



**LEBANON CITY COUNCIL
JULY 7, 2021 - 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 WebEx](#) or call 415-655-0001 (access code: 1320 93 6280). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The July 7, 2021 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. Resolution in Honor and Memory of Paul Boucher
- B. Resolution in Honor of Rebecca and Raymond Book

6. Approval of Minutes

- A. A MOTION TO approve the minutes as presented in the July 7, 2021 agenda packet

7. Appointments

- A. Heritage Commission, Matthew Smith (Regular Member)

8. Public Hearing Items

- A. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to Amend Ordinance #18, Salary Plan as follows:
 - 1. Amend Article II, Non-Affiliated & LPASE Employees, Section A - Regular Full-time and Part-time Benefit Eligible Positions to reclassify the position of Human Services Director from a Grade 10 to a Grade 12; and to add the position of Deputy Assessor (Grade 9)
 - 2. Amend Article II, Non-Affiliated & LPASE Employees, Section B – Seasonal/Temporary & Stipend Employees to increase the wage ranges for Seasonal Laborers and CDL Seasonal Drivers.
- i. Presentation:

- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

9. Old Business: None

10. New Business

- A. Grafton County Government Update with Wendy Piper, Grafton County Commissioner
- B. Review and discussion of Proposed Open Space Plan
- C. Discussion & Set Public Hearing for July 21, 2021: Ordinance #2021-06 to amend City Code Chapter 31, Boards, Committees & Commission to amend Article VII, Heritage Commission
- D. Discussion & Set Public Hearing for July 21, 2021: Ordinance #2021-07 to amend City Code Chapter 31, Boards, Committees & Commissions to establish a Diversity, Equity & Inclusion Commission
- E. Presentation & Discussion of Proposed Amendment to City Council Rules, Section A191-5, Robert's Rules of Order

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: Heritage Commission
Position: City Historian
Applicant: C. Porter
Assigned Councilor: K. Hill
Assigned Date: 5/26/2021

Board/Committee: Heritage Commission
Position: City Historian
Applicant: N. Burley
Assigned Councilor: C. Below
Assigned Date: 6/1/2021

Board/Committee: Conservation Commission
Position: Alternate
Applicant: M. Smith
Assigned Councilor: K. Zook
Assigned Date: 5/27/2021

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 not considered all-inclusive.

JULY 19, 2021 – SPECIAL MEETING: HOUSING

JULY 21, 2021

PUBLIC HEARINGS:

A. ORDINANCE #2021-06 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 31, Boards, Committees & Commission to amend Article VII, Heritage Commission

B. ORDINANCE #2021-07 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 31, Boards, Committees & Commission to establish a Diversity, Equity & Inclusion Commission

OLD BUSINESS:

A. Action to adopt amendment to Council Rules, Section A191-5, as presented on July 7, 2021

AUGUST 4, 2021

NEW BUSINESS:

A. Annual review and re-adoption of Cash Management & Investment Policy

B. Annual review of Fund Balance Policy

C. Annual review of Capital Reserve Fund Policy

D. Review and Discussion of 2021 2nd Quarter Budget Reports and Release of Public Schools Impact Fees

E. Review and adoption of City Council Policy CC-105, Community Revitalization Tax Relief Incentive Program Guidelines

F. Review and re-adoption of City Council Policy CC-108, Ethics and Conflict-of-Interest for Elected and Appointed City Officials

G. Review and re-adoption of City Council Policy CC-109, Grants



RESOLUTION IN HONOR AND MEMORY OF PAUL BOUCHER

WHEREAS Paul Boucher served the City of Lebanon as Director of the Lebanon Area Chamber of Commerce beginning in 1979; becoming Board Chairman in 1983; and then serving as President and CEO from 2000 until his retirement in 2016; and

WHEREAS Paul Boucher was a 48-year member of the Rotary Club of Claremont and Lebanon and served as Lebanon's President from 1983-1984; and

WHEREAS Paul Boucher served as a board member for organizations to include the Alice Peck Day Memorial Hospital Board of Trustees, Dartmouth Hitchcock Medical Center Board of Overseers, Advisory Board for River Valley Community College, CATV, Lebanon College, Grafton County Regional Development Corporation, and the Lebanon Airport Advisory Committee; and

WHEREAS Paul Boucher served in other capacities such as Counselor for SCORE, Treasurer of the Community Colleges of New Hampshire Foundation, and Trustee for the Marion Carter House; and

WHEREAS Paul Boucher was the recipient of Citizens Bank and WMUR "Heart of Your City" award in 2012, and Lebanon Citizen of the Year in 2014; and

WHEREAS Paul Boucher contributed immense time and energy toward the betterment of the Lebanon Community through his service and highest standards of personal ethics, love, and devotion to the City and its citizens.

NOW, THEREFORE BE IT RESOLVED, that the Lebanon City Council on behalf of the citizens of Lebanon extend their sincere appreciation and gratitude to the family of Paul Boucher in honor of his lifetime service to Lebanon and his representation and example of leadership to other communities in both New Hampshire and Vermont.

BE IT FURTHER RESOLVED, that this resolution be written upon the minutes of the Lebanon City Council meeting.

Dated this 7th day of July 2021.

Timothy J. McNamara, Mayor
on behalf of the Lebanon City Council



RESOLUTION HONORING REBECCA & RAYMOND BOOK

WHEREAS, Rebecca and Raymond Book have steadfastly served on the City of Lebanon Heritage Commission and have benefitted the community, from 2001 through June 2021, with Rebecca as a regular member for 12 years, and Raymond as an alternate member for 7 years; and

WHEREAS, Rebecca was a member of the Dana House Committee, for which she was a committed promoter of the Dana House's history, upkeep, preservation, and integrity, as well as its educational opportunities, and Raymond was the Heritage Commission representative to the original Class VI Roads Committee; and

WHEREAS, it is important to celebrate the role of history in our lives and contributions made by individuals such as Rebecca and Raymond Book; and

WHEREAS, the Books are devoted students of early American history and have granted significant time and efforts to enhance awareness in the City's past, including extensive research for the Lyman Bridge dedication, downtown Mall kiosk installation and displays, Certified Local Government projects, and Heritage Commission outreach; and

WHEREAS, Rebecca and Ray have been active, long-time residents of the West Lebanon community, following, for Rebecca, a career in local real estate and education from nursing programs at the Mary Hitchcock Memorial Hospital; and

WHEREAS, Rebecca continues to serve as the Regent of the Thomas Chittenden Chapter, Vermont State Society of the Daughters of the American Revolution, providing valuable community engagement services and historic research through that organization and for the region.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to the Books for their dedicated service and contributions to the community over the past 20 years.

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

Dated this 7th day of July 2021 at Lebanon, New Hampshire.

Timothy McNamara, Mayor
On Behalf of the Lebanon City Council

**AGENDA
LEBANON CITY COUNCIL
JULY 7, 2021**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- June 16, 2021 (Regular Meeting)

MOVED, to approve the minutes as presented in the July 7, 2021 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, June 16, 2021, 7:00 p.m.
Council Chambers - City Hall OR
Remote Via Webex: LebanonNH.gov/Live**

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, City Manager Executive Assistant Beth Beraldi, City Consultant Shelley Hadfield

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

2
3 This was the first in-person meeting to take place in the last 15 months since the NH Governor allowed
4 the State's Emergency Order for the COVID-19 pandemic to expire.

5
6 Mayor McNamara gave Councilor Liot Hill permission to attend this meeting remotely and a roll call vote
7 was taken. All Councilors attending the meeting are listed above.

8
9 **2. PLEDGE OF ALLEGIANCE:** Councilor Winny led the Council in the Pledge.

10
11 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

12
13 **4. OPEN TO PUBLIC:** No one came forth.

14
15 **5. RECOGNITIONS:** None.

16
17 **6. ACCEPTANCE OF MINUTES:**

18 **A. June 2, 2021 (Regular Session)**

19 *Councilor Heistad MOVED to approve the June 2, 2021 (Regular Session) minutes as written and*
20 *presented in the June 16, 2021 City Council agenda packet.*

21 *Seconded by Councilor Winny.*

22
23 **Roll Call Vote:**

24 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
25 Mayor McNamara all voting Yea.

26 None voted Nay.

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

28
29 **7. APPOINTMENTS:**

30 • Tina Van Kley- Appointment as an alternate to the Library Board of Trustees

31 *Councilor Winny put forth the NOMINATION of Tina Van Kley as an alternate to the Library Board*
32 *of Trustees. One Year Term (6/21 – 6/22)*

1 **Roll Call Vote:**

2 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
3 Mayor McNamara all voting Yea.

4 None voted Nay.

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

6
7 **8. PUBLIC HEARING ITEMS:**

8 **A. MID-GRANT UPDATE HEADREST REHABILITATION PROJECT –**

9 A public hearing for the purpose of receiving public input and apprising Lebanon residents on
10 the progress of the rehabilitation project of the Headrest Facility at 14 Church Street, Lebanon.

11
12 Ms. Vickie Davis (Upper Valley Lake Sunapee Regional Planning Commission) came forth and spoke
13 about the project's background, funding, the bidding process, and construction.

14
15 In 2019, the City of Lebanon was awarded \$496,500 in Housing and Public Facility CDBG funds to
16 support the rehabilitation of the Headrest facility located at 14 Church Street, Lebanon. The purpose of
17 these funds were to support the Headrest residential and outpatient treatment facility renovation project
18 and provide a multi-functional meeting space/hot line space, counseling space, greater accessibility,
19 energy efficiency improvements and facilities for residents. The building is used as a low-intensity
20 residential treatment facility for people dealing with substance abuse disorders and also provides the only
21 accredited suicide crisis phone line in New Hampshire.

22
23 The funds, less administrative costs, were sub-granted to Headrest to complete the needed renovations
24 which included both structural and energy upgrades. The project is behind schedule but expected to be
25 completed by the end of the year. Unfortunately, COVID 19 hit just as the project went out to bid. After
26 multiple bid attempts resulting in few bids and much higher than anticipated costs, the project applied to
27 CDFA to Sole Source and has been working with subcontractors to develop a plan. COVID also impacted
28 the project financially with the increased cost of materials currently estimated at \$60,645. The project is
29 applying to CDFA for GAP funding to offset the materials costs and to increase the administration budget
30 by \$3,032.

31
32 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
33 **Hearing was closed.**

34
35 **ACTION:**

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

37
38 **B. CDBG APPLICATION AMENDMENT HEADREST REHABILITATION PROJECT**

39 A public hearing for the purpose of receiving public input and taking action on a proposed
40 Housing and Public Facilities grant application amendment for up to \$63,677 in CDBG funds
41 (to be sub-granted to Headrest); and to authorize the City Manager to sign, submit, and
42 execute any documents which may be necessary to effectuate the CDBG application
43 amendment.

44
45 The City scheduled this public hearing at their June 2, 2021, regular meeting. The public hearing was
46 properly noticed in the *Valley News* on June 5, 2021, in accordance with City Code and State Law. **A**
47 **handout describing the request was available for interested members of the public.**

1 Included in the agenda packet:

- 2 • Project Description: Headrest CDBG Housing and Public Facilities Application Request for
3 Amendment May 24, 2021 (Pages 41-43, agenda packet).

4
5 Ms. Vickie Davis (Upper Valley Lake Sunapee Regional Planning Commission) once again came forth
6 representing the Headrest Rehabilitation Project.

7
8 CDFA has made funds available for projects experiencing increased construction costs due to the COVID
9 19 pandemic. Up to \$900,000 is available for counties and communities on existing projects facing
10 hardship due to the pandemic and which may be prevented from moving forward.

11
12 Headrest was awarded a CDBG grant of \$496,500 to complete the rehabilitation of the 14 Church Street
13 facility in Lebanon. The 2019 grant award was finalized in early 2020 just as the COVID 19 pandemic
14 hit. The impact of the pandemic on the construction industry has been significant with many projects
15 experiencing dramatic cost increases in materials and labor. Headrest is now requesting that the Council
16 support an application amendment to its current Community Development Block Grant for up to \$63,677
17 to offset the increased cost of materials due to COVID 19 and a small increase in administration.

18
19 **Mayor McNamara opened the Public Hearing. Hearing no comment from the public, the Public**
20 **Hearing was closed.**

21
22 **ACTION:**

23 ***Councilor Liot Hill MOVED* that the Community Development Block Grant funds are available to**
24 **municipalities for economic development, public facility and housing rehabilitation projects and**
25 **feasibility studies that primarily benefit low and moderate-income persons. The purpose of the**
26 **public hearings required for CDBG funding is to solicit the view of the citizens on community**
27 **development; furnish the citizens with information concerning the amount of funds available and**
28 **the range of community development activities which may be undertaken under the Community**
29 **Development Act.**

30
31 **The City of Lebanon is eligible for up to \$500,000 per year for public facility/housing rehabilitation,**
32 **up to \$500,000 per year for economic development projects, as well as up to \$500,000 per year in**
33 **emergency funds. Feasibility Study funds are available for up to \$12,000 per year.**

34
35 **This application Amendment is specific to the up to \$900,000 that CDFA is making available for**
36 **housing and public facilities projects impacted by COVID 19.**

37
38 **BE IT HEREBY MOVED, that the Lebanon City Council approves the submittal of the CDBG**
39 **application amendment to the existing HEADREST CDBG project and authorizes the City**
40 **Manager to sign, submit, and execute any documents which may be necessary to effectuate the**
41 **CDBG contract amendment for Headrest in the amount of up to \$63,677.**
42 ***Seconded by Councilor Winny.***

43
44 **Roll Call Vote:**

45 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
46 Mayor McNamara all voting Yea.

47 None voted Nay.

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

2
3 **9. OLD BUSINESS:**

4 **A. Presentation of Second Reading to Amend Ordinance #18, Salary Plan**

5 as follows:

- 6 1. Amend Article II, Non-Affiliated & LPASE Employees, Section A - Regular Full-time and
7 Part-time Benefit Eligible Positions to reclassify the position of Human Services Director
8 from a Grade 10 to a Grade 12; and o add the position of Deputy Assessor (Grade 9).
9
10 2. Amend Article II, Non-Affiliated & LPASE Employees, Section B – Seasonal/Temporary
11 & Stipend Employees to increase the wage ranges for Seasonal Laborers and CDL Seasonal
12 Drivers.

13
14 **RECLASSIFY THE POSITION OF HUMAN SERVICES DIRECTOR**

15
16 The Human Services Director supervises the Assistant Human Services Director and works closely with
17 staff of outside Human Services Agencies to create and maintain a wrap-around set of services, referred
18 to as a “safety net” for the betterment of jointly served clients. This position coordinates partnerships to
19 comprehensively address issues that may adversely affect/impact the ability to serve clients (i.e.,
20 homelessness, lack of affordable housing, access to medical services, etc.)

21
22 Over the past few years, the Human Services Director’s responsibilities have expanded in several
23 different directions caused by configurations of geographical circumstances. These configurations
24 included the lack of affordable housing, homelessness, economics, and the effects of COVID 19. This
25 position has assumed additional duties and responsibilities due to the changing demographics of the
26 Upper Valley and the effects placed on the changes in the housing market, and the global pandemic.

27
28 Additionally, the Human Services Director represents the City Manager and acts as the representative of
29 the City on statewide and regional coalitions, committees and working groups focusing on human
30 services issues.

31
32 Due to the evolution of the position and supervisory duties not previously considered, a review of the job
33 description was conducted, and revisions were made to accurately reflect the additional duties and
34 responsibilities. This resulted in the reclassification of the position from a Grade 10 to a Grade 12.

35
36 **ADD DEPUTY ASSESSOR**

37
38 Due to the reorganization of the Finance Department - encapsulating the Assessing Department and
39 contracting with Municipal Resources, Inc., to oversee the physical assessment changes to residential and
40 commercial property values, we have discovered a need for elevated assessing functions in the day-to-day
41 administration of the department. For this reason, we are recommending the position of Deputy Assessor
42 be added to the department. A job description has been created and is classified as a Grade 9 position.

43
44 We are fortunate to have an experienced Assessing Clerk with the knowledge and credentials needed to
45 fill the position. Therefore, we are proposing that our existing Assessing Clerk be promoted to Deputy
46 Assessor and the position of Assessing Clerk be vacated. While the role of the Assessing Clerk is needed,
47 the Deputy Assessor would be charged with those duties while taking on the more elevated tasks required
48 to manage the upper-level needs of the department adequately and efficiently. For example, incorporating
49 a Deputy position will enable the department to communicate effectively and more timely with the State
50 Department of Revenue and other State or outside agencies; process the necessary tax, property, and

exemption changes more efficiently, and better manage difficult tax situations posed by members of the public.

SEASONAL/TEMPORARY & STIPEND EMPLOYEES

Due to the nationwide shortage and difficulties hiring and attracting seasonal, temporary and stipend staff; the City is recommending increasing the hourly wages and/or stipends of seasonal CDL drivers and seasonal laborer positions identified in red below.

Process to Amend Ordinance No. 18

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The first presentation was recognized by the Council on June 2, 2021. The Council is now asked to recognize the second of three presentations on June 16 to amend the Ordinance. The third presentation will follow on July 7, along with a public hearing to adopt the amendments as proposed.

1. ACKNOWLEDGE SECOND PRESENTATION:

Councilor Wilkie MOVED, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, as follows:

1. Amend Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to reclassify the position of Human Services Director from a Grade 10 to a Grade 12; and to add the position of Deputy Assessor, (Grade 9); and

2. Amend Article II, Non-Affiliated & LPASE Employees, Section B – Seasonal/Temporary & Stipend Employees to increase the wage ranges for Seasonal Laborers and CDL Seasonal Drivers

Changes in the table below shown in red.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern II	\$16.77	\$22.64	-	-
2	Custodian	\$17.78	\$23.99	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.84	\$25.44	-	-
	Custodian I	-	-	-	-
	Accounting Clerk				
4	Library Assistant	\$19.98	\$26.97	-	-
5		\$21.17	\$28.57	-	-
6	-	\$22.44	\$30.29	-	-
7	Administrative Assistant	\$23.78	\$32.45		
	Administrative Secretary			-	-

	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant	\$25.21	\$34.04	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,008.55	\$1,361.65
	Young Adult Librarian	-	-	-	-
9	Code Health Inspector**	\$27.73	\$37.43	-	-
	Executive Assistant	-	-	-	-
	Deputy Assessor	-	-	-	-
	Digital Media Officer	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Children's Librarian			\$1,109.20	\$1,497.36
	Associate Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
10	Assistant City Engineer**	\$30.50	\$41.18	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**				
	Police Communications Supervisor**	-	-	-	-
	Human Services Director	-	-	\$1,220.15	\$1,647.20
	Recreation Program Coordinator**	-	-		
11	Technical Advisor I	\$33.59	\$45.34	-	-
	Administrative Services Manager**	-	-	\$1,343.60	\$1,813.60
	Airport Operations Supervisor**	-	-	-	-
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
12	Wastewater Treatment Superintendent**	\$35.60	\$48.05	-	-
	Water Treatment Superintendent**	-	-	-	-
	City Assessor**	-	-	\$1,424.00	\$1,922.00
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-

	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,509.21	\$2,037.39
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works	-	-	\$1599.77	\$2,159.70
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Cyber Services Director	-	-	\$1,695.84	\$2,289.20
16	Technical Advisor II	\$44.93	\$60.66		
	Chief of Police	-	-	\$1,797.42	\$2,426.40
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Deputy City Manager	-	-	-	-

**denotes LPASE Positions.

Changes to the compensation and classification schedules are shown in *red* below. Strikeout text represents a deletion of the position due to consolidation or to remove duplicates.

Deletion of the position due to consolidation or to remove duplicates.

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk		\$10.15
Election Assistant		\$10.15
Supervisors of the Checklist		\$10.15
Moderator		\$12.69
Ward Clerk		\$12.69
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$11.25	\$28.54
PARK AND RECREATION POSITIONS		
Front Desk Attendants – Pool	\$10.15	\$15.25
Lifeguards	\$10.15	\$17.50
Head/Lead Counselors	\$13.20	\$16.24
Head & WSI Lifeguards	\$12.18	\$18.25
Head Front Desk Attendant - Pool	\$12.18	\$15.50
Outdoor Adventurer - Educator	\$12.69	\$16.24
Softball Coordinator	\$12.69	\$16.24

Camp Director	\$13.20	\$20.00
Day Camp Counselors	\$10.15	\$15.25
Arts & Craft Director	\$13.20	\$17.00
Farmers Market Coordinator	\$14.21	\$18.27
Market Assistant	\$12.18	\$15.23
Tennis Instructor	\$15.23	\$19.29
Stomp & Romp	\$15.23	\$19.29
Asst. Pool Director	\$15.23	\$21.00
Pool Director	\$16.24	\$24.00
LIBRARY POSITIONS		
Circulation Substitutes		\$13.41
Reference Librarian Substitutes		\$22.65
PUBLIC WORK POSITIONS		
Engineering Clerk	\$11.17	\$14.21
GIS Clerk - (or Intern) These are the landfill interns	\$15.23	\$17.26
Seasonal Laborers – Summer & Fall DPW, Parks & Rec. & Airport	\$16.24	\$19.29 \$20.52
CDL Seasonal Drivers	\$22.81	\$27.30 \$50.00
PLANNING POSITIONS		
Park Ranger	\$15.23	\$17.26
POLICE DEPARTMENT POSITIONS		
Crossing Guard		\$16.53
Communications Specialist	\$23.78	\$32.45
Police Administrative Aide	\$20.30	\$23.35
Parking Control Officer	\$20.30	\$23.35
Police Officers	\$26.86	\$32.39
CITY CLERK POSITIONS		
Assistant City Clerks (Part-Time/Temp. <20)	\$23.41	\$31.61
Recording Secretary	\$21.82	\$23.85
Recording Secretary Coordinator	\$22.82	\$24.36
SHARED POSITION		
General Intern I	\$13.20	\$16.75
STIPEND POSITIONS		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$205	\$715
(Chair) Supervisors of the Check List	\$155	\$255
Supervisor of the Voter Checklist	\$155	\$255

Seconded by Councilor Heistad.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

**B. Rescission of Prior Funding Authorization & Appropriation for 2017 WWTP
Underground Fuel Storage Tank in the amount of \$6,440**

City Manager Shaun Mulholland explained the purpose of this agenda item is to request the City Council rescind a prior authorization and appropriation for unissued bonds or notes that are no longer required,

1 and therefore will not be issued. Total amount to be rescinded is \$6,440.00 and includes prior funding
2 authorization for the 2017 WWTP Underground Fuel Storage Tank project.

3
4 A public hearing for the purpose of receiving public input and taking action to rescind prior authorizations
5 and appropriations for nine (9) capital projects totaling \$1,602,723.62 was held on Wednesday, May 19,
6 2021.

7
8 At the hearing it was noted that the resolution for the 2017 WWTP Underground Fuel Storage Tank in the
9 amount of \$6,440.00 was inadvertently omitted.

10

<u>Date Authorized</u>	<u>Total Authorization</u>	<u>Project Authorization</u>	<u>Balance of Amount Authorized by City to be rescinded</u>	<u>Project</u>
12/21/2016	\$ 8,030,000.00	\$ 90,000.00	\$ 6,440.00	2017 WWTP Underground Fuel Storage Tank

11
12 **Councilor Whittlesey *MOVED* the following:**

13
14 **RESOLUTION**

15
16 ***WHEREAS*, the Lebanon City Council on December 21, 2016, authorized the issuance of bonds or**
17 **notes in the amount of \$8,030,000 including \$6,440.00 to finance the 2017 Wastewater Treatment**
18 **Plant Underground Fuel Storage Tank project; and**

19
20 ***NOW, THEREFORE BE IT RESOLVED*, by the Lebanon City Council, that unissued bonds or**
21 **notes in the amount of \$6,440.00, authorized on December 21, 2016, to finance the 2017 Wastewater**
22 **Treatment Plan Underground Fuel Storage Tank project is hereby rescinded (as noted on the**
23 **chart, page 50, Council's agenda packet).**

24
25 **This resolution shall take effect upon its passage.**

26
27 ***Seconded by Councilor Winny.***

28
29 **Roll Call Vote:**

30 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
31 Mayor McNamara all voting Yea.

32 None voted Nay.

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

34
35 **C. Action to Rescind Emergency Ordinance #2020-11, Face Masks**

36
37 Items included in agenda packet:

38 1. Emergency Ordinance 2020-11 (as amended June 2, 2021)

39
40 Information available but not included in this section:

41 1. State of NH COVID-19 Response Website: <https://www.covid19.nh.gov/dashboard>

42
43 The Council held a public hearing on June 2nd regarding a rescission of or amendment to Emergency
44 Ordinance 2020-11.

1 At the close of the public hearing, the Council opted to retain the ordinance, but amended Provision #2 as
2 follows (changes in bold text):
3

4 2. Members of the public entering or queued to enter; remaining in or exiting from, any business,
5 governmental or non-profit owned premises including without limitation any outdoor area where
6 business of any sort is conducted, work site, workplace, or government building, must wear a face
7 covering, such as a fabric mask, scarf, or bandana over their nose and mouth. This requirement
8 shall also apply to persons traveling on public transportation such as Advance Transit buses.
9 Policies regarding face coverings in governmental buildings within the geographical boundaries
10 of the City of Lebanon adopted by the governmental entity having jurisdiction over such
11 buildings are hereby recognized by this ordinance and shall control in such buildings. Property
12 owners shall have the authority to regulate the requirement to wear masks by any person, while
13 on the premises of their property, by allowing persons to temporarily remove their masks while
14 remaining on the premises when it is practical or becomes necessary to do so based upon the
15 requirements of the services provided. **In addition, building owners, operators, managers,**
16 **lessees, employers, businesses and nonprofit organizations, as appropriate, shall have the**
17 **authority to waive masking and social distancing requirements for employees and**
18 **volunteers who are known to be fully vaccinated against Covid-19 while within the**
19 **workplace or building space managed by them, provided however that mask requirements**
20 **shall not be waived for employees and volunteers who are not fully vaccinated or whose**
21 **vaccination status is unknown or who are interacting in person with members of the public.**
22

23 Action on whether and how to rescind Ordinance 2020-11, Face Masks (pages 52-56, agenda packet) was
24 postponed to this meeting.
25

26 The purpose of this meeting is for the Council to determine if they wish to retain this Ordinance for some
27 time; set-up criteria to be achieved before a rescission is made; or, take action to rescind the ordinance
28 tonight.
29

30 As a follow-up on data from previous Council meetings, Assistant Mayor Below shared and updated the
31 Council on the data from the NH COVID-19 Interactive Map, the COVID Act Now website, Dartmouth
32 College's data analytics, and reviewed the NH Medical Association criteria as listed below:

- 33 1) COVID-19 vaccination levels should reach a community-wide immunity of at least 70%.
34 2) Community spread of COVID-19 should be less than 50 new infections per 100,000 population over
35 the prior 14 days.
36 3) 7-Day PCR test positivity levels should be below 5%.
37

38 Grafton County has been below the 5% for the 7-day PCR test positivity levels by a factor of 10 or more
39 for over a month. We are now at 69.6% (70%) in terms of the total population for the vaccination rate,
40 noting Vermont has reached 80% of the eligible population which is little under 70% of the total
41 population. New York has completely rescinded all of their state-wide mandates. In terms of New
42 Hampshire, Grafton County is down to 32 new infections per 100K population over the prior 14 days,
43 which is well below the suggested 50 new infections per 100K and in the Upper Valley region we are at
44 8.9%. However, it is significant to note that even the major counties of Rockingham and Hillsborough
45 are down in the 25%-26% range and the active cases in Lebanon, Plainfield, Enfield, Grantham, Hanover,
46 and Lyme are at zero. Cornish and Canaan are somewhere between 1-4 cases. The data from the
47 catchment areas that DHMC serves shows the entire Northeast New England Region has no hotspots at
48 all.
49

1 It was Assistant Mayor Below's view that the time has come for Lebanon to safely rescind the Mask
2 Ordinance. Ms. Alice Ely, Executive Director of the Public Health Council of the Upper Valley, also felt
3 that since Lebanon's infection rates are down at the moment, with zero community transmission in the
4 immediate area, it makes sense to rescind the Mask Ordinance. The problem being seen now is that there
5 are non-compliance issues, and the ordinance is very problematic to enforce because businesses are
6 making up their own rules. He didn't feel it was helpful to have something on the books that people are
7 starting to ignore. Also, there will always be people in the community who are vulnerable to virus-type
8 transmissions, such as the flu, but Lebanon is not even seeing flu-type transmission levels. However, due
9 to the variants in COVID, we still need to encourage people who have not been vaccinated to get
10 vaccinated and continue to wear masks. The good news is that the legislature is not passing anything that
11 says businesses cannot require masking, so a business can still say, "don't enter if you do not have a
12 mask," and if someone does enter a business without a face mask, the Lebanon Police are prepared to
13 respond and arrest the person(s), if necessary, for criminal trespass if they do not abide by the rules of a
14 business establishment.

15
16 Mayor McNamara noted that one of the topics discussed at the last meeting was comparing data in the
17 Upper Valley to that of Sullivan County. Grafton County has a populations of approximately 90K and
18 Sullivan County has a population of about 42K, which does tend to color the data. The greater Sullivan
19 County Public Health Region, as of today, had 125.2 new cases per 100K over the last 14 days compared
20 to 13 for us, which is a significant difference. Their positivity rate over the past 7 days was 2.4%
21 compared to 0/.01% for us. Sullivan County's total population vaccination rate was 57.7% as of this
22 morning. He understands there may be some alarm expressed that Sullivan County's rate of new cases is
23 significantly higher than ours, but if their rate of new cases were spilling into our area we would be seeing
24 a dramatic difference than what we are seeing now. He agreed with Assistant Mayor Below that the time
25 has come to set a date for rescission of the Mask Ordinance and felt it should take place in the very near
26 future, noting he has also seen the level of compliance going down.

27
28 Councilor Whittlesey expressed his concern that about 10% of Lebanon's population are aged 0-9 years
29 old (10-19 year-olds adds another 10-12%) who are not vaccinated. These percentages do not include
30 those who are unable to be vaccinated due to medical conditions and those who choose not to get
31 vaccinated. He felt the Council was discounting their safety, but recognized the data/statistics for Grafton
32 County show the risk of infections is quite low.

33
34 Councilor Winny shared some of Councilor Whittlesey's concerns, especially dealing with the underaged
35 people who do not even have the option of vaccination yet, and this could take up to 6-months or more to
36 get them vaccinated once an option is available. He was encouraged by the fact that what he has seen
37 from the statistics in younger populations is essentially the same as the flu, and we certainly do not have a
38 Mask Ordinance to handle the flu. He supported ending the mask mandate, noting nothing is 100% safe.

39
40 Councilor Heistad supported ending the mask mandate but spoke about the COVID Delta variant's
41 transmission rate and his concern about a potential spike in infections coming further down the road,
42 especially in teenagers.

43
44 Councilor Wilkie concurred with the comments made by Councilors Whittlesey, Winny and Heistad. He
45 supported rescinding the Mask Ordinance because there are a number of businesses who are not abiding
46 by the Ordinance, noting we are not protecting people if businesses in our area are not actually following
47 the ordinance. Furthermore, he did not feel the Mask Ordinance was protecting us, as this one
48 community, from other communities who do not have a Mask Ordinance.

49
50 In response to Councilor Sykes' question about rescinding the Mask Ordinance, City Manager
51 Mulholland noted that the City's recommendation will be that of the CDC's: If a person is not fully

1 vaccinated, they should be wearing a mask. He also noted that if a business requires a mask to be worn,
2 and if a person(s) do not wear a mask, they can be removed and charged with criminal trespassing. With
3 this clarification, Councilor Sykes supported rescinding the Mask Ordinance.

4
5 ***Assistant Mayor Below MOVED that the City of Lebanon rescind Ordinance #2020-11, Face Masks***
6 ***effective immediately.***

7 ***Seconded by Councilor Wilkie.***
8

9 Assistant Mayor Below spoke to his motion noting he takes great comfort in the fact that other regions
10 around us have similar declines, and even Southern New Hampshire and Massachusetts who have done
11 away with their mask ordinances for a longer period of time are continuing to go down in their infection
12 rates.

13
14 Councilors Sykes, Zook, Whittlesey, Liot Hill, and Wilkie spoke about their reasons for extending the
15 Mask Ordinance another 1-2 weeks, or until June 30th, noting this would give people/businesses enough
16 time to make necessary adjustments, like signage, and would allow those aged 12-15 years, and other
17 unvaccinated persons, to either start or complete their vaccinations.

18
19 ***Councilor Sykes MOVED to amend the original MOTION by replacing “effective immediately”***
20 ***with “effective June 30, 2021.”***

21 ***Seconded by Councilor Heistad.***
22

23 City Manager Shaun Mulholland informed the Council that Article 7 of the Ordinance never required
24 children under the age of 10 to wear face masks. Also, three of the WHEREAS statements at the bottom
25 of the Ordinance will no longer apply.

26
27 **Roll Call Vote to Amended Motion:**

28 Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, and Zook all voting Yea.

29 Councilors voting Nay: Assistant Mayor Below and Mayor McNamara

30 ****The Vote on the MOTION was approved (7-2).***
31

32 **The MOTION was amended to read:**
33

34 ***Assistant Mayor Below MOVED that the City of Lebanon repeal Ordinance #2020-11, Face Masks***
35 ***effective on June 30, 2021.***

36 ***Seconded by Councilor Heistad.***
37

38 **Roll Call Vote on Amended Main Motion:**

39 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
40 Mayor McNamara all voting Yea.

41 None voted Nay.

42 ****The Vote on the AMENDED MOTION was unanimously approved (9-0).***
43

44 **10. NEW BUSINESS**

- 45 **A. Warrant for Civil Forfeiture Notice (pages 58- 60, agenda packed – to be signed by**
46 **Councilors)**
47

48 Included in agenda packet:

- 49 1. Warrant for Civil Forfeiture Notice

2. NH RSA Applicable to Dog Licensing

City Clerk Kristin Kenniston came forth and explained that per statute (RSA 466:14), dogs are required to be licensed annually by April 30th. To procure a dog license, a current rabies vaccination must be on file with the City Clerk's Office. The month of May is a grace period which allows dog owners to follow up on expired rabies vaccinations in order to obtain a license. Any dog that remains unlicensed as of June 1st is assessed with a \$25.00 Civil Forfeiture fine and \$1.00 late fee which accumulates each month that the dog remains unlicensed. She noted that approximately 190 dogs remain unlicensed and would like to bring back the dog vaccination clinic next year.

ACTION:

Councilor Winny MOVED, that the Lebanon City Council hereby issues a warrant to City Clerk, Kristin Kenniston, authorizing the issuance of a civil forfeiture for each dog which remains unlicensed at the close of business on June 16, 2021.

Seconded by Councilor Whittlesey.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

- B.** Approval of "Juniper Circle" as the street name for the roadway to serve a 309 unit residential development at 401 Mount Support Road, Lebanon

Included in agenda packet:

1. May 25, 2021 letter and attachment from Kristina Vagen on behalf of the Trustees of Dartmouth College
2. NH RSA 231:133

A residential graduate housing development located at 401 Mt. Support Road, Lebanon, New Hampshire is currently under construction with the expectation to begin leasing units in August 2021 and occupying units in July 2022. Trustees of Dartmouth College request Lebanon City Council approve the street name "Juniper Circle" for the private drive located within the development site (see letter and map on pages 62-65, agenda packet).

In accordance with NH RSA 231:133, Street Names and Markers, the governing body has the responsibility of naming and renaming streets.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby names the private drive within the 401 Mt. Support Road Graduate Housing Development as "Juniper Circle".

Seconded by Councilor Winny.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

1 C. Discussion & Direction to City Administration: Preparation of Regulations to Permit Natural
2 Burials in Old Pine Tree Cemetery
3

4 The discussion of Natural Burials in Lebanon Cemeteries has been with the Board of Cemetery Trustees
5 for the past several months. The topic is new for Lebanon and is charged with passion on both sides of the
6 discussion (for and against). A motion made and voted upon by the Board of Trustees has stalled
7 development of regulations in favor of more study over the next 5 years.
8

9 Administration is willing to consider the option of natural burials but wishes to do so at a pace that allows
10 opportunity to learn as we go. Old Pine Tree Cemetery is the one cemetery in the city where (more than
11 likely) all burials were natural, and there is room for more burials to occur. Should natural burials be
12 permitted, administration would opt to only allow them in Old Pine Tree Cemetery.
13

14 The regulation of municipal cemeteries is contained in City Code Chapter 46, Cemeteries. While the
15 Board of Cemetery Trustees has the authority to adopt bylaws, regulations, and forms consistent with
16 Chapter 46, when it comes to actually amending the Chapter, they are only advisory to the Council.
17

18 A point of discussion (confusion) during review of possible regulations centered around the question of
19 whether the Council had previously “directed” the Board of Trustees to bring forth a recommendation on
20 natural burials in the City. Minutes have been researched and there was no past direction.
21

22 In order to facilitate further review and discussion on natural burials, Administration was requesting the
23 Council direct the City Manager to develop regulations for presentation to the Cemetery Board of
24 Trustees for their review and recommendation to the Council, hopefully by October 2021.
25

26 Councilor Zook noted the Cemetery Board of Trustees received lots of public input about the Old Pine
27 Cemetery being used for Green Burials.
28

29 Mayor McNamara thought that it was a good idea to allow the staff to completely vet this and to make
30 some recommendations to the Council, noting it is important to get something before Council. He
31 understands there was a motion passed by the Cemetery Board of Trustees to basically put natural/green
32 burials in hiatus for a period of five (5) years, but felt this was too long a period of time.
33

34 The Council held discussions regarding where the appropriate location(s) should be for green/natural
35 burials, including locations in all of Lebanon’s cemeteries.
36

37 Mayor McNamara said the purpose of this item is for the Council to take a vote on whether to authorize
38 City Staff to draft recommendations for natural/green burials for the Council’s consideration later in the
39 year. While this is not a Public Hearing, Mayor McNamara opened up this discussion to the public and
40 the following came forth to speak:
41

42 **Ms. Fran Hatchett (Chair, Cemetery Board of Trustees):** She said that even though the Council did not
43 task the CBT to check into green burials, they researched them for potential implementation in Lebanon.
44 Based on various information, a rough draft was drawn up. The CBT wanted to protect Lebanon, our
45 City workers and their unions, and our City residents from any problems that may arise in the future. She
46 talked with Corner Stone, a company that has been repairing the School Street Cemetery and taking care
47 of three (3) green burial cemeteries in the Bedford area for many years. Unfortunately, their green burial
48 people were not receptive to any of the rules and regulations that were drafted by the CBT.
49

50 **Ms. Judith Brown (Ward 1):** She spoke about her reasons for supporting green burials and the need to
51 come up with options as to where they could be located.

1
2 **Ms. Linda Secord:** She spoke about her support in favor of establishing a place for green burials and felt
3 this topic could not wait for 5-years.
4

5 **ACTION:**

6 ***Assistant Mayor Below MOVED, that the City Manager is hereby directed to develop regulations to***
7 ***permit natural burials in one or more City cemeteries for review and recommendation by the***
8 ***Board of Cemetery Trustees.***
9

10 ***BE IT FURTHER MOVED, that such proposed regulations and recommendations shall be***
11 ***presented to the Council no later than October 2021.***
12 ***Seconded by Councilor Sykes.***
13

14 **Roll Call Vote:**

15 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
16 Mayor McNamara all voting Yea.

17 None voted Nay.

18 ****The Vote on the MOTION was unanimously approved (9-0).***
19

20 **D. Discussion & Set Public Hearing for July 7, 2021: Ordinance #2021-05 to amend City Code**
21 **Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to correct the**
22 **water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter**
23

24 Included in agenda packet: Proposed Ordinance 2021-05
25

26 On December 2, 2020, the Council authorized an 8.0% increase in water service rates through the passage
27 of Ordinance 2020-20. As part of this ordinance, the rate for a four-inch water meter was inaccurately
28 provided due to a transposition of numbers in the previously approved rate.
29

30 Four water accounts were affected by this error in the amounts of \$457.20 each (total overcharge of
31 \$1,828.80). Each account holder will be reimbursed accordingly.
32

33 Administration is requesting the Council approve an adjustment in the rate for a four-inch water meter
34 from \$2,629.90 to \$2,532.70 to accurately reflect the 8.0% increase as shown in red on the attached
35 Ordinance.
36

37 **CITY OF LEBANON ORDINANCE #2021-05**
38

39 **AN ORDINANCE TO AMEND** the Code of the City of Lebanon, Chapter 68 FEES, Article III,
40 **Miscellaneous Fees, Section 68-15 Enumeration of Fees, to amend the fixed meter charge for a Four-inch**
41 **water meter.**
42

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

45 **Section 1**
46

47 The Code of the City of Lebanon is hereby amended to revise Chapter 68 FEES, Article III,

Miscellaneous Fees, Section 68-15 Enumeration of Fees, for the purpose effecting a change to the fixed meter charge for a Four-inch water meter:

B. Public utilities (water/sewer) fees shall be as follows:

§68-15 B(1) Water service rates:

§68-15 B(1)(b) Fixed charge per quarter: [7] Four-inch: ~~\$2,629.90~~ \$2,532.70

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.

ACTION:

Councilor Winny MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 7, 2021, beginning at 7:00pm, in Council Chambers, City Hall, Lebanon, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-05 to amend City Code Chapter 68, Fees, §68-15, Enumeration of Fees to correct the water rate charge for a four-inch water meter.

Seconded by Councilor Whittlesey.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

E. Authorization for the City Manager to enter into a lease agreement with Townsend Family Trust for property to house a tower anchor and guywire for a communication tower at 125 Storrs Hill Road, Lebanon

The City presently has an agreement with the Townsend Family regarding the placement of a tower anchor and guy wire for a public safety communications tower located on public property. The tower anchor and guy wire are located on the Townsend property. The property has been subdivided to another member of the Townsend family. This agreement addresses the subdivision of the property and the proper lessor. The amount of the lease is \$2,000 per year. The agreement is for five years after which it can be renewed.

Authorization from the Council is required for the City Manager to execute a lease agreement with Townsend Family Trust.

1 **ACTION:**

2 *Assistant Mayor Below MOVED*, that the Lebanon City Council hereby authorizes the City
3 **Manager to enter into and execute a lease agreement with Townsend Family Trust for use of a**
4 **portion of their property to house a tower anchor and guy wire for an existing communication**
5 **tower located at 125 Storrs Hill Road, Lebanon.**

6 *Seconded by Councilor Heistad.*
7

8 **Roll Call Vote:**

9 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
10 Mayor McNamara all voting Yea.

11 None voted Nay.

12 **The Vote on the MOTION was unanimously approved (9-0).*
13

14 F. Request by Rock Ridge Lebanon, LLC for an abatement of Sewer Development Charges
15 pursuant to City Code Chapter 136, Sewer Service, §136-124
16

17 Included in agenda packet:

- 18 1. March 19, 2021 letter from Attorney Barry Schuster re: Sewer Fees *(pages 72-75)*
- 19 2. April 7, 2021 letter from Attorney Matthew Decker re: Sewer Development Charges at Rock Ridge
20 Development – 36, 38 & 39 Dogwood Circle *(pages 76-79)*
- 21 3. May 24, 2021 letter from Manager Todd Westhaver, Rock Ridge Lebanon, LLC re: Sewer
22 Development Charge *(pages 80-83)*
- 23 4. May 25, 2021 letter from City Manager Shaun Mulholland re: Request to Abate Sewer Development
24 Charge *(pages 84-86)*
- 25 5. Rock Ridge Exhibits submitted by Attorney Barry Schuster (06-09-2021) *(pages 87-297)*
26

27 Information available but not included in agenda packet:

- 28 1. Link to City Code Chapter 136, Article XV, Sewer Development Charge
29 <https://ecode360.com/36134591>
30

31 **Councilor Heistad recused himself from this discussion/vote.**
32

33 The City received a letter dated March 19, 2021 from Attorney Barry Schuster representing Rock Ridge
34 Lebanon, LLC disputing the imposition of a sewer development charge (SDC) within the Rock Ridge
35 Development. Attorney Matthew Decker, on behalf of the City, responded to Attorney Schuster on April
36 7, 2021 stating the “City stands on its position that pending sewer use permits for new homes in the Rock
37 Ridge subdivision will not be issued until the sewer development charges have been paid”.
38

39 On May 24, 2021, Todd Westhaver, the Manager of Rock Ridge Lebanon, LLC submitted a letter
40 objecting to the imposition of the Sewer Development Charge on the construction of buildings in the
41 Rock Ridge Development off of Old Pine Tree Cemetery Road. Mr. Westhaver stated that the Rock Ridge
42 Development was approved prior to the City amending Chapter 136 of the City Code by adopting Article
43 XIV and Article XV.
44

45 The City adopted the provisions of Chapter 136 Articles XIV and XV on December 4, 2019. The Sleeper
46 Village subdivision, now known as Rock Ridge, was approved on July 7, 2005. (See the letter to Attorney
47 Schuster by Attorney Decker on April 7, 2021) The provisions of Article XIV regard the issue of sewer
48 allocation and sewer permits. When this Article was developed, the City had limitations regarding

1 capacity in the main sewer interceptor that prohibited new sewer connections other than for those
2 developments already approved. Rock Ridge was one of those projects that was previously approved.

3
4 Subsequently, the City has made considerable progress in the renovation of the City's main sewer
5 interceptor which allows for additional capacity in the sewer collection system. Whether this work was
6 completed or not, the capacity needed for the Rock Ridge development had already been calculated for
7 the capacity needed in the sewer interceptor pre-renovation. In other words, Rock Ridge would have
8 received an allocation and sewer permits.

9
10 However, Article XV, a separate article, applies to the implementation of a sewer development charge.
11 The SDC applies to any new application for a building permit for which City sewer service is needed. The
12 legal analysis is detailed in the letter from Attorney Decker to Attorney Schuster.

13
14 Mr. Westhaver, on behalf of Rock Ridge Lebanon, LLC, is requesting the City find that the sewer
15 development charge is not applicable to the Rock Ridge Development as it is presently approved. Mr.
16 Westhaver is requesting the Council to agree to abate the present sewer development charge which has
17 been assessed and paid by Rock Ridge Lebanon, LLC as shown on page 71, agenda packet and listed
18 below.

19

38 Dogwood Circle	\$ 2,404.80
36 Dogwood Circle	\$ 3,907.80
39 Dogwood Circle	\$ 3,907.80
43 Dogwood Circle	\$ 2,404.80
42 Dogwood Circle	\$ 3,006.60
44 Dogwood Circle	\$ 3,907.80
<u>45 Dogwood Circle</u>	<u>\$ 2,404.80</u>
TOTAL:	\$ 21,944.40

20
21 Further, Mr. Westhaver is requesting a decision by the Council regarding the abatement of future
22 assessment of the sewer development charge regarding structures in the approved development which
23 have yet to be constructed (94 units). Chapter 136, Article XV, Section 124 provides for a process to
24 review abatement requests.

25
26 § 136-124 Abatement of sewer development charges. The City Council may abate, for good cause shown,
27 any sewer development charge assessed on any person or organization pursuant to this article. Such
28 abatements may be made on such terms and conditions as the City Council shall deem equitable under the
29 circumstances.

30
31 City Manager Shaun Mulholland came forth stating this is an abatement hearing, and spoke about the
32 unauthorized use of abatements for certain things, such as a leaky toilet. However, he does not have the
33 authority to issue an abatement in this particular case. This is solely within the purview of the Council.

34
35 When the Council passed the Ordinance changes, there were two components: 1) The permitting and
36 allotment process, and 2) The sewer development charge. A number of developments were approved by
37 the Planning Board, prior to the limitations placed in effect by the Council, for hookups to the new sewer

1 system. Rock Ridge was one of those developments and the understanding was they were going to get
2 the full (capacity) amount they requested to access the system and be able to deposit sewer wastewater
3 into the City's system. We have a separate article that requires a sewer development charge, and this
4 applies to everyone at the time they hook into the system, whether they have Planning Approval prior to
5 (hooking up) or not, which was referenced by the City's attorney in the agenda packet.

6
7 The purpose of the SDC was so people who would be entering/hooking up to the City's (sewer) system
8 would be buying into that system and the users that presently exist have paid for the improvements in the
9 system. While the SDC is similar to an impact fee, it is different. Impact fees are established on a
10 development because of the future impact it is going to have. The SDC is, again, people who are buying
11 into the system and helping to pay their share of the costs that have already been expended by the sewer
12 users to create/maintain the system that already exists.

13
14 City Manager Mulholland suggested it is inappropriate to issue an abatement under this circumstance for
15 a number of reasons (i.e., setting a precedent) to the Council. The intent of the Ordinance was very clear
16 when it was established and the SDC is appropriate.

17
18 Attorney Barry Schuster and his client Mr. Todd Westhaver (Manager for Rock Ridge Lebanon, LLC)
19 came forth and handed out documents and shared screen shots, to the Council. *(Please Note: All 255*
20 *pages of Attorney Schuster's presentation documents were included in the June 16, 2021 agenda packet.)*

21
22 Attorney Schuster made his, and his client's, arguments against the Sewer Development Charge (SDC),
23 noting this is not an issue of allocation and is also not an impact fee. The issue is whether this specific
24 process under (Chapter) 136 applies to Rock Ridge because everything presented to the Council for its
25 consideration and deliberations to adopt the ordinance only provided records of those developments for
26 which there was already adequate capacity. Rock Ridge was always included in this. This issue
27 illustrates the dilemma that an existing project faces with an after-the-fact assessment to a development
28 charge. He highlighted and reviewed the following documents with the Council:

- 29
30
- Memo from the City Engineer in 2016 showing that the water plant has supplied capacity to serve
31 the proposed development and the wastewater treatment facility has the capacity to treat the
32 proposed design.
 - The Weston/Sampson report to the city which occurred in 2018/19 that talks about the sewer
33 modeling.
 - The City Council's Work Session in 2018 that shows Rock Ridge with permitted sewer flows of
34 56K gallon.
 - The proposed regulator changes, noting the new processes for water & sewer connections and
35 extensions as listed in the chart on page 168, agenda packet.
 - His interpretation of § 136-124 Abatement of sewer development charges: "All future customers
36 of the City System." Attorney Schuster stated Rock Ridge is not a future customer, it has been a
37 customer since at least 2016 for phase II/III.
 - Application for Phase III, signed by Christina Hall on November 25, 2019.
 - The chronology for Rock Ridge: Attorney Schuster stated that Rock Ridge has actually paid well
38 over \$100K to the City in inspection services, and part of what the sewer charges are looking to
39 do is charge for some of that as well. Rock Ridge has paid a substantial amount to the City for
40 its installation of its entire sewer system already.
- 41
42
43
44
45
46

- 1 • The Sewer connection permits that have been sent to DES (NH Department of Environmental
2 Services) that were signed by the City dating from November 2015.
- 3 • The City Council's approval of the extension of water/sewer units for Phase III, where the City
4 Engineer determined that capacity is available for both water/wastewater treatment plans to
5 supply, accept and treat the projected flows.
6

7 Attorney Schuster also noted that the Rock Ridge project is a development that was calculated into the
8 planning before this ordinance was enacted and to now take it out of that planning runs contrary to the
9 basis for how this ordinance was established. We are not talking about Rock Ridge being required to
10 build capacity for something else in the future. Rock Ridge had already bought into the capacity that
11 existed, noting the City Council's authorization motion for the extension of water/sewer service for Phase
12 III in 2016. As a follow-up to that approval, the State gave its approval as well.
13

14 The purpose of the SDC in all of the minutes and records that the Council had when it considered the
15 ordinance always included a number of developments in its base calculations. The projects that were
16 listed, specifically Rock Ridge (being the largest of them) were built into the analysis as to why a SDC
17 might be necessary, but it was never applied to them. The language of the Sewer Development Ordinance
18 talks about "future customers." Rock Ridge is not a future customer – it has its allocations. This is a
19 serious charge to Rock Ridge that will affect the cost of housing in Lebanon. This (abatement request) is
20 not a precedent-setting move, it is a situation that effects a developer for whom you (City Council) gave
21 permission years ago to operate a sewer system and now you are adding another charge. He agrees with
22 City Manager Mulholland that there is another section, but it all refers to future customers and Rock
23 Ridge is not a future customer.
24

25 Councilor Whittlesey questioned how much City sewer usage is going on at Rock Ridge right now.
26

27 Mr. Westhaver stated he did not have a total amount in his head, but in response to Councilor
28 Whittlesey's other question about how often those abatements are being requested, Mr. Westhaver
29 referred to the City Manager's letter stating there were seven (7) building permits being charged the
30 SDCs. We have been through the process and are connected to the City sewer system already for Phase
31 II. The abatement we are asking for is for the seven (7) building permits we have applied for since the
32 imposition of this new code. Attorney Schuster added that Rock Ridge owns their sewer system, and runs
33 it down to Old Pine Tree Cemetery Road where it joins the City system so everything in Rock Ridge is
34 private, and while it is inspected by the City they have paid the inspectors.
35

36 Councilor Whittlesey asked if those seven (7) CDC abatement requests were connected to the City right
37 now, noting that whether or not Rock Ridge is considered an existing or a future customer, those
38 buildings would still be using new capacity. Even though the allotment was made, that allotment is not
39 currently being used for those specific properties.
40

41 Mr. Westhaver stated that all of the connections for Phase II are already in the ground, and we have
42 already connected to the system. Yes, there will be new flows once all of the houses are complete.
43

44 Councilor Sykes asked if their abatement requests would only apply to the new construction building
45 permits for those single family homes.
46

1 Mr. Westhaver said yes, the SDCs are being imposed on Rock Ridge for every building permit we put in
2 on those individual single family homes being built, since Rock Ridge did not apply for all of the building
3 permits for Phase II prior to the imposition of the change in the statute.

4
5 Councilor Sykes questioned how any application for a building permit by Rock Ridge was different from
6 an application by some other homeowner who wants to put up an addition to their house that would then
7 require a sewer development charge, noting he did not see the distinction.

8
9 Attorney Schuster again explained the building permit process required by the code. Mr. Westhaver
10 added that Rock Ridge has gone through the process for sewer development prior to doing all the building
11 permits for individual homes and explained what he believed the intent is for subdivisions and gave
12 examples.

13
14 Councilor Sykes stated he was not talking about a brand new home that is being built, he was talking
15 about an existing home who has been paying for their portion of the sewer work and their taxes and fees
16 for years and years and now they add a bathroom to their house and now they pay a SDC. There is an
17 inherent unfairness to give an abatement for a project on new buildings that are now being added after this
18 ordinance was passed.

19
20 Mr. Westhaver, after going through the building process once again, reiterated the SDCs were for new
21 developments, not something that has already had its usage allocated.

22
23 City Manager Mulholland clarified the purpose of this process was to prevent someone from grabbing all
24 the capacity that was available. That process is not required for Rock Ridge because they already had the
25 allotment. Nowhere (in the ordinance) did it say that you do not have to pay the SDC. Everybody has to
26 pay this SDC. The allocation (of capacity) has nothing to do with the SDC.

27
28 Councilor Liot Hill asked how water/sewer charges work at Rock Ridge? Is it a Homeowners'
29 Association where members pay water/sewer to the association and then the association pays the City?
30 Mr. Westhaver stated water/sewer is billed directly to the homeowner from the City.

31
32 Attorney Schuster again reiterated that the SDC language applies to new developments, future customers
33 of the City system, who seek to enlarge their sewer system. Rock Ridge is not a future customer because
34 it is not enlarging the existing sewer system. It already has an allocation and was already approved for
35 that allocation.

36
37 Councilor Whittlesey asked if, for the specific plots (listed above), Rock Ridge applied for sewer permits
38 and if they have been issued for those areas. Mr. Westhaver said yes, noting they have paid the SDC.
39 Council Whittlesey then questioned at what point were those permits issued. Mr. Westhaver stated they
40 were issued when they were told to pay the SDC or they would not get the permits. When questioned by
41 Councilor Whittlesey about the date the permits were issued, Mr. Westhaver said they were issued in
42 April of this year (2021), noting that construction began around February 2021.

43
44 City Attorney Matt Decker came forth and referred to his letter (pages 77-79, agenda packet). Rock
45 Ridge is arguing their sewer allocation is vested, and he respectfully disagrees. The law makes it clear
46 that water/sewer is not a vested property right and referred to the Supreme Court Case of 1991 as
47 mentioned in his letter. Because there are no vested rights, the Council has the right to revoke sewer

1 service entirely and has the right to include a SDC that requires new users, or existing users who want to
2 expand their service, to pay for that privilege as reflected in the Ordinance itself. As described in City
3 Code §136-105, an allocation merely reserves sewer capacity for an applicant's use so that available
4 capacity is not inadvertently consumed by other projects before a developer is able to connect to the
5 system. This is not an Impact Fee, but there are similarities and he referred to RSA 674:39, I and RSA
6 674:39, II. Consistent with these laws, and a City planning staff memorandum presented to the Planning
7 Board on January 13, 2020 to review Rock Ridge's request for an extension of time for completion of the
8 Phase III development, he noted the impact fees instituted in September 2010 would not apply for future
9 building permits "as more than 5 years has elapsed since the date of the Planning Board's final approval
10 of the plat on July 6, 2006." SDCs would apply in the same way. When he looked at the Ordinance, the
11 language seemed clear to him that the Council, as the legislative body, had the right to impose SDCs on
12 all future customers and on all existing customers who seek to enlarge existing sewer services.

13
14 Mayor McNamara agreed that capacity was allocated, but moving forward every new house built (in
15 Rock Ridge) is a new customer and would require the payment of the SDC to ensure the system going
16 forward has both the durability and the capacity to continue to accept the wastewater flows.

17
18 Attorney Schuster respectfully disagreed with Attorney Decker, noting that while Rock Ridge may be
19 applying for building permits, it is still a current customer. It is the customer to whom this allocation was
20 granted and is not seeking to enlarge the existing sewer system because the sewer was defined at the
21 moment it was granted that allocation.

22
23 The Council, Attorneys Schuster and Decker, and Mr. Westhaver continued to have discussions regarding
24 what would be considered a new customer versus an existing customer; capacity allocations versus flow;
25 and hypothetical development situations that would need/ would not need to pay a SDC.

26
27 City Manager Mulholland read §136-121(A) that states: "A SDC (Sewer Development Charge) is hereby
28 imposed on all future customers of the City's sewer system and on all existing customers who seek to
29 enlarge existing sewer services." There are a certain number of homes that were built in Rock Ridge,
30 which is their existing service. Now, there are new services being added, which are the new homes.
31 These words were chosen very carefully because we considered those projects that already had an
32 allotment.

33
34 Assistant Mayor Below asked if Rock Ridge would continue to own the development and Mr. Westhaver
35 responded by saying that once the development is completed the owner will turn over the properties to the
36 Homeowners' Association who will then own the sewer system.

37
38 The Council continued extensive discussions regarding the purpose of SDCs for existing versus future
39 developments; capacity allocations; flow versus demand; protecting the capacity for Rock Ridge; the
40 language in §136-121(A); splitting the SDC cost between the City and Rock Ridge and potential
41 precedent-setting issues this might cause with other property owners in the City and the surrounding area,
42 including Enfield's SDC agreement with the City of Lebanon.

43
44 ***Councilor Liot Hill MOVED to extend the meeting to 10:15 p.m.***
45 ***Seconded by Councilor Sykes.***
46

1 **Roll Call Vote:**

2 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
3 Mayor McNamara all voting Yea.

4 None voted Nay.

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

7 **The meeting was extended to 10:15 p.m.**

9 **ACTION:**

10 **Councilor Whittlesey MOVED**, that the Lebanon City Council, after hearing the request by Rock
11 **Ridge Lebanon, LLC for abatement of Sewer Development Charges in the amount of \$21,944.40**
12 **and any future Sewer Development Charges regarding sewer permits in the presently approved**
13 **Rock Ridge development, hereby denies the request for abatement.**

14 *Seconded by Councilor Winny.*

16 **Roll Call Vote:**

17 Councilors Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

18 Voting Nay: Assistant Mayor Below

19 Recused: Councilor Heistad

20 **The Vote on the MOTION was approved (7-1). Councilor Heistad was recused.*

22 **Councilor Heistad returned as a regular member of the Council.**

24 **11. City Manager Report:**

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

- 26 • Downtown Beautification Projects: City funds will be used to put in auto irrigation on the small
27 traffic islands. Businesses are being asked to adopt an island and help plant flowers, etc. Similar
28 beautification plans are being worked on for West Lebanon.
- 29 • Downtown Mall Improvements.
- 30 • Tunnel Opening: July 8, 2021.
- 31 • Landfill testing phase for permits: Almost ready to be implemented.
- 32 • Twin Pines Housing: Has now signed off on the Welcoming Lebanon Ordinance.
- 33 • SeeClickFix App: This is a new app being implemented that will allow residents to submit and
34 keep track of their reports regarding issues in the City (i.e., trees down, potholes, dead animal in
35 the road, etc.).
- 36 • Email Phishing Attacks: The City is receiving an abundance of phishing emails which are being
37 compiled and sent to Homeland Security. Everyone is urged to be diligent about not clicking on
38 suspicious links sent to them and to report any suspected phishing emails.
- 39 • Vaccinations: Many vaccination efforts have been taking place, such as at the Farmers' Market,
40 in schools, for the homeless, at construction sites, etc.

42 **12. Council Representatives to Other Bodies Reports: None**

44 **13. Future Agenda Items: None**

46 **14. Non-Public Session: None**

1 **15. Adjournment:**

2
3 *Councilor Heistad MOVED for adjournment.*
4 *Seconded by Councilor Whittlesey.*

5
6 **Roll Call Vote:**

7 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and
8 Mayor McNamara all voting Yea.
9 None voted Nay.

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

11
12 **The meeting was adjourned at 10:07 PM.**

13
14 Respectfully submitted,
15 Dona E. Gibson
16 Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
JULY 7, 2021**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Heritage Commission, Matthew Smith (Regular Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated June 29, 2021.

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: June 29, 2021

TO: The Honorable Mayor & City Council

FROM: Kristin M. Kenniston, City Clerk

RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment. *Note: nominations do not need to be seconded.*

Heritage Commission

- **Matthew Smith** - Appointment as a regular member to the Heritage Commission for a three-year term.
Interviewed by: Councilor Sykes
Term (7/21-7/24)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5069 for Board Member Application
Date: Thursday, May 27, 2021 2:51:36 PM

Alesia Williams
Assistant City Clerk
City of Lebanon
(603)448-3054

CONFIDENTIALITY NOTICE

The information contained in this electronic message and any attachments are intended for the exclusive use of the addressee(s) and may contain confidential, privileged information. If you are not the intended recipient, please notify the City Clerk's Office at 603-448-3054 and delete or destroy all copies of this message and any attachments. Any unauthorized use, disclosure, or distribution of this message and any attachments is strictly prohibited.

Website: lebanonnh.gov
Subscribe to Leb E-News at lebanonnh.gov/subscribe

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 27, 2021 2:27 PM
To: cityclerk@lebanonnh.gov; webmaster@lebcity.com
Subject: [EXTERNAL]Online Form Submission #5069 for Board Member Application

Board Member Application

Board Member Application
City of Lebanon board / committee member application.

Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

(Section Break)

First Name Matthew

Last Name	Smith
Physical Address	49 Eldridge St.
City	Lebanon
State	New Hampshire
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	802-356-8071
Work Number	603-646-9080
Email Address	matthew.c.smith@dartmouth.edu
How long have you resided in Lebanon?	9 years (6/2012)
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Heritage Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	Civic responsibility and volunteering are important to me. I have room to add commitments. Historical preservation - particularly what a society chooses to preserve, alter or purposely forget - has always been an interest.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have an interest in history, historic landmarks, monuments and preservation, with leadership experience in both administrative and operational settings. Director of Financial Operations for Dartmouth's Dining Program Experience in hospitality industry, including 2 inns that used their unaltered historic structures as part of their marketing plan Former Case Manager for SC Guardian ad Litem Program

(department of the SC Governor's Office)

BA of History, Clemson University

...and one lonely encyclopedia entry taken from my college
thesis: <https://www.scencyclopedia.org/sce/entries/blue-ridge-railroad/>

Certification

I hereby certify that I meet the basic requirements for applying to
a Lebanon board / committee.

Email not displaying correctly? [View it in your browser.](#)

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the
sender and know the content is safe.**

From: [Sykes, George](#)
To: [Kristin Kenniston](#)
Subject: SMITH, MATTHEW HERITAGE interview
Date: Thursday, June 24, 2021 11:36:30 AM
Attachments: [SMITH. MATTHEW HERITAGE.pdf](#)

Councilor Interview Report Form

Councilor Name: George Sykes

Date of Interview: June 1, 2021?

Applicant Name: Matthew Smith

Board(s) to Which Applied: Heritage Commission

X Regular Seat ___ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? Yes ___ No

(If yes, indicate date of meeting.) Date: _____

Recommend Appointment: X Yes ___ No

X Regular Seat ___ Alternate Seat

General Comments:

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

2) Are you familiar with the meeting dates and time commitments of this Board/Committee? Would you be available for additional meetings, site visits, or other official events when necessary?

YES

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

NO, but a long held interest in history and preservation.

4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

YES

5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

NO

6) What do you think are the key challenges for this Board/Committee?

Historical preservation - particularly what a society chooses to preserve, alter or purposely forget will always be a challenge.

7) What do you think are the key opportunities for this Board/Committee?

8) What would you like to see this Board/Committee accomplish in the next year?

Specific Questions for Applicants to Land-Use Boards:

George Sykes
City Councilor
Ward 2
City of Lebanon

3 Avon Avenue
Lebanon, NH 03766

(H)603-448-0319 / (C)603-667-1834

**AGENDA
LEBANON CITY COUNCIL
JULY 7, 2021**

8. PUBLIC HEARING ITEM:

**8.A – AMEND ORDINANCE NO. 18 TO RECLASSIFY THE POSITION OF
HUMAN SERVICES DIRECTOR TO GRADE 12; INCLUDE THE POSITION OF
DEPUTY ASSESSOR, GRADE 9; AND TO AMEND THE PAY PLAN FOR
SEASONAL/TEMPORARY& STIPEND EMPLOYEES**

A public hearing for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan as follows:

1. Amend Article II, Non-Affiliated & LPASE Employees, Section A - Regular Full-time and Part-time Benefit Eligible Positions to reclassify the position of Human Services Director from a Grade 10 to a Grade 12; and to add the position of Deputy Assessor (Grade 9)
2. Amend Article II, Non-Affiliated & LPASE Employees, Section B – Seasonal/Temporary & Stipend Employees to increase the wage ranges for Seasonal Laborers and CDL Seasonal Drivers.

The City Council scheduled this public hearing at their June 2, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on June 26, 2021 in accordance with City Code and State Law.

BACKGROUND

RECLASSIFY THE POSITION OF HUMAN SERVICES DIRECTOR

The Human Services Director supervises the Assistant Human Services Director and works closely with staff of outside Human Services Agencies to create and maintain a wrap-around set of services, referred to as a “safety net” for the betterment of jointly served clients. This position coordinates partnerships to comprehensively address issues that may adversely affect/impact the ability to serve clients (i.e., homelessness, lack of affordable housing, access to medical services, etc.)

Over the past few years, the Human Services Director’s responsibilities have expanded in several different directions caused by configurations of geographical circumstances. These configurations included the lack of affordable housing, homelessness, economics, and the effects of COVID 19. This position has assumed additional duties and responsibilities due to the changing demographics of the Upper Valley and the effects placed on the changes in the housing market, and the global pandemic.

Additionally, the Human Services Director represents the City Manager and acts as the representative of the City on statewide and regional coalitions, committees and working groups focusing on human services issues.

Due to the evolution of the position and supervisory duties not previously considered, a review of the job description was conducted, and revisions were made to accurately reflect the additional duties and responsibilities. This resulted in the reclassification of the position from a Grade 10 to a Grade 12.

ADD DEPUTY ASSESSOR

Due to the reorganization of the Finance Department - encapsulating the Assessing Department and contracting with Municipal Resources, Inc., to oversee the physical assessment changes to residential and commercial property values, we have discovered a need for elevated assessing functions in the day-to-day administration of the department. For this reason, we are recommending the position of Deputy Assessor be added to the department. A job description has been created and is classified as a Grade 9 position.

We are fortunate to have an experienced Assessing Clerk with the knowledge and credentials needed to fill the position. Therefore, we are proposing that our existing Assessing Clerk be promoted to Deputy Assessor and the position of Assessing Clerk be vacated. While the role of the Assessing Clerk is needed, the Deputy Assessor would be charged with those duties while taking on the more elevated tasks required to manage the upper-level needs of the department adequately and efficiently. For example, incorporating a Deputy position will enable the department to communicate effectively and more timely with the State Department of Revenue and other State or outside agencies; process the necessary tax, property, and exemption changes more efficiently, and better manage difficult tax situations posed by members of the public.

SEASONAL/TEMPORARY & STIPEND EMPLOYEES

Due to the nationwide shortage and difficulties hiring and attracting seasonal, temporary and stipend staff; the City is recommending increasing the hourly wages and/or stipends of seasonal CDL drivers and seasonal laborer positions identified in red below.

Process to Amend Ordinance No. 18

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The first presentation was recognized by the Council on June 2, 2021; the second was June 16, 2021. The Council is asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

ACTION

The following motion is offered for consideration:

1. PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the third of three presentations to amend Ordinance No. 18, Salary Plan, as follows:

- 1. Amend Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to reclassify the position of Human Services Director from a Grade 10 to a Grade 12; and to add the position of Deputy Assessor, (Grade 9); and**
- 2. Amend Article II, Non-Affiliated & LPASE Employees, Section B – Seasonal/Temporary & Stipend Employees to increase the wage ranges for Seasonal Laborers and CDL Seasonal Drivers**

Changes in the table below shown in red.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES

<u>Grade</u>	<u>Position Title</u>	<u>Hourly</u>		<u>Weekly</u>	
		<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
1	General Intern II	\$16.77	\$22.64	-	-
2	Custodian	\$17.78	\$23.99	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.84	\$25.44	-	-
	Custodian I	-	-	-	-
	Accounting Clerk				
4	Library Assistant	\$19.98	\$26.97	-	-
5		\$21.17	\$28.57	-	-
6	-	\$22.44	\$30.29	-	-
7	Administrative Assistant	\$23.78	\$32.45		
	Administrative Secretary			-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant	\$25.21	\$34.04	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,008.55	\$1,361.65
	Young Adult Librarian	-	-	-	-
9	Code Health Inspector**	\$27.73	\$37.43	-	-
	Executive Assistant	-	-	-	-
	Deputy Assessor	-	-	-	-
	Digital Media Officer	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Children's Librarian			\$1,109.20	\$1,497.36
	Associate Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
10	Assistant City Engineer**	\$30.50	\$41.18	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**				
	Police Communications Supervisor**	-	-	-	-
	Human Services Director	-	-	\$1,220.15	\$1,647.20
	Recreation Program Coordinator**	-	-		
11	Technical Advisor I	\$33.59	\$45.34	-	-
	Administrative Services Manager**	-	-	\$1,343.60	\$1,813.60

	Airport Operations Supervisor**	-	-	-	-
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
12	Wastewater Treatment Superintendent**	\$35.60	\$48.05	-	-
	Water Treatment Superintendent**	-	-	-	-
	City Assessor**	-	-	\$1,424.00	\$1,922.00
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,509.21	\$2,037.39
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works	-	-	\$1599.77	\$2,159.70
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Cyber Services Director	-	-	\$1,695.84	\$2,289.20
16	Technical Advisor II	\$44.93	\$60.66		
	Chief of Police	-	-	\$1,797.42	\$2,426.40
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Deputy City Manager	-	-	-	-

**denotes LPASE Positions.

Changes to the compensation and classification schedules are shown in red below. Strikeout text represents a deletion of the position due to consolidation or to remove duplicates.

POSITION TITLE	HOURLY
ELECTION POSITIONS (HOURLY)	
Ballot Clerk	\$10.15
Election Assistant	\$10.15
Supervisors of the Checklist	\$10.15
Moderator	\$12.69

Ward Clerk		\$12.69
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$11.25	\$28.54
PARK AND RECREATION POSITIONS		
Front Desk Attendants – Pool	\$10.15	\$15.25
Lifeguards	\$10.15	\$17.50
Head/Lead Counselors	\$13.20	\$16.24
Head & WSI Lifeguards	\$12.18	\$18.25
Head Front Desk Attendant - Pool	\$12.18	\$15.50
Outdoor Adventurer - Educator	\$12.69	\$16.24
Softball Coordinator	\$12.69	\$16.24
Camp Director	\$13.20	\$20.00
Day Camp Counselors	\$10.15	\$15.25
Arts & Craft Director	\$13.20	\$17.00
Farmers Market Coordinator	\$14.21	\$18.27
Market Assistant	\$12.18	\$15.23
Tennis Instructor	\$15.23	\$19.29
Stomp & Romp	\$15.23	\$19.29
Asst. Pool Director	\$15.23	\$21.00
Pool Director	\$16.24	\$24.00
LIBRARY POSITIONS		
Circulation Substitutes		\$13.41
Reference Librarian Substitutes		\$22.65
PUBLIC WORK POSITIONS		
Engineering Clerk	\$11.17	\$14.21
GIS Clerk - (or Intern) These are the landfill interns	\$15.23	\$17.26
Seasonal Laborers – Summer & Fall DPW, Parks & Rec. & Airport	\$16.24	\$19.29 \$20.52
CDL Seasonal Drivers	\$22.81	\$27.30 \$50.00
PLANNING POSITIONS		
Park Ranger	\$15.23	\$17.26
POLICE DEPARTMENT POSITIONS		
Crossing Guard		\$16.53
Communications Specialist	\$23.78	\$32.45
Police Administrative Aide	\$20.30	\$23.35
Parking Control Officer	\$20.30	\$23.35
Police Officers	\$26.86	\$32.39
CITY CLERK POSITIONS		
Assistant City Clerks (Part-Time/Temp. <20)	\$23.41	\$31.61
Recording Secretary	\$21.82	\$23.85
Recording Secretary Coordinator	\$22.82	\$24.36
SHARED POSITION		
General Intern I	\$13.20	\$16.75
STIPEND POSITIONS		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$205	\$715
(Chair) Supervisors of the Check List	\$155	\$255
Supervisor of the Voter Checklist	\$155	\$255

2. RESOLUTION:

FOR THE PURPOSE OF amending Ordinance No. 18, Salary Plan.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council amends Ordinance No. 18, Salary Plan, as follows:

- 1. Amend Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to reclassify the position of Human Services Director from a Grade 10 to a Grade 12; and to add the position of Deputy Assessor, (Grade 9); and**
- 2. Amend Article II, Non-Affiliated & LPASE Employees, Section B – Seasonal/Temporary & Stipend Employees to increase the wage ranges for Seasonal Laborers and CDL Seasonal Drivers**

Included in this Section

1. Notice of Public Hearing as Published in the June 26, 2021 Edition of the *Valley News*

June 28, 2021



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, July 7, 2021 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

The Lebanon City Council will hold a public hearing on July 7, 2021, beginning at 7:00pm for the following:

A. AMEND ORDINANCE NO. 18, SALARY PLAN

– A public hearing for the purpose of receiving public input and taking action to Amend Ordinance #18, Salary Plan as follows:

1. Amend Article II, Non-Affiliated & LPASE Employees, Section A - Regular Full-time and Part-time Benefit Eligible Positions to reclassify the position of Human Services Director from a Grade 10 to a Grade 12; and to add the position of Deputy Assessor (Grade 9)
2. Amend Article II, Non-Affiliated & LPASE Employees, Section B – Seasonal/Temporary & Stipend Employees to increase the wage ranges for Seasonal Laborers and CDL Seasonal Drivers.

The July 7, 2021 City Council agenda package will be available on the City's website beginning July 2, 2021 and documents pertaining to the above described public hearings can be reviewed online at LebanonNH.gov/agendas

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 visit LebanonNH.gov/Live for full details.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, June 26, 2021.

A handwritten signature in black ink, appearing to read "Kristin M. Kenniston".

Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
JULY 7, 2021**

10. NEW BUSINESS:

**10.A – GRAFTON COUNTY GOVERNMENT UPDATE WITH
GRAFTON COUNTY COMMISSIONER WENDY PIPER**

BACKGROUND

Grafton County District 1 Commissioner Wendy Piper will be present to update the Council on happenings in the County and discuss the Commissioners' Proposed FY '22 Budget.

ACTION

No action is required by Council; item is for discussion purposes only.

Included in this Section:

1. Breakdown of Community Tax Impacts - 2022 Proposed Grafton County Commissioners' Budget

Available but not Included:

1. [Grafton County Commissioners' Proposed Fiscal Year 2022 Budget](#)

<i>MUNICIPALITY</i>	2019 Equalized	2020 Equalize	Difference in	Percentage	FY '22	FY '21		Difference	Change
	Value	Value		Proportion to		Tax	Tax		
			Valuation	County Tax					
ALEXANDRIA	239,230,769	260,368,339	21,137,570	1.4792%	\$	398,969	\$ 394,956.00	\$ 4,013	1.02%
ASHLAND	259,646,463	303,422,430	43,775,967	1.7238%	\$	464,942	\$ 428,661.00	\$ 36,281	8.46%
BATH	140,835,195	153,086,903	12,251,708	0.8697%	\$	234,579	\$ 232,511.00	\$ 2,068	0.89%
BENTON	27,823,571	28,267,135	443,564	0.1606%	\$	43,314	\$ 45,935.00	\$ (2,621)	-5.70%
BETHLEHEM	297,616,229	358,734,422	61,118,193	2.0380%	\$	549,698	\$ 491,347.00	\$ 58,351	11.88%
BRIDGEWATER	425,913,059	469,943,499	44,030,440	2.6698%	\$	720,107	\$ 703,157.00	\$ 16,950	2.41%
BRISTOL	572,979,062	587,115,377	14,136,315	3.3355%	\$	899,652	\$ 945,954.00	\$ (46,302)	-4.89%
CAMPTON	443,000,880	482,446,907	39,446,027	2.7409%	\$	739,266	\$ 731,368.00	\$ 7,898	1.08%
CANAAN	412,306,281	444,134,799	31,828,518	2.5232%	\$	680,559	\$ 680,693.00	\$ (134)	-0.02%
DORCHESTER	44,381,080	49,937,620	5,556,540	0.2837%	\$	76,521	\$ 73,271.00	\$ 3,250	4.44%
EASTON	76,485,099	82,282,258	5,797,159	0.4675%	\$	126,083	\$ 126,272.00	\$ (189)	-0.15%
ELLSWORTH	17,392,748	18,628,402	1,235,654	0.1058%	\$	28,545	\$ 28,714.00	\$ (169)	-0.59%
ENFIELD	627,474,167	685,552,818	58,078,651	3.8947%	\$	1,050,490	\$ 1,035,922.00	\$ 14,568	1.41%
FRANCONIA	332,217,273	361,485,645	29,268,372	2.0537%	\$	553,914	\$ 548,471.00	\$ 5,443	0.99%
GRAFTON	138,317,565	140,807,508	2,489,943	0.7999%	\$	215,763	\$ 228,354.00	\$ (12,591)	-5.51%
GROTON	131,229,195	140,786,119	9,556,924	0.7998%	\$	215,730	\$ 216,652.00	\$ (922)	-0.43%
HANOVER	2,525,982,954	2,800,581,070	274,598,116	15.9105%	\$	4,291,403	\$ 4,170,246.00	\$ 121,157	2.91%
HAVERHILL	384,640,648	401,030,357	16,389,709	2.2783%	\$	614,509	\$ 635,019.00	\$ (20,510)	-3.23%
HEBRON	320,159,924	311,407,972	-8,751,952	1.7692%	\$	477,179	\$ 528,565.00	\$ (51,386)	-9.72%
HOLDERNESS	859,052,706	1,026,957,421	167,904,715	5.8343%	\$	1,573,634	\$ 1,418,245.00	\$ 155,389	10.96%
LANDAFF	56,289,603	55,470,241	-819,362	0.3151%	\$	84,998	\$ 92,931.00	\$ (7,933)	-8.54%
LEBANON	2,514,260,093	2,535,942,242	21,682,149	14.4071%	\$	3,885,890	\$ 4,150,893.00	\$ (265,003)	-6.38%
LINCOLN	1,040,831,599	1,148,101,483	107,269,884	6.5225%	\$	1,759,266	\$ 1,718,351.00	\$ 40,915	2.38%
LISBON	120,471,035	136,306,615	15,835,580	0.7744%	\$	208,866	\$ 198,890.00	\$ 9,976	5.02%
LITTLETON	922,401,875	1,013,715,697	91,313,822	5.7591%	\$	1,553,343	\$ 1,522,831.00	\$ 30,512	2.00%
LIVERMORE	136,600	136,600	0	0.0008%	\$	209	\$ 226.00	\$ (17)	-7.38%
LYMAN	75,898,375	77,171,041	1,272,666	0.4384%	\$	118,251	\$ 125,304.00	\$ (7,053)	-5.63%
LYME	377,098,674	401,220,557	24,121,883	2.2794%	\$	614,801	\$ 622,567.00	\$ (7,766)	-1.25%
MONROE	472,062,380	511,930,337	39,867,957	2.9084%	\$	784,444	\$ 779,347.00	\$ 5,097	0.65%
ORANGE	34,076,367	34,595,485	519,118	0.1965%	\$	53,012	\$ 56,258.00	\$ (3,246)	-5.77%
ORFORD	159,875,158	167,388,437	7,513,279	0.9510%	\$	256,494	\$ 263,944.00	\$ (7,450)	-2.82%
PIERMONT	101,179,064	104,681,997	3,502,933	0.5947%	\$	160,407	\$ 167,041.00	\$ (6,634)	-3.97%
PLYMOUTH	543,400,586	553,397,944	9,997,358	3.1439%	\$	847,986	\$ 897,122.00	\$ (49,136)	-5.48%
RUMNEY	207,141,801	231,450,004	24,308,203	1.3149%	\$	354,657	\$ 341,979.00	\$ 12,678	3.71%
SUGAR HILL	170,215,201	178,737,979	8,522,778	1.0154%	\$	273,885	\$ 281,015.00	\$ (7,130)	-2.54%
THORNTON	426,229,460	471,317,708	45,088,248	2.6776%	\$	722,212	\$ 703,679.00	\$ 18,533	2.63%
WARREN	90,183,308	101,553,779	11,370,471	0.5769%	\$	155,613	\$ 148,887.00	\$ 6,726	4.52%
WATERVILLE VALLEY	333,107,638	350,349,009	17,241,371	1.9904%	\$	536,849	\$ 549,941.00	\$ (13,092)	-2.38%
WENTWORTH	112,853,640	118,062,573	5,208,933	0.6707%	\$	180,910	\$ 186,315.00	\$ (5,405)	-2.90%
WOODSTOCK	303,290,184	303,534,973	244,789	1.7244%	\$	465,115	\$ 500,714.00	\$ (35,599)	-7.11%
					\$	-			
TOTALS:	16,337,687,509	17,602,041,702	1,264,354,193	100%	\$	26,972,066	\$ 26,972,548	\$ (482)	0.00%

\$ 21,137,570.00

**AGENDA
LEBANON CITY COUNCIL
JULY 7, 2021**

10. NEW BUSINESS ITEMS:

10.B – REVIEW AND DISCUSSION ON DRAFT OPEN SPACE PLAN

The Planning and Development Department and Conservation Commission are seeking review and comments from the City Council on the final draft of the Lebanon Open Space Plan, prior to adoption by the Conservation Commission and eventual endorsement by the Council and Planning Board.

BACKGROUND

The preparation of an Open Space Plan has been a long-standing goal of the Planning and Development Department. The City's 2012 Master Plan includes multiple references to the importance of open space planning for ensuring responsible and respectful development and for identifying and protecting the existing resources and biodiversity that Lebanon enjoys. [2|D-1g; 5|D-5a]

The Master Plan explicitly recommends the development of an Open Space Plan, with public participation, that will inventory natural and cultural features, and recommend green space corridors for continued wildlife habitat and for the benefit of residents. [5.1.A1] Further, it is recommended that the Open Space Plan should set priorities for acquiring or otherwise protecting privately-held land from willing sellers/owners, establish incentives for landowners to voluntarily place conservation easements on their land, and include recommendations on the use of City-owned parcels. [2.3.A1]

In March of this year, the Planning and Development Department received a final draft version of the Open Space Plan following initial review and comment by the Conservation Commission. Prior to final adoption of the Plan by the Conservation Commission, the Department is seeking review and discussion on the Plan from both the Planning Board and the City Council. The Planning Board reviewed and commented on the Open Space Plan at its meeting on April 26th with several members of the Conservation Commission in attendance.

Following the review and discussion of the Open Space Plan by the City Council, a final version will be prepared and submitted to the Conservation Commission for adoption. Following adoption by the Commission, the Planning and Development Department will seek endorsement of the Plan by the Planning Board and City Council, each of which will have an important role to play in achieving the goals of the Plan.

ACTION

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

Included in this Section:

1. Lebanon Open Space Plan



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity



CREDITS

This Open Space Plan is dedicated to the network of individuals, groups, and organizations that were inspired by their natural surroundings to engage in efforts to support and maintain the natural systems that are the lifeline for the ecological integrity of the natural landscape of Lebanon – an extensive list that includes:

- 🕒 Residents and private landowners who share, protect and maintain properties and trails;
- 🕒 Volunteers serving on various boards and committees;
- 🕒 Decision-makers who provide support;
- 🕒 Public and private organizations and entities whose primary mission is to support the stewardship of natural resources and conservation lands; and
- 🕒 Natural resource professionals.

Collectively, they provide **an impressive stewardship network that Lebanon is extremely fortunate to have.**



CONTENTS

EXECUTIVE SUMMARY	1
1. INTRODUCTION	2
Community Setting	2
Public Support for Open Space	2
Statement of Purpose	2
General Goals of the Open Space Plan	3
Vision Statement	3
Elements of the Open Space Plan	3
2. IMPORTANCE OF OPEN SPACE	4
What is open space?	4
What value does open space have?	4
Why be concerned about the loss of open space?	5
How much open space does a community need?	5
3. OPEN SPACE PRIORITIZATION	6
Historic Open Space Prioritization	6
How Much Open Space Should Be Preserved?	7
Prioritization Methodology – The Proposal for Lebanon	7
Methodology Summary	9
4. OPEN SPACE MANAGEMENT STRATEGIES	12
Public Education and Outreach	12
Regulatory Protection	13
Acquisition of Property or Property Rights	13
Summary	14
ADDENDUM: CITY OF LEBANON CONSERVATION PROPERTIES	15



OPEN SPACE is undeveloped land containing natural resource features that collectively interact to provide healthy and vibrant ecological systems that are worthy of conservation.

In every walk with Nature one receives far more than he seeks.

~John Muir

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

EXECUTIVE SUMMARY

Lebanon is – and has long been – engaging in actions to manage, conserve and preserve open space. These efforts include policy adoption, regulatory implementation, land acquisition and protection, and conservation property stewardship. Those efforts, combined with our goals and objectives for future actions, including implementation tools and resources, constitute the Lebanon Conservation Program (LCP). The LCP interacts with both the Lebanon Master Plan and the Lebanon Natural Resource Inventory.

The **purpose** of this Open Space Plan is to:

- ☞ Increase the visibility of the Lebanon Conservation Program;
- ☞ Articulate the city's long-term vision for land conservation;
- ☞ Attract additional support for conservation efforts;
- ☞ Set open space benchmarks that can be used to measure progress; and
- ☞ Provide useful information on desirable open space characteristics, and on the tools and process for managing the ecological integrity of open space.

This Open Space Plan begins with a description of the community setting, a reference to the public support for open space, and the statement of purpose, goals, and a vision of this plan. Within Section Two, it further articulates the importance of open space, the value open space provides, and concerns regarding the loss of open space. Section Three proposes an open space prioritization methodology, with Section Four proposing strategies for future conservation efforts. The addendum includes maps and descriptive information for many of the existing conservation properties in Lebanon.

The City of Lebanon continues to benefit from a network of individuals, groups, and organizations who, inspired by their natural surroundings, engage in and support open space conservation efforts that help maintain the ecological integrity of the city's natural landscape. These partners and supporters of open space protection include:

- ☞ Private landowners who are willing to share and often protect properties;
- ☞ Policy decision makers that provide support;
- ☞ Volunteers who collectively make up the various boards and committees tasked with policy development, oversight and management decisions;
- ☞ Private and public organizations and entities whose primary mission is to support the stewardship of natural resources and conservation lands;
- ☞ Professionals (foresters, ecologists, wetland scientists, botanists, biologists and others) who offer a wealth of knowledge; and
- ☞ Lebanon's residents who serve in many roles (volunteering on boards, engaging in trail maintenance, supporting policy decisions, and more).

Collectively these partners and supporters provide a powerful stewardship network that Lebanon is extremely fortunate to have. This Open Space Plan prepared by the Lebanon City Planning and Development Office with assistance from PlaceSense was built upon that network's local knowledge, professional expertise and commitment to conserving the city's open space for future generations.



It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours.

~John F. Kennedy, March 1961

1. INTRODUCTION

Community Setting

The City of Lebanon, New Hampshire is one of the core Upper Valley communities. It is located on the Mascoma and Connecticut Rivers, surrounded by traditional villages, beautiful rural areas and expanses of farmland and forests. The abundance and quality of natural resources in and around the city – clean air and water, open space, wildlife habitat, undeveloped natural vistas, and working farm and forest land – is one of its greatest assets. Much of Lebanon is characterized by scenic views and vistas of the rivers, unspoiled ridges and valleys, and woods interspersed with open fields. More than 80% of land in Lebanon remains undeveloped, with a significant portion enrolled in the New Hampshire Current Use Program. There are still two working farms in the city. From almost everywhere in Lebanon, one can still see and access considerable expanses of open land.

The City of Lebanon is a growing community. It is a regional hub and the principal employment and shopping destination for a federally-designated “micropolis” consisting of 25 towns stretching across two states. Because of its distinct role as the heart of the region’s economy, Lebanon has faced considerable development pressure for many years. New industries, offices and services have provided Lebanon residents with high-quality jobs and a wide variety of choices for shopping, dining, and other services. At the same time, these enterprises have attracted more people and traffic to the area, straining the city’s infrastructure and stimulating demand for still more development.

That demand has led to once open land, including some of the richest agricultural soils in the state, being converted to shopping centers, subdivisions and other types of development. Significant floodplains and wetlands were drained or filled before the advent of protective regulations, and development pressure continues to affect these resources. In the uplands, wooded ridges and hillsides are being fragmented by roads and rural residential development. Increasing vehicle emissions, road salt and other pollutants threaten air and water quality.

The City of Lebanon has reached a crossroads at which it must make significant decisions about the future of land development and conservation. How land is used shapes a community’s character and vitality for generations into the future. As Lebanon continues to grow and develop as a dynamic economic center, the city should take proactive measures through thoughtful planning and responsible environmental protection to ensure that important natural resources are conserved. Growth and change are inevitable and welcome, but it is imperative that Lebanon guide development in order to preserve open land and scenic resources. Without adequate forethought, future development could fray the fabric of the community by diminishing the natural resources that make Lebanon an attractive and healthy place to live and do business.

Public Support for Open Space

There is widespread public support for open space preservation in Lebanon. Residents have consistently identified preserving rural character – whether in terms of open space, regional traditions, smaller-scale and independently-owned businesses, etc. – as a critical factor in maintaining Lebanon’s quality of life and sense of place for more than 30 years. A common viewpoint is that the natural environment and open space – forests, agricultural land, water bodies, viewsheds, wildlife habitat, and ridgelines – must be protected to prevent irreversible damage that would change the community’s character. The open space preservation policies in the current plan have developed in response to such public comments and suggestions over the decades.

The 2012 City Master Plan repeatedly references the need for an open space plan to identify key open space resources, as well as strategies and techniques to maintain open space for future generations (page 5-6). It recommends that Lebanon develop an open space plan that:

“Sets priorities for acquiring or otherwise protecting privately-held land from willing sellers/owners, establishes incentives for landowners to voluntarily place conservation easements on their land, and includes recommendations on the use of City-owned parcels.
[Land Use Chapter Outcome 4, Action 1, page 2-25]

Will inventory natural and cultural features, and recommend green space corridors for continued wildlife habitat and for the benefit of residents.
[Natural Resources Chapter Outcome 1, Action 1, page 5-12]

Statement of Purpose

The overarching purpose of this Open Space Plan is to increase the visibility of the Lebanon Conservation Program (LCP), to attract additional support and to clearly articulate the city’s long term vision for open space protection. From an action or engagement perspective, this plan will help guide and inform the actions of local officials, boards and committees, and the general public. It provides a framework within which the community can focus its efforts and resources toward preserving important natural resources and open spaces.

This Lebanon Open Space Plan charts a course that will enable all interested parties to make the most of conservation opportunities as they arise. In particular, it:

- ☞ Identifies the value of preserving open space and natural resources.
- ☞ Identifies types of open spaces that are important to conserve.
- ☞ Prioritizes and optimizes open space conservation opportunities.
- ☞ Informs and advises anyone who might wish to conserve open space.

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city’s ecological integrity

General Goals of the Open Space Plan

This plan establishes the following goals for open space conservation in Lebanon:

- 🕒 Protect the quality of surface and underground drinking water supplies;
- 🕒 Protect the quality of lakes, streams, and wetlands needed to sustain aquatic ecosystems and water-based recreation;
- 🕒 Preserve open space, particularly forest lands, to protect and enhance air quality, to absorb and store carbon, and to provide critical buffering against climatic extremes;
- 🕒 Protect habitat for the diversity of plant and animal species to ensure the protection of healthy, viable, and sustainable ecosystems, as well as the conservation and preservation of biological diversity within the city;
- 🕒 Protect habitats that sustain the traditional pastimes of hunting, fishing, and viewing fish and wildlife;
- 🕒 Maintain and encourage the important natural resource-based industries of farming, wood products, and tourism;
- 🕒 Protect and enhance those scenic, historic and cultural resources that are recognized as valued parts of the common heritage of Lebanon's citizens;
- 🕒 Protect in-city open spaces for residents of more densely developed areas;
- 🕒 Provide places for education and research on ecological, environmental, and appropriate cultural resources to provide a better understanding of the systems from which they derive; and
- 🕒 Provide high quality outdoor recreation opportunities, on both land and water, accessible to all Lebanon's citizens, regardless of where they live, their financial status, or their physical abilities.

Vision Statement

It is the community's vision that:

“*The natural resources and open spaces that make the City of Lebanon a desirable place to live shall be conserved for future generations to enjoy and appreciate. This conservation shall occur in the context of a community that is also growing and changing.*”

Those areas with high natural resource value and that are important to Lebanon, the State of New Hampshire, and to the nation will be subject to careful stewardship. These areas include places deemed of local importance as well as those of regional or statewide significance. Particular importance will be placed on lands whose development would have an undue, adverse effect on water quality, wildlife habitat, agricultural lands, and scenic areas.

Lebanon will protect and conserve working farm and forests, core habitat areas important to flora and fauna, and the corridors that link those core areas. Because personal connections with nature are important to maintaining Lebanon's heritage and sense of community, low-impact recreational opportunities that do not alter natural areas will be encouraged. The city will strive to be a place of natural beauty and uninterrupted views.

Elements of the Open Space Plan

This Open Space Plan consists of four elements:

- 🕒 **Section 2** discusses the importance of open space within the community. It provides some historical context for open space preservation in Lebanon, as well as a summary of recent land use development and conservation trends in the city.
- 🕒 **Section 3** proposes a prioritization framework that establishes how much open space is needed and identifies lands that should be protected based on a 78:22 ratio of open space to developed land in the city.
- 🕒 **Section 4** provides a summary of key tools and techniques available for preserving the city's natural resources and open space areas.
- 🕒 **Appendix A** inventories many of the existing city-owned conservation lands.

It is typical for an open space plan to include extensive description of the flora, fauna and general landscape characteristics of the community. This plan does not do that and instead cross-references the existing natural resource content included within the city's 2010 Natural Resource Inventory and 2016 Wildlife Corridor Assessment. Collectively those documents and this Open Space Plan are intended to serve as the blueprint for the Lebanon Conservation Program.

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

2. IMPORTANCE OF OPEN SPACE

This section of the Open Space Plan attempts to answer the following questions:

- ❏ What is open space?
- ❏ What value does open space have?
- ❏ Why should people be concerned about the loss of open space?
- ❏ How much open space does a community need?

The answers to these questions shape this plan and the implementing public policies. They provide a clear understanding of the public interest and benefit in policies such as land regulation or acquisition for open space protection.

What is open space?

Many people think of open space as land in its natural state, while acknowledging that natural forces and organisms – as dramatic as glaciers or as subtle as moss – continually shape the landscape. Others expand that to encompass land modified by human activity. Open space also includes water bodies such as lakes and rivers.

What is considered open space depends, in part, on its surroundings. A vacant lot or community garden may be considered open space in a developed neighborhood. A narrow corridor or pathway for walking or bicycling may be open space even though it is surrounded by development.

In the Lebanon Open Space Plan, open space is defined as undeveloped land areas containing natural resource features that collectively interact to provide healthy and vibrant ecological systems that are worthy of the following conservation measures:

- ❏ A municipal planning process with foundation principles grounded in natural resource oversight;
- ❏ Regulatory oversight and innovative land use planning techniques;
- ❏ Land protection measures such as conservation easements and open space requirements; and
- ❏ Simple sound property stewardship.

This definition of open space for conservation purposes acknowledges the symbiotic relationship with other forms of open space. This includes active open space like the town common (Colburn Park), recreation fields, and recreation paths. It also includes open space elements that are integrated into the built environment such as vegetated parking lot islands, rain gardens, and greenways. The Lebanon Open Space Plan focuses primarily on the open space resources outside of the built environment, while strongly endorsing the sound management of other forms of open space in accordance with the recommendations of various studies, reports, and planning documents such as the recreation master plan, development regulations and zoning ordinance.

What value does open space have?

Open space is an integral part of any healthy city. It is not just the leftover areas or land that is not yet economical to develop. Open space is as essential to a thriving community as neighborhoods, public utilities and transportation systems. Open space provides a combination of environmental, social and economic benefits that would be costly, if not impossible, to replicate by other means.

This Lebanon Open Space Plan focuses primarily on the ecological value of open space. Other benefits, including aesthetics and recreation, are considered secondary to the primary goals. However as articulated in the 2010 Wildlands and Woodlands—A Vision for the New England Landscape report (Harvard Forest, 2010):

“A well designed open space program will include a balance of lands that are protected from development and managed for forest products, water supply, wildlife habitat, recreation, aesthetics, and other objectives, as well as lands that are established as reserves subject to minimal human impact and shaped by natural processes.”

Environmental Benefits

Open space helps provide the ability for natural processes to function and thrive, supporting the intricate natural resource web of flora and fauna, preserving biodiversity, and maintaining healthy natural systems. It acts as a circulatory system for natural processes such as wildlife movement and hydrological flows. Open space provides general environmental services such as erosion control, flood water retention, groundwater recharge, watershed protection, etc.

Open space also has ecological functions providing habitat for plant and animal life, and supporting biodiversity. The undeveloped landscape provides for important wildlife habitat and helps to maintain a diverse and healthy environment. There are approximately 1,900 species of plants and 17,000 species of animals in New Hampshire. While many of these species are considered common, it is estimated that 75% of the habitat for rare, threatened or endangered species remain unprotected and vulnerable to development.

Forested open space also provides an important source of renewable energy and carbon storage – key factors in slowing the rate of climate change. Open space is critical for supporting the adaptation that many species will face as habitats are impacted by climate change.

Social Benefits

Patches and corridors of open space interspersed throughout the built environment weave the fabric of the city together. Together they add natural beauty, character and uniqueness to the landscape. The larger open space patches typically found on the edge or beyond the built environment provide residents and visitors with places for outdoor recreation, including hunting, fishing and other traditional uses.

Open space offers opportunity for many different types of active and passive recreation, which has positive benefits for the health and well-being of residents.

It provides places for people to interact socially. Open space also allows people to increase their awareness of the natural environment through outdoor education and field research programs.

Open space offers scenic and aesthetic enjoyment. It also preserves the community's heritage by protecting historic and archaeological resources. These benefits help maintain the community's character, support tourism and enhance quality of life.

Economic Benefits

It is difficult to quantify many of the public benefits that open space provides in monetary terms. In some instances, it is possible to express the natural process values of open space in the dollar terms of traditional economic analysis. For example, there is the income derived from sustainable timber harvesting and local agricultural production on open space lands. An analysis completed for the Society for the Protection of New Hampshire Forests in the late 1990s found that more than \$3.6 billion dollars of income and more than 60,000 jobs were directly attributable to open space-based economic activities in New Hampshire at that time.

Another direct benefit are the avoided costs as a result of open space protection. An example of this would be the avoided cost of flood damage when open space land provides flood storage and reduces the extent of downstream damage. Or the avoided cost of replacing a public water supply when open space provides protection from contamination and groundwater recharge around a wellhead.

Open space also offers indirect economic benefits. It can positively impact surrounding property values and benefit local businesses by spurring economic activity within the surrounding area. According to the National Association of Home Builders (in the Business NH Magazine, October 1998), it is not uncommon for the value of building sites to be enhanced by 15 to 20% in the vicinity of park and recreation areas. The increased value to the landowner is also shared by the municipality, because as relative property values are higher, then assessed valuations and tax revenues will also be higher.

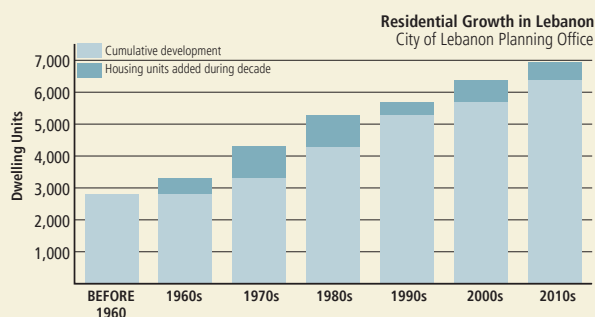
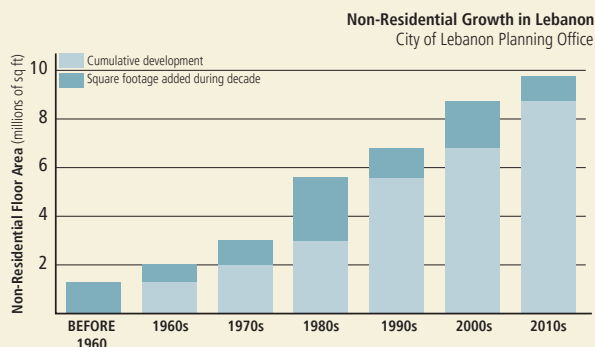
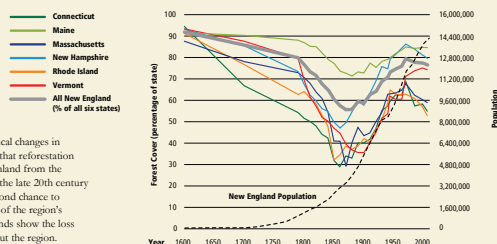
Communities increasingly consider the opportunity cost of losing open space to development, especially residential development. As detailed in the University of New Hampshire Cooperative Extension report “Does Open Space Pay?” (Auger 1996), open space land uses are often a net asset to communities, typically generating much more revenue than they cost in terms of services provided. Residential development, on the other hand, generally costs a community more in the way of services than it generates in tax revenues. While commercial and industrial land uses tend to result in a net gain in tax revenues, such development may provoke a need for more housing and increased loss of open space unless satisfied with infill and redevelopment.

Traditional arguments on the behalf of open space planning have not rested upon economic considerations. Rather, they have been founded upon the need for protecting environmentally sensitive lands, the need for public recreation facilities, and the attractiveness and ecological importance of green spaces.

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

New England Forest Cover and Human Population



Why be concerned about the loss of open space?

Undeveloped land in Lebanon will continue to be lost given the trends in population, housing and economic growth in the city and region. Now is the time for Lebanon to decide what open space is important to conserve and how best to achieve those goals.

Population and Housing Growth

The number of people living in Lebanon increases each year although the rate of population growth has slowed markedly over the past several decades. The city has been adding about 60 new residents annually this decade (2010s) – a population growth rate of less than 0.5% a year.

Lebanon has been adding housing units at a faster rate than residents in recent years as the average household size has been falling. On average, 70 housing units were created in the city annually during 2010s. Given the recognized shortage of housing in the region, it is anticipated that the demand for housing will remain strong in this decade. That demand is being driven by growth in the regional economy with much of the associated job creation occurring in Lebanon as described below.

The location of new residential development is the most important factor as it relates to impacts on open space. Compact housing development that occurs as infill or redevelopment within the urban core has far less impact than low-density suburban or rural residential development.

The statewide trend of increased footprint and land consumption for single-family homes does appear to be occurring for new homes located outside the urban boundary in Lebanon. However, that trend is being offset by the shift from single-family home development in rural areas to multi-family development within the city's urban core – serving as yet another compelling benefit of directing the housing growth to within the urban areas. With appropriate design measures such as provision of green infrastructure, the city can benefit from the vibrancy that new housing brings to existing neighborhoods and can avoid impacts to open space areas. For this reason, the city's Master Plan identifies compact and infill residential development in the urban core as the desired vision for the future.

Economic Growth

The city added 2.9 million square feet of non-residential space between 2000 and 2018. The city has approved more than 2 million square feet of non-residential development that has yet to be constructed. This suggests that the rate of non-residential development will remain strong for the foreseeable future.

Lebanon's topography, combined with the proximity to transportation, sewer and water infrastructure, has directed most non-residential growth to land within or in close proximity to the urban core – thus avoiding the adverse impacts of rural sprawl and fragmentation. However, the majority of recent non-residential development has occurred on previously undeveloped land (greenfield development), as opposed to redevelopment (brownfield development). The cumulative impacts of this pattern of development can degrade the quality of surrounding natural areas. The Centerra Business Park, Airport Business Park, DHMC campus, Etna Road light industrial uses, and commercial development along Route 12A are all located on former natural open space or agricultural land.

How much open space does a community need?

There are a number of factors to consider when determining the quantity, type and location of open space land appropriate for a community. A more diverse portfolio of protected lands (high elevation, forests, floodplains, wetlands, shorelines, agricultural lands, etc.) enhances the environmental, ecological and climate benefits of open space. Protecting land dispersed around the community will ensure that more residents have access to open space near their homes. Where there is a denser pattern of development, public open space becomes critical for quality of life – providing urban residents with places for outdoor recreation and enjoyment of nature. Further, there may be specific resources within the community of scenic, cultural or historic value that merit protection through open space conservation.

Historic Open Space Protection

Fortunately for Lebanon, there has been a pattern and trend of land conservation efforts occurring simultaneous with development over the past several decades. In 1980, there was about 100 acres of city-owned, permanently protected open space in Lebanon – 40 years later, there are nearly 2,000 acres.

Private land has also been protected by property owners either voluntarily placing conservation easements on their land or permanently setting aside land as conserved open space as part of a residential development. Approximately 1,200 acres of privately-owned open space was protected as of 2019.

The 3,221 acres of public and private open space protected from future development represents approximately 12% of Lebanon's total area. Geographically dispersed around the city, these open space lands include a variety of landforms and natural communities.

Future Open Space Protection

While Lebanon's open space protection efforts have been effective to-date, there remain significant resources vulnerable to future development. The 2010 Natural Resource Inventory and 2016 Wildlife Corridor Assessment include specific recommendations for further open space protection and other measures to retain or enhance the function and values of the city's diverse ecosystems.

- Q The 2010 Natural Resource Inventory identifies 73 significant ecological areas (SEAs) that, due to their sensitive nature and unique set of natural resource characteristics, require special consideration. The SEAs represent less than 10% of the city. Nearly all the city's rare and endangered plant species are contained within these lands, and virtually all of the rare wildlife species depend upon them. The Inventory recommends that the SEAs be priorities for conservation due to their ecological integrity and ecosystem services. Currently, 28% of the SEAs are within protected open space areas.
- Q The 2016 Wildlife Corridor Assessment focused on 17 priority wildlife crossing areas. It found that recent development has reduced potential crossing areas. Unfragmented blocks of habitat are becoming isolated as development along the road networks have built up physical barriers to wildlife. To preserve

LEBANON OPEN SPACE PLAN

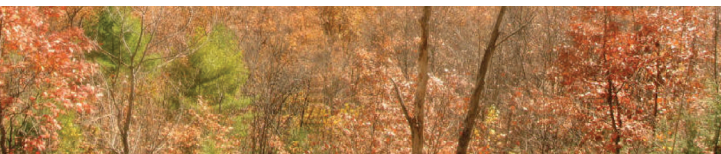
a strategy for integrating and advancing efforts to conserve the city's ecological integrity

ecological values and functions, the Assessment recommends that protected open space areas be linked by greenbelts that allow for the movement of wildlife. Only two of the priority crossing areas currently connect through protected open space lands.

The guidance that follows in Section Three for establishing goals, benchmarks and a methodology for prioritizing the city's open space protection efforts builds upon the recommendations from the Natural Resource Inventory and the Wildlife Corridor Assessment. It is also consistent with the land use goals of city's Master Plan, which call for most future growth to occur in the urban core.

In the end, we conserve only what we love.
We will love only what we understand.
We will understand only what we are taught.

~ Baba Dioum, Senegalese Poet



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

3. OPEN SPACE PRIORITIZATION

The Conservation Commission has recommended that the City identify, prioritize, and actively work to conserve land with high-value natural resources that are currently unprotected. This section briefly describes previous efforts to prioritize open space for conservation. It then proposes a new prioritization framework that is grounded in the concept of **how much** open space is needed, and **where** are the currently undeveloped lands located that should be prioritized for conservation.

Historic Open Space Prioritization

The historic open space prioritization efforts described below are testament to the desire of Lebanon residents to maintain the special open space and conservation qualities that are part of the fabric of this community. The information and recommendations they contain continue to guide present day conservation endeavors. Grounded in a fundamental bio-diversity conservation planning framework, Lebanon is positioned to use this information to engage in a very progressive, forward thinking approach to preserving the functions and values of its existing open space lands, and maintaining the desired community character.

1996 Conservation Commission Approach

In 1996, the Conservation Commission developed an approach in which they identified generic land types that were desirable locations for open space preservation. These were not parcel-specific recommendations, but rather a listing of generic attributes that were recommended for preservation. The list included:

- 📍 Mascoma Lake Shore Lands
- 📍 Connecticut River Shore Lands
- 📍 Mascoma River Shore Lands
- 📍 Flood Plain Wetlands
- 📍 Prime Wetlands
- 📍 Other Wetlands
- 📍 Unique Geologic Features
- 📍 Mountain Tops & Ridgelines
- 📍 Old Farms and Fields
- 📍 Wildlife Habitat and Corridors
- 📍 Aquifer Areas
- 📍 Mixed and Old Growth Forest
- 📍 Land Contiguous to Existing Conservation Land
- 📍 Rare and Endangered Flora Habitat

Around the same time, students from the Lebanon High School Environmental Science class and Students for a Sustainable Future (SFF) teamed up with the Lebanon Conservation Commission to conduct a poster ballot project. The project sought input from the community about open spaces in Lebanon. The vote from participating residents included the following results, listed from most popular to least:

1. The Mascoma River Shorelands
2. The Connecticut River Shorelands
3. Mascoma Lake shorelands
4. The Landmark Lands
5. Farms
6. Mt. Support and Rix Ledges
7. Blueberry Hill and Hardy Hill areas
8. Daisy Hill area
9. Quarry Hill
10. Class VI Roads
11. Corridors in the City of Lebanon
12. Route 4/Eastman Hill intersection

One of the mutual highlights between these two efforts was that undeveloped shoreline is both valued, as well as in need of protection as it is often equally prized for its development potential.

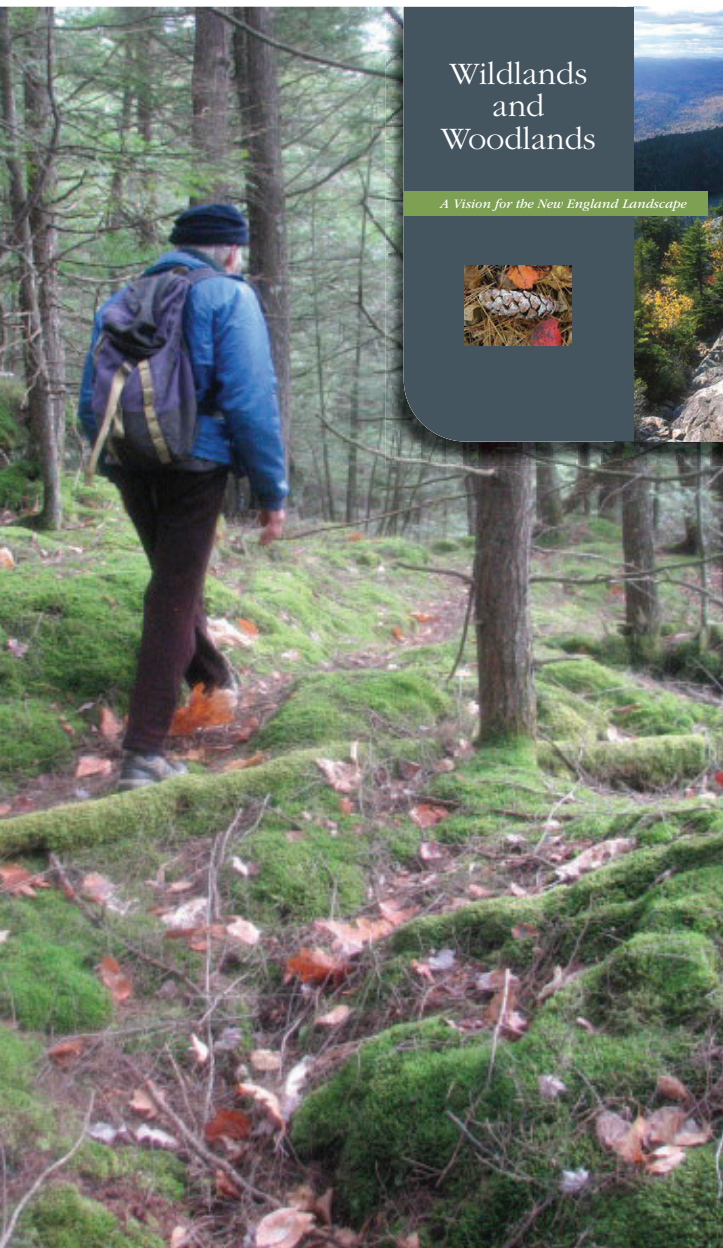
Conservation Commission Periodic Review

The Conservation Commission undertakes a periodic review of City of Lebanon owned parcels. This exercise occurred in 1993, 2006, 2011, and most recently in 2017. The list of City owned properties changes over time as privately owned parcels transfer to City ownership, the result of a failure to pay taxes, gifting to the City, etc.

The results of the 2017 analysis revealed that there are very few, if any, additional protection opportunities for City owned properties, as many of the properties with valuable natural resource characteristics are already under some form of protection or are simply undevelopable. Or the properties are currently developed, typically providing some sort of infrastructure support to the City, such as the City Landfill, the Wastewater Treatment Plant, recreation fields, etc.

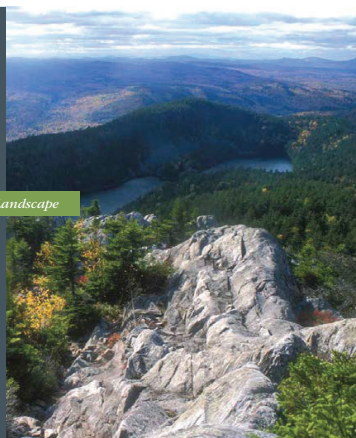
2010 Natural Lebanon

The 2010 Natural Lebanon – Natural Resource Inventory (NRI) report was completed to serve as a “framework” planning document, providing extensive descriptive information associated with the undeveloped natural open space areas within Lebanon. It is impressively robust as to the level of detail contained within the report, including the following: a wetland assessment and prioritization; identification of existing and potential vernal pools; species and habitat types occurring within Lebanon including rare plants, rare animals, and target species of special concern. It provides valuable prioritization input, including highlighting priority conservation sites, priority wetland complexes, and highlighting areas deemed as “Significant Ecological Areas” (SEAs), as well as Co-Occurrence areas. The proposed prioritization methodology detailed later within this section includes this information as the core component.



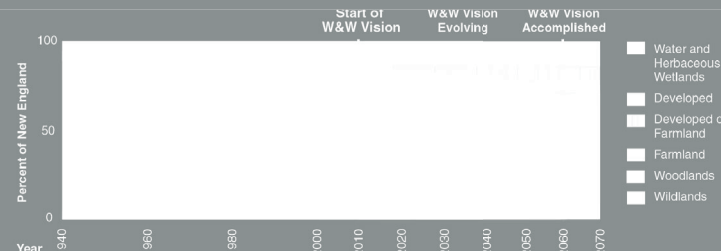
Wildlands and Woodlands

A Vision for the New England Landscape



New England Land Cover: Past, Present, and Future

Figure 3. Projections for the implementation of Wildlands and Woodlands demonstrate that roughly a doubling in the rate of forest conservation over current levels is needed to achieve the vision within 50 years.



Lebanon Master Plan

The Lebanon Master Plan – “Lebanon 2030” provides guidance as to recognizing the role of open space within the community, including highlighting a desirable future development pattern that emphasizes development within the existing urban cores, particularly infill development, and avoiding urban sprawl into the rural undeveloped areas of Lebanon. Chapter 5 (Natural Resources) includes the following key points:

- Recognize that conservation of the natural environment is essential to maintaining the City’s quality of life and economic vitality
- Conserve open space and maintain the functions of natural systems while respecting the rights of property owners
- Establish a connected network of open spaces, conservation lands, greenbelts, and working farm and forest land that is accessible to City residents

How Much Open Space Should Be Preserved?

When considering an Open Space plan and conservation recommendations, one question that inevitably arises is: How much land is enough? Answering the question of “how much” can be challenging to provide in the form of a finite figure, as open space and conservation planning is often as much an art as it is science. However, there is significant value in setting benchmark for conservation goals as a means to both evaluate progress and celebrate successes.

- The Society for the Protection of New Hampshire Forests challenged municipalities to conserve “at least 25% of its lands for a network of trails, parks, farms, and forests where people can connect with the natural world.”
- Keene, NH set a goal within their master plan of 50% protected land.
- Burlington, Vermont has established a goal of retaining a 20% ratio of developed land-to-protected natural areas in an effort to ensure that natural areas are preserved as other land is developed. Their policy states that “for each four acres of new development, one acre should be set aside by the developer as a natural area.”

- The EPA encourages an approach that includes targeted percentages of developed to undeveloped land that is grounded in scientific rationale associated with water quality protection.

Prioritization Methodology – The Proposal for Lebanon

The prioritization methodology proposed for Lebanon is framed by the “how much” open space and the “location” of currently undeveloped lands. This plan recommends a metric that is a ratio of developed to undeveloped land. Additionally, it is intended that within this undeveloped, open space mosaic will be a portfolio of natural resource characteristics that collectively represent and support biodiversity at both a local and regional scale.

The proposed “how much” is informed by benchmarks proposed within the Wildlands and Woodlands – A Vision for the New England Landscape report (Harvard Forest, 2010), including differentiating between working woodlands and preserved wildlands. The proposed identification as to the “location” of such lands is shaped by historic prioritization efforts, the 2010 Natural Resource Inventory, the 2016 Wildlife Corridor Assessment, the Lebanon 2030 Master Plan, and enhanced by the integration of, “The Spatial Solution Methodology” (Forman, Richard, 1996), to create a proposed blueprint for open space conservation grounded in science and embracing the concept of biodiversity protection.

The “How Much”

The Wildlands and Woodlands report articulates a vision for the New England Landscape, including establishing measurable benchmark associated with the overall goals. It was authored by more than 20 natural resource professionals, including foresters, forestry professors, natural resource scientist, etc. A review of this document highlights the similarities between the existing forest to developed area ratio within the New England landscape and that of Lebanon. The report’s objectives additionally align with the vision expressed within the Lebanon Master Plan, including: avoiding sprawl, encouraging infill, and preserving the natural landscape. And perhaps most

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city’s ecological integrity

encouraging, the reports vision and goals appear to align with an opportunity that still exists within the Lebanon community.

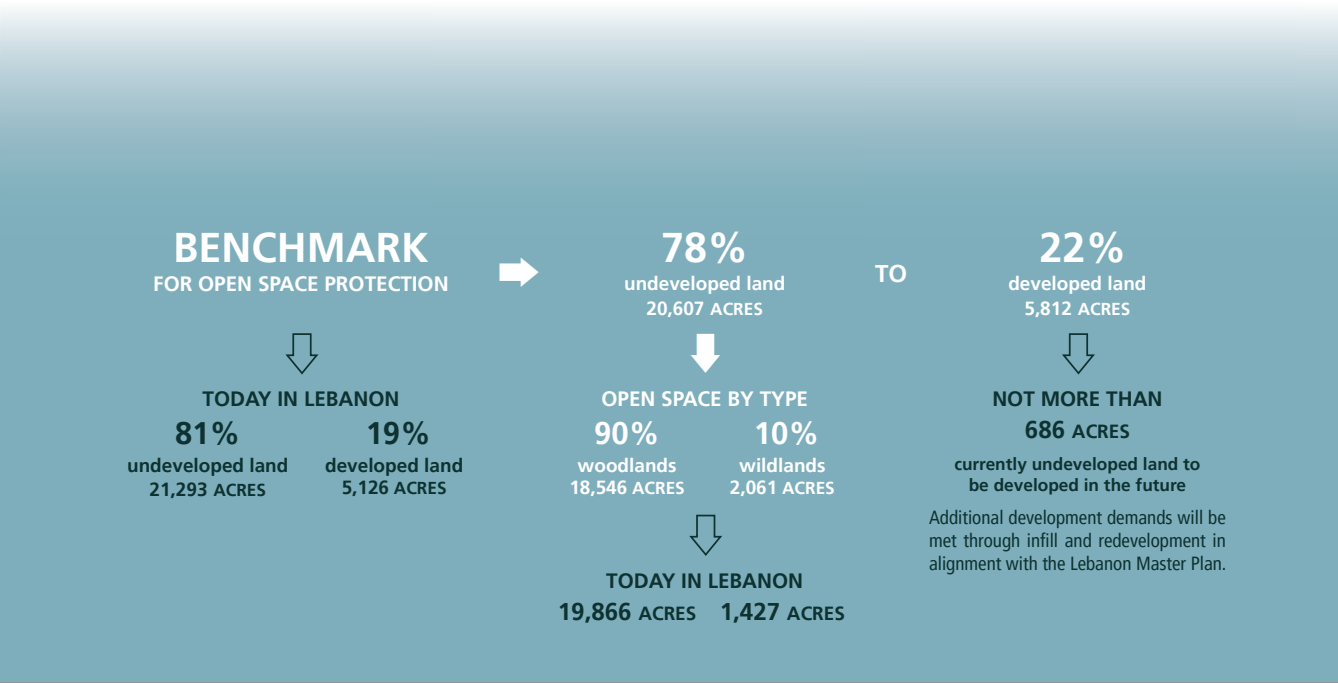
The Wildlands and Woodlands vision builds on decades of planning and leaves room for continued growth and development. It:

- Q Calls for a long-term conservation effort to retain at least 70% of the region in forestland, permanently free from development. This would be achieved through easements from willing private land owners guided with strategic conservation acquisitions and enhanced economic incentives to retain forestland. This forested land would be punctuated only by waters, wetlands, and farmland.
- Q Strikes a balance between active, long-term forest management and preservation. Ninety percent of forestland would be expansive “Woodlands” that are voluntarily protected from development and managed for forest products, water supply, wildlife habitat, recreation, aesthetics, and other objectives. Ten percent of forestland (or 7% of the community) would be “Wildlands” that are established as large landscape preserves subject to minimal human impact and shaped by natural processes.

Applying the Wildlands and Woodlands vision to Lebanon that aligns with desires expressed by the community, it would propose that the amount of undeveloped to developed land within the community not exceed a 78:22 ratio. Furthermore, of the 78% of undeveloped land (20,607 acres), a minimum of 10% (2,061 acres) would be protected open space managed as “wildlands.” Lebanon’s Farnum Hill property currently provides 820 acres that would qualify as “wildlands” where logging is prohibited, mountain bikes and other uses are excluded, and the existing foot trail network will not expand. Rix Ledges is another 250-acre natural area that could be managed as “wildlands.” Together these two existing city-owned properties account for 41% of the fully realized “wildlands” aspired to within the plan.

Lebanon is currently at a 81% undeveloped to 19% developed land ratio. The 78:22 ratio benchmark could accommodate existing development projects currently underway, as well as provide an opportunity for a small amount of continued development in the more rural undeveloped areas into the foreseeable future. However, it would require the vast majority of future development projects to be urban core infill and redevelopment, which is the form and pattern of development called for in the city’s Master Plan.

The proposed approach for categorizing the Lebanon landscape (e.g. developed, undeveloped open space, and wildlands) and setting benchmarks for each, serves to create a portfolio of the various land categories, as well as desired units of measurement or “metrics” for each. It aligns a local vision with a broader regional vision that is espoused by forest professionals and grounded in science. It is in concert with the Lebanon Master Plan’s Future Land Use map, adopted by both the Lebanon Planning Board and Lebanon City Council. This vision focuses on the preference for “brownfield” development and establishing a benchmark limit on “greenfield” development. This vision does not attempt to address the desired or optimal level of growth within the existing developed areas, opting to simply encourage the Planning



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city’s ecological integrity

Board and City Council to periodically engage in that assessment, as informed by the residents of Lebanon and the capacity of existing infrastructure.

This approach represents an achievable, realistic scenario for Lebanon, supported by continued conservation efforts, and a continued trajectory of redirecting growth to the urban cores. It mimics the desires repeatedly expressed by Lebanon residents of promoting vibrant development centers while keeping the surrounding natural lands in their existing state.

The Where or What Open Space Lands

If the 78:22 ratio benchmark is to be realized, it would be logical to engage in an assessment of the natural resource value and ecological richness of existing undeveloped lands to identify the lands best suited to being designated, and potentially protected as, woodlands or wildlands. The descriptive information contained within the Lebanon NRI and Wildlife Corridor reports can inform this assessment and provide a decision-making model that is grounded in ecological principles.

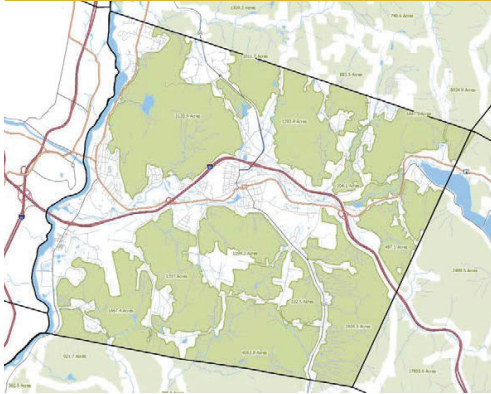
The Spatial Solution Methodology. To describe the prioritization methodology in a “science based” narrative, one could simply state the goal is to preserve the existing biodiversity of the community. To apply the concept of biodiversity in a conservation planning context, Landscape Ecologist, Richard Forman of Harvard University has shown that “there are spatial land-use patterns that make good ecological sense and that will conserve the bulk of nature and natural processes in any landscape or major portion thereof. These patterns will not protect every species, every soil particle, every nutrient concentration or every portion of water bodies, but the spatial pattern will conserve the bulk of the attributes, as well as the most important ones.”

Forman’s Spatial Solution to Conservation Biodiversity describes both indispensable patterns that occur within a landscape, as well as strategic points. The following section will provide a description of the indispensable patterns and strategic points, as well as provide the specific examples of such occurring within the Lebanon landscape, as gleaned from the NRI report. The intent is to utilize this framework, in addition to the information contained within the NRI and Wildlife Corridor report to guide conservation planning efforts.

Methodology Summary

To summarize, the proposed approach for maintaining the existing, vibrant, undeveloped open space landscape within Lebanon, includes achieving a desired ratio between developed and undeveloped lands, as well as utilizing a landscape scale framework approach for general guidance, and existing detailed natural resource information for more direct action as part of the general planning process. For the proposed approach to work, it is essential that the Lebanon community embrace the overall value of achieving the stated conservation vision and engage in a “planning” process that is far more inclusive and innovative than simply relying on the traditional techniques of deploying regulation or purchasing properties as a means to preserve open space. [continued on page 11]

LARGE PATCHES



The large patches of natural areas in Lebanon are bounded by roadways or other forms of development. The quality of the natural habitat provided increases with distance from the edge effects of traffic and other human impacts. The interior or core areas of the large patches are particularly noteworthy, as documented in the NRI report. Fragmentation of large patches is considered a serious threat to regional biodiversity and a leading cause of species extinction.

An assessment of Lebanon’s large patches has included an edge to perimeter ratio, as well as core area assessment. The concept being that a large patch providing significant core area with low edge to perimeter ratio is one that offers more “buffering” from edge disturbance. For example, the scarlet tanager is an interior nesting bird and as such, seeks habitat within the interior core area of a forest. Predation is an edge effect that is decreased as the distance is increased from the edge. “Umbrella species” such as bobcat, bear, or moose, require large patch habitats, and by maintaining these species habitat requirements, habitat is provided to multitudes of species with smaller habitat requirements, hence the concept of an umbrella species.

The Landmark Lands, Rix Ledges, Greater Bass Hill, Mt. Tug, and Hibbard Brook Headwaters provide some of the most notable large natural area patches within Lebanon. It is important to note that many of these extend into the neighboring communities, highlighting their role and value at a landscape scale.

The interior portions of large patches are logically good candidates for the wildland category of natural open space, in which human disturbance is avoided to the greatest extent possible.

VEGETATED CORRIDORS



Vegetated corridors occur along major streams and rivers (e.g. riparian corridors), providing hydrologic and ecologic benefits such as:

- Controlling streambank erosion;
- Reducing mineral nutrient and other substance inputs to streams;
- Providing shade and fallen branches for fish habitat;
- Providing leaves and branches as the base of aquatic food chains; and
- Protecting conduits for species moving along the dendritic system (Binford and Buchenau, 1993; Malanson, 1993).

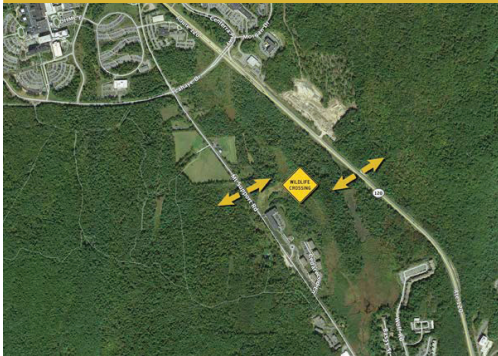
Both width and connectivity appear to be key variables determining the effectiveness of stream corridors.

Lebanon’s undeveloped riparian corridors are identified as a top priority within the NRI, due to the functions and values they provide and the development pressure or general disturbance they experience. Lebanon has adopted a local riverbank protection district as a regulatory approach to conserving the integrity of these features, but additional conservation measures are likely needed to maintain the full spectrum of habitat functionality provided.

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city’s ecological integrity

CONNECTIVITY BETWEEN LARGE PATCHES



Wide connected corridors or, in some locations, a scatter of small patches are keys to effective movement of species between large natural-vegetation patches (Harris and Gallagher, 1989; Saunders and Hobbs, 1991; Noss, 1993a; Forman, 1995). The movement of species among large patches enhances recolonization following local extinction, reduces the probability of inbreeding depression and decreased genetic variability, and spreads risk in case of severe disturbance to a patch.

The NRI report identifies 65 wildlife crossing sites occurring within Lebanon. Of these, 17 were selected for additional habitat availability assessment as they had one or more of the following attributes:

- 🕒 They were identified as a wildlife crossing area in the 2008-2010 NRI
- 🕒 They had a high spatial or temporal species crossing frequency as determined in the field during the wildlife assessment portion of the NRI
- 🕒 They abutted at least one unfragmented area of at least 500 acres
- 🕒 They included 'pinch points' along roadways subject to potential development

The 2016 Wildlife Corridor Report details the descriptive assessment of the seventeen, including: the general direction of travel for the crossing animals, the width and type of crossing, the traffic volume of the roadway, the primary species using the crossing site, and the unfragmented landscapes they are moving between. Detailed recommendations for improving each crossing area are provided, as well as the additional prioritization that includes categorization as either "major" or "best."

The Mt. Support wildlife corridor highlights the challenges to preserving the viability of these features. The area is appropriately zoned as a high-density residential district due to its close proximity to a major employment center and it is experiencing significant development pressure that has the potential to adversely affect wildlife movement. The opportunity does exist to combine a coordinated development review process, with desired site design, to provide an opportunity for both needed housing and the continued viability of this existing wildlife crossing.

BITS OF NATURE ACROSS THE MATRIX

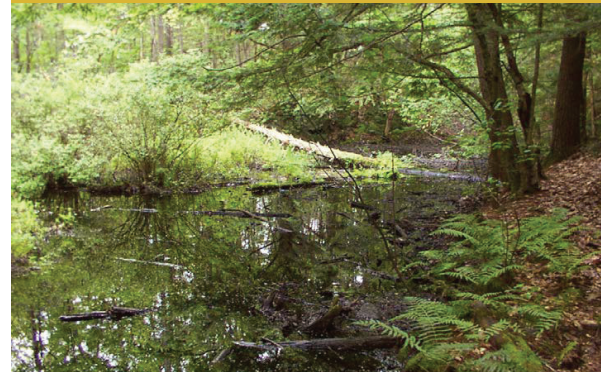


Where the surrounding matrix is ecologically unsuitable or less suitable than the large patches, small patches and/or corridors scattered over the area provide several key ecological benefits. These include:

- 🕒 Protecting rare habitats and species outside the large patches;
- 🕒 Providing stepping stones for species movement in all directions;
- 🕒 Breaking up extensive stretches of matrix to reduce wind or water erosion; and
- 🕒 Providing heterogeneous conditions throughout the landscape as a hedge against disturbance.

These features likely require the greatest oversight and active management as they won't have the recognition to generate the level of awareness and response the more easily identified large patches or prominent vegetated riparian corridors experience. Lebanon's requirement that large subdivisions provide 50% open space area, as is generally described as a conservation development design approach, is one planning tool that could be utilized to conserve the "bits of nature." Transitioning from large subdivisions occurring within existing natural open space areas, to infill or redevelopment would be even more effective.

STRATEGIC POINTS IN A LANDSCAPE



Strategic points in a landscape are those locations whose ecological importance is exceptional and long term. Examples include:

- 🕒 Content of location, including the only vegetated patch, or perhaps the only high elevation undeveloped ridgeline point within a urban setting.
- 🕒 Flux centers where movements or flows are concentrated, such as a migration route, or intersection of a network
- 🕒 An especially sensitive habitat or location that if altered, has a long recovery time

Examples of Lebanon's strategic points, as highlighted in the NRI report, would include rare, threatened, and endangered species; critical or "best" wildlife crossings; high value wetlands and vernal pools; exemplary natural communities; prime farmland soils and soils of importance; surface and ground water; flood plain forest and other high value natural community types; and Significant Ecological Areas (SEAs). SEAs are "those sites that, because of their sensitive nature and unique resource characteristics, require special treatment in terms of long-term conservation and/or protection from human impacts." SEA's are significant because they represent land that contains the highest value natural resource aspect of a given area. Within the boundary of an SEA is one or more valuable elements that exist only by virtue of a unique combination of environmental conditions.

The co-occurrence layer generated for the NRI combines important species, habitats, and natural resources together, yielding a "snapshot view" of locations where these attributes overlap. This information presents an additional opportunity for the identification of strategic points.

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

The traditional planning process reacting to demands of growth and resultant adverse impacts on open space are evident up and down the East Coast, from New Jersey, to the communities in Southeastern New Hampshire. Sprawling subdivisions, filled wetlands, forest fragmentation, increased impervious pavement, and roadway construction, has devastating impacts on the natural systems within communities. With the wealth of knowledge existing within the current day planning profession, and the conservation/planning tools that are available, there is a real opportunity for Lebanon to secure a different outcome. Directing future growth to within the urban core areas and the redevelopment of existing properties, combined with and a continued recognition of the value provided by maintaining the natural open space areas, including sound management decisions, affords the ability to achieve a healthy balance between development and conservation. The following section provides strategies to be utilized to achieve such.

Biodiversity can be defined as the variety and variability among living organisms and the ecological complexes within which they occur (US Congress Office of Technology Assessment, 1987).

Dr. Reed Noss, a renowned conservation biologist, defines biodiversity as “the variety of life and its processes. It includes the variety of living organisms, the genetic differences amongst them, the communities and ecosystems in which they occur, and the ecological and evolutionary processes that keep them functioning, yet ever changing and adapting.”

Land Use / Land Cover Type Map

LebanonGIS

Areas colored yellow to green are undeveloped forestland, protected open space, and working lands. Areas colored orange, brown and gray are developed. Blue areas are rivers, streams, ponds and wetlands.



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

4. OPEN SPACE MANAGEMENT STRATEGIES

Meeting Lebanon's benchmark of 78% open space to 22% developed area will require the continued use of standard conservation measures and implementation of the planning practices espoused in the Lebanon Master Plan. If the community is to continue to grow, it is imperative that infill and redevelopment be the guiding principles for future development. The 78-22 benchmark accommodates a limited amount of residential development outside Lebanon's core areas. The remainder of the development, including non-residential growth, should occur within the core areas. That is sensible not only to meet the objectives of this plan, but for prudent fiscal reasons such as limiting the cost of municipal operations and infrastructure construction.

Businesses initially locate, expand, and thrive in Lebanon for the community's quality of life, which includes the natural landscape surrounding the existing built environment. That growth drives demand for more housing and services. Paradoxically if that growth continues to convert undeveloped land to developed land, it can undermine the quality of life that made the community attractive to employers and residents in the first place. Lebanon can have both a vibrant economy and open space preservation if the city's planning and development process is successful in directing growth to appropriate locations within the community.

Beyond promoting infill and redevelopment over sprawl or greenfield development, Section 3 detailed a methodology for identifying and prioritizing undeveloped land in the city for protection based on its ecological functions and values. It recommends that the city's open space include both working woodlands and wildlands – areas established as landscape preserves subject to minimal impact and shaped by natural processes. Further, Lebanon will consider worthy land conservation efforts in all its sections and neighborhoods. Widely-dispersed conservation lands will help maintain wildlife corridors and will provide immediate access to open space for city residents.

This plan recommends the following general strategies to achieve Lebanon's open space objectives.

Public Education and Outreach

Educating residents about the value of Lebanon's open space resources and how those resources improve the quality of life in the community is essential to build and sustain support for land conservation efforts. City residents must have opportunities to become better aware of and informed about the beautiful places and important resources found in Lebanon, and how those resources contribute to quality of life, environment, and the economy. With this knowledge and insight, residents will better appreciate the diversity of the city's landscape and understand the importance of long-term protection.

Partnerships

Public education is partly the responsibility of the Lebanon Conservation Commission. However, every effort must be made to work in partnership with the Lebanon

Planning Board and City Council, as well as the many state and local agencies, non-governmental and education organizations that share an interest in land conservation and stewardship. Partnerships help to spread the workload, cost, and message to a broader constituent base. The Conservation Commission may also be able to draw upon citizens with specific interests, talents and skills, who are willing to volunteer their time to broaden the Commission's capability and capacity in this regard.

Programs

The Conservation Commission has a solid history of organizing on-going education programs concerning the City's natural areas. The "Wild About Lebanon" guided walks and hikes provide people with an opportunity to experience first-hand the rich diversity of scenic and rare resources available in the City. The Conservation Commission is interested in developing additional programs, such as an annual amphibian crossing project, a volunteer trail stewardship program, and a range of workshops and educational events designed to engage the public and improve the stewardship of both public and private open space properties. Other potential opportunities to educate the public include creating education programs through the local schools and developing or expanding collaborative working relationships with other organizations dedicated to conservation education.

Mapping and Signage

While the city already provides trail maps for the public open space properties, the information about those properties on the City web page could be expanded and enhanced. Continuing to install kiosks at trailheads and trail markers/signage can enhance the experience of exploring these properties, as well as attracting additional users.

Property Owner Outreach and Recognition

Land conservation is often a reactive process; individuals and institutions marshal effort and money to protect property when it is placed on the open market for sale or development appears imminent. A more effective and coordinated approach would be for the Conservation Commission to proactively reach out to landowners whose properties fall within the City's natural resource priorities before they decide to sell or develop their land.

This outreach can take the form of both education to encourage private conservation efforts and information about sound land-management practices. Information about the many conservation strategies currently available and the organizations that practice them can help large landowners plan for a future that will both meet their own economic needs and protect the City's natural heritage. If landowners have this information in advance, they are more likely to practice responsible land management and to be receptive to conservation-minded alternatives to conventional development options.

As part of the City's outreach activities, the owners of properties that possess important conservation value should be identified and informed about the important



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

resources on their property, the benefit those resources provide to the community, and things they can do as stewards of these resources to maintain or enhance these assets. These options could range from limiting development on the property (conservation easements, transfer of development rights) to preserving a buffer space around sensitive areas or educating landowners about land use impacts, such as mowing or “brush-hogging”, on particular species. These owners could also be made aware of the opportunities provided by Lebanon’s Open Space Trust Fund. The Conservation Commission should build funding for these activities into their annual budget.

There are numerous property owners in Lebanon who have been responsible stewards of important resources – some for multiple generations – and can serve as examples. To the extent possible, the City should seek ways to recognize these private stewards for the service they are providing the community.



Regulatory Protection

Regulatory measures are a cost-efficient means of land preservation, and can be extremely effective in curbing sprawl and protecting land if implemented in accordance with the City’s open space priorities. Lebanon’s Zoning Ordinance, Site Plan Review and Subdivision Regulations, and the Capital Improvements Program can all be utilized to influence the location and intensity of development within the City.

Planned Unit Development

The current Zoning Ordinance already contains provisions for Planned Unit Developments or Cluster Subdivisions that are intended to preserve significant natural land features and/or open space by providing greater development flexibility. In return for setting aside a percentage of the land as permanent open space, the landowner can still receive the allowed density for the entire parcel and may also benefit from reduced development costs. The City requires such conservation developments under certain circumstances to ensure that open space is preserved at the same time as development is approved.

Dimensional Standards and Parking

The current Zoning Ordinance also provides for dimensional requirements, including minimum lot size, minimum yard requirements, maximum building coverage limitations, and even minimum parking requirements. The City should consider developing and incorporating a Maximum Lot Coverage limitation to ensure that a portion of all lots remains as greenspace. In addition, because a significant amount of lot coverage is typically associated with parking, the City should develop Maximum Parking Requirements and allow for reductions in parking provided on site. Encouraging adjoining properties to share parking may also help reduce impervious surface in the City.

Increasing the maximum height of buildings should be evaluated and incorporated within appropriate zoning districts as that measure could support reducing the overall footprint of development projects. The high density Residential One (R-1) district, as well as the CBD, LDD, and Industrial districts are likely the most logical places to increase building height.

Innovative Land Use Planning Techniques

Incorporating additional innovative land use planning techniques, such as those promoted by the New Hampshire Department of Environmental Services, the NH Association of Regional Planning Commissions, NH Office of Strategic Initiatives, and the NH Local Government Center should be assessed and adopted as deemed appropriate. Examples would include lot size averaging, density transfer credit, urban service districts, etc.

Overlay Districts

The current Zoning Ordinance contains several Overlay Districts, which are intended to provide an additional layer of review and protection for certain natural or cultural resources, including wetlands and flood plain areas. The City should review the advisability of incorporating additional Overlay Districts, where warranted, to protect

additional resources deemed important by the community. Examples include a steep slope, a source water, aquifer, and ridgeline overlay protection district.

Road and Driveway Standards

Regulating the length as well as the design of private roads or driveways would significantly reduce the fragmentation effects on open space areas. For generations, interior forest areas as well as ridgeline areas remained in a natural state as it was simply cost prohibitive to construct roadways to access these areas. In recent years, there has been an emerging trend to locate homes in such locations for the privacy and views they may afford throughout the Upper Valley. The edge effects of development in interior forest areas will contribute to the degradation of some of the highest value open space areas in the city and region.

Acquisition of Property or Property Rights

Some undeveloped lands that offer high-quality natural resources must be permanently protected. Without such protection, there is no guarantee that existing open spaces will remain in their current state. Indeed, there is much evidence indicating that unprotected lands will ultimately be converted into residential and commercial development. The acquisition of easements, which are legal rights in land that may restrict development, preserve a view, etc., can be used to protect natural resources. Easements are attractive when the owner of a property wishes to continue some level of activity or use of that property, such as when a farmer continues to grow crops on farmland. Easements also allow property to remain in private ownership and, therefore, they allow families to transfer conserved property from generation to generation. Alternatively, conservation can be achieved by “fee simple” purchase, which transfers ownership of the entire parcel to a municipality or land trust with the placement of an easement occurring subsequently.

When high-value open space lands are available for purchase from a willing seller, the City and its partners should make a reasonable effort to conserve these lands through direct acquisition, easement, or another established protection mechanism. Undeveloped parcels containing high-value resources should be a conservation priority for the City. This policy will simultaneously maximize conservation funds and natural-resource benefits.

However, it is important to reiterate that the focus on high-value lands does not preclude conservation of lesser-value properties. For example, the prioritization of large, contiguous parcels does not mean that small properties should be eliminated from consideration. Some flexibility can be maintained by introducing weighting factors into the resource analysis where the community feels that certain natural features or functions are particularly sensitive and significant. With this flexibility, parcels containing an especially rare or valuable resource, but which lack the co-occurrence of other resources, can still receive a relatively high priority ranking by the City.

The legal cost associated with creating an easement, as well as associated endowment fees, could be a barrier to a willing landowner. The City or other partners may be able to provide financial assistance as needed to cover the cost incurred by a property owner when placing an easement on their property. The Conservation Commission

LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city’s ecological integrity

has recently initiated a campaign to inform landowners of this proposed partnership concept.

To facilitate the acquisition of properties, as well as the partnership funding concept for the placement of easements on private property when deemed appropriate, the City should continue to support the funding of Lebanon Open Space Trust (L.O.S.T.) fund. These funds should be used to leverage other sources of funding, including state and federal grants and appropriations, and private donations. In addition, the City should develop and maintain a reference list of private, state, and federal funding sources to support acquisition, planning, and management activities.

The City should continue and enhance its marketing and outreach strategy to connect with interested landowners. These outreach strategies should encourage the voluntary donation of land or easements. The City should develop informational and educational materials concerning the potential benefits of donations and work closely with other existing entities engaged in land preservation.

Summary

Areas of open space are an essential element of every successful community. As noted in the previous sections, open and green spaces offer a host of environmental, social, and financial benefits. Protection of open space has been an interest and objective of the City for many years. Pressure to develop existing open space and sensitive areas will continue to mount as Lebanon becomes built-out and development seeks out increasingly sensitive and marginal sites.

While Lebanon welcomes new development, it must be guided into areas that are best suited and desirable – not just those sites that remain undeveloped. For this to be effective, the City should approach this challenge from two fronts:

- 🕒 Identifying those areas where new and more intensive development is welcome and encouraged; and
- 🕒 Identifying those areas that should be protected over the long term - the purpose of this plan.

Open space protection in Lebanon embraces the reality that not all lands can or even should be protected from development. As a regional growth center, Lebanon must find a balance between conservation and continued development that addresses the needs of the City's diverse population – present and future.

Lebanon's plans for the future must encourage the continued revitalization of areas within the built-up core areas of Lebanon and West Lebanon. Furthermore, by encouraging and accommodating more development, and at higher densities than in surrounding communities, Lebanon will also play a very important role in protecting open space and working lands throughout the region.

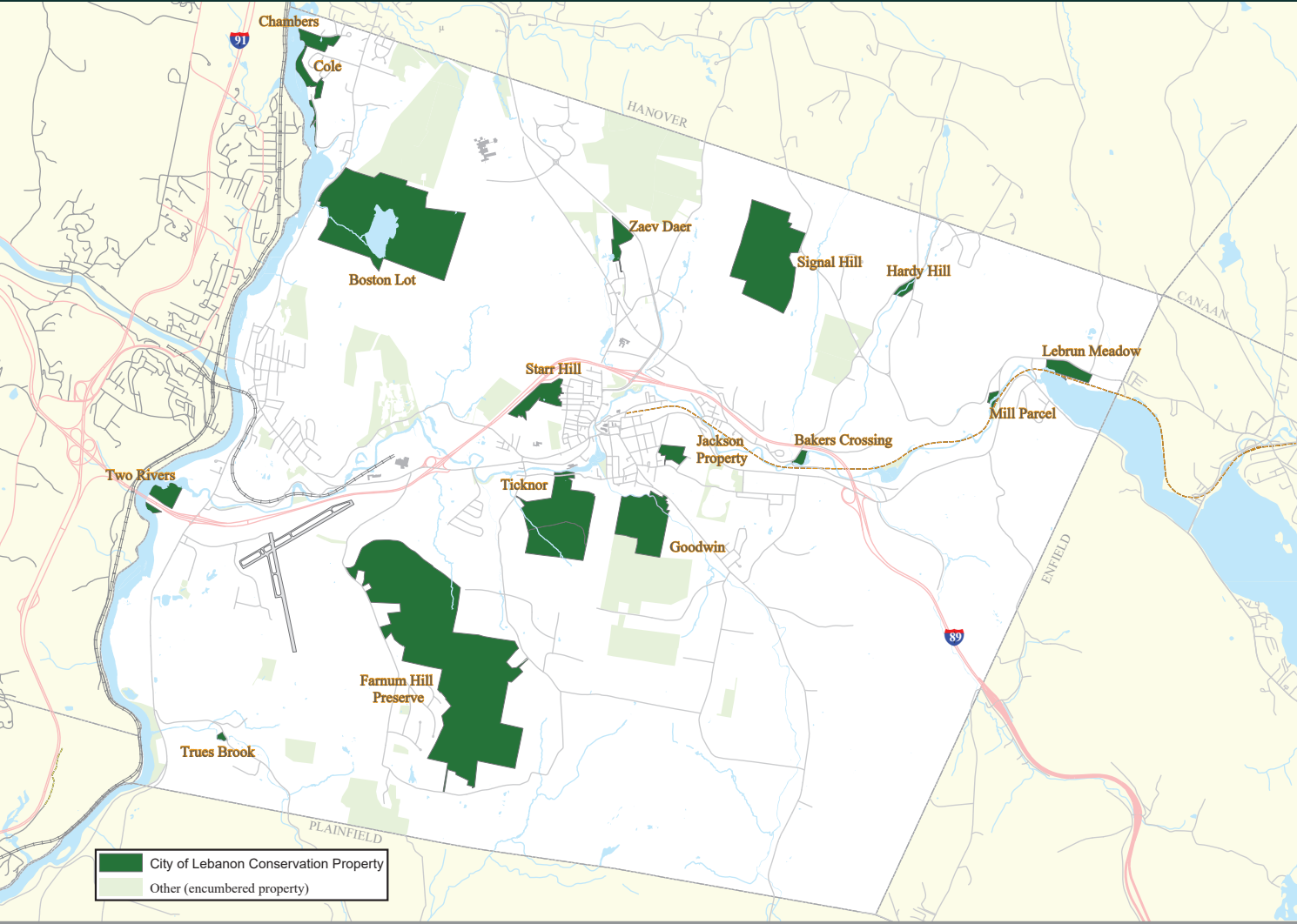


LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

ADDENDUM: CITY OF LEBANON CONSERVATION PROPERTIES

More information about the city's conservation properties, including trail maps, is available on the [city website](#).



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

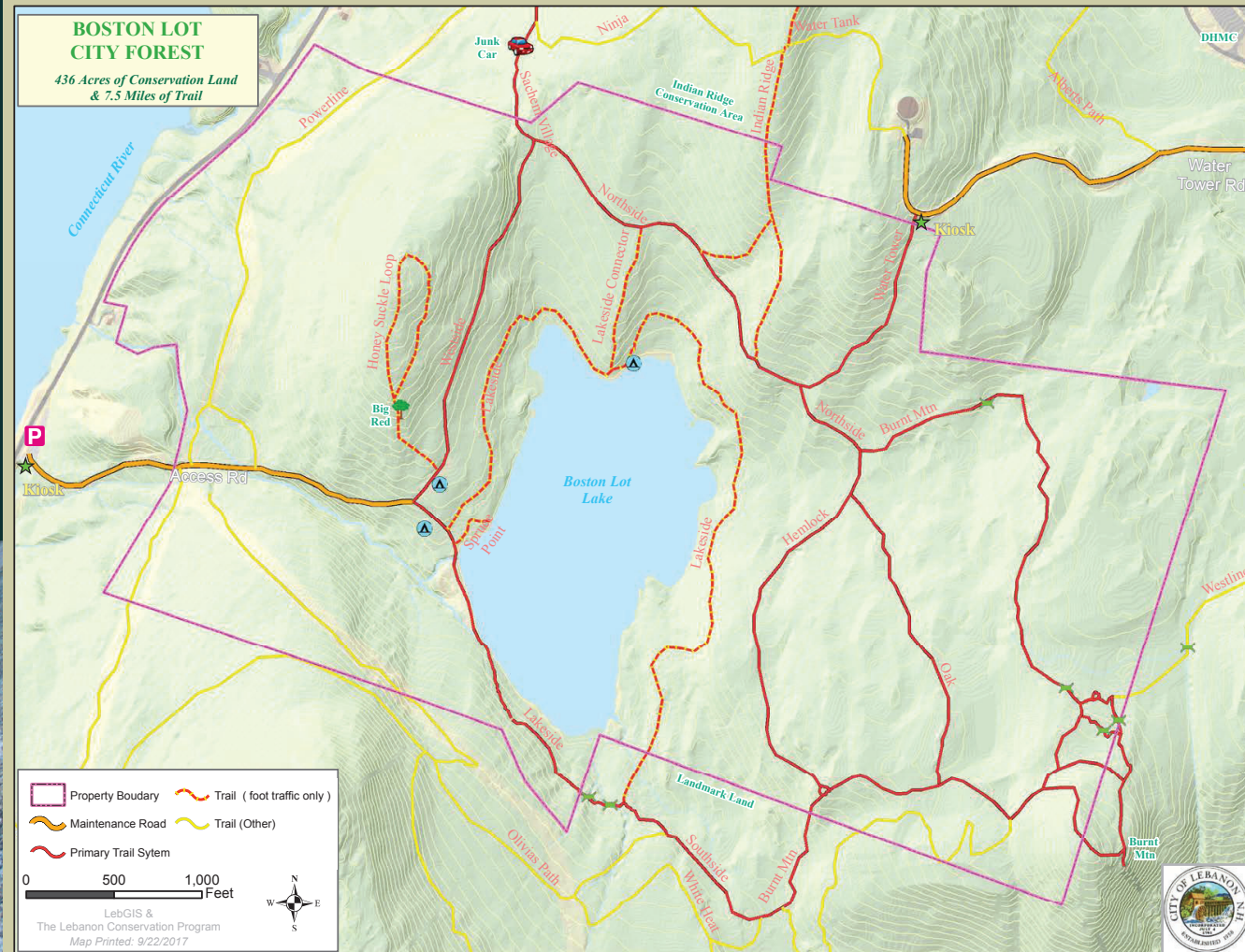
BOSTON LOT CITY FOREST

436 acres | 7.5 miles of trails

Boston Lot Lake, the centerpiece of this property, was formed in the early 20th century when a dam was built to create a 45-acre reservoir that served as the water supply for West Lebanon until the early 1960s. The lake sits at the bottom of a bowl ringed by forested ridges, which lends the site a 'back country' feeling despite its proximity to the Route 10 corridor and Dartmouth Hitchcock Medical Center (DHMC). Several small streams flow into the lake and it discharges from the dam spillway through a stream to the Connecticut River. Outcrops of bedrock (primarily Lebanon granite), large glacial boulders and steep ledges are common.

The property's original 330 acres were permanently protected in 1996 through a conservation easement held by the Society for Protection of New Hampshire Forests. Dartmouth College gifted the city an additional 108 acres in 2009 that expanded the property to the west towards Route 10. The property and its network of trails is accessible from the parking area adjacent to the Wilder Dam on the east side of Route 10, the water tower access road west of DHMC, the Indian Ridge trail, the Sachem Village trail, Dartmouth College's Landmark property trails, and several other trails on private property.

The Boston Lot is forested with sugar maple, beech, red oak, hemlock and white pine predominating. Several large 'specimen' trees that have survived past logging remain. Wildflowers and ferns abound. The woods are abundant with wildlife including migrating and resident birds, and the lake contains a variety of fish species including perch and bass. More detailed information about the natural resources found on the property is available in [Natural Lebanon](#).



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

FARNUM HILL RESERVE

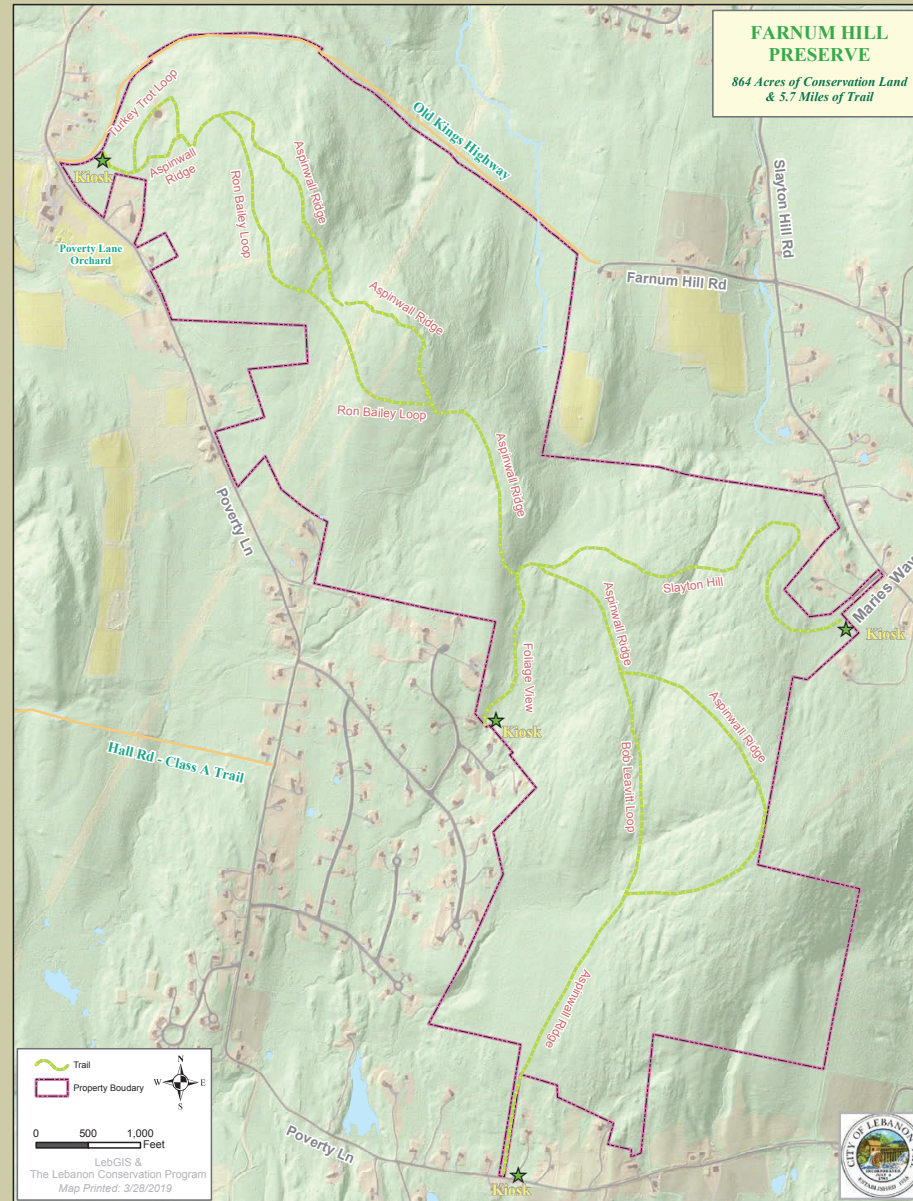
820 acres

This upland forestland on Farnum Hill, historically part of a large farm, was preserved as a natural reserve largely through the efforts of the Dr. W. Myric Wood, Jr. family. The land was transferred to the city in 1982 with support from multiple funding sources.

Farnum Hill is a north-south ridge with three distinct summits – South Peak being the highest point at 1,336 feet. Trails climb steep terrain and run along the rocky ridge. There are magnificent views in all directions from numerous points along the ridge. The terrain varies from gentle slopes to steep ledges. Several small streams flow intermittently from the ridge to lower elevations. Boulders carried by glaciers from the Quarry Hill – Boston Lot area, mainly granite and some the size of cars, are found throughout the reserve.

The area around Farnum Hill is rich in early Lebanon History. King's Highway, the first planned colonial road in Lebanon, is now a class A trail running along the north boundary of the reserve. During the 1800s and the early part of the 1900s, most of this area was pasture. Old fence lines and stone walls abound. Some old fence boundaries represent abrupt changes in the stages of forest regrowth. Recent tree harvesting has also altered uniform growth patterns.

Most of the reserve is forested by typical upland forest stands of mixed hardwoods and hemlock. There are pure stands of white pine, red oak and hemlock. The hemlock stands provide deer with winter yarding areas. Native wildflowers such as trout lily, bunchberry, wintergreen, pyrola, Pointed-leaved tick-trefoil, yellow violets and Canadian mayflowers may be found in the reserve. Wildlife species are diverse and abundant. These include white-tailed deer, bobcat, rabbit, fisher cat, red fox, raccoon, ruffed grouse, woodcock, several kinds of woodpeckers, hawks, barred owls, and many songbird species.



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

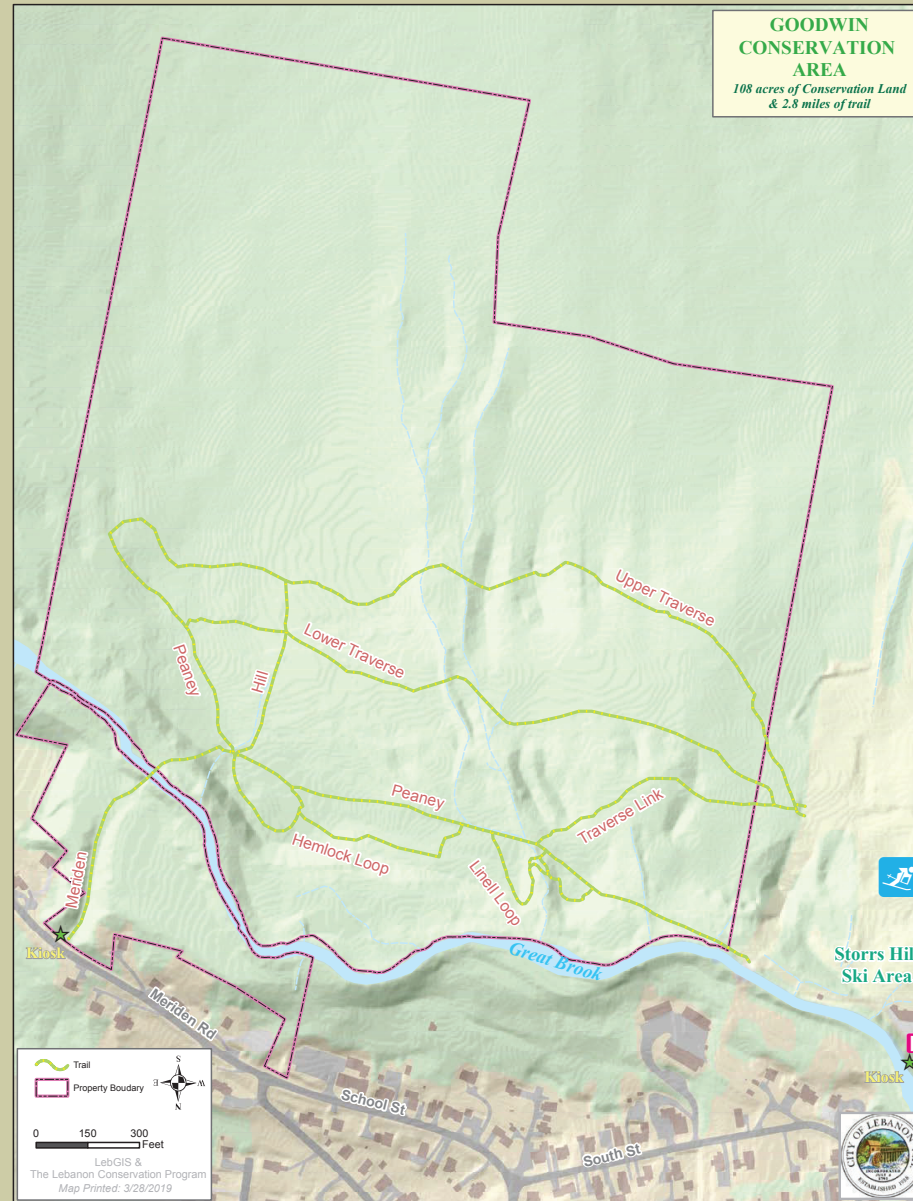
GOODWIN CONSERVATION AREA

108 acres

Goodwin Conservation Area abuts Storrs Hill Ski Area and offers recreational opportunities year-round. The popular Exercise Trail with 17 exercise stations follows Great Brook and opened in 1980. In the winter months, cross-country ski trails loop along the hillside. Edmund and Dorothy Goodwin donated the 108-acre property to the City of Lebanon in 1974 to be used solely for recreation purposes.

The park is located on the north slope of Storrs Hill, extending from Great Brook to the Townsend property. Many small boulders accent the hillside; most soils are well drained. Small springs and several intermittent streams are located on the hillside. Running along the base of the hill, Great Brook has several erosional features. Small waterfalls and many potholes - some the size of bathtubs - are located near the bridge at the school street access. Potholes are formed in the rock streambed by the abrasive action of rocks, pebbles and sand in the swirling water. Several good - sized wading pools are located along the stream with "Scrape Bottom" being one of the most popular on hot summer days. Stream flow is usually sufficient to maintain pool levels throughout the summer.

The forested slope is dominated by young to medium aged northern hardwoods and hemlock with areas of thick vegetation and slash, the result of recent logging. The hardwood vegetation is particularly well-developed upslope. Hemlock becomes especially prominent down along the brook at the base of the hill. Wintergreen, trailing arbutus, and pipsissewa are also found near the brook. By contrast, many of the interesting spring herbs are best developed under hardwoods: trout lily, red trillium, wild leek, blue cohosh, wild ginger, toothwort, avens, jack-in-the-pulpit, wood anemone, liverwort, pink ladyslippers and sharp-leaved hepatica. Storrs Hill is also of botanical interest and harbors a number of rare plants and several concentrations of spring wildflowers.



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

ALANA COLE CONSERVATION AREA

16 acres | 0.5 miles of trails

This unmanaged forestland property is located along the Connecticut River adjoining the Chambers Memorial Preserve property (together they protect nearly one mile of river frontage). Access is from East Wilder Road from a small parking area with a kiosk just north of the road terminus. The trail along the river is relatively flat, providing an easy stroll for viewing the river. A visible segment of the historic "Old Horse Trail" is located near the eastern boundary of the property, connecting with present day Wildwood Road.

The property features a variety of geomorphic features of glacial origin. The wooded ridge along the Connecticut River is an esker, formed by glacial debris, after the last glacier receded. The property is comprised of three distinct wildlife habitats: shoreline habitat; riverbank floodplain forest consisting of white and red oak species; and hemlock-hardwood-pine forest along the eastern edge of the property where the topography slopes on the esker. Dogwoods are found in the moist soils near the river and the woods are home to numerous wildflowers including fringed polygala, wild sarsaparilla and pink ladyslippers. The property also overlays a high-yield aquifer and its conservation has protected the quality of the groundwater.

The city bought the property in 1989 from Alana Cole with multiple public and private funding sources including the proceeds from the sale of timber off the Boston Lot. A conservation easement held by the Society for Protection of New Hampshire Forests permanently protects the property.



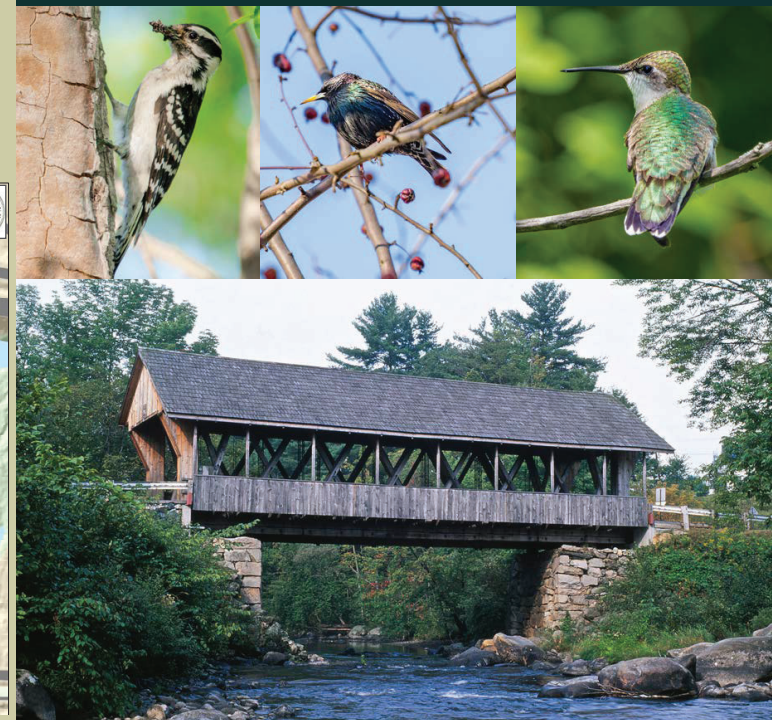
BAKERS CROSSING CONSERVATION AREA

5 acres

The property is located along the Mascoma River near the intersection of Hardy Hill Road and Riverside Drive. The small parking area provides access to the riverwalk trail head as well as a scenic view of the Packard Covered Bridge and Mascoma River. The Lebanon Rotary club has been actively managing the parking area for several years, including the maintenance of planters as well as general clean-up tasks.

The scrub/shrub field as well as the floodplain forest along the river's edge provide valuable habitat for migratory birds, butterflies, and other small animal species. The property offers access for fly-fishing and is a favorite location for bird-watchers.

The property was transferred to the city by Harold and Lorraine Slack in 1992 as part of a subdivision open space agreement.



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

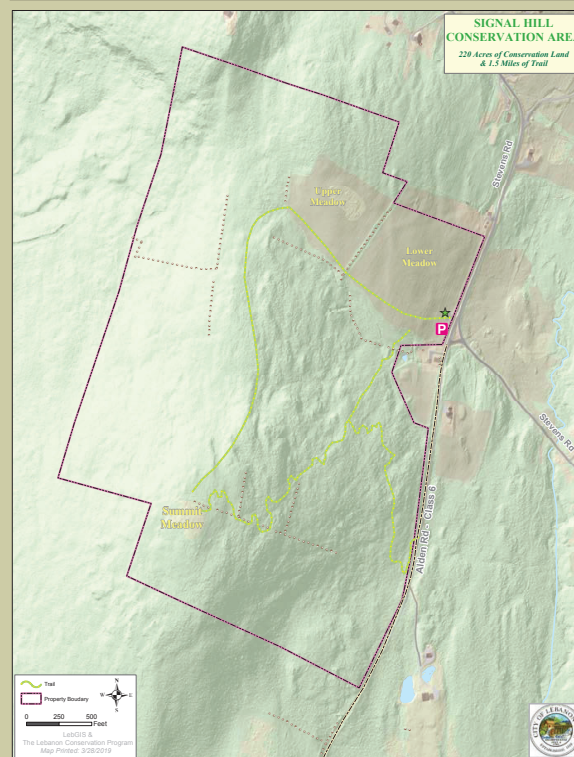
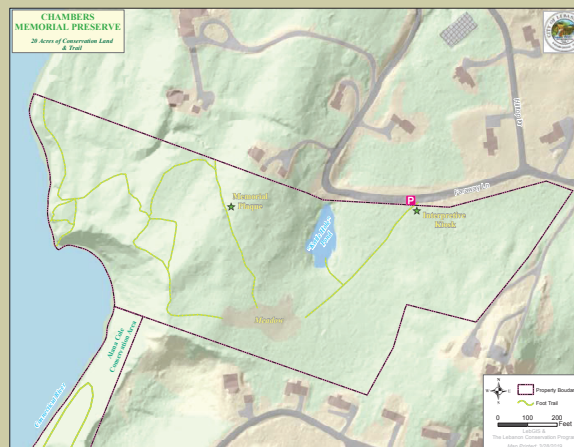
CHAMBERS MEMORIAL PRESERVE

19 acres

Chambers Memorial Preserve is a 19-acre park accessed via Wyeth Road to Faraway Lane. Trails pass by a kettle pond, through a wildflower meadow, and go down to the Connecticut River. The park was dedicated in 1973 to the memory of William Chambers, MD, a respected physician and naturalist. The Connecticut River Watershed Council transferred ownership of the property to the City of Lebanon and gave a conservation easement to the Society for the Protection of New Hampshire Forests in 1997.

The property features a variety of geomorphic features of glacial origin. The wooded ridge along the Connecticut River is an esker, formed by glacial debris, after the last glacier receded. The small pond near the entrance to the park is an example of a glacial feature common throughout New England – a kettle hole pond – which was created when a block of ice surrounded by debris melted away, leaving a depression that filled with water.

Varied habitats support a wide array of plants and animals. The park is home to chipmunks, foxes, frogs, waterfowl and songbirds. White pine, hemlock and white oak dominate the forest, while dogwoods are found in the moist soils around the pond. The meadow and woods are home to numerous wildflowers including fringed polygala, white and purple violets, wild strawberries, hawkweed, pinks, yellow rattle and pink ladyslippers.



SIGNAL HILL

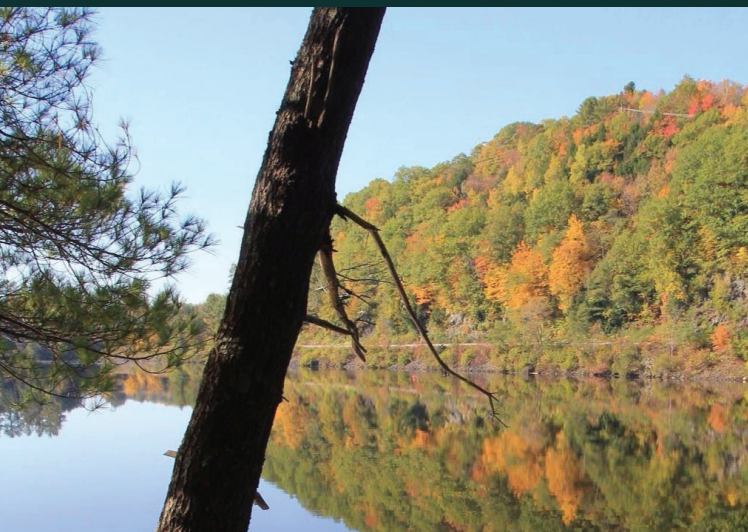
220 acres

Signal Hill is so named because it was part of a chain of hills and mountains where colonists would signal using semaphore arms in daylight and fires at night during the Revolutionary War period to warn residents of approaching British forces. The property was later home to several small-scale kyanite and copper mines, and then was farmed.

Old logging trails travel uphill with beautiful overlooks through two large fields and dense pine woods to a small clearing affording views of Croydon Mountain, Mount Ascutney and Blueberry Hill.

The large amount of edge habitat supports a variety of plant and animal life. Plants include Bird's eye speedwell, blue-eyed grasses, blackberry and blueberry bushes, goldenrod, Canada mayflowers, clintonia, wild strawberries, purple violets, and wild sarsaparilla. The park is also home to deer, bear, red-tailed hawks, chipmunks, squirrels, foxes, woodcock, and songbirds.

The park was acquired by the City of Lebanon Conservation Commission in cooperation with the Upper Valley Land Trust.



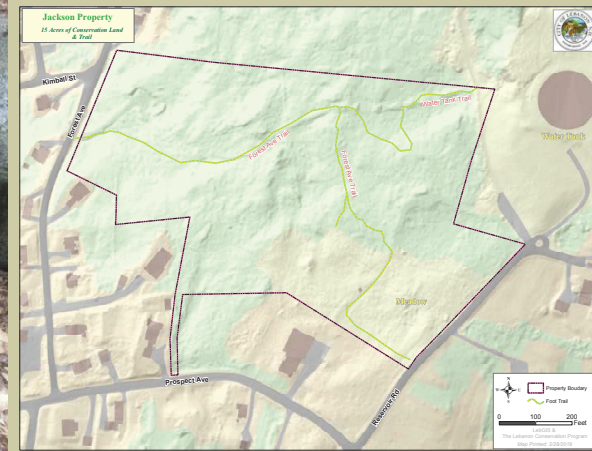
LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

INDIAN RIDGE

237 acres

The approximately 237 acres of conserved land are part of a larger parcel owned by Dartmouth College. The existing property easement was generated as part of an agreement between Dartmouth College and the Town of Hanover. The trails on this property connect to the DHMC trail system, the Boston Lot trail system, as well as to the Sachem Village neighborhood. The views from the ridge include various Vermont peaks, as well as Dartmouth's Baker Tower.



JACKSON PROPERTY

15 acres

The property is located along the eastern edge of the Central Lebanon city limits. The original property was subdivided to allow the City of Lebanon to purchase and conserve the undeveloped portion of the land as a natural area. The 15+ acres was purchased and protected using the Lebanon Open Space Trust fund.

The property is primarily forested, with species including red oak, white pine, eastern hemlock, red maple, and to a lesser extent, sugar maple, white ash, yellow birch and hop hornbeam. A small red pine plantation exists near the end of Reservoir Road. The eastern hemlock along the northern boundary offer great wintering area for deer. There are also approximately 3 acres of open fields.



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

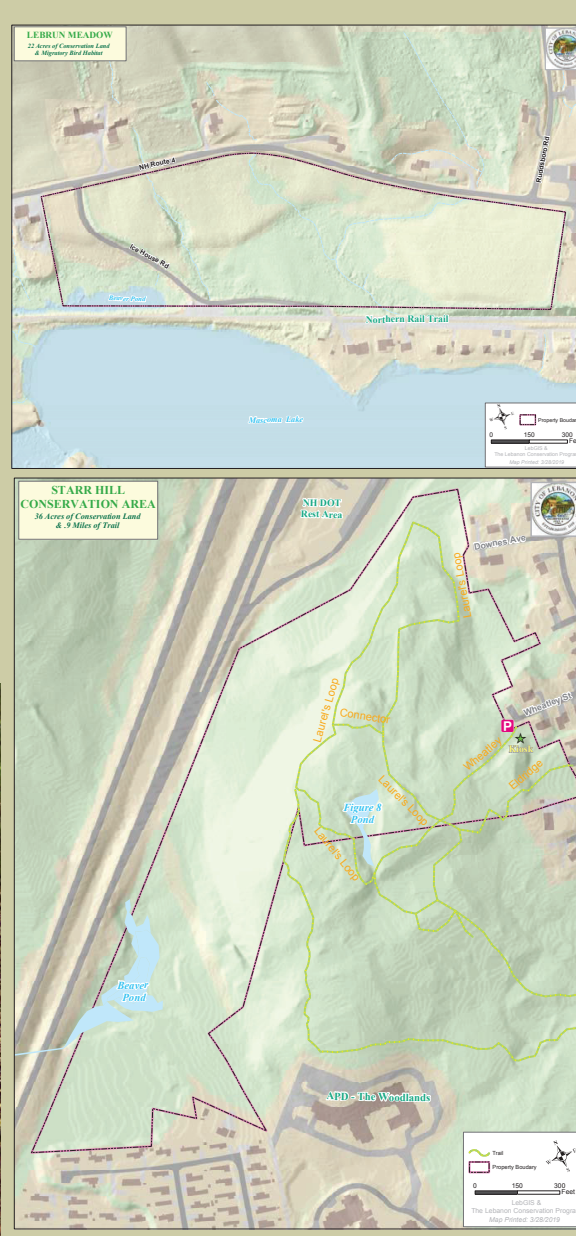
STARR HILL CONSERVATION AREA

36 acres

Starr Hill, named for the family that farmed this land, is located centrally in the city of Lebanon, southerly of the Interstate 89 corridor, and northerly of the Alice Peck Day Hospital. The history of the protection effort for this property extends back to 1991 when the first two parcels (15.2± acres in total) were conserved as part of a neighborhood initiative, led primarily by Laurel and Sid Letter. Present day protected acreage includes 36 acres.

The forested hill top property includes many interesting ecological and geological features, including vernal pools, small palustrine wetlands, large boulders, forest seeps, and a diverse mixed forest of both coniferous and hardwood species including some incredible hemlock, red oak and sugar maple legacy trees.

Trail access is found at the ends of Wheatley Street (a parking area and kiosk is located here) and Eldridge Street. The Laurel Letter Loop Trail provides access to most of the property, including a section along the top of the ledges. Along the western edge of the property is an access point to the extensive trail system on the APD/Woodlands property.



LEBRUN MEADOW

22 acres

The Lebrun Meadow property was purchased by the City of Lebanon from the Eugene D. and Valma M. Lebrun Trusts using the City's conservation funds (Lebanon Open Space Trust). The City was awarded a grant from the State of New Hampshire's Water Supply Land Grant Program to offset the purchase and conservation of the property. The parcel extends in an east-westerly direction between Dartmouth College Highway / NH Route 4 and the northwestern edge of Mascoma Lake.

The open fields on the property were historically hayed by a local farmer but are now on a four year brush-hog rotation so as to maximize the wildlife habitat diversity. Recreational users of the adjacent Northern Rail Trail can enjoy the sounds of birds as the property provides a buffer from the noise from traffic on Rte. 4. The protection of this property provides valuable water quality protection to Mascoma Lake.



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity



TRUES BROOK

2 acres

In 1998, local efforts succeeded in the City's acquisition of this parcel, and in turn being permanently conserved via an easement with the Upper Valley Land Trust. The property contains a nondescript trail that descends through the woods to the dramatic True's Brook, which drains much of southwest Lebanon.

The True's Brook gorge drops some 50 feet in elevation along 700 linear feet of shoreline, including three dramatic overlooks, and a long popular local swimming hole. There is a variety of aquatic, riparian, and upland species sharing this relatively small area.



TWO RIVERS

24 acres

This parcel's earlier use as sand/gravel pit and construction dump belies natural community on the rebound. It was acquired by Upper Valley Land Trust in 1989 and transferred to city of Lebanon in 1990. Trails provide access to both the Connecticut and Mascoma River, including their confluence. The functioning floodplain forest contains species such as basswood, aspen, and white oak, as well as the recent plantings of elm trees with assistance by the Nature Conservancy. Wildlife on this property include mink, fox, beaver, and deer.



LEBANON OPEN SPACE PLAN

a strategy for integrating and advancing efforts to conserve the city's ecological integrity

AGENDA LEBANON CITY COUNCIL JULY 7, 2021

10. NEW BUSINESS:

10.C – DISCUSSION & SET PUBLIC HEARING FOR JULY 21, 2021: ORDINANCE #2021-06 TO AMEND CITY CODE CHAPTER 31, BOARDS, COMMITTEES & COMMISSIONS, ARTICLE VII, HERITAGE COMMISSION

BACKGROUND

The Lebanon Heritage Commission's membership requirements are established by the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, Article VII, Heritage Commission. Current code § 31-32 requires the Heritage Commission to "consist of seven members plus not more than five alternate members as provided by law who shall be appointed by the City Council. One Commission member shall be a member of the local governing body. One member may be a member of the Planning Board. One Commission member shall be the City Historian." Current code § 31-32 also cites RSA Section 673:4-a, "Heritage Commissions", and states that "The heritage commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body."

In recent years, the Heritage Commission has found it challenging to consistently fulfill the seven membership seats. Between 2020-2021, several turnovers occurred that brought the question of membership requirements to a head. There are currently inadequate membership numbers to meet quorum requirements and as a result, at least one meeting may have to be canceled in the near term. The Heritage Commission is a regulatory body and as such, in addition to its other duties, it is important for the Commission to be prepared to meet when necessary. At the June 2021 Commission meeting, members voted unanimously to approve a reduction in membership from seven (7) to five (5) regular members.

The City Council is asked to consider an amendment to Chapter 31 to reduce the required number of regular Heritage Commission members from seven (7) to five (5).

ACTION

Should the Council wish to move forward with proposed Ordinance #2021-06, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 21, 2021, beginning at 7:00pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-06, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, Article VII, Heritage Commission, to reduce required regular members from seven (7) to five (5).

Included in this Section:

1. Proposed Ordinance #2021-06

**CITY OF LEBANON
ORDINANCE #2021-06**

AN ORDINANCE TO AMEND Chapter 31, Boards, Committees and Commissions, of the Code of the City of Lebanon, by amending Article VII, Heritage Commission, § 31-32 Establishment; membership; qualifications.

Section 1:

The Code of the City of Lebanon is hereby amended:

Article VII, Heritage Commission, §31-32. Establishment; membership; qualifications.

As provided in RSA 673:1 and in accordance with RSA 673:4-a, there is hereby established a Heritage Commission, to consist of ~~seven~~ five members plus not more than five alternate members as provided by law who shall be appointed by the City Council. One Commission member shall be a member of the local governing body. One member may be a member of the Planning Board. One Commission member shall be the City Historian as specified in § **31-33G** below. The City Council shall act within 60 days to fill vacancies and unexpired terms. All members shall be residents of the City of Lebanon. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Heritage Commission.

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 any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date

This ordinance shall become effective upon passage.

**AGENDA
LEBANON CITY COUNCIL
JULY 7, 2021**

10. NEW BUSINESS:

**10.D – DISCUSSION & SET PUBLIC HEARING FOR JULY 21, 2021:
ORDINANCE #2021-07 TO AMEND CITY CODE CHAPTER 31 TO ESTABLISH A
DIVERSITY, EQUITY & INCLUSION (DEI) COMMISSION**

BACKGROUND

The City Manager recommends the Council create a commission to address the issues of diversity, equity, and inclusion in the City. The objective is to create a body that can work to educate and develop conversations in the community regarding these issues. The purpose is to bring the community together and bridge the divide to the extent it exists regarding diversity, equity, and inclusion.

The commission would assist the city administration, the City Council, and other City boards/committees/commissions in achieving this goal. Similar Diversity, Equity & Inclusion (DEI) commissions have been effective in achieving these goals in Edmond, WA; Federal Way, WA; and Leesburg, VA.

The appointment of commissioners will be very important. In communities where DEI commissions, or similarly named bodies have been effective, members include those who have a desire to bring the community together. Commission members who have credibility in the community and a reputation for working with others who may have a different point of view will be critical to the success of a DEI commission in the City of Lebanon.

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 21, 2021, beginning at 7:00pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-07, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to establish the Diversity, Equity & Inclusion Commission.

Included in this Section:

1. Proposed Ordinance 2021-07

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

ORDINANCE NO. **2021-07**

An Ordinance to Amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to add a new section to establish the Diversity, Equity and Inclusion Commission.

Section 1. Chapter 31 of the Code of the City of Lebanon is hereby amended to add a new section, Article XIII as follows:

ARTICLE XIII, DIVERSITY, EQUITY and INCLUSION COMMISSION

§31-52. ESTABLISHMENT; MEMBERSHIP; QUALIFICATIONS.

Pursuant to Chapter C419:23 of the Lebanon City Charter, there is hereby established a Diversity, Equity and Inclusion Commission. The Commission shall be comprised of no more than nine (9) voting members appointed by the City Council, including: two (2) City Councilors and seven (7) members of the public. The City Manager or his/her designee shall be a permanent non-voting member of the commission.

The Citizen Representatives shall be appointed by the City Council and their terms shall be staggered for periods of two years. The City Council representatives shall be appointed by the Mayor annually.

In determining each member's qualifications, the appointing authority shall take into consideration the appointee's ability to assist in the purpose of the commission and their willingness to serve. The appointing authority will seek a broad representation of the community at large.

Commission members will serve without compensation and subject to applicable City policies. Commission members must comply with the City's ethics policies and shall refrain from promoting or pursuing personal interests while acting as a member or representing the City.

The Commission shall have assistance from City staff, as designated by the City Manager. The Commission shall comply with the rules of decorum as established by the City Council.

§31-53. PURPOSE/CHARGE/MISSION.

The Diversity, Equity and Inclusion Commission is hereby established for the purposes of:

1. Enhancing the City's support for a welcoming environment encouraging cooperation, tolerance, and respect among and by all persons living, working and visiting the city
2. Serving as a resource for City government and the community by providing information, education, and communication that facilitates a better understanding and celebrates our differences.
3. Advising the City government to ensure the community is united amongst diversity, where everyone is equally respected, valued, needed, and cherished.

§31-54. DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Diversity, Equity and Inclusion Commission will include:

1. Providing recommendations to the City Manager and City Council that would identify opportunities to address diversity and equity issues, promote inclusion/diversity programs, and provide guidance to create a more accessible, safe, welcoming and inclusive government and community.
2. Enhancing communication across and among the community to promote awareness, understanding and the value of cultural, ethnic and religious differences.
3. Promoting equity among all persons relative to gender, race, ethnicity, religion, age, gender identity, sexual orientation.
4. Promoting inclusion in the workplace, the community and City government.
5. Coordinating economic development activities amongst City representatives and private organizations at the request and direction of the City Council.
6. Establishing a dialogue with City residents to understand the needs and concerns of the community; with local business owners to understand challenges and hindrances to the enhancement of diversity, equity and inclusion.
7. Reporting quarterly to the City Council in accordance with Council directives.
8. Working in partnership with the City Manager and Staff to achieve the objectives of ensuring diversity, equity and inclusion in the City.

Section 2. Severability

The provisions of this ordinance are delated to be severable, and if any section, subsection, sentence, clause or part thereof, for any reason, is 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.

**AGENDA
LEBANON CITY COUNCIL
JULY 7, 2021**

10. NEW BUSINESS:

**10.E – PRESENTATION & DISCUSSION OF PROPOSED AMENDMENT TO
CITY COUNCIL RULES, SECTION A191-5, ROBERT’S RULES OF ORDER**

BACKGROUND

The level of civility by members of public bodies across our country and our state is a matter of growing concern. We are fortunate, in the City of Lebanon, to have, for the most part, members who act appropriately and serve the citizens of our city very well. It is important to develop a clear set of expectations for volunteer board/committee/commission members and elected officials to ensure civility in our public meetings.

Other City boards/committees/commissions have either already adopted, or are in the process of adopting, the proposed rules of decorum presented here. A consistent set of expectations across all our public bodies will help in establishing a baseline of expectations.

In accordance with §A191-13 of the Council Rules, amendments must be presented in writing at the preceding regular meeting, prior to adoption. As such, these amendments will be presented for adoption at the July 21st meeting. Adoption requires a 2/3 vote of all members of the Council.

ACTION

No action is required at this time. Action on the amendment will be scheduled for July 21, 2021.

Included in this Section:

1. Chapter A191 City Council Rules (as amended and presented on 7/7/2021)

Chapter A191

COUNCIL RULES

§ A191-1.	Council meetings.	§ A191-13.	Rules: Adoption, Amendment, & Suspension.
§ A191-2.	Temporary Chair.	§ A191-14.	Appointment of Council Representatives to Other Bodies
§ A191-3.	City Clerk.	§ A191-15.	Council appointments to City Boards, Committees, Commissions.
§ A191-4.	Legal counsel.	§ A191-16.	Constituent - Council contacts.
§ A191-5.	Robert's Rules of Order.	§ A191-17.	Confidential materials.
§ A191-6.	Raise hand to be recognized.	§ A191-18.	Attendance at Seminars, Workshops, etc.
§ A191-7.	Agenda.		
§ A191-8.	Order of business.		
§ A191-9.	Budgetary summary.		
§ A191-10.	Motion to be stated by Presiding Officer; withdrawal.		
§ A191-11.	Communications.		
§ A191-12.	Permission required to address Council.		

[HISTORY: Adopted by the City Council of the City of Lebanon 9-18-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Ordinances -- See Charter § C419:22.

Enactment of ordinances -- See Ch. 115.

§ A191-1. Council meetings.

- A. The Council shall meet in regular session on the first and third Wednesday of every month at 7:00 p.m. until the conclusion of business or 10:00 p.m., whichever comes first. The 10:00 p.m. adjournment shall only be extended by a two-thirds vote of the Council. [Amended 11-7-1979; 4-15-1992; 6-23-1993; 3-30-1994; 7-19-1995; 10-18-1995; 5-21-2003]
- B. Attendance. Prior to each meeting, unless prevented by emergency, a Councilor shall notify either the Mayor, City Manager or City Clerk if he or she will be unable to attend a meeting.
- C. Remote Attendance. As long as a quorum of the Council is present in person, one or more members of the City Council at the discretion of the Mayor may participate in a meeting by electronic or other means of communication only when attendance is not reasonably practical. This procedure shall not be construed to mean that conferencing by electronic means shall be regularly used or used at every meeting of the Council but shall be used only as necessary to allow the participation of Council members who are unable to attend in person due to such circumstances as personal illness or disability, employment obligations, or a family or other emergency.
 - 1) Member must notify the City Manager's office at least 24 hours in advance of the meeting, unless impractical, so that necessary communications equipment

can be arranged. Inability to make the necessary technical arrangements may result in the inability of the members remote attendance.

- 2) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear the other members physical present or participating electronically during the meeting and shall be audible or otherwise discernable to the public in attendance at the meeting's location.
- 3) If participation is not in person, the member must state the reason such attendance is not reasonably practical, and that information must be included in the minutes of the meeting.
- 4) Sufficient security and identification procedures be employed, either at the outset of any meeting or at any time during the meeting as appropriate, to ensure that any and all members attending for discussion or voting purposes are in fact an authorized member with the right to speak and vote.
- 5) The person not in attendance shall identify the persons present (if any) in the location from which the member is participating.
- 6) If a member of the Council is participating by electronic or other means of communication, all votes must be recorded by roll call vote.
- 7) Electronic or other means of communication can include, but due to changing technology, are not limited to Telephone/Speakerphone/Conference Calls and Computer audio/video conferencing.

§ A191-2. Temporary Chair.

In case of the absence of the Mayor and Assistant Mayor, the Clerk shall call the Council to order. If a quorum is found to be present, the Council shall choose one of its members to act as Chair.

§ A191-3. City Clerk. [Amended 3-30-1994]

The City Clerk or his/her designee shall be ex-officio clerk of the Council and shall keep minutes of the meeting and perform such other and further duties in the meeting as may be ordered by the presiding officer of Council. Copies of the minutes of meetings shall be furnished to each Councilor with the agenda of the next meeting.

§ A191-4. Legal counsel. [Amended 4-18-1990]

Designated legal counsel shall attend any meetings of the Council when requested by the Mayor or City Manager. Any member of the Council, upon notification to the City Manager, may call upon Counsel for an oral or written opinion to decide any question of law or parliamentary procedure.

§ A191-5. Robert's Rules of Order and Decorum and Commitment to Civil Behavior. [Amended 2-6-1991; 7-19-1995; 4-21-2004; 00-00-2021]

Robert's Rules of Order (most recent Edition) shall be used in all Council deliberations except as modified herein.

It is acknowledged that:

1. Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making.
2. Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.
3. Anger, rudeness, ridicule, obscene or profane language, impatience, and lack of respect for others and personal attacks are not acceptable behavior.
4. Demonstrations in support or opposition to a speaker or idea are not permitted by members of the Council. The Mayor is responsible for maintaining order. Failure to abide by this requirement may result in the forfeiture of the speaker's right to speak.

To maintain a cohesive, productive working environment, the members of the City Council commit to:

1. Supporting the Council's mission.
2. Showing respect to each other as appointed members and staff representatives to the Council.
3. Promoting civility during Council meetings and tolerating nothing less.
4. Demonstrating reflective listening and not displaying negative body language (for example eye rolling, pencil tapping, shrugging of one's shoulders, hand gestures, etc.)
5. Allowing uninterrupted speech by those recognized as "having the floor" and refraining from speaking until recognized by the Mayor.
6. Bringing City related concerns, issues, and conflicts to the Council for discussion.
7. Offering alternative solution(s) when addressing a problem or issue.
8. Maintaining the confidentiality of material discussed during closed Council meetings.

PLEDGE OF CIVILITY

The manner in which we govern ourselves is often as important as the positions we take. The City's collective decisions will be better and truer to our mission when differing views have had the opportunity to be fully vetted and considered. All those who appear before the City's board and committees have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Council interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

§ A191-6. Raise hand to be recognized.

Councilors do not have to stand to move motion or second.

§ A191-7. Agenda. [Amended 5-7-1986; 7-19-1995; 6-3-1998; 4-18-2007; 4-15-2009]

As stated in §A191-1 above, the Council shall meet in regular session on the first and third Wednesdays of every month at 7:00pm. Agendas for Council meetings are the responsibility of the City Manager and the Mayor.

Submission Deadlines:

- The first Wednesday of the month will be the date in which the agenda is set for the meeting on the first Wednesday of the next month.
- The third Wednesday of the month will be the date in which the agenda is set for the meeting on the third Wednesday of the next month.

Any Councilor wishing to have an item placed on an agenda must submit said item (in its proper format by utilizing a City Council Agenda Request Form, provided by the City Manager's Office) to the City Manager's Office by Noon on the Tuesday preceding the Wednesday on which the agenda is to be set.

Items of an urgent nature which require special attention or are in need of immediate action by the Council may be placed on any agenda at the discretion of the Mayor and/or City Manager.

§ A191- 8. Order of business. [Amended 6-21-1978; 4-7-1982; 5-7-1986; 4-6-1988; 3-27-1991; 6-23-1993; 7-19-1995; 5-15-1996; 4-16-1997; 6-7-2006; 9-3-2008; 4-1-2009]

The business of all regular meetings of the Council shall be transacted in the following order unless the Council, by a vote of at least 2/3 of the members present, suspends the rules and changes the order.

1. Call to Order.
2. Pledge of Allegiance.
3. Announcement by Mayor. Public forum. "Any member of the public who desires to speak on any agenda 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 public.
5. Recognitions.
6. Acceptance of Minutes:
7. Appointments.
8. Public Hearings
 - i. Presentation
 - ii. Mayor Opens Public Hearing
 - iii. Questions and Comments by the Public
 - iv. Mayor Closes Public Hearing
 - v. Council Deliberation & Action
9. Old Business.
10. New Business.
11. City Manager Report
12. Council Representatives to Other Bodies Report
13. Future agenda items
14. Nonpublic sessions.
15. Adjourn.

§ A191-9. Budgetary summary. [Amended 3-00-1985]

On a quarterly basis, and within the months of October and November, the City Manager shall submit a budgetary summary to the City Council. Discussion of the summary shall be placed on the agenda of the next Council meeting following submissions.

§ A191-10. Motion to be stated by Presiding Officer; withdrawal. [Amended 7-19-1995]

- A. When a motion is made and seconded it shall be repeated upon request by the presiding officer before debate. At his/her discretion the presiding officer may request motions to be put in writing. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Council.
- B. The presiding officer may at any time, by a majority vote of the members present, permit a member to introduce an ordinance, resolution or motion out of the regular order.

§ A191-11. Communications. [Amended 12-9-1992; 7-19-1995; 6-16-2004]

- A. Unattributed communications shall not be introduced in Council meetings. Information advocating a certain position obtained from constituent contact may be introduced at Council meetings if the name of the source is given. Electronic and written communications from any Councilor to four or more members shall constitute public comment and shall be transmitted to the City Manager's office for public record.
- B. With the exception of the Mayor's use of City letterhead, stationery, or official City insignia for resolutions or proclamations, members of the City Council may only use such for purposes officially approved by the Council.

§ A191-12. Permission required to address Council. [Amended 4-7-1982]

Persons other than members of the Council and City officers shall be permitted to address the Council. A time limit of three minutes shall be in effect. The speaker shall not enter into a debate with any person, Mayor or Council member and shall speak only on a subject on that particular agenda item.

§ A191-13. Rules: Adoption, Amendment, & Suspension. [Amended 7-19-1995]

- A. Each newly seated Council by motion shall formally adopt the Council Rules and Regulations currently in place.
- B. These rules may be amended or new rules adopted by a 2/3 vote of all members of the Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order

of new business.

- C. These rules may be suspended by a 2/3 vote of those members present and voting. The purpose for suspension must be clearly stated before the vote is taken, and 2/3 of the members present and voting must declare the matter one of such priority that it would be detrimental to hold it over until the next regular meeting.

§ A191-14. Appointment of Council Representatives to Other Bodies.

The Mayor shall designate and appoint representatives from the City Council to other bodies, including City boards, committees, and commissions, as the need arises.

§ A191-15. Council Appointments to City Boards, Committees, Commissions.

- A. When vacancies occur on City boards, committees, commissions, either by resignation, removal or lapse of term, applications received by the City Clerk will be forwarded to the City Council in a timely manner in order for vacancies to be filled as quickly as possible. [Amended 4-2-2008]
- B. All appointments shall be acted upon by the City Council as authorized by the City Code, the City Charter and New Hampshire Law. [Amended 8-2-1995; 5-21-2003; 4-2-2008]
- C. The following procedure shall be followed for board, commission and committee appointments and reappointments: [Added 9-18-1996; Amended 4-2-2008]
 - 1) For initial appointment, the applicant shall fill out the standard application form. [Amended 5-21-2003; Amended 4-2-2008]
 - 2) For reappointment, the applicant can update the current form on file or complete a new updated application form. [Amended 4-2-2008]
 - 3) One member of the City Council shall interview the applicant within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment or reappointment. [Amended 4-2-2008]
 - 4) While one city councilor is officially assigned to interview each applicant, any city councilor may interview any applicant for any position to better inform their decision.

§ A191-16. Constituent-Council contacts. [Added 5-13-1992]

Council members shall use the process outlined on the attached flow chart for constituent contacts.

§ A191-17. Confidential materials.

- A. Classification.
 - 1) In the event that materials need to be classified as confidential, a standard will be applied by the City administration to determine if a compelling purpose exists to require that the materials be confidential and that public disclosure of the materials would serve to undermine the interest of the City. The City

administration's determination of confidentiality shall be made in accordance with RSA 91-A. [Amended 5-21-2003]

- 2) Some examples where materials would be classified as confidential would include positions in labor negotiations, personnel matters involving a right of privacy and settlement discussions of pending litigation.
- 3) In order to ensure that the government of the City of Lebanon conducts its affairs in public and not in private, and that the citizens' deliberation on public affairs in Lebanon be as fully informed as practically possible, hereby be it resolved, that the City promptly release to the public all legal opinions received hereafter by the City, including, but not limited to, memoranda from any legal counsel to the City, and opinions received by the City in private consultation with legal counsel (as allowed under RSA 91-A:2, Meetings Open to Public, I(c), Consultation with legal counsel), except that the following shall only be released at the discretion of the City Manager and City Council: [Added 5-15-2002]
 - (a) Opinions pertaining to the dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against the employee; [amended 4-01-2009]
 - (b) Opinions pertaining to the hiring of any person as a public employee;
 - (c) Opinions which, if released to the public, would likely affect adversely the reputation of any person other than a City Councilor; [amended 4-01-2009]
 - (d) Opinions pertaining to the consideration of the acquisition, sale or lease of real or personal property which, if released to the public, would likely benefit a party or parties whose interests are adverse to those of the City;
 - (e) Opinions pertaining to the consideration or negotiation of claims or litigation which has been threatened in writing or filed against the City;
 - (f) Opinions pertaining to matters before quasi-judicial boards of the City;
 - (g) Opinions which, in the judgment of the City Manager and City Council, could potentially cause harm to the City if released.

- B. Treatment of classified materials. When materials are classified as confidential, they will be identified and marked as "Confidential" and transmitted to the City Council in sealed envelopes marked as "Confidential." The reason for the confidential classification will be noted on the materials.
- C. In the event that a significant portion of a document may be made available to the public without compromising the portions of a document which are necessary to be maintained as confidential in accordance with Subsection A of this policy, then such portion(s) shall be made available to the public with only the confidential portion(s) classified. [Amended 6-19-1996; 5-21-2003]

§ A191-18. Attendance at Seminars, Workshops, etc.

Any Councilor who wishes to attend (at the expense of the City) a seminar, workshop, or other function designed to improve their ability to serve on the City Council (or their respective board, committee, or commission) must first confirm with the City Manager

that funds are available for use. If funding is in place, the following options are available:

- (1) Register for the event through the City Manager's Office and request payment in advance of attendance; or
- (2) Self-register for the event and request reimbursement after attending.

If option (2) is exercised, reimbursement is only guaranteed if confirmation of funding was requested in advance of attending and proper documentation, according to the City's Purchasing Policy, is submitted with the reimbursement request.

§ A191-19. Email and Computer Use

All City Councilors will be provided with City issued email addresses and computer devices to assist them in their capacity as elected officials. Use of City email addresses and/or computer devices is not mandatory. Councilors who elect to utilize City email addresses and/or computer devices must comply with and sign an acknowledgement form for compliance with any City computer use and cyber security policies.

FLOW CHART FOR CONSTITUENT-COUNCILOR CONTACTS
Council Rules, Section A191:16
[Amended 4-20-2011; 5-16-2012]

