

FINAL

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

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

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

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

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

Timothy J. McNamara Mayor, City of Lebanon

- Native American Heritage Month (Proclamation)

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

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

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

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

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

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

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

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

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

Timothy J. McNamara Mayor, City of Lebanon

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

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

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

7. APPOINTMENTS: NONE**8. PUBLIC HEARING ITEMS:**

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

Included in the agenda packet:

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

BACKGROUND

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

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

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

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

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

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

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

Mayor McNamara stated this is intended to apply to only those sites that do not have the ability to detain and treat stormwater on site. These are largely smaller, undeveloped lots, and single/two family lots in existing neighborhoods. One of the reasons for this is to try to encourage infill development and discourage, to the extent we can, green fields development. This is intended to be for those little lots where there is not any potential on site to detain/retain stormwater and where the only option is to connect to the City Stormwater System. Projects of any significant size (over 100,000 square feet) are subject to State Law (NH RSA 485(a):17), which is a site specific regulation that specifically requires detention and treatment of stormwater. This does not obviate any of the existing regulations on stormwater.

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

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

ACTION:

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

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

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

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.

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

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

Amendments are listed below in **RED**. Language to be omitted are listed with a ~~strike through~~.

**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

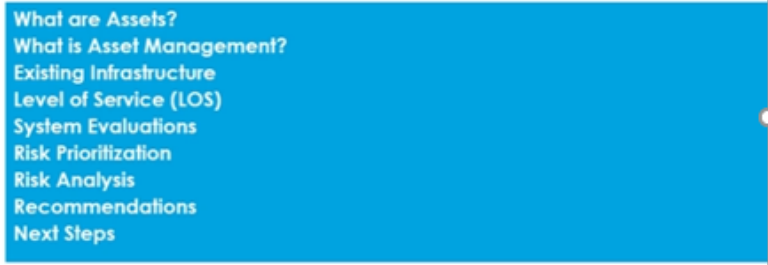
Included in the agenda packet:

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:



- What are Assets?
- What is Asset Management?
- Existing Infrastructure
- Level of Service (LOS)
- System Evaluations
- Risk Prioritization
- Risk Analysis
- Recommendations
- Next Steps

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

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	Hanover capacity flows and management
		MGD under Hanover's limit (MGD/Hanover's MGD limit)
		Odor complaints (Enfield area)
		Number of odor complaints (#/year)
System Reliability	Asset Reliability	Rate adjustments
		Cost to average user (% increase/year)
		GIS data
		Updates/CMMIS push (#/year)
	Operational Performance	Organizational data management improvements
		Made available to field staff (yes/no)
	Resource 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)



Level of Service – Stormwater Objectives

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

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	F	Rt or PM Schedule
B	Priority R&R	F	Run to Fail
C	Add PdM 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

11

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 A	Group B	Group B	Group C	Group C	Group D	Group D	Group E	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 A	Group B	Group B	Group C	Group C	Group D	Group D	Group E	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

Council and Public Questions/Comments:

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

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

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

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

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

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

ACTION:

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

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

Included in the agenda packet:

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

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

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

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

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

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

ACTION:

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

Seconded by Councilor Simon.

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.

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

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

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

Included in the agenda packet:

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

BACKGROUND

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

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

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

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

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

Councilors Simon and Wilkie concurred with Councilor Heistad.

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

ACTION:

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

Seconded by Councilor Heistad.

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

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

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

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)***

E. Discussion of possible endorsement of federal House Bill 3172 aka the “HELPER Act of 2021”

Included in the agenda packet:

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

BACKGROUND

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

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

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

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

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

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

ACTION:

No Action taken by the Council

11. City Manager Report:

City Manager Shaun Mulholland updated the Council on the following:

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

Councilor Sykes was absent.

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

The meeting was adjourned at 9:23PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary