number in the "Search" field.

Request for Proposals: General Requirements

The Department is requesting proposals from air carriers interested in providing EAS at Lebanon, with subsidy if necessary, for a new contract period beginning December 1, 2022. Air carriers should file their proposals no later than July 26, 2022.

The Department expects clear, well-documented proposals that will facilitate their evaluation by the community and the EAS team.¹ Air carrier proposals should be submitted to the Department with all materials merged into a single document. In addition, proposals should be formatted to be viewed online. In order to evaluate air carrier proposals, the Department requires that air carriers adequately describe the service being proposed and the annual amount of subsidy being requested, if any. The Department requests that proposals include information concerning proposed schedules, projected block hours, and financial data supporting subsidy requests including information on projected expenses and revenues. In cases where an air carrier proposes to provide EAS without subsidy and the Department determines that basic EAS, as required by 49 U.S.C. § 41732, can be reliably provided without such compensation, the Department typically will not proceed with the air carrier selection case. Instead, the Department will simply rely on that air carrier's subsidy-free service as proposed. Lastly, the Department expects that air carriers will have completed due diligence regarding any community-specific operational requirements. Air carriers should prepare their proposals with every expectation that, should they be selected by the Department, they will be able to commence full EAS as described in their proposal on the first day of the new contract term.

Interested air carriers should prepare their proposals with the understanding that their initial proposals will represent their *final* and *only* proposals. However, the Department retains the discretion to negotiate proposals with air carriers when it deems it desirable; in such cases, the Department will give all applicants the same opportunity. The Department also retains the discretion to re-solicit a new round of proposals, in the event that proposals received are rejected due to being unreasonable or unrealistic.

Proposals should provide sufficient capacity to accommodate historical levels of traffic with, as a general matter, service up to two airports that provide numerous connecting opportunities to the

¹ In selecting an air carrier to provide subsidized EAS for an eligible place not in Alaska, 49 U.S.C. § 41733(c)(1) directs the Department to consider five factors: (A) service reliability of the applicant air carrier; (B) the existence of contractual and marketing arrangements with a larger air carrier at the hub; (C) the existence of interline arrangements with a larger air carrier at the hub; (D) the preferences of the actual and potential users of the EAS, giving substantial weight to the views of the elected officials representing the users; and (E) whether the air carrier has included a plan in its proposal to market its EAS to the community. The Consolidated Appropriations Act, 2022, Pub. L. 117-103 (March 15, 2022), authorizes the Department to consider the relative subsidy requirements of the applicant air carriers. Interested air carriers should also be aware that the general provisions governing EAS will be included in the selection order as part of our authorization of subsidy for the selected service. Appendix C of this Order contains those general provisions.

national air transportation system.² When crafting a proposal, the air carrier should ensure that the proposed hub best meets the air service needs of the community. In order to assist air carriers in developing traffic and revenue projections for their proposals, the Department has provided a summary of recent historical passengers in Appendix B.³ The Department encourages air carriers to work with the community as they prepare their proposals in order to craft a service proposal that meets the community's needs with subsidy requirements that remain competitive. The Department will fully consider the views of the community and State before making an air carrier decision.

Air carriers may propose more than one service option. They can also propose service options different from what the community currently receives—lengths of contract terms or hub airports, for example. However, proposals should have at least one option that complies with the weekly capacity described below, and compliant with all legal requirements.

Air carriers should note that it is a federal crime to knowingly and willfully make materially false, fictitious, or fraudulent statements, entries, or representations in an EAS proposal submitted to the Department.⁴

Request for Proposals: Specific Requirements

The Department expects proposals that meet basic EAS requirements and are consistent with what the community currently receives, namely 42 weekly round trips using 8-/9-passenger aircraft. If larger aircraft (30- to 50-seat) are contemplated, the Department will subsidize 12 weekly round trips.

Community requests for certain waivers

Title 49 U.S.C. 41732(c) states: “Notwithstanding section 41733(e), upon request by an eligible place, the Secretary may waive, in whole or in part, subsections (a) and (b) of this section or subsections (a) through (c) of section 41734. A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.” For example, a community could request a waiver from the Department for its air carrier to provide fewer than two daily round trips six days per week⁵ if it is a highly seasonal market and doing so would facilitate a more reasonable subsidy rate or would better match the community's demand. A community could also request a waiver from the requirement for air carriers to provide service with at least two engines and using two pilots.⁶ Waiver requests by the community may be

² Ordinarily, where the proposal is for EAS from the community to one airport, that airport must be a medium- or large-hub, and where the proposal is for EAS to two airports, at least one of those airports must be a medium- or large-hub. See 49 U.S.C. § 41732(a)(1) and 14 CFR 398.2(b)(1). However, service to a small-hub or nonhub airport is acceptable for basic EAS if the nearest hub airport is more than 400 miles from the eligible place. See 49 U.S.C. § 41732(a)(2). In some cases, the Department may require service to two hubs, at least one of which must be a large- or medium-hub. See 14 CFR 398.2(b)(3). In the case of a community receiving two total round trips per day, the Department expects that at least one round trip per day will be to a medium- or large-hub airport, as medium- and large-hub airports provide better access to the national air transportation system. Hub classifications are provided by the Federal Aviation Administration at https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/.

³ Source: Bureau of Transportation Statistics, Schedule T-100.

⁴ See 18 U.S.C. § 1001.

⁵ 49 U.S.C. § 41732(b)(1)(A).

⁶ 49 U.S.C. § 41732(b)(5).

submitted with an air carrier's proposal or during the community comment period, after proposals are received.

Community and State Comments

The community of Lebanon, as well as the State of New Hampshire, are welcome to submit comments at any time. The Department encourages interested air carriers to contact the community *before* they submit their proposals so that they can tailor them to the air service needs of the community, as they will not be able to amend them after the due date. After the due date, the proposals will be uploaded to www.regulations.gov, thereby making them public. Shortly afterwards, the Department will notify the community of the proposals and ask them to submit their comments by a specific date.

Other Air Carrier Requirements

The Department is responsible for implementing various federal statutes governing lobbying activities, drug-free workplaces, and nondiscrimination.⁷ Consequently, all air carriers receiving subsidy for EAS must certify that they are in compliance with Department regulations regarding drug-free workplaces and nondiscrimination, and those air carriers whose subsidies exceed \$100,000 over the life of the contract must also certify that they are in compliance with the regulations governing lobbying activities. Because the Department is prohibited from paying subsidy to air carriers that do not submit these documents, all air carriers that plan to submit proposals involving subsidy should be aware that the selected air carrier will be required to complete the required certifications. Interested air carriers requiring more detailed information regarding these requirements should contact the Office of Aviation Analysis at (202) 366-5903.⁸

This Order is issued under authority delegated by the Secretary of Transportation in 49 CFR 1.25a(b)(6)(ii)(D) and re-delegated to the Director, Office of Aviation Analysis.

7 The regulations applicable to these areas are: (1) 49 CFR Part 20 – New restrictions on lobbying; (2) 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation – Effectuation of title VI of the Civil Rights Act of 1964; 49 CFR Part 27 – Nondiscrimination on the basis of disability in programs and activities receiving or benefiting from federal financial assistance; and 14 CFR Part 382 – Nondiscrimination on the basis of disability in air travel; (3) 49 CFR Part 32 – Governmentwide requirements for drug free workplace; and (4) 2 CFR Part 1200 – Government-wide debarment and suspension (non-procurement).

8 The certifications are available online under “Reports and Publications” at <http://www.transportation.gov/office-policy/aviation-policy/essential-air-service-reports>.

ACCORDINGLY,

1. The Department requests that air carriers interested in providing Essential Air Service at Lebanon, New Hampshire, submit their proposals, with or without subsidy, no later than July 26, 2022. The proposals should be e-mailed to: Mr. Michael Martin at michael.f.martin@dot.gov and EAS@dot.gov, with the subject line “Proposal to Provide EAS at Lebanon, New Hampshire”;⁹
2. This docket will remain open until further Order of the Department; and
3. The Department will serve this Order on the Airport Manager of Lebanon Municipal Airport, the civic officials of Lebanon, New Hampshire, and the courtesy distribution list for requests for proposals for EAS communities.

By:

TODD M. HOMAN
Director
Office of Aviation Analysis

(SEAL)

An electronic version of this document is available online at www.regulations.gov.

⁹ Questions regarding filings in response to this Order may be directed to Mr. Michael Martin at michael.f.martin@dot.gov.

AREA MAP

Maps generated by the [Great Circle Mapper](#) - copyright © [Karl L. Swartz](#).

Passenger Traffic at Lebanon - April 1, 2019 through March 30, 2022

<u>Year</u>	<u>Quarter</u>	<u>Deplanements</u>	<u>Enplanements</u>	<u>Enplanements per</u>	
					<u>Day</u>
2019	2	2,539	2,534	5,073	32.5
2019	3	2,675	2,773	5,448	34.5
2019	4	2,677	2,798	5,475	34.7
2020	1	<u>1,585</u>	<u>1,673</u>	<u>3,258</u>	<u>21.2</u>
	Annual Totals	9,476	9,778	19,254	30.8
2020	2	287	281	568	3.6
2020	3	867	897	1,764	11.2
2020	4	765	805	1,570	9.9
2021	1	<u>667</u>	<u>743</u>	<u>1,410</u>	<u>9.2</u>
	Annual Totals	2,586	2,726	5,312	8.5
2021	2	1,968	2,035	4,003	25.7
2021	3	2,291	2,367	4,658	29.5
2021	4	2,275	2,347	4,622	29.3
2022	1	<u>1,497</u>	<u>1,633</u>	<u>3,130</u>	<u>20.3</u>
	Annual Totals	8,031	8,382	16,413	26.2

*As a result of the Covid-19 public health crisis that affected the entire U.S., there was a precipitous decline in passenger traffic at LEB from March 2020, through June 2021.

Example of General Terms and Conditions for Essential Air Service

The air carrier understands that it may forfeit its compensation for any flights that it does not operate in conformance with the terms and stipulations of the rate Order, including the service plans outlined in the Order and any other significant elements of the required service, without prior approval. The air carrier understands that an aircraft take-off and landing at its scheduled destination constitutes a completed flight; absent an explanation supporting subsidy eligibility for a flight that has not been completed, such as certain weather cancellations, only completed flights are considered eligible for subsidy. In addition, if the air carrier does not schedule or operate its flights in full conformance with the Order for a significant period, it may jeopardize its entire subsidy claim for the period in question. If the air carrier contemplates any such changes beyond the scope of the Order during the applicable period of these rates, it must first notify the Office of Aviation Analysis in writing and receive written approval from the Department to be ensured of full compensation. Should circumstances warrant, the Department may locate and select a replacement air carrier to provide service on these routes. The air carrier must complete all flights that can be safely operated; flights that overfly points for lack of traffic will not be compensated. In determining whether subsidy payment for a deviating flight should be adjusted or disallowed, the Department will consider the extent to which the goals of the program are met and the extent of access to the national air transportation system provided to the community.

If the Department unilaterally, either partially or completely, terminates or reduces payments for service or changes service requirements at a specific location provided for under this Order, then, at the end of the period for which the Department does make payments in the stipulated amounts or at the stipulated service levels, the air carrier may cease to provide service to that specific location without regard to any requirement for notice of such cessation. Those adjustments in the levels of subsidy and/or service that are mutually agreed to in writing by the Department and air carrier do not constitute a total or partial reduction or cessation of payment.

Subsidy contracts are subject to, and incorporate by reference, relevant statutes and Department regulations, as they may be amended from time to time. However, any such statutes, regulations, or amendments thereto shall not operate to controvert the foregoing paragraph.

Funds may not be available for performance under this Order beyond [DATE]. The Government's obligation for performance under this Order beyond [DATE], is subject to the availability of funds from which payment for services can be made. No legal liability on the part of the Government for any payment may arise for performance under this Order beyond [DATE], until funds are made available to the Department for performance. If sufficient funds are not made available for performance beyond [DATE], the Department will provide notice in writing to the air carrier.

All claims for payment, including any amended claims, must be submitted within 90 days of the last day of the month for which compensation is being claimed. For example, claims for service provided in July must be filed by October 31st; August claims must be submitted by November 30th, and so on.

ESSENTIAL AIR SERVICE AT

Lebanon, New Hampshire



Tecnam P2012 Traveler



Pilatus PC-12



Saab 340B



King Air Super 200



Cessna Grand Caravan

America's Most Reliable Commuter Airline

SOUTHERN

UNDER 49 U.S.C. § 41731 ET SEQ.

BY ORDER 2022-6-14 |

DOT-OST-2003-14822

**Proposal to Provide Subsidized
Essential Air Service**

By Order 2002-6-14, the Department requested proposals from carriers interested in providing Essential Air Service to Lebanon, New Hampshire. Pursuant to that Order, Southern Airways Express LLC ("Southern") cordially submits this proposal.

**Correspondence with regard
to this document should be
addressed to:**

Stan Little
CHAIRMAN & CEO

2875 South Ocean Boulevard,
Palm Beach, Florida, 33480

(901) 672-7820
iFlySouthern.com



iFlySouthern.com

Southern Airways Express hereby offers a proposal to become the air service provider at the Lebanon Municipal Airport. The proposal is for a period of two or four years.

The Southern Story

The first Southern Airways flight departed from Memphis, Tennessee, in June of 2013. At the time, the company owned just two airplanes and employed only three pilots. Now, less than ten years later, it has become one of the largest commuter airlines in the United States, operating over 240 daily departures across six time zones, and establishing itself as a respected national presence in the airline community. Much of Southern's success can be attributed to its targeted expansion of scale and stability, its groundbreaking initiatives to solve the industry-wide pilot shortage, and its operation of the most reliable and modern aircraft.

After having acquired Sun Air International in 2016, and with Southern's Essential Air Service markets receiving near-perfect completion rates in 2019, the opportunity to make another acquisition presented itself. Mokulele Airlines had been in operation in Hawaii since 1994 and was very similar to Southern.

With this acquisition, Southern became one of the largest and most-respected commuter airlines in the country. Since the acquisition of Mokulele, Palm Beach-based Southern Airways has expanded into the Northeast, offering daily routes from the island of Nantucket to three communities in New England. It has also solidified its footprint in Southern California, expanded to the Rocky Mountains, and is the ticketing and call center platform for a seaplane operation conducting flight from Manhattan, the Hamptons, and Boston Harbor.

In 2021, Southern completed over 99.3% of its more than 64,000 scheduled flights and led all commuter airlines in on-time performance.

Spring 2016: Southern doubles in size

Winter 2017: Southern doubles in size

Winter 2019: Southern doubles in size



It's ALL About Pilots, and We Have Them!

Southern Solves the National Pilot Shortage

Entire aircraft fleets have been retired in the past decade, and many American carriers have ceased operations as a direct result of not being able to recruit and retain adequate numbers of crew members. Southern recognized this issue early and began taking steps to position itself for competitive advantage.

Southern's Chairman served as a member of the Department of Transportation Working Group to study these issues and help alleviate the problems related to rural air service. Since that time, Southern has implemented groundbreaking programs to recruit and retain quality pilots, including the *Southern Senior Leadership Program* and the *Southern Airways Pilot Cadet Program*. In addition, the airline has a full-time recruiting staff dedicated to bringing the best and brightest candidates to Southern Airways. The company's pilot corps numbers are among the best in the industry and promise a very positive 2022 and beyond.

As demonstrated by its controllable completion rates which have led the industry since November of 2017, Southern has rarely canceled a flight due to crew availability. Now that the COVID pandemic has subsided and travel has rebounded, a pilot hiring frenzy is taking place at all major carriers and regional airlines. Southern's pilot recruiting and retention strategies have insulated the airline from the adverse effects of the recent pilot shortage trends. In 2021, Southern trained over 150 new pilots—keeping the airline properly staffed for the months and years to come. Southern is the only commuter airline that has a fully-developed pilot pipeline that has kept the pilot corps 100% staffed since November 2017. Since January, Southern has hired almost 120 pilots, setting 2022 up to be the best year for recruitment thus far.



FACEBOOK.COM/IFLYSOUTHERN



INSTAGRAM.COM/FLYSOUTHERN



PINTEREST.COM/IFLYSOUTHERN



TWITTER.COM/IFLYSOUTHERN



YOUTUBE.COM/USER/IFLYSOUTHERN

FUN FACT: Southern will have 30 additional captains by the end of July of 2022 WITHOUT needing to make a single new hire!

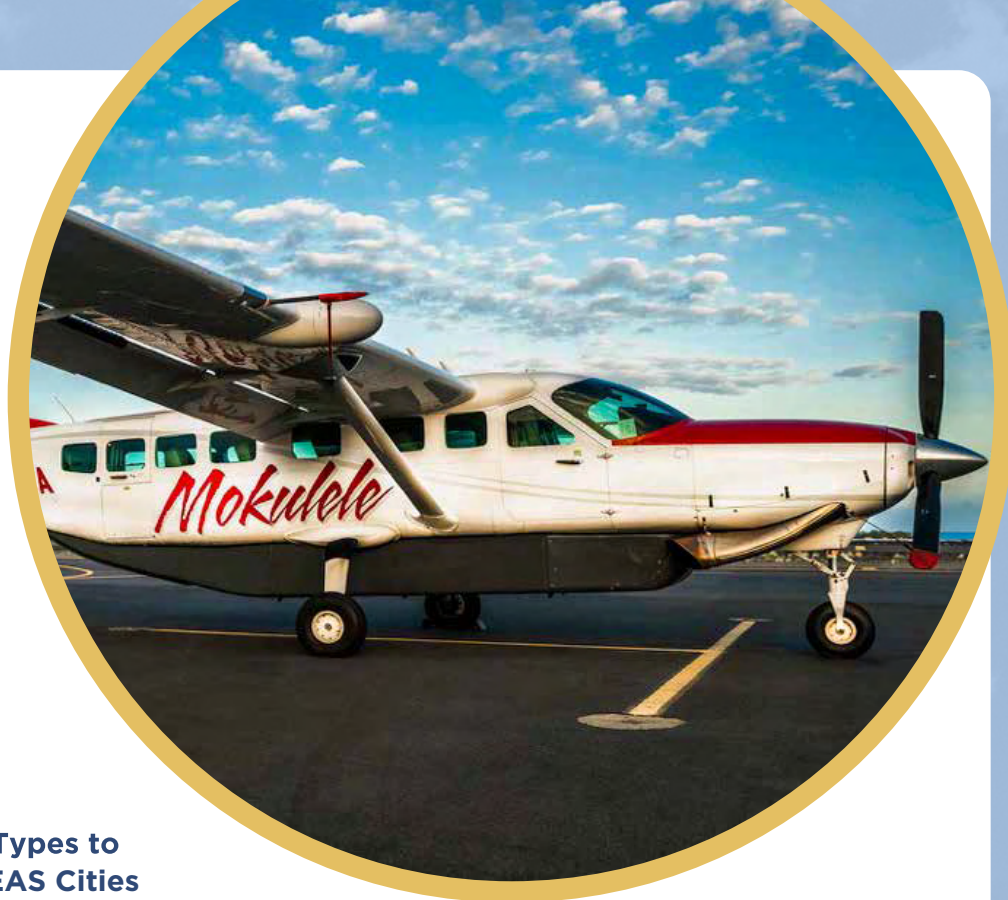
*Southern's Spokes-singer
Sonny McFly performs
the airline's jingle in
its television and radio
commercials as well
entertaining at live
events in communities
served by Southern*

Sonny McFly



*“Voted as the
best Specialty &
Leisure Airline in
the USA”*

— Trip Advisor, April 2019



Southern Offers Multiple Fleet Types to meet the Varying Demands of EAS Cities

Southern Airways has built its reputation of being the most reliable commuter airline in the country by creating captains on the Cessna Grand Caravan. Within the last year, Southern has expanded its operations to include multiple aircraft types. Some communities, due to their distance from the hub airport or topography limitations, need the speed and altitude that only a pressurized aircraft can deliver. Other airports, that are closer to the hubs, can operate a high-frequency schedule on a more efficient and economical aircraft.

The Cessna Grand Caravan

In most markets, Southern intends to continue its reliable, low-fare service by using the 9-passenger turboprop Cessna Grand Caravan. The Caravan is the best 9-seat aircraft in existence to offer a cost-sensitive air solution to Essential Air Service communities. The roomy and comfortable Cessna Grand Caravans have allowed Southern to set enplanement records in many of the communities that we serve. Passengers enjoy the Caravan for the large amount of personal space that each person is afforded as well as for the large cargo pods, that allow for over-sized suitcases, golf clubs, and other larger checked bags.

The Saab 340B

Southern Airways is proud to offer a new aircraft type to the fleet, the time-tested Saab 340. The Southern Saab is a high-performance, twin turbo-prop aircraft perfect for rural communities that have a need for extra lift during certain peak times. This cabin-class, 30-seat aircraft can supplement regular Cessna Grand Caravan service throughout busy travel seasons or during certain day-parts where historical high demand is evident.

The Southern Saabs were obtained initially to support the Mokulele operation in Hawaii, but with increased opportunity in other regions, this aircraft type can provide the perfect blend of regular and enhanced scheduled air service.



Cessna Grand Caravan



Saab - 340B

Southern Airways

By the Numbers

248 Daily Departures

40,000 Monthly Passengers

650 Employees

270 Pilots

50 Aircraft

49
Amazing
Destinations

IN THE MID-ATLANTIC:

Bradford, Penn.

DuBois, Penn.

Lancaster, Penn.

Morgantown, W.Va.

IN NEW ENGLAND

Boston/Harbor, Mass.

Boston/Norwood, Mass.

Bridgeport, Conn.

Hyannis, Mass.

New Bedford, Mass.

Providence, R.I.

IN NEW YORK

East Hampton

Montauk

Shelter Island

IN THE GULF:

Destin, Fla.

Harrison, Ark.

Jackson, Tenn.

El Dorado, Ark.

Hot Springs, Ark.

Jonesboro, Ark.

ON THE WEST COAST

Imperial/El Centro, Calif.

Show Low, Az.

IN THE ROCKIES:

Chadron, Neb.

IN HAWAII:

Hana

Kapalua

Kona

Molokai

Hilo

Kalaupapa

Lānaʻi City

Waimea-Kohala

IN THE FAR PACIFIC:

Guam

Rota

Saipan

Tinian

15 HUB/FOCUS CITIES:

Atlanta

Dallas/Ft. Worth

Denver

Honolulu

Kahului

Los Angeles

Las Vegas

Memphis

Nashville

Nantucket

New York City

Phoenix

Pittsburgh

St. Louis

Washington-Dulles



Morgantown, W.Va.

ALL MAJOR DISTRIBUTION CHANNELS

Southern invests a considerable portion of its marketing budget to promote its service to traditional travel agents and to internet shoppers who purchase tickets through online travel agencies.

MAJOR GLOBAL DISTRIBUTION SYSTEMS:

Sabre
Amadeus
Worldspan
Galileo
Travelport
Apollo

MAJOR ONLINE TRAVEL AGENCY WEBSITES:

Expedia
Travelocity
Orbitz
Kayak
Priceline
Cheaptickets

amadeus

Sabre

Travelport 

KAYAK

ORBITZ

priceline.com

 Expedia


travelocity

Atlanta



Southern's interline partners American, Alaska, and United.

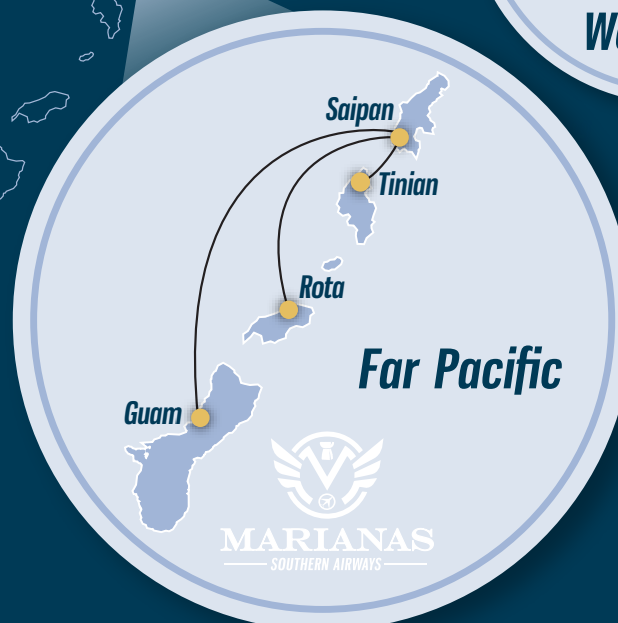
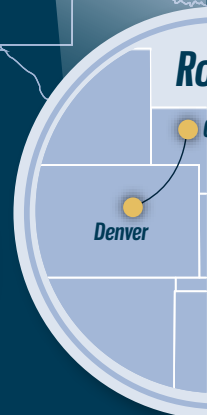
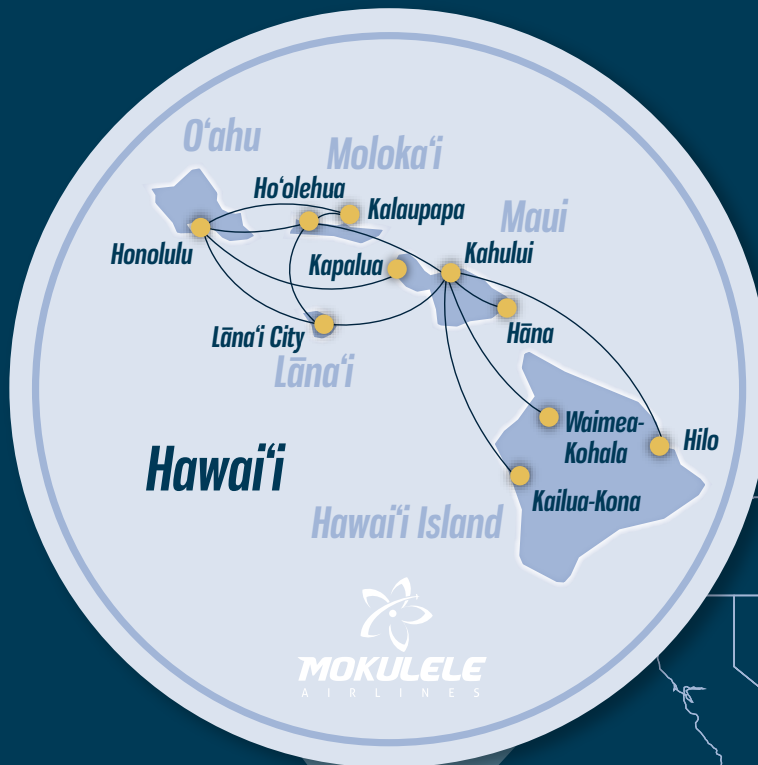
Southern is interline partners with three major airlines. This means seamless ticketing and baggage connections to and from your final destination.

American Airlines 

Alaska®

UNITED 





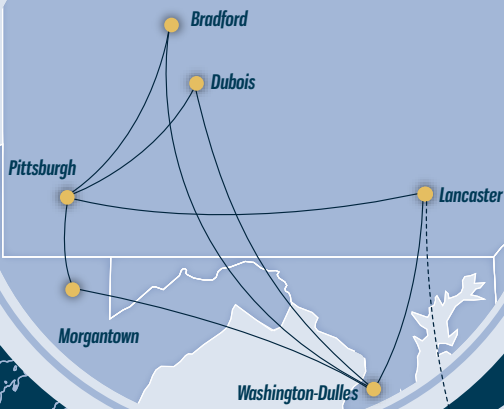
Route Map

Now serving 49 cities with
250 daily departures

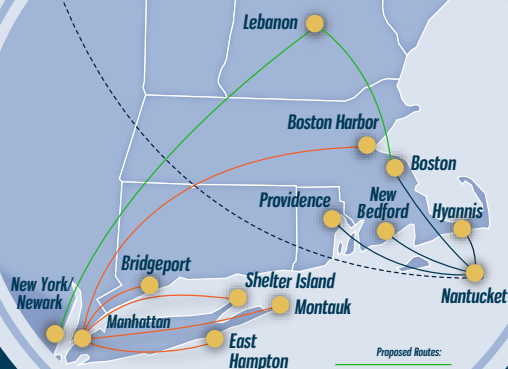
MAP KEY

Weekend

Mid-Atlantic



New York / New England

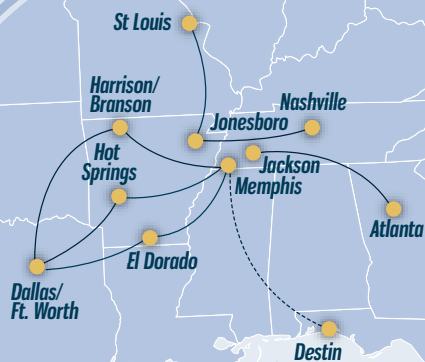


operated by:
TAILWIND
TRAVEL PARTNER

Seaplane routes

Proposed Routes:

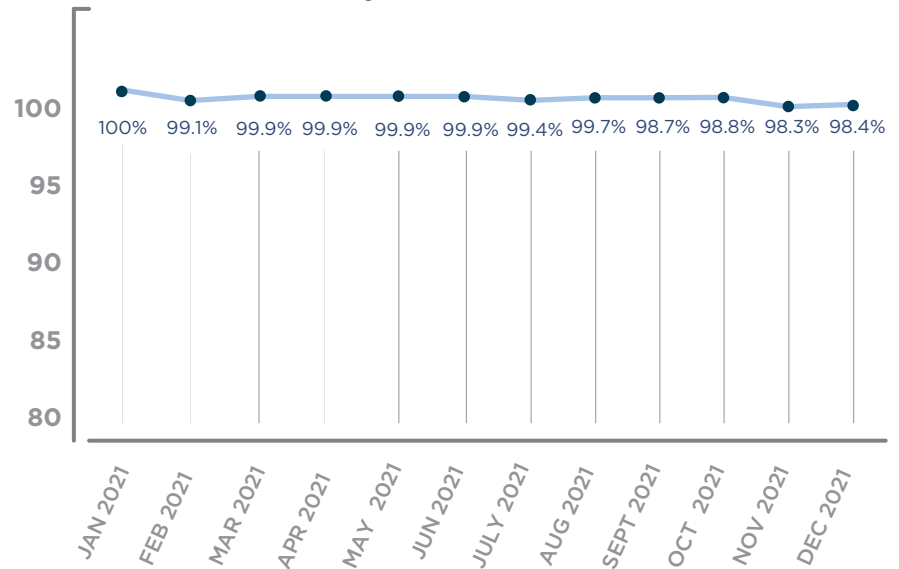
Gulf



Consistency in the Marketplace

Southern has been one of the top-performing EAS airlines in the country with controllable completion rates setting the industry standard. Further, Southern does not compare its on-time performance against other commuter airlines. Instead, Southern compares its operational statistics against the biggest and best in the industry. Both airlines operated by Southern Airways Corporation have been industry leaders in these categories.

**2021 EAS Controllable Completion
(January 2021 - December 2021)**



Hot off the Press!



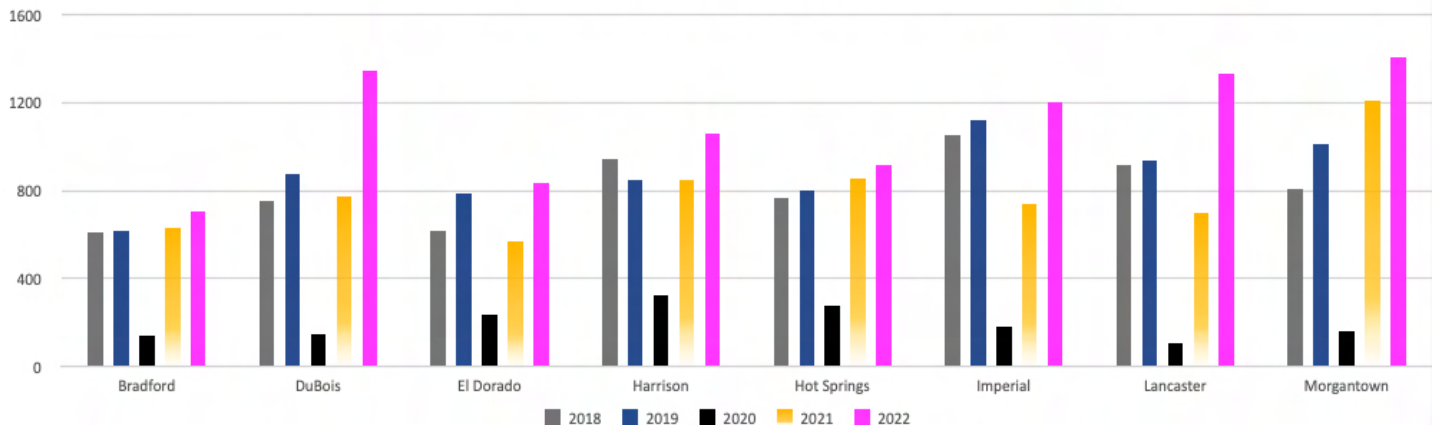
Southern was recently featured in the international magazine Airliner World!

Southern's new in-flight magazine, Cloud 9, hit the sky in November 2020!

Did you know?

Despite having multiple proposals for regional jet service, every Arkansas city selected to stay with Southern for another two years!

Southern Airways Cities See Record May Passenger Counts in 2022



ADDITIONAL ACCOMPLISHMENTS

HARRISON, AR 2018, Over 10,000 passengers for only the third time in the last two decades.

BRADFORD, PA Two consecutive months of record-setting passenger counts (April and May 2022).

MORGANTOWN, WV Eight consecutive months of record-setting passenger counts for Southern. (July 2019 - February 2020).

EL DORADO, AR 2019, The second-highest number of passengers per departure in the last 15 years.

LANCASTER, PA Fiscal Year 2019, The lowest subsidy-per-passenger in five years.

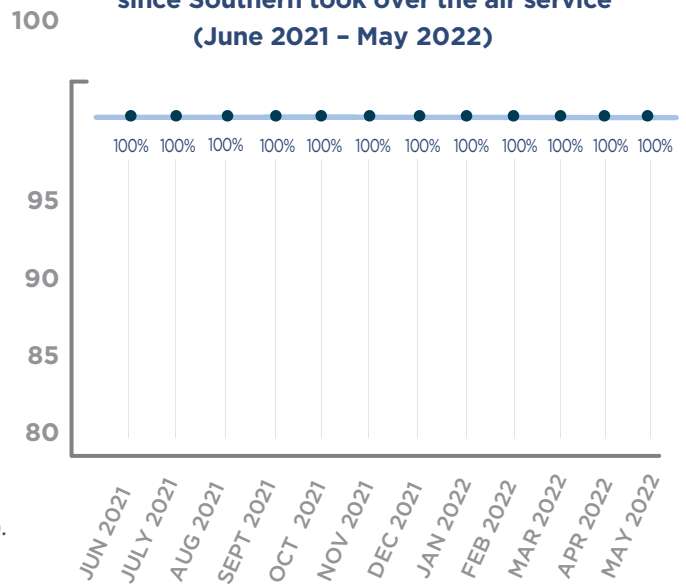
EL CENTRO/IMPERIAL, CA Fiscal Year 2019, Under the \$200 Subsidy Cap.

HOT SPRINGS, AR 2019, Highest passenger count on record.

DUBOIS, PA Highest monthly passenger count of all time (May 2022).

365 Days WITHOUT an Operational Cancel!

Chadron, Nebraska Controllable Completion since Southern took over the air service (June 2021 - May 2022)



Becoming the Best Commuter Airline in America

Southern Airways is the fastest growing airline in America. This explosive rate-of-growth is attributed to many factors. Below are a few of the improvements that Southern has made over the past few years that has positioned the airline to become "The Best Commuter Airline In America."

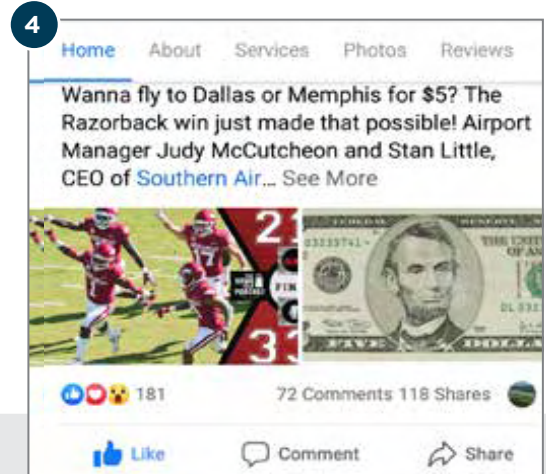
- Southern has secured interline agreements with American, Alaska, and United Airlines.
- Southern developed the most robust pilot recruiting program in the country. As a result of five full years of pilot recruiting, training, and retention, Southern is now poised to provide reliable service for the next decade.
- Southern developed SIREN, a proprietary software program that automatically updates passengers of delays by text, email, and voice.
- Southern moved its crew-basing away from the hubs, an involved process that included the recruiting of new pilots wishing to live in smaller communities. Now completed, this move assures the originating flight to the hubs and the terminating flight into the EAS communities every day.
- Southern implemented online check-in.
- Southern has upgraded all outdated arrival and departure boards at the hometown airports to digital monitors that are updated throughout the day with flight status information.
- In Fiscal Year 2019, Southern brought all of its EAS airports into subsidy compliance.
- Southern joined TSA PreCheck.
- Southern pioneered a passenger intercept data collection and reporting system to provide the local airports and their governing boards with passenger demographic data, including passengers' home ZIP codes and final destinations.
- Southern increased its call center and customer service center to 24 hours per day, 365 days a year.
- **New***
Southern will unveil its custom-designed booking app in summer of 2022, allowing customers to easily book, check-in, and get flight status updates on their iOS or android device.



SOUTHERN: The Airline for Your Community



1. Mississippi State fans ringing cowbells on the Southern Airways MD-80 charter to Miami for the Orange Bowl!
2. One of Southern's trademark customer appreciation ramp parties
3. Southern sponsors community events throughout the year
4. Southern engages the local airports, like when we bet the Harrison. Arkansas airport director on the outcome of the 2020 Ole Miss versus Arkansas football game... and lost! Southern sold \$5.00 tickets to Dallas for losing.



ExpressPass

CARECONNECTOR

**COMMUNITY
CONNECTOR**

CampusConnection

ENPLANEMENT INITIATIVES

Southern Airways has developed a number of proprietary business development and enplanement initiatives that can be customized to each marketplace. Many of these programs have already been launched across the Southern system. Full implementation of the Initiative Suite will happen in 2022 in all Southern Airways markets.

Fueling the Local Economy

Southern is committed to being a good airport partner and an asset not just to the aviation community, but to the entire area as a whole. To this extent, Southern pledges to purchase as much competitively-priced fuel in its hometown airports as weight and balance restrictions allow.

From a finance prospective, Southern's obligation as the EAS provider must be to operate as cost-effectively as possible in an effort to manage the subsidy. If while doing so, Southern can also purchase fuel in the out-stations, then both the airline and the local community benefit.



AS THE FOLLOWING BIDS ARE BEING REVIEWED, PLEASE CONSIDER:

Southern's commitment to reliable service and long-term sustainability is evidenced by its commitments to the hometown airports. Through solving problems related to the National Pilot Shortage, creating interline partnerships, and providing consistent executive level "boots on the ground," Southern has developed a strong platform for growth in all of its communities.

Southern Airways Express believes that our proposal will provide an unsurpassed level of service, grow enplanements, seamlessly connect passengers to the world's transportation infrastructure, and provide the local community with a sustainable airline partner for both the local passengers and the visitors traveling to the community. Southern further believes that it is the right partner to deliver the above benefits while also maintaining compliance with all Department of Transportation requirements for continued participation in the Essential Air Service program.

Respectfully submitted,

R. Stan Little Jr.
Chairman & Chief Executive Officer
Southern Airways Express, LLC



Lebanon Proposal

	Option A	Option B
	C-208	C-208
Annual Round Trips		
LEB-BOS	35	28
LEB-EWR	7	14
Total	42	42
Operating Revenues		
LEB-BOS	\$1,612,548	\$1,342,210
LEB-EWR	\$466,032	\$970,140
Total Operating Revenues	\$2,078,580	\$2,312,350
Operating Expenses		
Flying Operations	\$2,807,184	\$2,842,326
Fuel and Into Plane	\$1,581,902	\$1,767,864
Maintenance	\$1,005,081	\$1,115,772
Aircraft	\$712,500	\$712,500
Indirect	\$521,123	\$521,892
Total Operating Expenses	\$6,627,790	\$6,960,355
Operating Loss	\$4,549,210	\$4,648,005
Profit Element (5%)	\$331,389	\$348,018
Compensation Required	\$4,880,599	\$4,996,023
Compensation per Pax	\$199	\$196
Compensation per Departure	\$1,134	\$1,161
Annual Seats	38,736	38,736
Annual Passengers	24,500	25,500
Load Factor	63%	66%
Departures	4,304	4,304
Average Fare	\$85	\$91
Completion Factor	98.5%	98.5%
Compensation Required Year 1	\$4,880,599	\$4,996,023
Compensation Required Year 2	\$5,002,614	\$5,120,924
Compensation Required Year 3	\$5,127,680	\$5,248,947
Compensation Required Year 4	\$5,255,871	\$5,380,170

SCHEDULE:

Upon the community's selection of the preferred option, Southern will work with local officials to develop an optimized flight schedule.

STATUS	VENDOR	VENDOR	PROJECTED SPEND
Proposed	Local Newspaper	Newspaper	\$3,000
Proposed	Television	Cable/Broadcast	\$4,000
Proposed	Local Radio	Radio	\$5,000
Proposed	Enhanced Digital	Digital	\$3,000
Proposed	Community Sponsorships	Chamber, CVB, Etc	\$6,000
Proposed	Customer Appreciation Party	Live Airport Event	\$4,000
Total			\$25,000



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Sonny McFly



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INSTAGRAM.COM/IFLYSOUTHERN



PINTEREST.COM/IFLYSOUTHERN



TWITTER.COM/IFLYSOUTHERN



YOUTUBE.COM/USER/IFLYSOUTHERN



iFlySouthern.com

July 26, 2022



Proposal of Hyannis Air Service, Inc. dba Cape Air to provide Essential Air Service for:

Lebanon, NH To/From **Boston** and **New York City**

Via Westchester County Airport; With codeshare of JetBlue Airways

Docket DOT-OST-2003-14822



Cape Air

A proven partner for
Lebanon, NH



- ✓ Multi-engine aircraft
- ✓ Service to Boston—a large local market *and* major global gateway
- ✓ Seamless connectivity: interlines with all legacy airlines
- ✓ Efficient access to NYC via White Plains



Hyannis Air Service, Inc., dba Cape Air
Attn: Andrew Bonney, SVP Planning
660 Barnstable Road, Hyannis, MA 02601
(508) 862-9719



Cape Air Fast Facts



The Cape Air team appreciates your support!

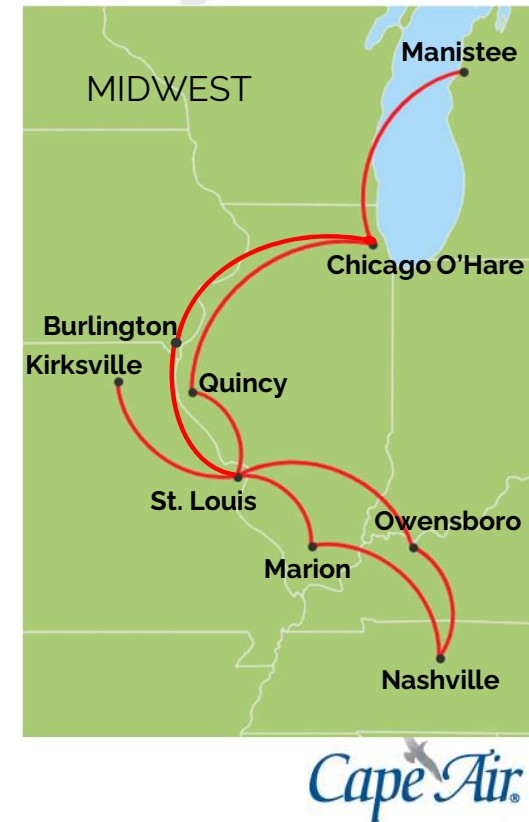
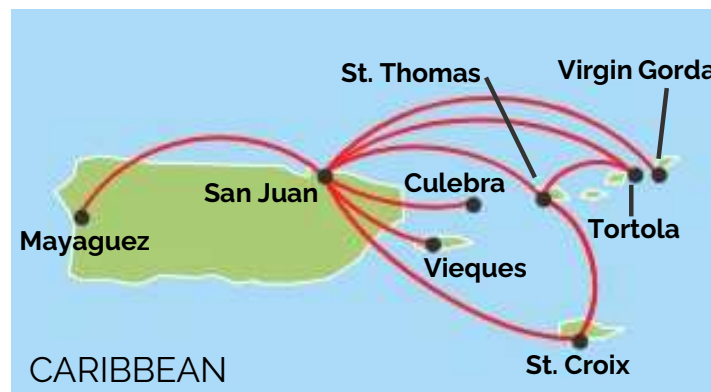
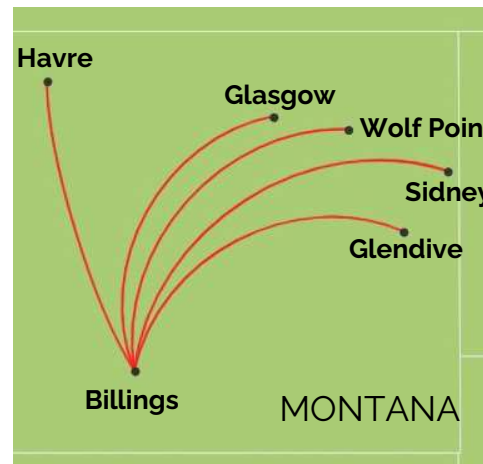


- Started scheduled airline service in 1989 to/from Boston
- 104 aircraft in the fleet
- 37 cities served
- 700 employees
- Flying 500,000+ passengers per year
- New England-based company



Cape Air Route Maps

July 2022 schedule



Cape Air

Maps not to scale

Featuring

World class distribution

- ✓ Codeshare with JetBlue Airways
- ✓ Interline with all legacy airlines
- ✓ Distribution through major online travel agencies
- ✓ Hosted in Amadeus reservation system



Airline Partners

Cape Air connects with:



Cape Air's partnership with JetBlue enables Lebanon to be on jetblue.com



jetBlue

LEB → FLL | Sep 27 | 1 Traveler | ▾

Sign in

🛒

Explore fares

Economy

Business

First Class

Prices displayed are one-way per person including [taxes and fees](#). [Additional baggage fees](#) may apply. Flights operated by partner airlines can only be paid using credit cards. The order of flights displayed is not neutral with respect to carrier identity; lowest priced JetBlue flights are displayed first, followed by codeshare and interline partner-operated flights, prioritized by price and schedule.

Select your flight

The trip you've selected includes options for flights operated by one of our partners.

Sort ▾

Departing

4:45pm
LEB

▶

5:40pm
BOS

55m
Flight 5173

Economy

Cape Air

Operated by:
Cape Air

Layover 2h 10m – BOS

7:50pm
BOS

▶

11:05pm
FLL

3h 15m
Flight 769

Economy

jetBlue

Total Travel 4h 10m

\$182

one-way

Select

Departing

The Cape Air logo, featuring the brand name in a blue serif font with a stylized bird icon above the letter 'A'.

Page 80 of 97

Connecting itineraries are also available on aa.com...



American Airlines

Plan Travel

Travel Information

AAdvantage

Home Log in English

Search AA.com

Choose flights

Sort by: Total travel time

Main Cabin

First

LEB 1:18 PM → MIA 8:50 PM 7h 32m [1 stop](#)

LEB - BOS 9K 1876 CNA-Cessna (Light)
Operated by Cape Air

BOS - MIA AA 1982 738-Boeing 737



One way
\$212
1 seat left

One way
\$506
1 seat left

Cape Air

...And united.com...

 **UNITED**

English - United States \$ Search SIGN IN MENU

Washington IAD Lebanon LEB Oct 26 Money Miles Update or Advanced Search

Depart: Washington, DC, US to Lebanon, NH, US

Fares are for the entire one-way trip, per person. Fare attributes apply to flights operated by United and United Express®.

1 United flights may be listed first.

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\$250 statement credit
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Sort and filter

Sun 10/23 \$207	Mon 10/24 \$172	Tue 10/25 \$163	Wed 10/26 \$163	Thu 10/27 \$182	Fri 10/28 \$172	Sat 10/29 \$172
---------------------------	---------------------------	---------------------------	---------------------------	---------------------------	---------------------------	---------------------------

Flight Info

Depart on Oct 26, 2022

Economy

✓ Choose your seat

Economy

(fully refundable)

✓ Choose your seat

First

(2-cabin)

✓ Extra-spacious seat

1 STOP 8:33 AM IAD ----- 5H, 9M ----- LEB BOS—2H, 35M Includes Travel Operated By Cape Air Details Seats	\$163	\$273	\$262 5 tickets left at this price Mixed cabin
2 STOPS 7:15 AM IAD ----- 2H, 35M ----- LEB	\$172	\$282	\$271 2 tickets left at this price



...And delta.com

 **ATL - LEB** | One Way | Sep 27 | 1 Passenger | **MODIFY**

SIGN UP | LOG IN |  | 

One Way ATL · LEB

Show Price In: \$ USD | Miles | Miles + Cash

Sort & Filter

Limited Time Offer

Earn a welcome offer starting at a \$200 Statement Credit plus 50,000 Bonus Miles with a Delta SkyMiles® American Express Card. See your personalized card offer on the Trip Summary page at Checkout.

Eligibility and terms apply.





Tue, Sep 27, 2022

Price includes taxes and fees. Baggage fee may apply. Services and amenities may vary or change.

LOWEST FARE | FASTEST

DL415, 9K1875¹

5h 7m

8:35am

✈

1:42pm

ATL

BOS 1h 33m

LEB

¹ 9K 1875 is operated by Cape Air.

Details | Seats

Main Economy

\$294

One Way

2 left at this price



Featuring a Boston hub



- ✓ 4 daily non-stop flights to/from Boston Logan Airport
- ✓ 91 domestic non-stop destinations
- ✓ 50 international non-stop destinations
- ✓ Top 10 metropolitan area in the United States
- ✓ Collocated in terminal with JetBlue, Boston's largest carrier



Boston has non-stop service to 141 destinations, making Logan Airport a great hub for Lebanon



Boston's non-stop destinations 2022

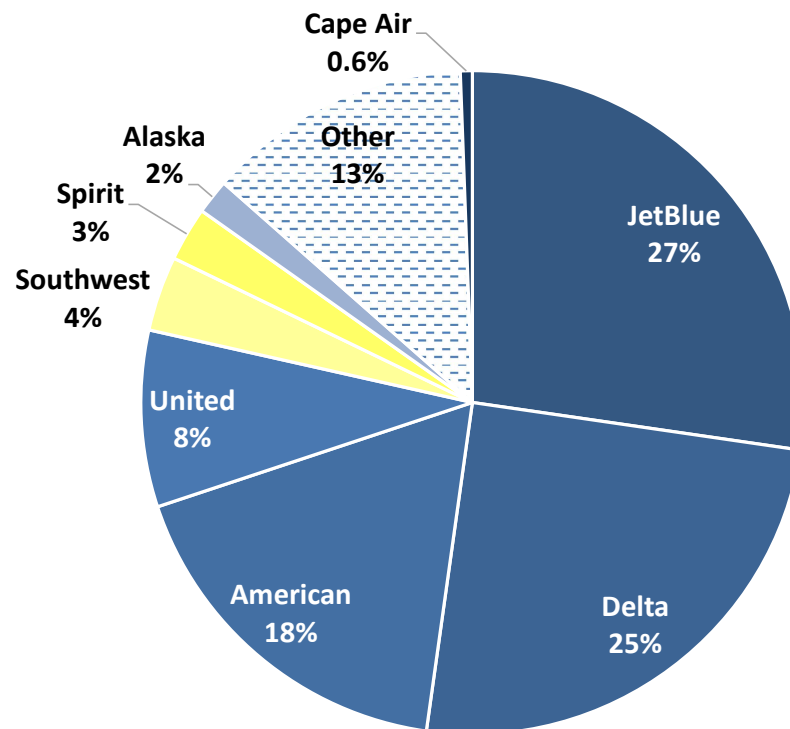
City	Code	Seats	City	Code	Seats	City	Code	Seats	City	Code	Seats	City	Code	Seats
1 Washington, DCA	DCA	1,165,914	29 San Juan, PR	SJU	269,567	57 New Orleans, LA	MSY	108,254	85 Copenhagen, Denmark	CPH	32,342	113 Philipsburg, Sint Maarten	SXM	12,042
2 Chicago ORD	ORD	950,839	30 Houston IAH	IAH	269,473	58 Doha, Qatar	DOH	105,938	86 Asheville, NC	AVL	32,036	114 Barbados	BGI	11,598
3 Atlanta, GA	ATL	822,083	31 Paris, France	CDG	239,659	59 Kansas City, MO	MCI	105,231	87 Marthas Vineyard, MA	MYV	31,006	115 Augusta, ME	AUG	11,106
4 New York LGA	LGA	806,167	32 Toronto, ON YYZ	YYZ	231,854	60 Milwaukee, WI	MKE	97,762	88 Barcelona, Spain	BCN	30,458	116 Bangor, ME	BGR	10,716
5 Orlando, FL	MCO	783,380	33 Washington IAD	IAD	230,167	61 Montreal, QC	YUL	96,574	89 Charlotte Amalie, VI	STT	26,479	117 Terceira, Portugal	TER	9,978
6 Miami, FL	MIA	780,746	34 Austin, TX	AUS	226,545	62 Zurich, Switzerland	ZRH	96,184	90 Montego Bay, Jamaica	MBJ	23,396	118 Rutland, VT	RUT	9,855
7 Philadelphia, PA	PHL	739,988	35 San Diego, CA	SAN	212,022	63 Munich, Germany	MUC	94,379	91 Nassau, Bahamas	NAS	23,224	119 Valparaiso, FL	VPS	8,826
8 Charlotte, NC	CLT	713,148	36 St. Louis, MO	STL	211,647	64 Santo Domingo, DR	SDQ	85,008	92 Norfolk, VA	ORF	23,131	120 Atlantic City, NJ	ACY	8,042
9 Los Angeles, CA	LAX	704,168	37 Salt Lake City, UT	SLC	211,494	65 Myrtle Beach, SC	MYR	83,507	93 Sacramento, CA	SMF	22,144	121 San Jose, CA	SJC	7,980
10 New York JFK	JFK	703,417	38 Amsterdam, Netherlands	AMS	209,410	66 Savannah, GA	SAV	80,326	94 Knoxville, TN	TYS	21,246	122 Traverse City, MI	TVC	7,600
11 San Francisco, CA	SFO	702,838	39 Chicago MDW	MDW	204,378	67 Santiago, DR	STI	73,156	95 Edinburgh, UK	EDI	21,152	123 Sao Paulo, Brazil	GRU	7,560
12 Newark, NJ	EWR	654,958	40 Pittsburgh, PA	PIT	188,560	68 Portland, OR	PDX	71,464	96 London, LGW	LGW	20,700	124 Bozeman, MT	BZN	7,452
13 London, LHR	LHR	576,310	41 Richmond, VA	RIC	179,772	69 Rochester, NY	ROC	70,700	97 Athens, Greece	ATH	19,631	125 Saranac Lake, NY	SLK	7,101
14 Dallas/Ft. Worth, TX	DFW	573,935	42 Reykjavik, Iceland	KEF	178,149	70 Madrid, Spain	MAD	70,166	98 Panama City, Panama	PTY	19,594	126 St. Lucia, St. Lucia	UVF	7,090
15 Denver, CO	DEN	488,850	43 Cincinnati, OH	CVG	174,604	71 Seoul, Korea	ICN	62,918	99 Providenciales	PLS	18,064	127 Puerto Plata	POP	6,966
16 Fort Lauderdale, FL	FLL	487,712	44 Cleveland, OH	CLE	153,784	72 Honolulu, HI	HNL	58,380	100 Key West, FL	EYW	17,940	128 Pensacola, FL	PNS	6,520
17 Seattle, WA	SEA	452,719	45 Frankfurt, Germany	FRA	149,419	73 Sarasota, FL	SRQ	58,196	101 Vancouver, BC	YVR	17,576	129 Liberia, Costa Rica	LIR	5,748
18 Baltimore, MD	BWI	444,046	46 Jacksonville, FL	JAX	143,821	74 Punta Cana	PUJ	56,988	102 Halifax, NS	YHZ	16,570	130 Massena, NY	MSS	4,896
19 Minneapolis, MN	MSP	405,736	47 Indianapolis, IN	IND	142,257	75 Tokyo, Japan	NRT	55,185	103 Wilmington, NC	ILM	16,036	131 Calgary, AB	YYC	4,860
20 Detroit, MI	DTW	393,854	48 Cancun, Mexico	CUN	140,474	76 Shannon, Ireland	SNN	54,280	104 Grand Rapids, MI	GRR	15,618	132 Hyannis, MA	HYA	4,005
21 Tampa, FL	TPA	377,168	49 Aruba, Aruba	AUA	138,773	77 Ponta Delgada, Portugal	PDL	53,406	105 Harrisburg, PA	MDT	15,400	133 Hayden, CO	HDN	3,888
22 Raleigh/Durham, NC	RDU	333,841	50 Dubai, UAE	DXB	126,187	78 Buffalo, NY	BUF	47,462	106 Bar Harbor, ME	BHB	15,120	134 Grand Cayman	GCM	3,448
23 Fort Myers, FL	RSW	319,588	51 Charleston, SC	CHS	124,339	79 Nantucket, MA	ACK	47,220	107 Louisville, KY	SDF	15,064	135 Port Au Prince, Haiti	PAP	2,106
24 Phoenix, AZ	PHX	313,132	52 Columbus, OH	CMH	121,570	80 San Antonio, TX	SAT	46,798	108 Memphis, TN	MEM	14,364	136 Houston HOU	HOU	1,543
25 Las Vegas, NV	LAS	287,586	53 Lisbon, Portugal	LIS	116,156	81 Tel Aviv, Israel	TLV	46,201	109 Provincetown, MA	PVC	13,437	137 Hilton Head, SC	HHH	1,444
26 Nashville, TN	BNA	287,122	54 Toronto, ON YTZ	YTZ	112,924	82 Syracuse, NY	SYR	45,550	110 Flint, MI	FNT	13,392	138 Palm Springs, CA	PSP	972
27 Dublin, Ireland	DUB	281,504	55 Rome, Italy	FCO	112,786	83 Hong Kong	HKG	34,886	111 Lebanon, NH	LEB	13,140	139 Portland, ME	PWM	918
28 West Palm Beach, FL	PBI	275,858	56 Istanbul, Turkey	IST	108,840	84 Hamilton, Bermuda	BDA	34,706	112 Rockland, ME	RKD	12,366	140 Green Bay, WI	GRB	150
												141 Greer, SC	GSP	76

Source: OAG 2022

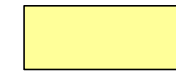
Cape Air connects with more than 80% of the seats at Boston Logan



Boston Logan seat share
2022



Blue shading indicates
Cape Air connect partner



Yellow shading indicates
not yet a connect partner



Cape Air also proposes 2x daily access to New York City via Westchester County Airport (HPN), including complimentary ground transportation between HPN and Manhattan



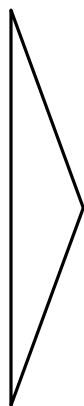
Exclusive Cape Air ground transfers between Westchester County Airport and Manhattan



Cape Air participates in TSA's PreCheck program



TSA Pre✓™



With TSA Pre✓® you **don't** need to remove:



SHOES



LAPTOPS



3-1-1 LIQUIDS



BELTS



LIGHT JACKETS

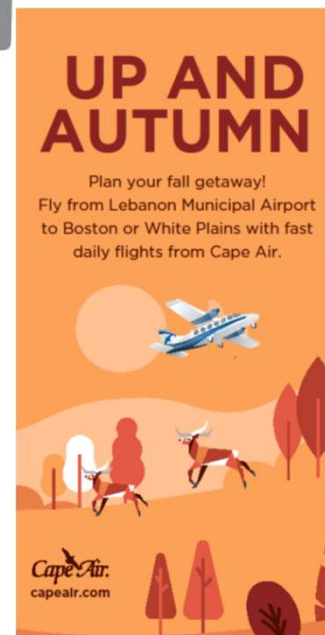
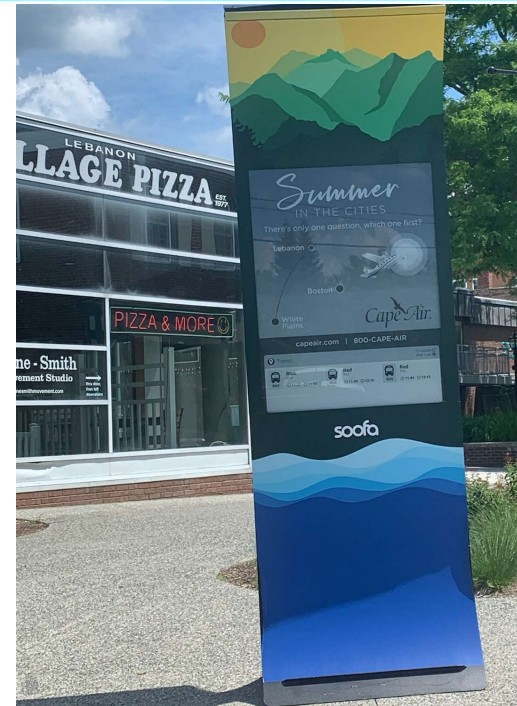


Cape Air's marketing department specializes in small community air service marketing and communicating Cape Air's many strengths



The marketing plan for Lebanon includes:

- ✓ Targeted SEM, SEO and digital display
- ✓ Traditional mediums:
print/outdoor/radio/TV/streaming/social platforms
 - ✓ Upper Valley Discovery Map, Valley News, Okemo Valley Magazine
 - ✓ Catamount Radio, NHPR, Great Eastern Radio
 - ✓ SOOFA Digital Sign Displays
- ✓ Partnerships with Upper Valley Chamber, local businesses, and arts community
- ✓ Leveraging UGC to inspire travel
- ✓ Cape Air has an in-house professional marketing team



Make the most of summer.

You deserve a change of scenery. Land a low fare from Cape Air.



Cape Air.

Cape Air.

Cape Air proposes service in our fleet of new twin-engine Tecnam Travellers



Cape Air's Tecnam Traveller



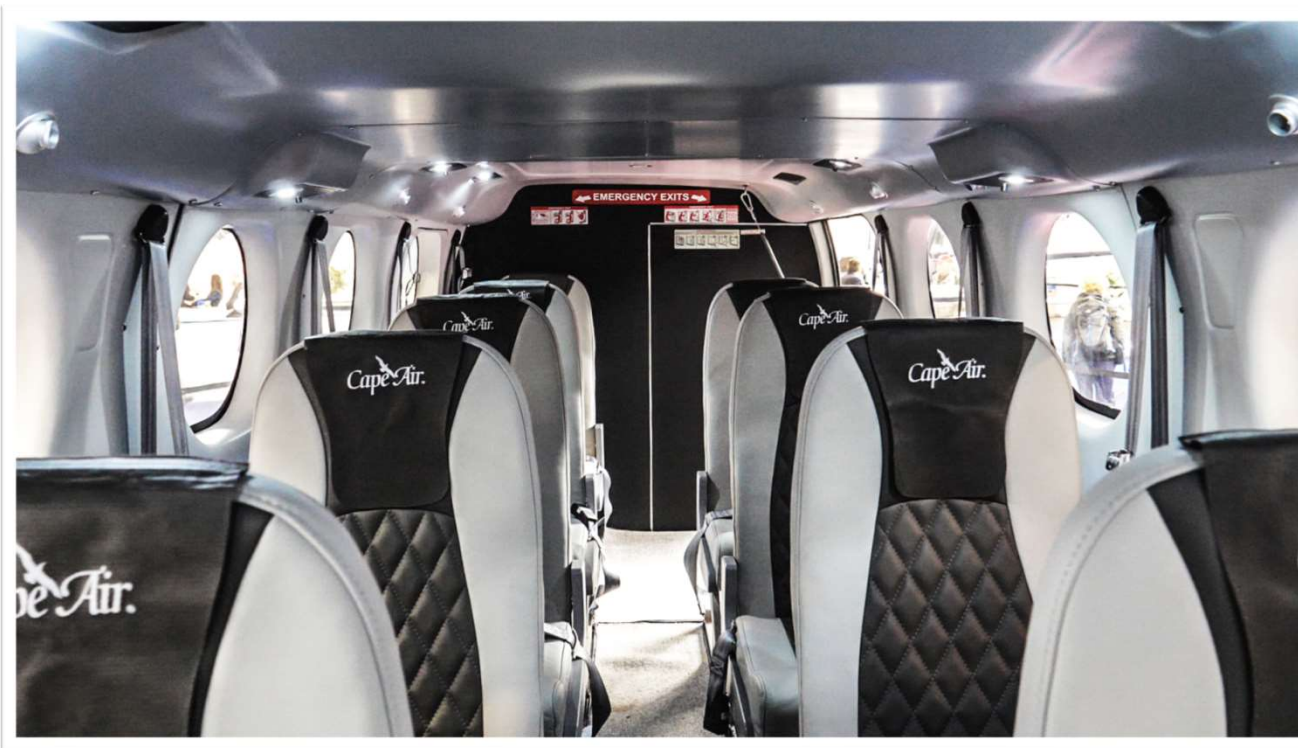
Features

- **Two engines, for safety**
- 9 passenger seats*
- 2 pilot seats, and certificated for single pilot operations
- Italian leather seats
- Air conditioning
- LED lighting
- USB ports



*Flights may be restricted to 8 selling seats

The Traveller was custom designed by Cape Air and Tecnam for commuter air service



Highlights

- The first new purpose-designed commuter twin in 40 years
- Electronically controlled engines
- Glass cockpit
 - Garmin G1000 Nxi avionics
- Spacious cabin with 9 single seats



The cockpit features Garmin G1000NXi



Cape Air

Cape Air is pursuing a green future, having put cash deposits down on 75 Eviation Alice electric aircraft



The Cape Air difference: Multi-engine aircraft, connectivity, and Manhattan!



- **Multi-engine** aircraft
 - Brand new Tecnam P2012 Travellers
- **JetBlue** codeshare
- **Collocated with JetBlue**, Boston's largest carrier
- **Prime gate** location at Boston Logan
- Dedicated community partner
 - Robust **marketing budget: \$65,000**
- **Interline** partnerships with:
 - Alaska
 - American
 - Delta
 - Hawaiian
 - JetBlue
 - United
 - And more!
- **TSA PreCheck**
- Planes and pilots **based in Lebanon**

**Cape Air is honored to be the airline for
Lebanon Municipal Airport!**



Cape Air's proposal: 4x daily BOS + 2x daily NYC via HPN



Drivers

	Route	
	BOS-LEB	LEB-HPN
Stage (naut. miles)	97	164
Seats per Dpt	9	9
Sched. RTs/Day	4.0	2.0
Annual Actual Dpts	2,832	1,416
PDEW	18.0	9.6
Pax/Dpt	4.6	5.0
Load Factor	58%	62%
Annual Passengers	13,142	7,024
Avg. Net Fare	\$63	\$110
Passenger Rev	\$831,831	\$772,679

4-year option
preferred

Expenses

Two-year term; discount for 4-year term, preferred, is noted below

	BOS-LEB	LEB-HPN	Total
Fuel	\$903,515	\$698,792	\$1,602,307
Maintenance	\$849,071	\$658,842	\$1,507,913
Pilots	\$242,295	\$197,735	\$440,030
Ownership	\$613,428	\$500,613	\$1,114,041
Stations	\$829,620	\$476,384	\$1,306,004
Marketing	\$42,663	\$22,337	\$65,000
De-icing	\$15,544	\$7,772	\$23,315
General & Admin./Other	\$112,700	\$431,094	\$543,794
Operating Expense	\$3,608,836	\$2,993,569	\$6,602,404
Return of 5%	\$189,939	\$157,556	\$347,495
Economic Expense	\$3,798,774	\$3,151,125	\$6,949,899
Passenger Revenue	\$831,831	\$772,679	\$1,604,509
Profit	(\$2,966,944)	(\$2,378,446)	(\$5,345,390)
Subsidy Required	\$2,966,944	\$2,378,446	\$5,345,390
Per Departure	\$1,048	\$1,679	\$1,258
4-Year discount			
Subsidy Required	\$2,901,077	\$2,325,645	\$5,226,722
Per Departure	\$1,024	\$1,642	\$1,230

Year 1
Year 1

Note: Please see escalation factors subsequent slide

To align revenue with costs, Cape Air proposes escalation factors



Annual subsidy including escalation

Preferred

Two-year reselection	<u>BOS-LEB</u>	<u>LEB-HPN</u>	<u>Total</u>
Year 1	\$2,966,944	\$2,378,446	\$5,345,390
Year 2	\$3,204,299	\$2,568,722	\$5,773,021
Four-year reselection			
Year 1	\$2,901,077	\$2,325,645	\$5,226,722
Year 2	\$3,133,164	\$2,511,696	\$5,644,860
Year 3	\$3,383,817	\$2,712,632	\$6,096,449
Year 4	\$3,654,522	\$2,929,642	\$6,584,164



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