



**LEBANON CITY COUNCIL
JULY 21, 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: 1326 72 2586). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The July 21, 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: None

6. Approval of Minutes

- A. A MOTION TO approve the minutes as presented in the July 21, 2021 agenda packet

7. Appointments

- Heritage Commission, City Historian, Nicole Ford Burley
- Planning Board, Michael Smith (Alternate Member)
- Trustees of Trust Funds, Lawrence Kelly (Reappointment)

8. Public Hearing Items

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

- 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. Presentation of Plans to Relocate West Lebanon Fire Station
- B. Discussion & Set Public Hearing for August 18, 2021: Authorize appropriation and bond issuance for purchase of 38 Maple Street, West Lebanon, for the relocation of the West Lebanon Fire Station

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

- A. Pursuant to RSA 91-A:3,II (a) and RSA 91-A:3.II (d)

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](https://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: Airport-Tech Park TIF Advisory Board
Position: Regular Member
Applicant: J. Archambeault
Assigned Councilor: E. Heistad
Assigned Date: 07/07/2021

Board/Committee: Arts & Culture Commission
Position: Regular Member
Applicant: J. Clifford
Assigned Councilor: G. Sykes
Assigned Date: 07/07/2021

Board/Committee: Pedestrian & Bicyclist Advisory Committee
Position: Regular Member
Applicant: J. Kelleher
Assigned Councilor: J. Winny
Assigned Date: 07/08/2021

Board/Committee: Lebanon Energy Advisory Committee
Position: Regular Member
Applicant: J. Chaffee
Assigned Councilor: D. Wilkie
Assigned Date: 07/08/2021

Board/Committee: Conservation Commission

Lebanon City Council Agenda
July 21, 2021

Position: Alternate Member
Applicant: M. Smith
Assigned Councilor: K. Zook
Assigned Date: 05/27/2021

Board/Committee: Zoning Board
Position: Regular Member
Applicant: D. Newlove
Assigned Councilor: D. Whittlesey
Assigned Date: 07/08/2021

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.

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 re-adoption of City Council Policy CC-108, Ethics and Conflict-of-Interest for Elected and Appointed City Officials
- F. Review and re-adoption of City Council Policy CC-109, Grants
- G. Review and adoption of City Council Policy CC-105, Community Revitalization Tax Relief Incentive Program Guidelines

AUGUST 18, 2021

PUBLIC HEARING ITEMS:

- A. Request by Joshua Patch/Patch Forest, LLC to construct a single-family dwelling on Class VI portion of Barden Hill Road
- B. Authorize appropriation and bond issuance for purchase of 38 Maple Street, West Lebanon, for the relocation of the West Lebanon Fire Station (Action to take place September 15)

NEW BUSINESS:

- A. Dog Licensing Civil Forfeiture Update
- B. Request for Stop Signs: Commerce Ave, Old Pine Tree Cemetery Road, Cross Road
- C. Discussion & Set Public Hearing for September 1, 2021: Ordinance #2021-08 to amend City Code Chapter 168, Vehicles & Traffic, §168-12, Stop Signs
- D. Presentation of Lebanon Community Power Aggregation Plan
- E. Review of Proposed City Council Policy CC-107, Debt Management

**AGENDA
LEBANON CITY COUNCIL
JULY 21, 2021**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- July 7, 2021 (Regular Meeting)

MOVED, to approve the minutes as presented in the July 21, 2021 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, July 7, 2021, 7:00 p.m.
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, and Karen Zook

MEMBERS ABSENT: Jim Winny

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Zoning David Brooks, GIS Coordinator Mark Goodwin

1 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:01 p.m.

- 2 • Councilor Zook was given permission to attend the meeting remotely for medical reasons.

3
4 **2. PLEDGE OF ALLEGIANCE:** Assistant Mayor Below led the Council in the Pledge.

5
6 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

7
8 **4. OPEN TO PUBLIC:**

9 Councilor Hill thanked the Recreation, Arts & Parks Department for the July 4th celebration festivities.
10 No one from the public came forth.

11
12 **5. RECOGNITIONS:**

13 A. Resolution in Honor and Memory of Paul Boucher

14
15 **RESOLUTION IN HONOR AND MEMORY OF PAUL BOUCHER**

16
17 **WHEREAS,** Paul Boucher served the City of Lebanon as Director of the Lebanon Area Chamber of
18 Commerce beginning in 1979; becoming Board Chairman in 1983; and then serving as President and
19 CEO from 2000 until his retirement in 2016; and

20
21 **WHEREAS,** Paul Boucher was a 48-year member of the Rotary Club of Claremont and Lebanon and
22 served as Lebanon's President from 1983-1984; and

23
24 **WHEREAS,** Paul Boucher served as a board member for organizations to include the Alice Peck Day
25 Memorial Hospital Board of Trustees, Dartmouth Hitchcock Medical Center Board of Overseers,
26 Advisory Board for River Valley Community College, CATV, Lebanon College, Grafton County
27 Regional Development Corporation, and the Lebanon Airport Advisory Committee; and

28
29 **WHEREAS,** Paul Boucher served in other capacities such as Counselor for SCORE, Treasurer of the
30 Community Colleges of New Hampshire Foundation, and Trustee for the Marion Carter House; and
31

1 **WHEREAS**, Paul Boucher was the recipient of Citizens Bank and WMUR “Heart of Your City” award in
2 2012, and Lebanon Citizen of the Year in 2014; and

3
4 **WHEREAS**, Paul Boucher contributed immense time and energy toward the betterment of the Lebanon
5 Community through his service and highest standards of personal ethics, love, and devotion to the City
6 and its citizens.

7
8 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council on behalf of the citizens of
9 Lebanon extend their sincere appreciation and gratitude to the family of Paul Boucher in honor of his
10 lifetime service to Lebanon and his representation and example of leadership to other communities in
11 both New Hampshire and Vermont.

12
13 **BE IT FURTHER RESOLVED**, that this resolution be written upon the minutes of the Lebanon City
14 Council meeting.

15
16 Dated this 7th day of July 2021.

17
18

Timothy J. McNamara, Mayor
19 *on behalf of the Lebanon City Council*
20

21 Mrs. Karen Boucher was present and accepted the Resolution in honor of her husband, Paul Boucher.

22
23 B. Resolution in Honor of Rebecca and Raymond Book
24

25 **RESOLUTION HONORING REBECCA & RAYMOND BOOK**
26

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

30
31 **WHEREAS**, Rebecca was a member of the Dana House Committee, for which she was a committed
32 promoter of the Dana House’s history, upkeep, preservation, and integrity, as well as its educational
33 opportunities, and Raymond was the Heritage Commission representative to the original Class VI Roads
34 Committee; and

35
36 **WHEREAS**, it is important to celebrate the role of history in our lives and contributions made by
37 individuals such as Rebecca and Raymond Book; and

38
39 **WHEREAS**, the Books are devoted students of early American history and have granted significant time
40 and efforts to enhance awareness in the City’s past, including extensive research for the Lyman Bridge
41 dedication, downtown Mall kiosk installation and displays, Certified Local Government projects, and
42 Heritage Commission outreach; and

43
44 **WHEREAS**, Rebecca and Ray have been active, long-time residents of the West Lebanon community,
45 following, for Rebecca, a career in local real estate and education from nursing programs at the Mary
46 Hitchcock Memorial Hospital; and
47

1 **WHEREAS**, Rebecca continues to serve as the Regent of the Thomas Chittenden Chapter, Vermont State
2 Society of the Daughters of the American Revolution, providing valuable community engagement
3 services and historic research through that organization and for the region.
4

5 **NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of
6 Lebanon, extends its sincere appreciation to the Books for their dedicated service and contributions to the
7 community over the past 20 years.
8

9 **BE IT FURTHER RESOLVED**, that this Resolution be written upon the minutes of the Lebanon City
10 Council meeting and a copy be presented to the Books.
11

12 Dated this 7th day of July 2021 at Lebanon, New Hampshire.
13

14 Timothy J. McNamara, Mayor
15 *on behalf of the Lebanon City Council*
16

17 Mr. & Mrs. Book were present and accepted the Resolution in their honor.
18

19 **6. ACCEPTANCE OF MINUTES:**

20 **A. June 16, 2021 (Regular Session)**

21 Amendments: Page 11, line 48 (agenda packet): For clarification, the end of the last sentence should
22 read: "while other communities do not have a Mask Ordinance."
23

24 *Councilor Heistad MOVED to approve the June 16, 2021 (Regular Session) minutes as*
25 *written/amended and presented in the July 7, 2021 City Council agenda packet.*

26 *Seconded by Councilor Whittlesey.*
27

28 **Roll Call Vote:**

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

31 None voted Nay.

32 **The Vote on the MOTION was approved (8-0).*
33

34 **7. APPOINTMENTS:**

- 35 • Heritage Commission, Matthew Smith (Regular Member)

36 *Councilor Sykes put forth the NOMINATION of Matthew Smith as a regular member of the*
37 *Heritage Commission. Three Year Term (7/21-7/24)*
38

39 **Roll Call Vote:**

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

42 None voted Nay.

43 **The Vote on the NOMINATION was approved (8-0).*
44

45 **8. PUBLIC HEARING ITEMS:**

- 46 A. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of
47 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.

Mayor McNamara opened he Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

ACTION:

1. PRESENTATION:

Councilor Liot Hill 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>	Hourly		Weekly	
		<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 Marshal**	-	-	-	-
	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

For the purpose of Amending Ordinance #18, Salary Plan:

NOW THEREFORE BE IT RESOLVED that the Lebanon City Council Amends Ordinance #18, Salary Plan as follows:

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

8
9 *Seconded by Councilor Wilkie*

10
11 **Roll Call Vote:**

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

14 None voted Nay.

15 **The Vote on the MOTION was approved (8-0).*

16
17 **9. OLD BUSINESS: None**

18
19 **10. NEW BUSINESS**

20 **A. GRAFTON COUNTY GOVERNMENT UPDATE WITH GRAFTON COUNTY**
21 **COMMISSIONER WENDY PIPER**

22
23 Included in agenda packet: Breakdown of Community Tax Impacts - 2022 Proposed Grafton County
24 Commissioners' Budget (page 46, agenda packet.)

25
26 Ms. Wendy Piper, Grafton County Commissioner, came forth and presented the Council with two
27 handouts and reviewed the 2022 Proposed Grafton County Commissioner's Budget. Her two handouts
28 included a profile of Grafton County and the effects of the COVID-19 pandemic on the county, and a
29 breakdown of Lebanon's tax bill, noting the Board of Commissioners wanted to be very considerate of
30 taxpayers this budget season and voted unanimously to level-fund the budget, even though the county's
31 revenues took an enormous hit due to the pandemic and its effect on the Grafton County Nursing Home.
32 She spoke about the funding for Medicaid Services which had been increased to the State due to COVID,
33 noting the State did not pass down this increase to the State's counties. The counties ultimately worked
34 with the State and were able to reach a compromise as provided in HB-2. For Lebanon's tax rate, it is a
35 negative - 6.38%, as posted on page 46 of the agenda packet.

36
37 Assistant Mayor Below noted that the latest round of funding from the State did appropriate a lot of funds
38 directly to the county and was wondering how this impacts their budget looking forward and what
39 opportunities Ms. Piper sees coming from this.

40
41 Ms. Piper stated these funds are coming from ARPA (American Rescue Plan Act) and the county has
42 received \$8M to date out of the \$17M awarded to them. The goal of County Government is to increase
43 resiliency, so funds will be spent on revenue losses, essential workers' pay, broadband, and infrastructure
44 investments for electricity, water/sewer. Their objective is to also decrease the taxpayer burden. ARPA
45 funding has to be allocated by December 2024 and spent by December 2026.

46
47 City Manager Mulholland suggested that if all the ARPA Grant funds were not spent before the deadline
48 due to federal regulations that the county should pass it down to cities/towns instead of sending the funds
49 back to the State. Ms. Piper concurred.

1 Ms. Piper updated the Council on the following:

- 2 • Grafton County Nursing Home: Revenue is doing well, and visitation has opened up.
- 3 • Grafton County Drug Court: Start-up is being reviewed.
- 4 • LPN Program: In order to curb nursing expenses, the Grafton County Nursing Home is offering a
- 5 12-month tuition free certification program if candidates offer their services for two years.
- 6 • Grafton County Government will be sponsoring a Broadband Committee.
- 7 • Grafton County Court House: The building is out of compliance with building codes and will
- 8 cost approximately \$17M to bring it up to code. New building construction costs and leasing
- 9 options are currently being reviewed.

10
11 **ACTION:**

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

13
14 **B. REVIEW AND DISCUSSION ON DRAFT OPEN SPACE PLAN**

15
16 Included in agenda packet: Lebanon Open Space Plan (**pages 48-73**).

17
18 The Planning and Development Department and Conservation Commission are seeking review and
19 comments from the City Council on the final draft of the Lebanon Open Space Plan, prior to adoption by
20 the Conservation Commission and eventual endorsement by the Council and Planning Board.

21
22 Director of Planning & Development David Brooks and Senior Planning & GIS Coordinator Mark
23 Goodwin came forth to review the Draft Open Space Plan.

24
25 The preparation of an Open Space Plan has been a long-standing goal of the Planning and Development
26 Department. The City's 2012 Master Plan includes multiple references to the importance of open space
27 planning for ensuring responsible and respectful development and for identifying and protecting the
28 existing resources and biodiversity that Lebanon enjoys. [2|D-1g; 5|D-5a]

29
30 The Master Plan explicitly recommends the development of an Open Space Plan, with public
31 participation, that will inventory natural and cultural features, and recommend green space corridors for
32 continued wildlife habitat and for the benefit of residents. [5.1.A1] Further, it is recommended that the
33 Open Space Plan should set priorities for acquiring or otherwise protecting privately-held land from
34 willing sellers/owners, establish incentives for landowners to voluntarily place conservation easements on
35 their land, and include recommendations on the use of City-owned parcels. [2.3.A1]

36
37 In March of this year, the Planning and Development Department received a final draft version of the
38 Open Space Plan following initial review and comment by the Conservation Commission. Prior to final
39 adoption of the Plan by the Conservation Commission, the Department is seeking review and discussion
40 on the Plan from both the Planning Board and the City Council. The Planning Board reviewed and
41 commented on the Open Space Plan at its meeting on April 26th with several members of the
42 Conservation Commission in attendance.

43
44 Following the review and discussion of the Open Space Plan by the City Council, a final version will be
45 prepared and submitted to the Conservation Commission for adoption. Following adoption by the
46 Commission, the Planning and Development Department will seek endorsement of the Plan by the
47 Planning Board and City Council, each of which will have an important role to play in achieving the goals
48 of the Plan.

Mr. Goodwin gave a brief overview of the comprehensive proposed Open Space Plan for Lebanon as provided on **pages 48-73** of the agenda packet and presented screenshots of the highlights he felt were important. The intent of his presentation was to stimulate a casual conversation about where folks see Lebanon as it grows in the next 50-100 years. It has been a decade since this topic was discussed as part of the Master Plan process and reviewing the Open Space Plan now almost serves as the foundation for a return to the City's Master Plan. While this plan did not involve a lot of public input, the public will have a chance to weigh in at a future date. He also noted it was important to him that folks do not think of this plan as a conservation document, but rather as a planning document to help the Lebanon community think about all the good stuff we have become used to.

The four major take-a-way messages from the Lebanon proposed Open Space Plan are:

- There is a collective desire for Lebanon to achieve a “different” development pattern than that of the former farmlands of New Jersey, the suburban communities of Eastern Mass and Southeastern NH (i.e., how much should stay undeveloped and what is currently undeveloped should stay undeveloped).
- The higher quality currently functional ecosystems have already been identified in Lebanon and the OS plan includes both a benchmark and methodology to ensure they remain functional.
- This plan is in alignment with the Lebanon Master Plan – Infill & Redevelopment of the development pattern of choice.
- Maintaining vibrant open space lands does not conflict with the provision of adequate development opportunities.

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 the tools and process for managing the ecological integrity of open space.

Mr. Goodwin also presented and explained the following:

Land Use/Land Type Map: Circles depict Lebanon's land development trends.

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 Land Development Trends

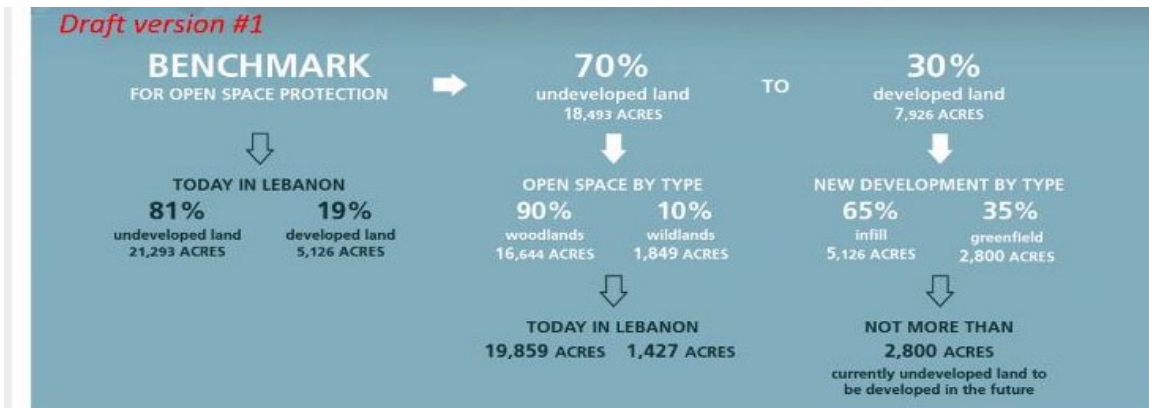
Land Use / Land Cover Type Map

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.

The Four Elements of the Open Space Plan Are:

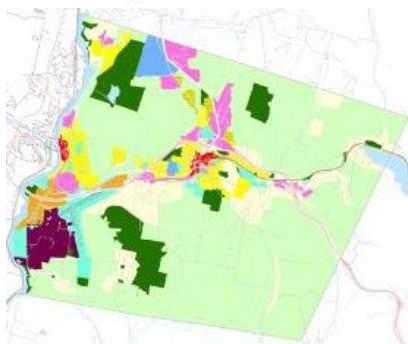
1. [Chapter 2](#) discusses the importance of open space within the community. It provides some historical context for open space preservation in Lebanon, as well as a summary of recent land use development and conservation trends in the City.
2. [Chapter 3](#) proposes a prioritization framework that 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.
3. [Chapter 4](#) provides a summary of key tools and techniques available for preserving the city's natural resources and open space areas.
4. [Appendix A](#) inventories many of the existing city-owned conservation lands.

The Proposed – “How Much” (30% Developed / 70% Undeveloped)



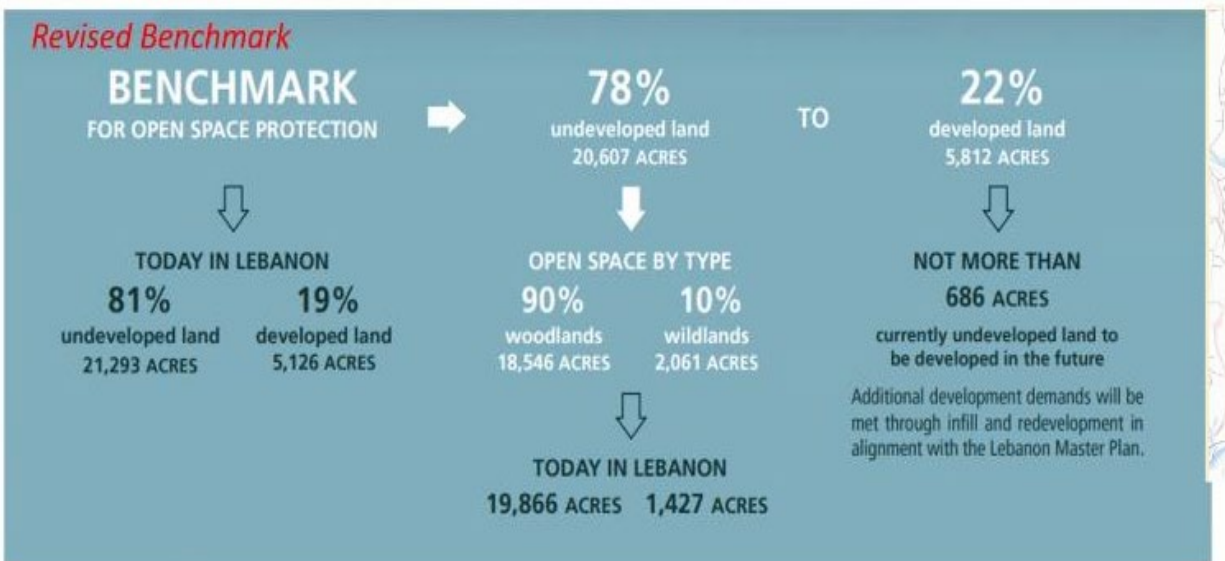
# of additional	Project	Project Acres	Total Acres	Sq Ft (non-res)	Total Res. Units
15	Centerra Business Parks	119	1,785	12,963,000	390
20	Timberwood Commons (Multi-Family)	12	232	0	5,040
6	Prospect Hills Sub-Division	64	384	0	1,020
797	Single Family Homes	0.5	399	0	797
			2,800	12,963,000	7,247

The Proposed – “How Much” (22% Developed / 78% Undeveloped)



Future Land Use Map

Open Space & Natural Resource Planning – “A forest half the size of Lebanon is required to sequester the current LGO GHG emissions; 5 forests the size of Lebanon is required to sequester the Communities GHG emissions”



# of additional	Project	Project Acres	Total Acres	Sq Ft (non-res)	Total Res. Units
3	Centerra Business Parks	119	357	2,592,600	78
10	Timberwood Commons	12	116	0	2,520
2	Prospect Hills Sub-Division	64	128	0	340
170	Single Family Homes	0.5	85	0	170
			686	2,592,600	3,108

Mayor McNamara asked if we were to go down from the 81-82% to 78% in the seven (7) areas of the city where the current bulk of development exists, do those fit within the existing developed areas or does the plan expand outside those areas (see Lebanon Development Trend map above)? It would be interesting to know if those areas are fully utilized at this point, or if not, what does full utilization look like, noting the Council has had many discussions in the past about a municipal services boundary and we were not keen on expanding water/sewer services outside of those currently developed areas? In response, Mr. Goodwin explained these numbers could, in theory, actually be on the edge of the circle around Centerra. However, some of these areas around the circles could keep moving further out in the future, but the idea is to say that we do not want development to keep moving further out in those areas.

Mr. Goodwin described the Spatial Solution Methodology that was used to locate the large patches of forests/undeveloped areas; the vegetative corridors that connect them; the special places like high value wetlands; bits of nature across the metrics; sand, strategic points in the landscape(s), noting that if you can preserve these areas, then you can preserve the ecological integrity of the city's landscape. Infill and redevelopment should be the focus for planning opportunities in Lebanon, noting that when you look at the areas that have been identified for future development in the City's Master Plan (CMP), the vision of the CMP is almost 100% in concert with the proposed Open Space Plan.

Councilor Liot Hill questioned:

1. If there was a map that shows all of the permanently conserved land in Lebanon, whether owned by the City or owned by someone else? Mr. Goodwin said the map shown in dark greens are City-owned land and the lighter greens are privately owned with varying degrees of protection and explained some of the privately owned protection circumstances.

2. Is there a map that shows Deed Restrictions on open spaces for subdivisions? Mr. Goodwin said he does have a map that will show subdivision open spaces.

3. Of the 25,000 acres in Lebanon, how many acres are in permanent preservation or highly restricted use? Mr. Goodwin said there are approximately 2,000 acres of City-owned lands that are permanently preserved.

The Council further discussed the potential that 70% of Lebanon's land is at risk for development without protections; how the Planning Board can augment preservation protections into their plans, especially in the RL/RL-3 Districts; the amount of development that could take place with the 80/20 benchmark model; development of a sustainable Lebanon Forestry Plan and using selective harvesting techniques to sequester and store carbon; using more selective woods for durable goods harvesting; selectively managing forests to encourage new growth; the State's Climate Action Plan and goals; potential creation of revenue streams for the City and landowners utilizing open spaces; considering how regulations/codes can be used to diversify/create a balance between developed/undeveloped land; adding affordable housing into future development plans; and, facilitating infill in a way that will provide a range of housing opportunities.

ACTION:

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

**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**

Included in agenda packet: Proposed Ordinance #2021-06 (page 75).

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:

Councilor Wilkie 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

1 City's Virtual Platform, for the purpose of receiving public input and taking action on proposed
2 Ordinance #2021-06, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees
3 and Commissions, Article VII, Heritage Commission, to reduce required regular members from
4 seven (7) to five (5).

5 *Seconded by Councilor Whittlesey.*

6
7 **Roll Call Vote:**

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

10 None voted Nay.

11 **The Vote on the MOTION was approved (8-0).*

12
13 **D. DISCUSSION & SET PUBLIC HEARING FOR JULY 21, 2021: ORDINANCE**
14 **#2021-07 TO AMEND CITY CODE CHAPTER 31 TO ESTABLISH A DIVERSITY,**
15 **EQUITY & INCLUSION (DEI) COMMISSION**

16
17 Included in agenda packet: Proposed Ordinance 2021-07 (pages 77-78).

18
19 The City Manager recommended the Council create a commission to address the issues of diversity,
20 equity, and inclusion in the City. The objective is to create a body that can work to educate and develop
21 conversations in the community regarding these issues. The purpose is to bring the community together
22 and bridge the divide to the extent it exists regarding diversity, equity, and inclusion.

23
24 The commission would assist the city administration, the City Council, and other City boards,
25 committees, and commissions in achieving this goal. Similar Diversity, Equity & Inclusion (DEI)
26 commissions have been effective in achieving these goals in Edmond, WA; Federal Way, WA; and
27 Leesburg, VA.

28
29 The appointment of commissioners will be very important. In communities where DEI commissions, or
30 similarly named bodies have been effective, members include those who have a desire to bring the
31 community together. Commission members who have credibility in the community and a reputation for
32 working with others who may have a different point of view will be critical to the success of a DEI
33 commission in the City of Lebanon.

34
35 Mayor McNamara suggested the Council take some time to do outreach to communities in order to get a
36 more balanced representation.

37
38 Councilor Wilkie requested that the word "citizen" (page 77 of agenda packet) be replaced with "public
39 representatives."

40
41 Councilor Liot Hill would like to see the Diversity, Equity & Inclusion (DEI) work on changing the name
42 of the Columbus Day Holiday to Indigenous People's Day.

43
44 **ACTION:**

45 *Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for*
46 *Wednesday, July 21, 2021, beginning at 7:00pm in Council Chambers, City Hall, and Remote via*
47 *City's Virtual Platform, for the purpose of receiving public input and taking action on proposed*

1 **Ordinance #2021-07, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees**
2 **and Commissions, to establish the Diversity, Equity & Inclusion Commission with the**
3 **understanding that the word “Citizen” will be replaced with “Public Representatives.”**
4 ***Seconded by Councilor Liot Hill.***

5
6 **Roll Call Vote:**

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

10 ****The Vote on the MOTION was approved (8-0).***

11
12 **THE CITY OF LEBANON ORDAINS AS FOLLOWS (corrections are shown in [blue](#) below):**

13
14 **ORDINANCE NO. 2021-07**

15
16 An Ordinance to Amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and
17 Commissions, to add a new section to establish the Diversity, Equity and Inclusion Commission.

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

20
21 **ARTICLE XIII, DIVERSITY, EQUITY and INCLUSION COMMISSION**

22
23 **§31-52. ESTABLISHMENT; MEMBERSHIP; QUALIFICATIONS.**

24
25 Pursuant to Chapter C419:23 of the Lebanon City Charter, there is hereby established a Diversity, Equity
26 and Inclusion Commission. The Commission shall be comprised of no more than nine (9) voting
27 members appointed by the City Council, including: two (2) City Councilors and seven (7) members of the
28 public. The City Manager or his/her designee shall be a permanent non-voting member of the
29 commission.

30
31 The ~~Citizen Representatives~~ [Public Representatives](#) shall be appointed by the City Council and their terms
32 shall be staggered for periods of two years. The City Council representatives shall be appointed by the
33 Mayor annually.

34
35 In determining each member’s qualifications, the appointing authority shall take into consideration the
36 appointee’s ability to assist in the purpose of the commission and their willingness to serve. The
37 appointing authority will seek a broad representation of the community at large.

38
39 Commission members will serve without compensation and subject to applicable City policies.
40 Commission members must comply with the City’s ethics policies and shall refrain from promoting or
41 pursuing personal interests while acting as a member or representing the City.

42
43 The Commission shall have assistance from City staff, as designated by the City Manager. The
44 Commission shall comply with the rules of decorum as established by the City Council.

45
46 **§31-53. PURPOSE/CHARGE/MISSION.**

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

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

10

11 **§31-54. DUTIES AND RESPONSIBILITIES.**

12

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

- 14
- 15 1. Providing recommendations to the City Manager and City Council that would identify opportunities
- 16 to address diversity and equity issues, promote inclusion/diversity programs, and provide guidance to
- 17 create a more accessible, safe, welcoming and inclusive government and community.
- 18 2. Enhancing communication across and among the community to promote awareness, understanding
- 19 and the value of cultural, ethnic and religious differences.
- 20 3. Promoting equity among all persons relative to gender, race, ethnicity, religion, age, gender identity,
- 21 sexual orientation.
- 22 4. Promoting inclusion in the workplace, the community and City government.
- 23 5. Coordinating economic development activities amongst City representatives and private
- 24 organizations at the request and direction of the City Council.
- 25 6. Establishing a dialogue with City residents to understand the needs and concerns of the community,
- 26 with local business owners to understand challenges and hindrances to the enhancement of diversity,
- 27 equity and inclusion.
- 28 7. Reporting quarterly to the City Council in accordance with Council directives.
- 29 8. Working in partnership with the City Manager and Staff to achieve the objectives of ensuring
- 30 diversity, equity and inclusion in the City.

31

32 **Section 2. Severability**

33

34 The provisions of this ordinance are delated to be severable, and if any section, subsection, sentence,

35 clause or part thereof, for any reason, is held to be invalid or unconstitutional by a court of competent

36 jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences,

37 clauses or part of this ordinance.

38

39 **Section 3. Effective Date**

40

41 This Ordinance shall become effective upon passage.

42

43 **E. PRESENTATION & DISCUSSION OF PROPOSED AMENDMENT TO CITY**

44 **COUNCIL RULES, SECTION A191-5, ROBERT'S RULES OF ORDER**

45

46 Included in agenda packet:

47 Chapter A191 City Council Rules (as amended and presented on 7/7/2021) (*Pages 80-88, agenda packet*)

1
2 The level of civility by members of public bodies across our country and our state is a matter of growing
3 concern. We are fortunate, in the City of Lebanon, to have, for the most part, members who act
4 appropriately and serve the citizens of our city very well. The purpose of the proposed amendment to
5 Section A191-5 of the Council Rules was to set clear expectations for volunteer board, committee,
6 commission members and elected officials to ensure civility in our public meetings.
7

8 Mayor McNamara informed the Council that there was an issue involving a City Board several months
9 ago where it was determined the interactions between Board members and the public were outside of
10 appropriate decorum and adversely impacted the activities of that particular commission. As a result, he
11 and the City Manager put together a simple set of rules they hoped would bring things back in line with
12 the 5 C's which was ultimately adopted unanimously by that particular commission, as well as the
13 Planning Board and Zoning Board. He noted he has never seen a problem and the Council has always
14 treated each other and the public with respect, but felt consistency was a good idea among all the various
15 boards/committees/commissions.
16

17 The Council discussed concerns they had regarding the use of the word "civility" and its innocuous
18 meaning for particular individuals and people of particular backgrounds since this term has been used
19 throughout history as a tool for suppressing dissenting conversations and opinions; if there was a real
20 need for this amendment; other ways to list and define behaviors that are not acceptable; posting the 5
21 C's ground rules more appropriately; appointing members from the Council to review and make
22 recommendations on this proposed amendment; is this a solution in search of a problem; comments made
23 in the MS Teams Chat Room by the public during one of the Council's meetings that were racially/gender
24 inappropriate; how does the Council address inappropriate behavior from City Council members and
25 other boards, committees, and commissions; assigning this amendment proposal to the Governance
26 Committee and the Diversity, Equity, and Inclusion Commission for their review/comments and then
27 bringing it back to the Council for further discussion; providing an orientation for new board, committee,
28 and commission members, including City Council, on the ground rules; and, what does the Council do in
29 the case of threatening, violent behavior, which is unfortunately becoming common throughout the State
30 and nationally.
31

32 Councilor Heistad commented he has felt threatened by those packing a gun and retreated from his
33 position when he was acting on behalf of the City on a committee.
34

35 The Council agreed this proposed amendment should go before the Governance Committee and the
36 Diversity, Equity, and Inclusion Commission for their review/comments/recommendations before any
37 action is taken, so these amendments will **NOT** be presented for adoption at the July 21st meeting.
38

39 **ACTION: No further action was required at this time.**
40

41 **11. City Manager Report:**

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

- 43 • The City received another Federal Government Grant in the amount of \$3M.
- 44 • Airport: A new restaurant will be opening and Landing fees are being reviewed.
- 45 • Debt Management Policy: Working on a new draft that will be sent out to the Council when it's
46 ready.

- Community Nursing/Paramedic Program: Will be up and running soon and a request was received for them to become City employees.
- July 19th, 6 PM, Catholic Church: Fire Station #2 discussion will be taking place for the public.
- Tunnel: Grand Opening was postponed due to the rain and will be taking place July 15.
- Landfill Permit Process is now open. Deadline to have permits is Sept. 1, 2021, which will be needed to get into the facility. No charge for online applications- \$10 fee for those who apply in person.
- City Hall renovations.
- Summer street/maintenance projects.
- Mall area maintenance.
- Valley Cemetery Street building has been demolished and a foundation is being poured for a new building.
- Lebanon/West Lebanon Downtown Beautification projects.

12. Council Representatives to Other Bodies Reports: None

13. Future Agenda Items: None

14. Non-Public Session: None

15. Adjournment:

Councilor Heistad MOVED for adjournment.
Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

**The Vote on the MOTION passed (8-0).*

The meeting was adjourned at 10:00 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
JULY 21, 2021**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Heritage Commission, City Historian, Nicole Ford Burley (Regular Member)
- Planning Board, Michael Smith (Alternate Member)
- Trustees of Trust Funds, Lawrence Kelly (Reappointment)

Included in this Section:

1. Updated memo from City Clerk Kristin Kenniston dated July 19, 2021

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: July 19, 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 – City Historian

The City Historian is a position designed to provide outreach to Lebanon's students and citizens to encourage an interest in and further study of Lebanon's rich history. The City Historian may also serve as a mentor to one or more residents, particular younger residents and students, who are interested in working to preserve the City's heritage and assisting the Historian in his or her role. The City Historian shall be appointed by the Mayor and City Council for a period of three years. The position should be filled from recommendations made by citizens or citizen groups, such as the Heritage Commission, Historical Society, and others.

- **Nicole Burley** - Appointment as City Historian, to the Heritage Commission as a regular member for a three-year term.
Interviewed By: Assistant Mayor Below
Three-Year Term (7/21-7/24)

Planning Board

- **Michael Smith** – Appointment as an alternate member of the Lebanon Planning Board. Planning Board members are nominated by the City Manager. City Manager Mulholland is putting forth the nomination of Michael Smith for appointment to the Planning Board.
Three-Year Term (7/21-7/24)

The following appointment is a Mayor's appointment. No action is required by the full Council. The Mayor shall announce that he has made this appointment.

Trustees of Trust Funds

- ***Lawrence Kelly*** – Reappointment as Trustee of Trust Funds for a three-year term.
Three-Year Term (7/21-7/24)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5074 for Board Member Application
Date: Tuesday, June 1, 2021 7:12:49 AM

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

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From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 27, 2021 8:00 PM
To: [cityclerk](mailto:cityclerk@lebanonnh.gov) <cityclerk@lebanonnh.gov>; [webmaster](mailto:webmaster@lebcity.com) <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5074 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 Nicole

Last Name	Ford Burley
Physical Address	140 Bank St Ext
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6036670540
Work Number	<i>Field not completed.</i>
Email Address	nicole.ford.burley@gmail.com
How long have you resided in Lebanon?	2 years (plus 1 year in 2010)
(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?	Other (please fill in blank)
Other Committee	City Historian
Why would you like to serve?	The position of City Historian serves an important role in Lebanon, interpreting and sharing the city's history with its residents. As the Curator of the Historical Society, I regularly interact with residents who wish to preserve Lebanon's history or to learn more about it, but who lack the resources to do so. As City Historian, I would work to make our history more accessible and more visible within the community, and to provide our residents with the resources to learn about Lebanon's history – whether it's the history of Lebanon's manufacturing industry, of its notable residents, or even of modern residents' own houses.
State a few of what you feel your qualifications are or why you wish to be appointed to this board /	I have been the Curator of the Historical Society since Ed Ashely's death last summer. As Curator, I manage the Historical Society's collection of documents and artifacts, and provide both residents and outside researchers with access to collection and

committee.

with help on research projects. I have been assisting Lyssa Papazian with her work on the Colburn Park Historic District, and I am about to start work with the Fitzgerald & Halliday Studio on their development of a historic district form for the Hanover St–Rte 120 interchange. I have been attending Heritage Commission meetings for several months in order to assist with projects and historical questions.

My personal qualifications include academic training as a historian and experience in museum work. I have an MA in Medieval Studies from the University of York, and I have completed extensive coursework toward a PhD in Art History from Boston University. I was the Curator of the Cornish Colony Museum, and I worked as a museum assistant and tour guide at the Enfield Shaker Museum. I have presented on historical topics at professional conferences and curated exhibits on a variety of local history topics, and I have taught courses in the humanities and art history at Southern New Hampshire University and University of Massachusetts Boston.

Certification

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

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

Councilor Interview Report Form

Councilor Name: Clifton Below

Date of Interview: 7/14/21

Applicant Name: Nicole Ford Burley

Board(s) to Which Applied: City Historian – and consequentially Heritage Commission

X Regular Seat

 Alternate Seat

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

(If yes, indicate date of meeting.) Date: last 4 or 5 people

Recommend Appointment: X Yes No

X Regular Seat Alternate Seat

General Comments: Nicole is clearly enthusiastic about sharing Lebanon history, learning more herself, and expanding outreach and engagement with the community. She has museum experience, comes highly recommended, and is already an asset to the community in this field. If not selected as City Historian, is still interested in a regular seat on the Heritage Commission.

(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?

Primarily as an outreach position to liaison between Lebanon history and its residents and other interested people. Bring history into the present with more active engagement.

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, yes and yes definitely.

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?

Curator with Lebanon Historical Society – experience as a museum professional, such as curator for the Cornish Colony Museum and work at the Enfield Shaker Museum.

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, not likely.

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

For this historian – finding creative ways to interact with the community – beyond traditional ways of history – reaching beyond usual interests – e.g. railroads – connecting with people who may not feel connected to local history.

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

Reaching new people with new aspects of Lebanon history.

Utilize new on-line digital resources – social media – make it more of conversation.

Digitize physical spaces.

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

New educational and outreach programs – maybe find ways and places to have rotating displays or opportunities to engage with public schools.

From: [Kristin Kenniston](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Nicole Ford Burley
Date: Wednesday, July 7, 2021 10:02:19 AM

From: DAVID MUZZY <dam1051@comcast.net>
Sent: Tuesday, June 22, 2021 11:20 AM
To: Paula Maville <Paula.Maville@lebanonnh.gov>
Subject: [EXTERNAL]Nicole Ford Burley

Dear Paula , I would like to recommend Nicole Ford Burley, as historian for Lebanon , New Hampshire. She is so organized and being a member of the Historical group I have noticed how caring about our history is and how organized she is . I would be proud to have such a dedicated person as our Historian . Please consider her . Thank you David Muzzy, long time Lebanon resident .

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From: [Rebecca Owens](#)
To: [Kristin Kenniston](#)
Cc: [Paula Maville](#)
Subject: FW: [EXTERNAL]City Historian: Letter of recommendation for 7/7 Council meeting
Date: Friday, July 2, 2021 1:38:03 PM

Kristin,

I just received the letter below. Mimi's last month with the HC was June but if this letter otherwise meets the ordinance intent, you could include it. This letter was not generated on behalf of the whole HC (i.e., there was not a discussion and vote); this is the (most recent) chairperson's recommendation, rather.

Rebecca

REBECCA OWENS MBA, LEED AP
ASSOCIATE PLANNER, PLANNING AND DEVELOPMENT DEPT.
CITY OF LEBANON, NH
603-448-1457 x1473
REBECCA.OWENS@LEBANONNH.GOV

From: Mimi Hains <hains.mimi@gmail.com>
Sent: Friday, July 2, 2021 11:56 AM
To: Rebecca Owens <Rebecca.Owens@lebanonnh.gov>
Subject: [EXTERNAL]City Historian: Letter of recommendation

To the City of Lebanon,

I was informed that the position of Lebanon's city historian was open to candidates and I would love to recommend Mrs. Nicole Ford Burley for this position.

I have known Mrs. Ford for two years, first in her position as a member of the historical society and now as its curator. I couldn't help but notice her deep love and involvement with our city's history.

Her thorough knowledge of the society's archives made her an incredible resource for the heritage commission, the city liaison staff, and the architectural historian consultant that was hired to work on the Colburn Park Historic Register project.

More importantly, Mrs. Ford's continuous involvement with the historical society and the city of Lebanon offers an opportunity to further strengthen bonds between these two entities as she already possesses a great understanding of their respective procedures.

With social movements taking place all around the country in our current times, the voice that will be guarding and telling the stories of our community has never been so important. The role of the city historian is a great responsibility and a great privilege. It's an opportunity to record the past and the present with compassion, objectivity and inclusivity, and to inspire future generations to do the same. I believe without a doubt that Mrs. Ford will be able to achieve this task.

All the best,
Mimi Hains, Chair of Lebanon's heritage commission

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TO: Whom it may Concern

DATE: June 3, 2021

RE: Recommendation for Nicole Ford Burley

FROM: Lebanon Historical Society

Board of Trustees

We highly recommend Nicole Ford Burley to fill the position of City of Lebanon Historian.

Nicole has been our curator for almost a year and is doing a superb job. She has organized our vault and sorted through our artifacts.

Nicole has worked with the Heritage Commission in the research of their latest project in expanding the downtown Historic District and presently is working with the state DOT in the design of the exit ramp from the interstate to Hanover Street in order to preserve the wetlands, etc.

Nicole has had experience working at the Shaker Museum in Enfield, NH and is well qualified to serve the city as their Historian.

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: Online Form Submission #3367 for Board Member Application
Date: Tuesday, September 17, 2019 7:16:27 PM

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	Lawrence
Last Name	Kelly
Physical Address	25 Wildwood Drive
City	West Lebanon
State	New Hampshire
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	6032779478
Work Number	<i>Field not completed.</i>
Email Address	larryajkelly@gmail.com
How long have you resided in Lebanon?	Continuosly since summer, 2010, many years before that.

(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?	Other (please fill in blank)
Other Committee	trustee of trust funds
Why would you like to serve?	I would like to give back some service to my community and feel that I have a good background to contribute as a Trustee of Trust Funds. Please note that I have not attended a meeting of the Trustees of Trust Funds, which only formally meet in May and November. I have only recently been informed of this opening and there have been no meetings scheduled that I could have attended.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am a retired attorney and for many years was very involved in trust and estates practice. My wife and I first moved to West Lebanon in the summer, 1971, have lived in Lebanon for many years although not consecutively since then, and except for my years as a Dartmouth college employee, my law firm was generally located in Lebanon.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5164 for Board Member Application
Date: Tuesday, June 29, 2021 7:08:12 AM

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

CONFIDENTIALITY NOTICE

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

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, June 28, 2021 9:02 PM
To: cityclerk@lebanonnh.gov; webmaster@lebcity.com
Subject: [EXTERNAL]Online Form Submission #5164 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 Michael

Last Name	Smith
Physical Address	2 Apple Blossom Drive
City	West Lebanon
State	NH
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	9175441912
Work Number	<i>Field not completed.</i>
Email Address	michaelsmithpharmd@gmail.com
How long have you resided in Lebanon?	2 years
(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?	Planning Board
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I would like to serve in service to my community. I would like to improve the already wonderful place I live. I am looking to get involved with those who feel the same way I do about being involved.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have served and still serve on many volunteer committees in different parts of my life and enjoy being an active member serving in any way possible.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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AGENDA

LEBANON CITY COUNCIL

JULY 21, 2021

8. PUBLIC HEARING ITEMS:

8.A – ORDINANCE #2021-06 TO AMEND CITY CODE CHAPTER 31, BOARDS, COMMITTEES & COMMISSIONS, ARTICLE VII, HERITAGE COMMISSION

A public hearing for the purpose of receiving public input and taking action on 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).

The City Council scheduled this public hearing at their July 7, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on July 10, 2021 in accordance with City Code and State Law.

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.

ACTION

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts 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. Ordinance 2021-06
2. Notice of Public Hearing as Published in the July 10, 2021 Edition of the *Valley News*

**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.

July 12, 2021



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, July 21, 2021 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

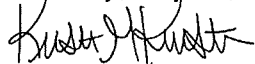
The Lebanon City Council will hold public hearings on July 21, 2021, beginning at 7:00pm for the following:

- 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

The July 21, 2021 City Council agenda package will be available on the City's website beginning July 16, 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 note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

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, July 10, 2021.


Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

JULY 21, 2021

8. PUBLIC HEARING ITEMS:

8.B – ORDINANCE #2021-07 TO AMEND CITY CODE CHAPTER 31 TO ESTABLISH A DIVERSITY, EQUITY & INCLUSION (DEI) COMMISSION

A public hearing for the purpose of receiving public input and taking action to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to establish the Diversity, Equity & Inclusion Commission.

The City Council scheduled this public hearing at their July 7, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on July 10, 2021 in accordance with City Code and State Law.

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

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts 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. Ordinance 2021-07
2. July 12, 2021 Legal Opinion by Attorney Christine Fillmore
3. Notice of Public Hearing as Published in the July 10, 2021 Edition of the *Valley News*

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 Public Representatives shall be residents of the City of Lebanon and 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.



C. Christine Fillmore
Admitted in NH

603.792.7417
cfillmore@dwmlaw.com

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

July 12, 2021

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

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: **07/13/2021**

DS

**RE: Ordinance #2021-07 Establishment of
Diversity, Equity & Inclusion Commission**

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2021-07, Establishment of Diversity, Equity & Inclusion Commission, which your office forwarded to me on June 28, 2021. The goal of the proposed ordinance as I understand it is to amend the existing Chapter 31 of the City Code to establish a new commission focusing on issues of diversity, equity, and inclusion in the City. The appointed commission would consist of Councilors, public representatives, and the City Manager as a non-voting member. The purpose of the commission would be to support and enhance the City's goal of being a welcoming environment by serving in an advisory and resource capacity for City government. The commission's duties would include various activities to promote awareness and understanding among City government and citizens about issues related to diversity, equity and inclusion.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance as written is consistent with New Hampshire law and I discern no legal problems *other than* the following potential issue which may arise with respect to certain activities the new commission could reasonably be expected to consider engaging in:

Effects of NH Chapter Law 91 (2021):

HB 2, signed into law by the Governor on June 25, 2021, is the usual "budget trailer bill" which is traditionally passed in concert with the biennial budget bill (HB 1) to implement various aspects of the budget. However, this particular bill includes additional provisions arguably unrelated to the budget affecting a wide range of activities. Sections 297 – 300 of this law institute new prohibitions on the discussion, promotion and teaching by governmental and public school entities of so-called "divisive concepts." A copy of the relevant sections of Ch. 91 (2021) is attached to this letter.

In particular, Section 297 of the law adds a new section to RSA Chapter 354-A, the State Commission for Human Rights, to prohibit any governmental entity from instructing, advocating for, or discussing with any employee or other person certain ideas, including:

July 12, 2021

Page 2

1. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion or national origin are inherently superior or inferior to others,
2. That any individual, by virtue of one of the above characteristics, is inherently racist, sexist, or oppressive (consciously or unconsciously),
3. That any individual should be discriminated against because of one of the above characteristics, or
4. That people of any of the above groups should not treat others unequally due to their membership in any of the above groups.

The same prohibitions apply to all government speech, programs, and initiatives. Employers are prohibited from taking any adverse action against an employee who refuses to participate in any such training or activity.

While there is a fair amount of disagreement among lawyers and legislators about the true meaning and effect of this law (which has not yet been tested in court), most attorneys who represent governmental clients have concerns about the potential impacts on local efforts to address diversity, equity and inclusion.

As written, the law says that it doesn't prohibit "training based on the inherent humanity and equality of all persons and the ideal that all persons are entitled to be treated with equality, dignity, and respect." RSA 354-A:29, II. However, it is common for diversity, equity and inclusion initiatives to include a focus not only on the "inherent equality" of all people, but also on the concepts that inherent bias and systemic inequities may place some people at a disadvantage, and that true equity and inclusion can only be achieved when those biases and inequities are addressed and adjusted for. In other words, treating everyone exactly the same regardless of whether they are part of a traditionally disadvantaged group may not result in equity because some people start much farther from the finish line than others through no fault of their own. Such programs may also include an examination of whether a traditionally dominant group or culture might need to acknowledge these concepts and make an effort to truly integrate or make room for other cultural norms instead of waiting for everyone else conform to the dominant norms.

The proposed Ordinance to create the new commission does not specifically include a charge for the commission to engage in efforts that would include the ideas of inherent bias and systemic injustice. It is, however, quite possible that these concepts would be part of some of the programs, initiatives, recommendations and/or advice that the commission would undertake. To the extent these activities could be construed as violating the new law, complaints could be filed with the NH Commission on Human Rights (which can levy fines of \$10,000-\$50,000) or superior court for violations of RSA 354-A, and potentially also in superior court for violations of RSA 285-E (Whistleblower's Protection statute) and/or RSA 98-E (protecting freedom of speech of public employees). We believe there is a reasonable argument to be made that the prohibitions in the new law may violate the NH and US Constitutions, but I cannot guarantee any particular result in such litigation.

July 12, 2021

Page 3

Having considered all of this, I do not believe the new law should deter the City from adopting this Ordinance and creating the new commission. However, given the potential consequences, I strongly suggest that the commission (and City government in general) be made aware of the new law and stay informed about any further developments in the implementation or interpretation of the law by NH courts. I also suggest that the commission seek legal advice early in the planning for any proposed activities, initiatives, recommendations or programs to consider whether any of them could run afoul of these new prohibitions. Of course, the City may find that such activities are in the best interest of the City regardless of potential violations of this law, but that is a decision that should be made in an informed manner, taking into account the potential consequences and expense.

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

Sincerely,



C. Christine Fillmore

Excerpt of 2021 Chapter Law 91 (House Bill 2, Budget Trailer Bill)

91:297 New Subdivision; State Commission on Human Rights; Right to Freedom From Discrimination in Public Workplaces and Education. Amend RSA 354-A by inserting after section 28 the following new subdivision:

Right to Freedom from Discrimination in Public Workplaces and Education

354-A:29 Right to Freedom from Discrimination in Public Workplaces and Education.

I. The general court hereby finds and declares that practices of discrimination against any New Hampshire inhabitants because of age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin are a matter of state concern, that discrimination based on these characteristics not only threatens the rights and proper privileges of New Hampshire inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants.

II. Nothing in this subdivision shall be construed to prohibit racial, sexual, religious, or other workplace sensitivity training based on the inherent humanity and equality of all persons and the ideal that all persons are entitled to be treated with equality, dignity, and respect.

III. Nothing in this subdivision shall be construed to limit the academic freedom of faculty members of the university system of New Hampshire and the community college system of New Hampshire to conduct research, publish, lecture, or teach in the academic setting.

354-A:30 Definitions. In this subdivision:

I. "Government program" means any activity undertaken by a public employer, both as an employer and in performance of its government function.

II. "Public employee" means any person working on a full-time or part-time basis for the state, or any subdivision thereof, including, but not limited to counties, cities, towns, precincts, water districts, school districts, school administrative units, or quasi-public entities.

III. "Public employer" includes the state or any subdivision thereof, including, but not limited to counties, cities, towns, precincts, water districts, school districts, school administrative units, or quasi-public entities.

354-A:31 Prohibition on Public Employers. No public employer, either directly or through the use of an outside contractor, shall teach, advocate, instruct, or train any employee, student, service recipient, contractor, staff member, inmate, or any other individual or group, any one or more of the following:

I. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin, are inherently superior or inferior to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin;

II. That an individual, by virtue of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

III. That an individual should be discriminated against or receive adverse treatment solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin; or

IV. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin cannot and should not attempt to treat others equally and/or without regard to age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.

354-A:32 Prohibition on the Content of Government Programs and Speech. No government program shall teach, advocate, or advance any one or more of the following:

I. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin are inherently superior or inferior to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin;

II. That an individual, by virtue of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

III. That an individual should be discriminated against or receive adverse treatment solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin; or

IV. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin cannot and should not attempt to treat others equally and/or without regard to age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.

354-A:33 Protection for Public Employees. No public employee shall be subject to any adverse employment action, warning, or discipline of any kind for refusing to participate in any training, program, or other activity at which a public employer or government program advocates, trains, teaches, instructs, or compels participants to express belief in, or support for, any one or more of the following:

I. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin are inherently superior or inferior to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin;

II. That an individual, by virtue of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

III. That an individual should be discriminated against or receive adverse treatment solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin; or

IV. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin cannot and should not attempt to treat others equally and/or without regard to age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.

354-A:34 Remedies. Any person aggrieved by an act made unlawful under this subdivision may pursue all of the remedies available under RSA 354-A, RSA 491, RSA 275-E, or RSA 98-E, or any other applicable common law or statutory cause of action.

91:298 New Section; Prohibition on Teaching Discrimination. Amend RSA 193 by inserting after section 39 the following new section:

193:40 Prohibition on Teaching Discrimination.

I. No pupil in any public school in this state shall be taught, instructed, inculcated or compelled to express belief in, or support for, any one or more of the following:

(a) That one's age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion or national origin is inherently superior to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin;

(b) That an individual, by virtue of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(c) That an individual should be discriminated against or receive adverse treatment solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin; or

(d) That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin cannot and should not attempt to treat others without regard to age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.

II. Nothing in this section shall be construed to prohibit discussing, as part of a larger course of academic instruction, the historical existence of ideas and subjects identified in this section.

III. Any person claiming to be aggrieved by a violation of this section, including the attorney general, may initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the New Hampshire commission for human rights as provided in RSA 354-A:34.

IV. Violation of this section by an educator shall be considered a violation of the educator code of conduct that justifies disciplinary sanction by the state board of education.

V. For the purposes of this section, "educator" means a professional employee of any school district whose position requires certification by the state board pursuant to RSA 189:39. Administrators, specialists, and teachers are included within the definition of this term.

91:299 Severability. If any provision of sections 297-298, or the application of any provision to any person or circumstance is held to be invalid, the remainder of such sections, and their application to any other persons or circumstances shall not be affected thereby.

91:300 Effective Date. Sections 297-299 of this act shall take effect upon passage.

July 12, 2021



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, July 21, 2021 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

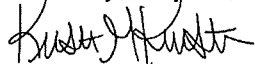
The Lebanon City Council will hold public hearings on July 21, 2021, beginning at 7:00pm for the following:

- 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

The July 21, 2021 City Council agenda package will be available on the City's website beginning July 16, 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 note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

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, July 10, 2021.


Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
JULY 21, 2021**

10. NEW BUSINESS:

**10.A – PRESENTATION OF PLANS TO RELOCATE
WEST LEBANON FIRE STATION**

BACKGROUND

The City has two staffed fire stations. The present station referred to as Station #2 was constructed in 1974. The building has not been renovated in its 47 year history. The facility no longer meets the needs of the City as it relates to modern firefighting operations. The following issues exist:

1. The building is not energy efficient.
2. There is no parking on the property, our employees park in the bank parking lot.
3. There is no way to separate clean and dirty areas as this relates to cancer causing contaminates on the clothing of fire personnel returning from fires.
4. The building does not meet current life safety and building codes. A DOL inspection was conducted in June with numerous items identified, report to follow.
5. Roof repairs are needed.
6. The boiler needs to be replaced.
7. The front apron is sinking
8. We do not have adequate facilities to separate different genders (locker room, bathroom, shower).

The City conducted a public safety facilities study in 2019 which identified issues with both staffed fire stations, as well as the police station. Both fire stations will need to be replaced with modern facilities to meet the needs of the City. The West Lebanon Station is programmed into the Capital Improvements Plan for 2022. The estimated cost of the total project is \$6.4 million. The Central Station is programmed for 2027, the estimated cost is between \$13-\$15 million.

One consolidated fire station was not deemed practical due to the longer response times that would result from operating from one station. The City looked at four different possible sites and has narrowed the options down to the property located at 38 Maple Street which is the site of the former Catholic Church which has been abandoned for many years. The site meets the needs for a new station.

The property owner needs to sell the property before the end of the calendar year to avoid federal tax penalties. The steps to move this process forward are as follows:

- A. Determine and agree on sale price of the property.
- B. Set a public hearing for the following purposes:
 - i. Supplemental appropriation of funds to purchase the property
 - ii. Bond hearing to authorize the issuance of bonds to pay for the property.
- C. Conduct the public hearing for the purposes listed above (August 18).
- D. Vote to appropriate the funds necessary to purchase the property (September 15).
- E. Vote to authorize the issuance of bonds and authority the City Manager to issue those bonds (September 15).

- F. Vote to purchase the property and authorize the City Manager to take all actions necessary to execute the real estate sales transaction (September 15).
- G. CIP Work Session to review the project in more detail (October 20).
- H. 2022 Budget Hearing, approval of 2022 CIP, this is the date the Council would act to appropriate the funds for the demolition, site work and construction of the building (December 15).
- I. Bidding and construction starting in 2022 with completion in 2023.
- J. Decision and action to dispose of the old Station #2 (Fall of 2023).

ACTION

Action on this item will take place under Agenda Item #10.B

Included in this Section:

1. June 22, 2021 Memo to Shaun Mulholland, City Manager from Fire Chief Chris Christopoulos re: 2022 CIP Station 2 Replacement
2. PowerPoint Presentation: Lebanon Station 2 Replacement Project



MEMORANDUM

Date: June 22, 2021

To: Shaun Mulholland, City Manager

From: Chris Christopoulos, Jr, Fire Chief *Chris C.*

Reference: 2022 CIP Station 2 replacement

BACKGROUND

Station 2 on Main Street in West Lebanon was originally constructed in 1974 as an un-staffed call fire station serving a first due response area of West Lebanon. In 2000, the city took over ambulance services from a private company and opted to staff this station with a Lieutenant and a Firefighter that would operate either an ambulance or fire engine based on the type of emergency call. The current building except for the front apron, sits on the existing land footprint of approximately .12 acres. Parking is provided along the northern side of the building on the Ledyard National Bank property. In 2020, 22% of all emergency calls occurred in the West Lebanon response district and Station 2 personnel responded to 44% of all emergency calls in the city.

PROJECT

In 2019 the city commissioned Lavallee-Brensinger Architects to begin an assessment of current Public Safety Facilities and an Operational Assessment of the Fire Department. Based on the current site limitations and conditions, Lavallee-Brensinger, the following deficiencies were identified for Station 2:

Site

- To meet current needs the recommended square footage of the station should increase by 55%. The current site will not allow for expansion.

Safety

- We cannot segregate clean and dirty areas of the station.
 - Currently the only storage available for firefighter protective clothing (PPE) is in the apparatus area. This potential exposes the PPE to diesel exhaust and firefighters to the carcinogens.

MEMORANDUM

- Employees who are contaminated after a fire must walk through clean areas to shower.
- Office areas are not separate from the apparatus area.
- No decontamination area for equipment and PPE.

Building

- The current building is in “fair condition” and requires masonry and roof repairs.
- Not Accessibility Compliant (ADA).
- Non-Code compliant for Modification.
- Inadequate insulation and poor energy efficiency.
- Heating plant (boiler in need of replacement).
- A/C coverage minimal and by window units.
- No gender specific locker and shower facilities.
- No gender specific sleeping areas.
- Workout area shared with training room, dining area and day room.
- Roof needs replacement.
- Front apron is sinking.

The Lavallee-Brensinger report made the following recommendations:

- Due to geographic restraints and an impact on response times a single station was not recommended.
- Current facility does not support modern fire-fighting operations.
- Current facility is challenged to accommodate modern fire apparatus.
- Site is constrictive and limited ability for expansion.
- Space needs to increase by 55% for current and future operations.
- Explore construction of a new fire station.

Site Requirements

- Minimum of 1-acre lot.
- Area that would have a minimal impact on response times in West Lebanon.
- Access to City Water and Sewer.
- Maintenance of continuity to the downtown West Lebanon area.

Please let me know if you have any questions.

Lebanon Station 2 Replacement Project

1

Existing Station at 63 Main Street, West Lebanon

- ❖ Built in 1974 as an un-staffed call fire station
- ❖ In 2000 – station staffed with a Lieutenant and Firefighter
 - ❖ Staffing an Ambulance or Fire Engine
- ❖ Current building sits on .12 acres
- ❖ Station responds to 22% of annual calls – largely in West Lebanon
 - ❖ 44% of all emergency calls annually

2

Existing Station at 63 Main Street, West Lebanon



3

Existing Conditions - Safety

- ❖ No separation of clean and dirty areas
- ❖ Shower facilities require travel from apparatus floor through clean areas
- ❖ Protective equipment storage in apparatus area
- ❖ Does not meet current life safety and building codes
- ❖ Insufficient areas for decontamination of equipment and protective clothing

4

Existing Conditions - Building

- ❖ Requires masonry and roof repairs
- ❖ Not ADA Compliant
- ❖ Non-code compliant for modifications
- ❖ Inadequate insulation and poor energy efficiency
- ❖ Boiler in need of replacement
- ❖ Front apron sinking
- ❖ No gender specific shower, bathroom or locker areas

5

2019 Public Safety Facilities Study

- ❖ Goals
 - ❖ Review existing facilities for expansion and/or renovation
 - ❖ Review a potential location for a single fire station
 - ❖ Review the option for 2 new fire stations
- ❖ Process
 - ❖ Review of current and future space needs
 - ❖ Review current safety and health conditions
 - ❖ Review current and future department operations
 - ❖ Review future development

6

Findings and Recommendations for Station 2

- ❖ Due to geographic restraints and an impact on response times a single station was not recommended
- ❖ Current facility does not support modern fire-fighting operations.
- ❖ Current facility is challenged to accommodate modern fire apparatus
- ❖ Site is constrictive and limited ability for expansion
- ❖ Space needs to increase by 55% for current and future operations
- ❖ Explore construction of a new fire station

7

Site Selection

- ❖ 2020 – with guidance of Lavallee-Brensinger the FD looked for developable land in West Lebanon that:
 - ❖ Was a minimum of 1-acre in size
 - ❖ Would have a minimal impact on response times in West Lebanon
 - ❖ Access to City Water and Sewer
 - ❖ Current and Future traffic volume
 - ❖ Maintenance of continuity to the downtown West Lebanon area

8

Site Options - River Park – North Main Street

❖ Pros

- ❖ Access to North Main Street
- ❖ Within a mile of the downtown area
- ❖ Access to Municipal Water System
- ❖ Proposed station design fit on site
- ❖ Connection proximity to primary response routes

❖ Cons

- ❖ Requires storm water and waste-water expansion
- ❖ Cost of land acquisition
- ❖ Lot size approximately 1-acre would limit potential future growth

9

Site Options – South Main Street near Waterman Avenue

❖ Pros

- ❖ Access to South Main Street and Plainfield Road
- ❖ Access to Municipal Water System
- ❖ Connection proximity to primary response routes

❖ Cons

- ❖ Cost of land acquisition
- ❖ Lot size approximately .8-acre would limit potential future growth
- ❖ Increased response time to the north end of Route 10 by 2-4 minutes
- ❖ High traffic area
- ❖ Require traffic control light to facilitate access to South Main Street

10

Site Options – Market Street near Waste-Water Treatment

❖ Pros

- ❖ Access to Municipal Water System
- ❖ Access to interstate

❖ Cons

- ❖ Cannot be built in a flood zone
- ❖ Increased response time to the north end of Route 10 by 2-4 minutes
- ❖ High traffic area
- ❖ Require intersection improvements at Market and South Main Street

11

Site Options – 38 Maple Street (@ Tracy Street)

❖ Pros

- ❖ Lot Size – approximately 2-acres
- ❖ Access to Main Street via Tracy
- ❖ Continuity with Downtown West Lebanon
- ❖ Minimal impact to response times
- ❖ Connection proximity to primary response routes

❖ Cons

- ❖ Asbestos Abatement
- ❖ Water runoff will require site drainage modifications

12

Site Options – Proposed Station Sighting



13

Benefits of a Neighborhood Station

- ❖ Fire Engine within 1.5 miles may have a positive impact on insurance rates
- ❖ Residential fires double in size every 60-70 seconds
- ❖ Connection between the Firefighters and the Community'
 - ❖ Open Houses
 - ❖ Access to small meeting room
- ❖ Public access for education and assistance

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**AGENDA
LEBANON CITY COUNCIL
JULY 21, 2021**

10. NEW BUSINESS:

**10.B – DISCUSSION & SET PUBLIC HEARING FOR AUGUST 18, 2021:
SUPPLEMENTAL APPROPRIATION AND BOND ISSUANCE FOR THE PURCHASE
OF 38 MAPLE STREET, WEST LEBANON**

BACKGROUND

The City Council is asked to schedule a public hearing for August 18, 2021, to receive public input regarding a supplemental appropriation and bond issuance for the purchase of 38 Maple Street, West Lebanon, for the relocation of the West Lebanon Fire Station. The appropriation will be general obligation debt to be paid through property taxes.

As the appropriation will require the issuance of bonds, action on the public hearing will not take place until the September 15, 2021, meeting to ensure compliance with NH RSA 33:8-a (attached).

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 18, 2021, beginning at 7:00pm in Council Chambers, City Hall, Lebanon, and remote via the City's Virtual Platform for the purpose of receiving public input followed by action to:

- 1. Appropriate the sum of \$_____ for the purchase of 38 Maple Street, West Lebanon, NH, for the relocation of the West Lebanon Fire Station. The appropriation is expected to be financed through the issuance of long-term debt as a general obligation debt to be paid through property taxes; and***
- 2. Authorize the issuance of bonds or notes, in an amount not to exceed \$_____ to finance the purchase of 38 Maple Street, West Lebanon, NH.***

Included in this Section:

- 1. NH RSA 33:8-a, Procedure for Authorizing Bonds or Notes in Excess of \$100,000**

NH RSA 33:8-a

Procedure for Authorizing Bonds or Notes in Excess of \$100,000.

I. There shall be at least one public hearing concerning any proposed municipal bond or note issue in excess of \$100,000 held before the governing board of any municipality. **Said hearing shall be held at least 15 days, but not more than 60 days prior to the meeting, or adjourned session thereof, at which the bond or note issued is to be voted upon.** Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least 7 days before it is held. Whenever possible the governing board shall determine the form of the warrant article after the public hearing.

II. All articles appearing in the warrant which propose a bond or note issue exceeding \$100,000 shall appear in consecutive numerical order and shall be acted upon prior to other business except the election of officers, action on the adoption, revision, or amendment of a municipal charter, and zoning matters or as otherwise determined by the voters at the meeting. Polls shall remain open and ballots shall be accepted by the moderator on each such article, for a period of not less than one hour following the completion of discussion on each respective article. A separate ballot box shall be provided for each bond article to be voted upon pursuant to this section.

III. The provisions of this section shall not apply to cities nor to any borrowing under the authority of RSA 33:7, relative to tax anticipation notes.

IV. Upon favorable approval on the motion to reconsider the vote on a bond or note issue under paragraphs I and II, actual reconsideration of the bond issue shall not take place until the expiration of at least 7 days from the date on which the original vote on the motion was taken. Notice of time and place where such reconsideration shall take place shall be published in a newspaper of general circulation in the municipality at least 2 days before the reconsideration vote. Wherever required, the provisions of RSA 33:8-a shall apply.

V. Bonding authority under this section may be limited or rescinded as provided in RSA 33:8-f.

Source. 1971, 270:1. 1973, 25:1; 543:1. 1979, 43:1. 1983, 160:3, eff. Aug. 9, 1983. 2009, 229:2, eff. Jan. 1, 2010. 2014, 292:3, eff. Sept. 30, 2014.