

Minutes were approved on April 10, 2023.

**CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
PUBLIC WORKS COMMITTEE
6:00 P.M.**

3/13/2023 - Minutes

1. CALL TO ORDER

Chairman Haynes called the meeting to order at 6:03 PM

2. SALUTE TO THE FLAG

Chairman Haynes led the salute to the flag

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

Clerk Gargano called the roll of the following councilors: Chairman Haynes, Councilor Felch, Councilor Soucy via Zoom.

Councilor Soucy confirmed he was out of the Country on Business and was in the room alone. Since Councilor Soucy participated via zoom, all votes during this meeting will be done by roll call vote.

5. STAFF IN ATTENDANCE

City Manager Kirk Beattie and DPW Director Wes Anderson

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.A. Approval of draft Public Works Subcommittee minutes of August 25, 2022

Minutes of the Public Works Subcommittee meeting of August 25, 2022 were distributed to the Subcommittee members on August 26, 2022.

With no corrections or changes submitted, the minutes were accepted as distributed.

7. PUBLIC WORKS (Haynes (Chair), Felch, Soucy)

7.A. Proposed changes to the City's Code of Ordinances, Chapter 189, Sewers

In 2022 Public Works proposed a change to the City's Sewer Ordinance so that the Ordinance and the system itself would meet the City's Environmental Protection Agency (EPA) Permit and align with the Winnepesaukee River Basin Program (WRBP) sewer use rules and NH Department of Environmental Services' suggested model sewer ordinance. The sewer collection system in the City, both public and private, must meet the permit's requirements, WRBP rules and NH DES requirements.

On March 28, 2022, the City Council held a public hearing on the proposed changes to the City's Sewer Ordinance. The public hearing was continued to date to be determined by the Council.

Part of the Council's guidance after the public hearing was for Public Works to develop a proposal for the Sanitary Sewer Fund to pay for and coordinate the cleaning and inspection of the private sewers. The owners of private sewer systems would be responsible for meeting the remaining EPA requirements.

The City Council, as part of the sewer rate increase approved on February 13, 2023, funded the cleaning and inspection program for private sewers beginning in FY2025. The inspection program, however, is only one of the tasks that must be performed by collection system owners.

The following are the EPA permit requirements for public and private sewer system owners:

- Adequate maintenance staff to carry out operations and maintenance
- Preventative maintenance program to prevent overflows and bypasses. Shall include an inspection program designed to identify all potential and actual unauthorized discharges and pump stations shall have an alternate power source in the event of a power failure.
- Shall control inflow and infiltration
- Collection system mapping
- Operation and maintenance plan
- Reporting sewer spills/overflows
- Annual reporting

The proposed changes to the ordinance will establish the following responsibilities.

In addition to incorporating the requirements of the WRBP's sewer rules (Env- Wq 1200), the changes add definitions, update design standards and the City's sewer connection permit requirements. The updates also include:

- Clarification on the 15% sewer surcharge for connections outside City limits to conform with existing intermunicipal agreements.
- A provision requiring the developer of a proposed sewer extension to analyze the capability of the existing system to accept a development's proposed flows.

Due to the extent of the changes, Public Works is proposing to change the Ordinance in its entirety.

Director Anderson began the discussion by stating that the process of this began over 2 years ago. The requirement that is imposed upon the City by the environmental agency is that the collection system in the City must meet the terms in the permit. The terms specified state that it doesn't matter if it is public or private but the system as a whole. The terms are listed within the attachment on the agenda. Director Anderson stated what they are. Most municipalities who have met the terms of their permit have changed their ordinance to state the private collection must meet the same terms as the public collections so that every time the EPA changes the terms, they do not have to change to ordinance. The attachment also includes who would be responsible for what. Most of the time private collections are from condo associations or a developer who is renting out the units on a property. There is a 15% surcharge for those who are outside of the city limits that are receiving sewer service from the City. Any developer also has to ensure that whatever system they use that would connect to the city system are compatible and support each other. He is hoping to have this

as a public hearing sometime in June or July to get the most amount of the public to comment on this. Lastly, at a public hearing for this it was tabled to a meeting to be determined in the future and he would like for that to finally take place.

Councilor Felch asked if Belmont does the cleaning and inspections? They do not. The next question is if they cannot spend tax money on roads, how can they spend it on sewer. Director Anderson has that question out to the law office to get clarification but essentially its not tax payer money, it is rate payor money.

Councilor Cheney thinks that should a problem be found during the inspection process, he wants to make sure that they are aggressive in making them fix the problem. He also states that he wants to make sure that the city is doing the inspection if these people are paying for sewer.

Chairman Haynes wants to make sure that the condo associations or business know their expectations with the proposed sewer ordinance changes. It will vary to association to association. Some are doing everything they are supposed to where others are not. They will be working on getting contact information for all the various associations and businesses. Manager Beattie thinks it's very doable to make sure it included to require up to date contact information and have it so they are updated always if it changes. The master alarm ordinance already requires this.

Councilor Soucy agrees with what has already been discussed.

Councilor Felch made a motion that the Public Works Committee ask the City Council to schedule a continuation of the public hearing on the proposed Sewer Ordinance for July 24, 2023. Seconded by Councilor Soucy. Discussion: None.

By Roll Call Vote:

Councilor Soucy: Yes
Councilor Felch: Yes

Councilor Haynes: Yes

The *motion passed with all in favor.*

7.B. Request for City Council guidance on the Council's method for apportioning costs to abutters for a private road accepted as a City public street through the betterment process

Public Works asks the Public Works Subcommittee to develop a recommendation for the City's Council's consideration and decision on how to apportion costs associated with the betterment process.

There are private roads that the City has been plowing that cannot participate in the accept "as-is" process based on a City Council decision. They can, however, become a private road through the betterment process. Under this process the abutting property owners pay back the City the costs of bringing a private road up to City standards so that it can be accepted as a public road. Per state law the abutters must pay back the City over a period of not more than 10 years. The City Council has traditionally required that all abutters agree to participate in the process before initiating the betterment process to accept a private road as a public street. The City Council can apportion the costs based on the number of lots, lot size, lot frontage or a combination of the three.

Two sets of private roads are considering participating in a betterment process that have a mixture of small and large lots. Thus, the method of apportioning costs is a consideration for property owners on whether they want to participate or not.

The abutters along Prescott Ave and Paugus Ave in the Christmas Island area are considering whether to petition the City Council to accept these two roads through the betterment process. The

condominium association, The Lake Houses at Christmas Island, has asked City staff how the City Council intends to apportion the betterment costs before they make a decision to support the petition. The Association is one of the largest lots and has the most frontage on Prescott Ave which means their share of the cost of the project will vary depending on the Council's concept for apportioning costs. One factor that is impacting their decision is that the City has a pump station just west of their property, and the Association's leadership believes that the City will plow enough of Prescott Ave to be able to access the pump station if the abutters decide not to participate in the betterment process. Public Works plowing to the pump station also plows past their driveway entrances.

There is no option that is going to satisfy every abutter.

Background on Prescott Ave that is necessary for the discussion:

Abutters – 28

Frontage varies from 1 foot to 425 feet

Acreage varies from 0.05 acres to 4.2 acres

Staff recommends that the Subcommittee discuss and make a recommendation to the City Council.

Director Anderson began the discussion. Currently DPW has been plowing the two roads Prescott Ave and Paugus Ave. Lake House Condominiums did research and found out that the streets had been given to the abutting property owners. The plan was based off of that knowledge was to go through the betterment process to make those public streets where they pay over 10 years the cost back to the City of bringing the streets up to city standards. There were 3 meetings to explain the process to them and about a month ago, a request made by the Lake Houses to find out how the cost would be split amongst the various property owners that abut the roads. After doing research to what the ordinance and laws states, it comes down to 3 options or a combination of the three.

1. Based on the lots. If you have 15 lots, spread it across the 15.
2. Based on frontage of the road.
3. How much acreage each abutter has.

He continues to say that he is looking for guidance to start the process and see how the fees would be distributed to give the guidance back to the requestors. Papers were handed out to the subcommittee to show the difference between the lots and their acreage versus frontage on the streets. One lot has frontage of about 1 foot where another has frontage of about 440 feet. After the subcommittee makes its recommendation and the City Council makes its decision, all of the abutters have to agree as a whole. If one backs out, this process doesn't happen according to the current city ordinance.

Councilor Felch asked if it could still be done with out all of the abutting property owners agreeing. Director Anderson stated that is up to the Council. They are the ones who have established the rules they are going by, where the law states it can be the majority to vote yes. Councilor Felch asked if any other towns/cities gone through this process. The City of Laconia has done this before but it was lot based. But the lots are not the same size this time which is prompting this conversation.

Councilor Soucy asked is all the roads would benefit from this and what needs to be done to the roads. The answer is that they will receive city service at the full city level once they become an official city street. On Prescott Ave the improvements needed are drainage, the road base and thickness of the asphalt might be insufficient. On Paugus Ave, the current street is basically a trail. Most of the city equipment cannot get down this road because it is too narrow. It will have to be rebuilt from scratch either up to a gravel road or asphalt road. Councilor Soucy asked the City Manager if once the improvements of the roads are complete if the resale values of the homes on that road will increase. Manager Beattie states the assessment would not change but it could help

the property owners' values in resale knowing that it is maintained by the city and receives trash pickup. Councilor Soucy wanted to know if Director Anderson has had any meetings with the abutters and what the cost potentially could be for all of this. Yes there have been meetings and questions from Lake Houses and Christmas Island but no estimates have been made. Director Anderson also clarifies for Councilor Soucy that the city council goes by 100% approval where the law states it can be the majority.

Attorney Ed Philpot came to the committee to ask a few questions on behalf of the lake houses. They have been told or it has been suggested to them that they get one vote because they are one property owner but they would be responsible for the 18 different lots that they have. How many homes would be considered to be abutting Prescott Ave for the purpose of sharing the expenses? They believe it is 3. Secondly, if they are going to be asked to pay for 18 shares, they want 18 votes. Which way does it go? Wes explains that it's the association that is the abutter and they would be responsible for figuring out how to divide the cost amongst the association.

Councilor Felch asked for more information for other cities and towns who have gone through a similar process to see how they handled it. Director Anderson states they he can do that to give them the options.

Chairman Haynes asked if there were any objections to asking DPW Director Wes to gather more information from other cities and towns before the subcommittee came to a recommendation for the Council. Councilor Soucy and Felch had no objections to this.

7.C. Automated Solid Waste Collection update

Request that the Public Works Committee review the proposed changes to the City's solid waste Ordinance and recommend that the City Council approve the changes to the Ordinances.

The changes include the following:

- Eliminates the requirements for households and commercial properties to provide their own cans and the size requirements for those cans.
- Adds the requirement that solid waste containers provided as part of the conversion to automated collection belong to the City and remain with the property whenever the property is sold or a tenant relocates.
- Adds the requirement that properties with dumpsters will not receive City curbside collection services. · Eliminates the remote recycling program.
- Changes the maximum quantity of containers based on the standard container sizes the City is providing to property owners.
- Eliminates the excess trash sticker program that allowed a single-family resident to put out an extra solid waste container for a fee. Public Works recommends that the Public Works Subcommittee recommend that the City Council approve the proposed changes to the Solid Waste Ordinance that is attached.

Eliminates the cost of providing containers and collecting solid waste from properties with dumpsters.

Director Anderson began the discussion: The council has already agreed to part of it which is the distribution based on occupancy. No containers if you have a dumpster, eliminates the remote recycling, eliminates the excess trash sticker program. The cost of keeping the excess trash sticker program would depend on Casella. Councilor Felch proposed allowing a property to lease another container for a number of months or a year instead of keeping the excess trash program. Director

Anderson's issue on this is depending on the number of stops could cause them to use a second truck which would drastically increase the cities cost for collection. Councilor Soucy mentioned that he thought that the council already decided on the distribution of containers. Director Anderson explains that as of right now to control costs, the excess trash program is only available to single family homes. So if extra containers are then made available to everyone then that is what is going to drive the cost for the city. Currently the same small group of people are the ones using this program.

Councilor Soucy made a motion that the Public Works Subcommittee recommend that the City Council approve the proposed changes to the Solid Waste Ordinance as presented. Seconded by Councilor Felch **Discussion:** None.

By Roll Call Vote:

Councilor Soucy: Yes
Councilor Felch: Yes

Councilor Haynes: Yes

The *motion passed with all in favor.*

7.D. Discussion regarding the City's retaining wall policy

Director Anderson states that the retaining wall has to be within the right of way or it has to be on the boundary. The policy was that the city would pick up 50% of the cost and the other party will pick up the other 50%. In exchange a waiver is signed stating it is no longer the cities responsibility from there on and they take the lead. They get the contractor to do the work to omit the city from being involved if they are not happy with the work.

The consensus is agreement among the subcommittee.

8. Any other business that may come before the Committee

9. ADJOURNMENT

Chairman Haynes adjourned the meeting at 6:50 PM.

Respectfully Submitted,

Katie Gargano, City Clerk