



**WEST LEBANON REVITALIZATION ADVISORY
COMMITTEE
JULY 27, 2021 - 7:00 PM
MEETING ROOM 1, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. None
 - 3. New Business**
 - A. Main Street Streetscape Conceptual Design - VHB
 - B. River Trail Feasibility Study - VHB
 - C. Discussion: West Lebanon Fire Station
 - D. Westboro Update
 - E. Lease Area Update
 - F. Priorities for Designing/Implementing Westboro River Trail
 - G. Recommendations/Priorities/Remaining Committee Work
 - H. Block Party event
 - 4. Other Business**
 - 5. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please visit LebanonNH.gov/Live for full details.

Agenda
Lebanon City Council
November 01, 2023

6. Recognitions:

- Proclamation in recognition of Native American Heritage Month

Included in this Section:

1. Proclamation Recognizing Native American Heritage Month



PROCLAMATION NATIVE AMERICAN HERITAGE MONTH – NOVEMBER 2023

WHEREAS, November 2023 is recognized nationally as Native American Heritage Month to celebrate and honor indigenous peoples and their diverse and rich cultures, histories and traditions; and

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

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

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

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

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

THEREFORE, BE IT NOW RESOLVED, that the City of Lebanon proclaims November 2023 to be Native American Heritage Month and encourages every resident to recognize the importance of indigenous people in our history and as fellow citizens today.

Proclaimed this 1st Day of November in the year 2023.

Timothy J. McNamara
Mayor, City of Lebanon

**Agenda
Lebanon City Council
November 01, 2023**

7. Acceptance Of Minutes:

Minutes To Be Accepted

- October 18, 2023 (CIP Work Session and Regular Meeting)

MOVED, to approve the minutes as presented in the November 1, 2023 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, October 18, 2023, 5:30 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, City Clerk/Tax Collector Jaseya Ewing, Deputy Director of Planning & Development Tim Corwin, Director of Planning & Development Nathan Reichert, Assistant Director Public Works Jay Cairelli, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Solid Waste Manager Erica Douglas, Deputy City Manager – Public Services Nik Coates, Fire Chief Jim Wheatley, Assistant Fire Chief Jeff Libbey, Recreation, Arts & Parks Director Paul Coats, Energy & Facilities Manager Tad Montgomery, GIS Coordinator Mark Goodwin, Fire Inspector Duane Egner

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 5:30 p.m.

- At the request of Mayor McNamara, Item 10.A's Work Session was taken out of order from what was presented in the agenda packet and will be presented first, noting that the Regular Session of the City Council meeting would start after the CIP and Capital Budget items were reviewed.
- City Manager Shaun Mulholland announced the meeting criteria for the public.

10. NEW BUSINESS

A. Work Session: Overview and Presentations of the 2024 Capital Improvements Program (CIP) and Capital Budget

Included in the agenda packet: *(All supportive documents, detailed information, financial plans and project schedules, photos and site maps can be found on Pages 35-149, Council agenda packet)*

1. 2024 Capital Improvements Plan Presentation

1.2024-2029 Capital Improvements Program and Other Capital Projects

BACKGROUND

At its meeting on July 24, 2023, the Planning Board reviewed the proposed Capital Improvement Program (CIP) for the six-year period, 2024-2029, including the recommendations of the Planning Board Capital Improvement Program (PBCIP) Subcommittee. At the conclusion of the discussion, the Planning Board voted unanimously to approve the Capital Improvement Program for 2024-2029, and to submit Year 1 (2024) of the CIP as the Board's recommendation to the City Council for capital budget funding for 2024.

1 As part of the preparation and review of the annual budget, the City Manager, Planning & Development
2 Department, and other City departments were present at the meeting to review the 2024-2029 CIP and other
3 Capital Projects

4
5 Mr. Tim Corwin, Deputy Planning & Development Director, presented an overview of the Capital
6 Improvement Plan process. The Capital Improvement Program is developed and updated annually to assist
7 the Council in reviewing budget expenditures. It is based on statutory requirements and is intended to
8 support the goals of the City's Master Plan. The Statute requires that a Capital Improvement Plan cover at
9 least 6-years, which in this case is 2024-2029, but in years past ours looks just beyond the 6-year timeframe
10 in order to enhance the CIP's purpose of both the fiscal planning tool and the community planning tool. As
11 a reminder, the annual budget is the Council's responsibility whereas the preparation of the 6-year CIP is
12 the Planning Board's responsibility and was delegated to the Planning Board back in 1986. The CIP is a
13 planning document and adoption of the CIP is also statutorily required to adopt the Ordinances, which the
14 City has. The Planning Board has developed a Policies & Procedures document, which was updated this
15 past April (2024) and the principal change was to streamline the review process by eliminating the Planning
16 Board's CIP Subcommittee and instead having the full Planning Board review the proposed 6-year CIP,
17 rather than having it first sent to the CIP Subcommittee to develop recommendations to the Planning Board.
18 The Planning Board adopted the CIP on July 24 (2023) and a copy of this is included in the agenda packet
19 for this meeting.

20
21 The Planning Board's Policies and Procedures establishes what the Board considers the Capital
22 Improvement Program items as listed below:

CAPITAL IMPROVEMENT PROGRAM ITEMS

For the purpose of the Planning Board's Capital Improvements Program, Capital Improvement Program Items (CIP Items) will be those items that pertain to planning and land use within the City only. CIP Items include:

- a) Any Physical Public Betterment and studies relative thereto with an estimated cost or value in excess of \$100,000;
- b) Acquisition of land, regardless of estimated cost;
- c) Construction of new buildings and facilities with an estimated value in excess of \$100,000;
- d) Facilities engineering design and other preconstruction costs in excess of \$100,000, unless such costs are part of a project that does not result in more capacity for growth;
- e) Reconstruction of existing facilities resulting in more capacity for City growth with an estimated cost or value in excess of \$100,000.

Capital items that are operational in scope, vehicles for example, are not considered to be CIP Items.

23
24 Excluded from the CIP definitions are operational maintenance and improvements accruing a benefit to the
25 community, which do not increase capacity for growth (i.e., vehicles, vehicle replacement, resurfacing a
26 road, fixing a sidewalk, and other in-kind repairs). By contrast, improvements that increase capacity such
27 as the widening of a roadway/bridge/construction or a new sidewalk would be counted in the CIP program
28 items.

29
30 The development of the CIP begins in January. City Departments and the School District are provided
31 direction in late March and have until mid-May to prepare their CIP proposals. The Planning Department
32 and City Manager's office reviews these proposals in June. In late July, the Planning Board reviews that
33 list and adopts the 6-year CIP Plan.

Capital Improvement Projects include physical public betterments and those are improvements which increase the capacity for growth. Secondly, acquisition of land for constructing new buildings and facilities in excess of \$100K.

Before discussing the proposed CIP projects, City Manager Mulholland reviewed and explained the details of the proposed 2024 Capital Budget. The focus of his presentation included the following:

2024 CIP Budget Comparison

2023

- General Fund- **\$26,194,090**
- Sewer Fund- **\$2,048,250**
- Water Fund- **\$3,998,500**
- Solid Waste Fund- **\$899,700**
- Airport Fund- **\$8,340,000**

• **TOTAL- \$41,480,540**

2024

- General Fund- **\$48,092,610**
- Sewer Fund- **\$300,000**
- Water Fund- **\$150,000**
- Solid Waste Fund- **\$916,000**
- Airport Fund- **\$3,878,340**

• **TOTAL- \$53,336,950**

CIP Funding Sources

General
Obligations
Bonds

State Revolving
Funds-Water
and Sewer

Capital
Reserve Funds

Grants and
Loan
Forgiveness

Long Term Plan- General Fund

- 6 Year Capital Improvements Plan
- Debt Load Stabilization Plan
 - Leveling of the General Fund Debt.
 - Limit new debt to the amount of debt being retired over the 6 Year period + CPI growth factor
- Facilities
- Streets and Bridges
- Vehicles and Equipment

Rolling 6 -year period



The debt ceiling is calculated on a rolling six-year period based upon the CIP.

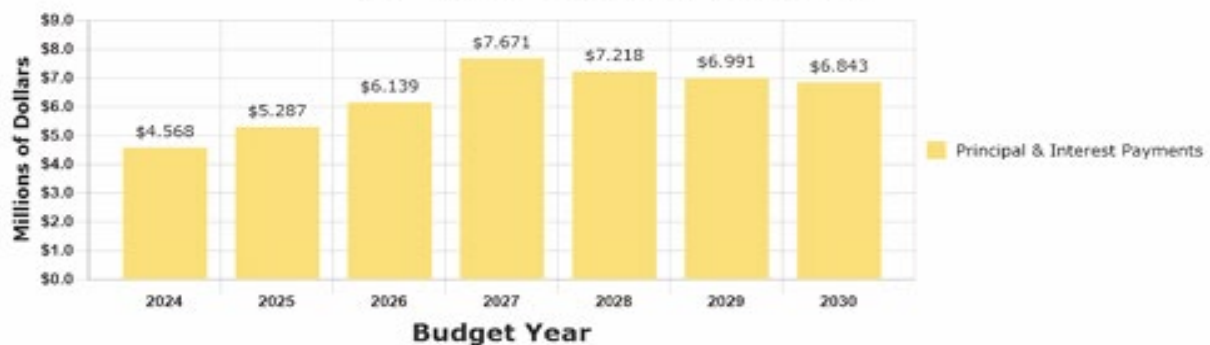


Debt attributable and paid by Tax Increment Finance Districts or Special Assessment Districts is not included in the debt ceiling.



Large projects that cause exceedance of the debt ceiling would freeze incurring debt until the amount owed is below the ceiling.

General Fund Debt Service



GENERAL FUND DEBT LIMITATIONS

Statutory Debt Ceiling - \$98 Million

City Policy Debt Ceiling - \$48.5 Million

Debt Retirement

- 2023 \$3.4 Million
- 2024 \$3.7 Million

Councilor Whittlesey asked if, assuming the CIP follows this trend, we are still going to spike well above it in 2027. City Manager Mulholland noted he cannot know what will happen in 2027 and explained his reasons. It is difficult to predict what the future is going to be. All he can do is look at the past. We have taken a stab in the dark at 1.5% but have no idea what it's going to be. It could be considerably higher than that, but nobody thought it would be 7.9% last year.

Councilor Simon questioned why the Daycare Facility is counted against us when it will be built solely by donations. City Manager Mulholland explained that we raise the taxes only on those amounts that we need to actually raise taxes for, so for that project we do not raise taxes because we are anticipating another revenue source: donations. He further explained the process for the Daycare Facility, noting that if those monies are not received, that project will not proceed.

General Fund Debt: *See page 45, agenda packet.*

Please refer to *Debt Ceiling Calculation on page 46, agenda packet.*



This shows that by 2026 we will, on present projections, go over our debt ceiling and we will not borrow any more money in the General Fund and further explained his reasons. He suggested that when we look at that policy, we modify it to say that we will only enter into projects that have grant funding involved.

Long Term Plan- Sewer Fund



Projected Rate Increase 2023



7.2% Rate Increase for 2024



Rate Increases for 2022 and 2023 were 8% each year to meet the existing debt service requirements.

Projected Rate Increase

- 5.2% increase in sewer rates for 2024
- Previous increases were 7.2%

City Manager Mulholland explained that a 7.2% increase is incorrect. It is a 5.2% increase in the sewer rates for 2024. While it has been an increase in 7.2%, we think we can do it with a 5.2% increase.

Secondary Water Supply	Distribution System Improvements
• New Water Source Well • New Water Distribution System from the new well to the storage tanks	• Mack Ave. Project • Kimball St./Forest Ave Project • Mechanic St. water line rehabilitation • Gate Valves and Fire Hydrants

Long Term Plan-Water Fund

As you know, we are looking at a water distribution system (see above) to back up what we have from the lake right now, along with the improvements that are still in either the development stage or are in the unfunded list. This project is significantly under budget due to some of the value City Engineering has done. The gate valves and fire hydrants will be our tough areas because the Sewer Fund does not have a lot of reserves built into it.

Councilor Simon noted that he was just made aware of what sounds like an ongoing issue with the sewer lines on Mack Avenue. He noticed the City is doing water lines and questioned if that was also part of the plan to do both. City Manager Mulholland noted that on Tuesday (October 24, 2023) there will be a full presentation on this, but it is on the unfunded project list right now and is not even on the 6-year plan.

Projected Rate Increase 2023



7.2% Rate Increase for 2024



Rate Increases for 2022 and 2023 were 8% each year to meet the existing debt service requirements.

Water fund Debt Management Plan starting in 2024

The recently approved debt management structure includes a fixed component annual increase of 5% and a variable component added to that based upon the % increase of the CPI (starting in January of 2024)

The development of the secondary water source well will require additional distribution system upgrades which have not been determined yet. This will exceed the debt limits when these projects begin.

Long-Term Plan – Airport

Planned Improvements

- Runway Safety Improvements
- Localizer Relocation Project
- North Air Carrier Apron Rehabilitation

Airport CIP Funding Sources

Federal portion 90%

State portion 5%

City portion 5%

ARPA funds will be used for the City portion until exhausted

Long Term Plan – Solid Waste Fund

Priority Projects

- Landfill Phase 3 & 4 Design and Construction
- Gas Collection & Control System
- Replacement of Vehicles & Equipment

PFAS & Emerging Contaminants



PRESENT DETECTABLE LEVELS OF PFAS WILL LIKELY EXCEED FEDERAL & STATE REGULATIONS IN THE FUTURE.



DISPOSAL AND DESTRUCTION TECHNOLOGIES HAVE NOT BEEN FULLY TESTED AT THIS TIME.



PROJECTED TO BE VERY EXPENSIVE TO REMEDIATE AND DISPOSE OF.

City Manager Mulholland noted we will not have a cost for PFAS clean-up yet as the Federal Government has not determined the standards for this. They have just been developing drinking water standards for PFAS. The Solid Waste Fund is an enterprise fund, and it is not paid for with tax dollars, it is paid for by users and actually pays the City \$500K a year, which offsets taxes. He noted that we have to do more to reduce the materials that are being thrown into the landfill. Things are being thrown into the landfill that could be recycled or reused.

Solid Waste Fund



Debt limits are based upon the present and future capacity of the Solid Waste Facility to accept waste and generate the revenue from that waste to pay for operating expenses and debt service payments for the ensuing year and beyond.

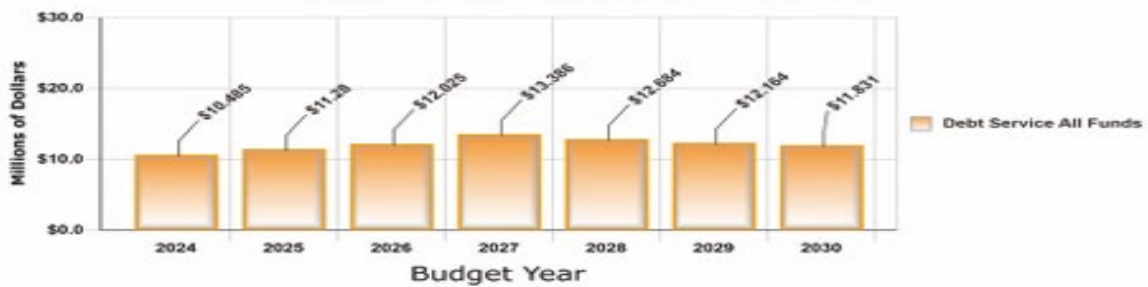


The period by which indebtedness may occur for any given project is limited to the useful life of the infrastructure asset.



Situations where the state or federal government mandate by administrative or court order that action must be taken by the City that requires long term debt may require borrowing funds for periods beyond the useful life of the asset.

Total Debt Service All Funds



Draft Proposed 2024 Capital Budget (Year 1 (2024) Capital Improvements Items of the Capital Improvement Program for 2024-2029 are listed in red.)

NOTE: Complete details and financial information of the projects discussed by the Council can be found on page 65-198, Council agenda packet.

ALSO NOTE: The graph below, which lists all the proposed CIP items the Council discussed is not the complete graph, Please refer to page 68, agenda packet for the graph in its entirety.

Department	Project Name	Total Appropriated	Prior to 2024	2024-2029
AIRPORT FUND				
AIR	<i>Runway Safety Area Improvements_2024</i>	\$12,693,340	\$8,815,000	\$3,878,340
	TOTAL AIRPORT	\$12,693,340	\$8,815,000	\$3,878,340
GENERAL FUND				
FACILITIES				
FIRE	<i>Station 1 Replacement</i>	\$22,669,940	\$0	\$22,669,940
DPW	City Hall Renovations (Phase 4)	\$6,998,600	\$6,848,600	\$150,000
DPW	<i>City Owned Electric Vehicle Service Equipment</i>	\$251,000	\$0	\$251,000
CM	<i>Childcare Facility Project</i>	\$21,977,670	\$0	\$21,977,670
CM	<i>Main Street Building Demolition</i>	\$250,000	\$0	\$250,000
FLEET & EQUIPMENT				
FIRE	Personal Protective Equipment Replacement	\$420,000	\$0	\$420,000
FIRE	Self-Contained Breathing Apparatus (SCBA) Replacement	\$485,000	\$0	\$485,000
FIRE	Engine #2 Replacement	\$1,200,000	\$0	\$1,200,000
ROADS & BRIDGES				
DPW	<i>Route 120-Etna Rd-Old Etna Rd Ped/Bike Improvements</i>	\$250,000	\$0	\$250,000
DPW	<i>Lahaye Drive Ped&Bike Improvements</i>		\$800,000	\$540,000
OTHER				
REC	<i>Mascoma River Greenway Extension</i>	\$2,400,000	\$0	\$2,400,000
REC	<i>Westboro Park</i>	\$1,801,200	\$0	\$1,801,200
	TOTAL GENERAL FUND	\$58,703,410	\$7,648,600	\$52,394,810
WATER FUND				
DPW-WATER	<i>New Source Water Supply Study Investigation Phase 2</i>	\$8,470,000	\$320,000	\$8,150,000
	TOTAL WATER FUND	\$8,470,000	\$320,000	\$8,150,000
SEWER FUND				
DPW-SEWER	Septage Receiving Upgrade	\$300,000	\$0	\$300,000
	TOTAL SEWER FUND	\$300,000	\$0	\$300,000
SOLID WASTE FUND				
DPW-SOLID	<i>Landfill Phase 3-4 Design, Permitting, and Construction</i>	\$17,270,000	\$600,000	\$16,670,000
DPW-SOLID	<i>Landfill Site Improvements</i>	\$546,000	\$0	\$546,000
	TOTAL SOLID WASTE FUND	\$17,816,000	\$600,000	\$17,216,000
	TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM	\$97,982,750	\$17,383,600	\$81,939,150

DEPARTMENT

PROJECT DESCRIPTION

Airport

Runway Safety Area Improvements: 2024

Requesting (2024): \$3,490,500

2024

FAA = \$3,490,500

NHDOT = \$193,920

CITY = \$193,920

TOTAL: \$3,878,340

Airport Director Carl Gross reviewed the Runway Safety Area Improvement for 2024

Fire Station 1 Replacement
Requesting (2024): \$22,669,940.

Fire Chief Wheatley reviewed the Fire Station 1 Replacement and associated costs related to this project. In response to Councilor Liot Hill's question regarding the use of ARPA Funds, City Manager Mulholland noted these funds will only get us through 2024 and for this particular project, the 5% city match is being covered by the Federal Government.

Councilor Simon noted the conceptual plan is expected to start construction in 2024.

Public Works City Hall Renovations & Future Phases
Requesting (20224): \$150,000.

1. Front and East side entrance renovation 2024: Replacement of six front entrance doors and transom windows, insulation of south exterior wall, repair and repainting for arched entryway woodwork. Replacement of East entrance electric doors.	\$ 150,000
TOTAL 2024-2029	\$150,000

Energy & Facilities Manager Tad Montgomery reviewed and explained the Phase 4 and subsequent phases of the City Hall Renovations. City Manager Mulholland further explained the work that was going to be done in City Hall.

Councilor Simon noted that if the doors are being removed, he hoped they would reach out to someone from a recycling company.

Public Works City Owned Electric Vehicle Service Equipment
Requesting (2024): \$251,000

Parkhurst St. – two Level 2 two-port chargers (4 ports total):	\$136,135
Taylor St. – two Solar four-port Level 1 chargers:	<u>\$114,879</u>
TOTAL:	\$251,014
City Match @ 20%:	\$50,203

Cash Match is \$4,236.00

Energy & Facilities Manager Tad Montgomery reviewed and explained the City owned Electric Vehicle (EV) Service Equipment request. It is assumed that there will be a user fee for the EV Chargers. All proposed EV Chargers will be level 2. **See agenda packet for detailed information, photos, proposed EV Charging Station location maps and financial information.**

City Manager Childcare Facility Project
Requesting (2024): \$21,977,670. Total Cost Yet To Be Determined

City Manager Shaun Mulholland noted this was discussed on October 4th so he did not review his request in detail.

City Manager **Main Street Building Demolition**

Requesting (2024): \$250,000.

City Manager Shaun Mulholland reviewed the Main Street Building demolition.

In anticipation of eventual demolition, the City has obtained cost estimates for demolition of each building individually and for all buildings together. Excess funds within the established revolving fund may be used toward the cost of demolition. The remainder of the demolition costs will come from operating funds or short-term borrowing associated with the proposed redevelopment of the properties.

Fire **Personal Protective Equipment**

Requesting (2024): \$210,000.

3. Personal Protective Clothing cost is estimated to be \$5,500 per set. This figure includes protective coats, pants hoods, gloves, and boots.

Total Cost of PPE Project: \$210,000

Fire Chief Wheatley reviewed and explained the next three (3) 2024 Budget Item requests. For Personal Protective Equipment he noted this is a PFAS Free estimate. He estimated that by 2029 all the Lebanon Fire Department (LFD)'s Personal Protective Equipment will be PFAS-Free.

Fire **2024 Self Contained Breathing Apparatus**

Requesting (2024): \$485,000.00

Fire **2026 Fire Engine Replacement**

Requesting (2024): \$1,200,000. This is an estimated replacement cost

If ordered in 2024, it is estimated that the delivery of this fire truck can be expected by 2026. This Fire truck will fit in either of the LFD locations and is designed for use at the Airport as well. They will trade in an old engine.

Public Works **Route 120-Etna Rd-Old Etna Rd Ped/Bike Improvements**

Requesting (2024): \$250,000.

Please refer to complete details and maps included in agenda packet. Financial Plan is on page 108.

Director of Planning & Development Nathan Reichert and Deputy Director Tim Corwin reviewed and explained the Ped/Bike Improvement plans for Route 120- Old Etna Road,

Mayor McNamara noted he did not see a lot of pedestrian activity in this area.

Councilor Heistad stated this request came directly from pedestrians who brought this issue before the Ped/Bike Committee.

Councilor Sykes also commented that he has heard from constituents about how sidewalks would allow them to get across the highway and hoped the State would provide a crossing signal to get folks across the road safely.

Public Works **Lahaye Drive Ped & Bike Improvements**

Requesting (2024): \$540,000.

Mr. Tim Corwin, Deputy Director of Planning & Development, reviewed and explained the Ped/Bike Improvement plans for Lahaye Drive. **Please refer to the agenda packet for complete details, maps, and financial plans.**

Recreation, Arts, & Parks
Requesting (2024): \$32,000.

Mascoma River Greenway Extension



Mr. Paul Coats, Recreation, Arts and Parks Director, gave an extensive review and explained his request/plans for the Mascoma River Greenway Extension. **Please refer to the agenda packet for complete details, maps, and financial plans.**

Recreation, Arts, & Parks
Requesting (2024): \$77,000.

Westboro Park

Mr. Paul Coats, Recreation, Arts, and Parks Director, gave an extensive review and explained his request/plans for the Westboro Park. **Please refer to the agenda packet for complete details, maps, and financial plans.**

Public Works
Requesting (2024): \$150,000.

New Source Water Supply Study Investigation Phase 2

1. **DEPARTMENT:** Public Works - Water Distribution
2. **PROJECT TITLE & NUMBER:** New Source Water Supply Study Investigation Phase 2
3. **PURPOSE OF PROJECT REQUEST FORM:** : The purpose of this project is to study, design and build a secondary drinking water source for the city. The single source of water supply for the city is from the Mascoma River.
4. **DEPARTMENT PRIORITY:** High-Continuity of water supply in an emergency or potentially as a new treatment plant site.
5. **LOCATION:** Connecticut River/ Mascoma River Confluence
6. **PROJECT DESCRIPTION/JUSTIFICATION:** A second water source will provide a backup water supply or a potential new treatment plant site. Having a single source places the city in a potentially vulnerable situation. It is noted that there are emergency interconnections available with the Cities of Hanover and Hartford if a water shortage were to occur.

This project began in 2001 a source water study was performed identifying a number of potential hi-yield alternative water sources.

During phase 1 of this project three locations along the Connecticut River were studied as potential alternative water supply sites with small diameter test wells and short-term pump tests. Of these three sites one site shows potential yields that could serve all the city's drinking water needs.

An additional \$100,000 was requested and approved for installation of a full production well and nearby monitoring wells, long term pump testing, water quality analysis and NHDES permitting for use of the well as an alternative water source

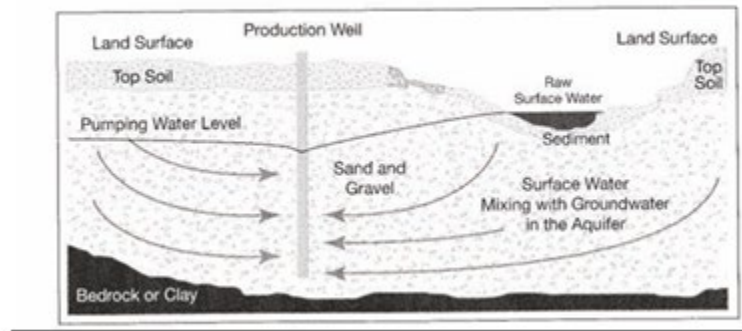
for 2023. The water quality analysis will allow NHDES to mandate treatment required as part of the permitting process.

Some of the money requested during phase 2 needed to be spent on a study due to the proposed well location being located in a floodway. The study cost \$150,000 which is being requested to cover the money spent to allow the production well to be installed, tested and permitted.

Once phase 2 is completed and the well is permitted, phase 3 will include engineering design of a pump house, water treatment facility and piping to tie the water source into the existing water distribution system can occur. Engineering is expected to occur beginning in 2024 and will be completed in-house by DPW staff.

\$8M is included for construction in 2026. This estimate will be refined as needed depending on the engineering design and water treatment required.

Figure 1-1 Generalized schematic of an RBF system. Source: Ray et al., 2002.



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New Source Water Supply Investigation Phase 2

- Last year money was requested for the installation of a full production well and nearby monitoring wells, long term pump testing, water quality analysis and NHDES permitting for use of the well as an alternative water source. Due to the proposed well's location in the floodway a hydraulic analysis will likely need to be completed and is expected to cost \$150,000.
- Requesting \$150,000 (\$150,000 Water Fund)
- Construction 2024-2025

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Mr. Jay Cairelli, Assistant Director of Public Works, reviewed and explained the “New Source Water Supply Investigation: Phase 2”, as listed above, noting what is needed now is a No Rise Certificate from the NH DES because of the well’s proximity to the river. We will need to build it (well) up higher than flood waters can reach so it doesn’t impact the well. That space that we are taking up needs to be taken out somewhere else so that if flooding occurs the actual flooding height does not go higher than the well.

Mayor McNamara questioned at what point in time we will know what level of treatment is going to or not going to be required. Mr. Cairelli stated that once the well is permitted, we will know that information.

Councilor Liot Hill noted that what we are experiencing now is more significant flooding than what was expected and asked what projections he was using (i.e., 100-year flood, 500-year flood) and how Mr. Cairelli is determining what the appropriate height is. Mr. Cairelli noted they are using 3 feet above the 100-year flood level, noting this is above what the City received from the Irene flood level.

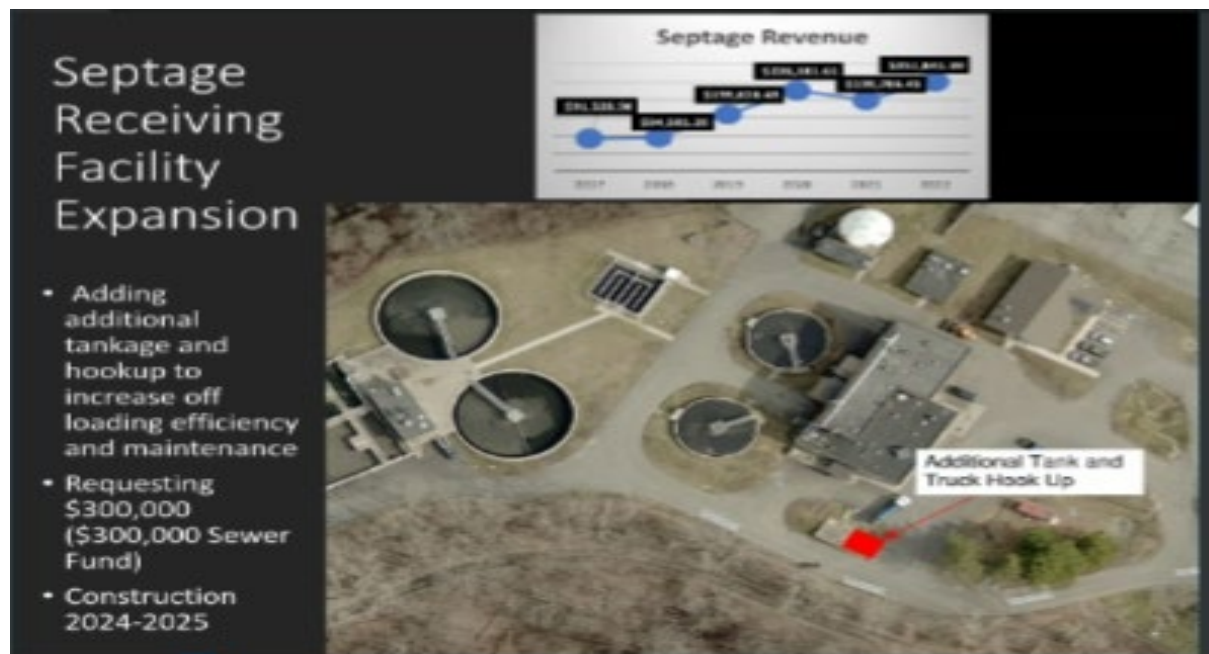
Mayor McNamara spoke about how the Federal Government is talking about changing the 100 flood year maps.

In response to Assistant Mayor Below's question regarding the access road, Mr. Cairelli noted that the access road does not need to be changed. There is an ongoing conversation that this site may need to be a full well head protection area and we will need to finalize this discussion with NH DES.

Public Works

Sewer Rehabilitation Project #2

Requesting (2024): \$300,000.



Mr. Jay Cairelli, Assistant Director of Public Works, reviewed and explained the Septic Receiving Facility Expansion as provided in the Council agenda packet, noting that rates were decreased a few years ago. We began taking on a lot more septage since that time. This year we are projecting to do over 3 million gallons of septage. The revenue and the burden to the plant is increasing dramatically. We are proposing to put in a redundant tank and provide an extra truck hookup because right now people are literally lining up. This year our income will be closer to \$400K and it is a one-year payback to do this project.

City Manager Mulholland noted that since we have sufficient funds in our Sewer Fund, we will not have to borrow money to do this.

Public Works

Landfill Phase 3-4 Design, Permitting, and Construction

Requesting (2024): \$800,000.

Ms. Erica Douglas, Solid Waste Manager, explained and reviewed the Landfill Phase 3-4 Design, Permitting, and Construction plans, noting the purpose of this project request is to extend the life expectancy of the landfill and evaluate additional disposal capacity the Lebanon landfill has present. The design capacity for these two projects is expected to reach its capacity in 2080. Our current landfill capacity is approximately 7 years longer. We are working on a design proposal for the State, which takes a couple of years to go through the process with NH DES. We are proposing construction for Phase III to begin at the end of 2027 which will give us approximately a 2-year timeframe from when our current phase fills up and

this one is completed. In 2024, we will be finishing up hydrological work and submitting our permit to NH DES.

In response to Mayor McNamara's question regarding if more recycling could extend those dates out, Ms. Douglas's answer was yes, noting that as technology gets better, and we start recycling more it would increase capacity.

Mayor McNamara also questioned if re-excavation of the previous landfill to remove recyclables and recompact was part of the program. Ms. Douglas confirmed and explained the work to be done on the Phase 4 Expansion.

Councilor Simon questioned if we are restricted to height limit. Ms. Douglas stated the restriction for Phase I was the sightline from the Home Depot parking lot. Our biggest factor for constraints on the height is actually the workability for the other phases.

City Manager Mulholland reiterated again that we are not recycling materials as we should. Once Erica gets this project done, our next part is to start looking at requiring people to recycle materials. We are filling up valuable space with things that could be reused. We need to get people to think differently.

Councilor Liot Hill questioned how much time can we buy with Phase III? Ms. Douglas noted that when we do Phase IV, the trash from Phase IV will go into Phase III along with the current trash while Phase IV is under construction. We will see rate increases coming.

Public Works **Landfill Site Improvements**
Requesting (2024): \$116,000.

Solid Waste Manager Erica Douglas explained and reviewed the CIP request for the Landfill Site Improvements, which will assist in the operations and long-term functionality of the landfill facility, noting the facility is in need of repairs to the current infrastructure (i.e., paving in front of the compactor bay, scales and scrap metal areas; work on perimeter road; litter fence; correct drainage issues; new scale rail) **(See photos and detailed information on pages 137-138, agenda packet.)**

**SEE PAGES 140-141 FOR THE LEBANON SCHOOL DISTRICT PROPOSED FACILITIES
IMPROVEMENT PLAN (2024-2028)**

REGULAR SESSION PORTION OF MEETING:

Mayor McNamara called the City Council Regular Session to order at 7:29 pm.

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

2. PLEDGE OF ALLEGIANCE: Councilor Simon led the Council in the Pledge.

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

4. OPEN TO PUBLIC: NO ONE CAME FORTH

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES:

- September 27, 2023 (Special Meeting)
- October 4, 2023

Amendments: For clarity purposes, Pages 13, Lines 42-47 and Page 14, Lines 1-2 in agenda packet should be amended as follows:

REMOVE: “Councilor Simon spoke about his concerns regarding the cost of construction being solely raised by 42 donations. He questioned if there was a timeframe goal to reach the funds needed to start construction, 43 noting that if we are looking to start construction in five years then we are looking at an increase in 44 building costs, etc. City Manager Mulholland noted the next step is the final design. The donations we 45 receive initially will go toward that final design. Hopefully, we will receive what is before the State 46 Legislature (\$1M). There are also State Tax Credits, but donations will be the vast majority of funding 47 Page 13 of 201 for covering this expense, noting the remaining funds will be needed before construction can be started. There are also other options, such as phasing the project, as we move forward.” Should be replaced with the following statement:

REPLACE WITH: “Councilor Simon questioned the City Manager regarding the building construction costs of the Childcare Facility and asked if there were benchmarks that would (need to) be met, in regard to the dollar amounts, that would trigger construction starting, and if construction was completed and there was a shortfall in donations would Lebanon citizens be on the hook for that amount. City Manager Mulholland’s answer was no, and reiterated what he said earlier tonight that the Childcare Facility will not be built unless there is 100% funding through the donations.”

Councilor Heistad MOVED to approve the September 27, 2023 (Special Meeting) and the October 4, 2023 Regular Session minutes as amended and presented in the October 18, 2023 City Council agenda packet.

Seconded by Councilor Whittlesey.

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

7. APPOINTMENTS:

- Lebanon Energy Advisory Committee, Woody Rothe (Reappointment Citizen Representative)
Councilor Liot Hill MOVED to NOMINATE Woody Rothe for Reappointment as a Citizen Representative to the Lebanon Energy Advisory Committee.

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

- Arts & Culture Commission, Brian Cook (Reappointment Arts Organization Representative)
Councilor Wilkie MOVED to NOMINATE Brian Cook for Reappointment as an Arts Representative to the Arts & Culture Commission.

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

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS (continued)

- B. Review Recommendation by the Tree Advisory Board Regarding Matching Funds for a USDA Urban Forestry Grant**

Included in the agenda packet: **(All supportive documents and information can be found on Pages 150-154, Council agenda packet)**

1. Tree Advisory Board Budget Narrative, Lebanon NH Green Streets Initiative ira-92564

Chair Andrew Garthwaite reviewed the background and explained the Tree Advisory Board Regarding Matching Funds for a USDA Urban Forestry Grant

BACKGROUND

The members of the Tree Advisory Board (TAB) developed and submitted a grant application to the USDA for an Urban Forestry Program in the City. The USDA approved two grants in the State, one of which was awarded to the City of Lebanon. The grant covers a period of five years with a total project cost of \$488,550. The cost share of the grant is 50% USDA funding with a matching amount of 50% by the City.

In order to accept and effectuate the grant, the City Manager will need to sign a grant agreement certifying the City's commitment to the matching portion of the grant over the five- year grant period. The 50% City match will a combination of in-kind contributions (volunteer time and force account labor from City staff time) and a cash commitment in the amount of **\$107,563**.

In consultation with the City Manager, the Tree Advisory Board reviewed several possible options to fund the cash portion of the match. Based on these discussions, the City Manager recommends the establishment of a trust fund under the provisions of RSA 31:19-a to place the matching portion of the City's funding requirement. A fund created under this RSA would also allow for the acceptance of donations.

The full cash amount would need to be transferred from the Unassigned Fund Balance to the trust fund which would allow the City Manager to certify that the City has committed the funds needed to meet the grant requirements. The Tree Advisory Board has committed to seeking donations necessary to help offset the transfer of funds from the Unassigned Fund Balance. The present projections of the use of Unassigned Fund Balance indicate that beginning in 2027, the City will fall below the range of the minimum balances to meet the City's requirements for emergency reserves and cash flow needs. As donations are made and deposited into the trust fund, the equivalent donation amount will be withdrawn from the original transfer and returned to the Unassigned Fund Balance.

Council Discussions:

City Manager Mulholland noted it was important to recognize the fact that the work that has been done on this grant was done by volunteers of the Tree Advisory Board. The issue is that at some point he will be getting a grant agreement that he will need to sign (or not), and he will be committing the City for the next 5 years to raise \$107, 563.00. The Balance of the match (+/- \$244K) is a combination of volunteer time and the use of City Staff time, which counts toward this grant. This is a really important project, and he suggested the Council not turn this down. He is proposing to create a Trust Fund for this grant and that \$107, 563.00 be moved into this account. In order for him to sign the grant, he will need to schedule a Council meeting to establish this Trust Fund and move the \$107, 563.00 into this fund.

Mayor McNamara talked about the options the Council could take as follows:

1. Raising cash donations, or
2. Using future income from the Lost Fund and use that to offset the Unassigned Fund Balance and explained his reasoning.

1
2 **ACTION:**

3 *Councilor Liot Hill MOVED that the City Council directs the City Manager to prepare an agenda item*
4 *for the next meeting to create a trust fund under the provisions of RSA 31:19-a or take other action*
5 *under RSA 31:19-a.*

6 *Seconded by Council Whittlesey.*
7

8 Councilor Liot Hill was not enthusiastic about using the Lebanon Open Space Transfer Fund (LOST) to
9 fund this.

10
11 Councilor Heistad heard that the Conservation Commission and the Tree Board should work together.

12
13 **The Vote on the MOTION was approved (9-0).*
14

15 **C. Acceptance of River Park Drive as a City-owned and Maintained Public Street**

16
17 *Included in the agenda packet: (All supportive documents and information can be found on Pages*
18 *155- 158, Council agenda packet)*

19 1. Proposed Form of Quitclaim Deed to be used and recorded for the acceptance of River Park Drive, or
20 any portion thereof.

21
22 Additional information available but not included herein:

23
24 1. July 5, 2023, City Council Agenda Packet - Request by Lyme Properties, LLC for City Council to
25 Reconsider Acceptance of River Park Drive and Lyman Street

26
27 City Manager Mulholland noted this is very similar to the Resolution that was drafted back in 2011, with
28 some changes.

29
30 **BACKGROUND**

31 Following up on the discussion with the City Council at its July 5, 2023 meeting, Lyme Properties on
32 behalf of XYZ Dairy, LLC is formally requesting the City Council accept River Park Drive as a public
33 street. XYZ Dairy is not requesting the acceptance of Lyman Street as part of this request.

34
35 City administration is in support of the acceptance of River Park Drive and has worked with legal counsel
36 to finalize a resolution for the acceptance of the street.

37
38 **ACTION:**

39 *Councilor Whittlesey MOVED, to accept the RESOLUTION, as presented on pages 155-156 in the*
40 *October 18, 2023 City Council agenda packet. (Note: The RESOLUTION was not read into the*
41 *record.)*

42
43 *Seconded by Councilor Simon.*

44 **The Vote on the Motion was approved (9-0)*
45

46 **D. Request for Zoning Amendments: Cicotte Properties, LLC – Route 120, Evans Drive**
47 **and Little Heater Road, Lebanon**
48

Included in the agenda packet: **(All supportive documents and information can be found on Pages 159-172 , Council agenda packet)**

1. September 28, 2023 Letter from Daniel Nash of Advanced Geomatics & Design
2. October 10, 2023 Memo from Planning & Development Department, including 2023-2024 Proposed Zoning Amendments
3. September 29, 2023 Petition for Zoning Changes Vicinity of Exit 18

Mr. Dan Nash briefly reviewed his request to restore the following properties zoning back to where they were.

BACKGROUND

Cicotte Properties, LLC is requesting zoning amendments to properties located in the Route 120 Corridor to include the following:

- Tax Map 78, Lot 40, Plot 200 - Located along Evans Drive, currently zoned Residential- Office-1 (R-O-1) requesting parcel be rezoned to General Commercial (GC)
- Tax Map 78, Lot 40, Plot 100 - Located along Evans Drive, currently zoned Residential- Office-1 (R-O-1) requesting parcel be rezoned to General Commercial (GC)
- Tax Map 63, Lot 4 - Located along Evans Drive, currently zoned Rural Lands Three (RL- 3) requesting parcel be rezoned to General Commercial (GC); or alternatively to Residential-Office-1
- Tax Map 78, Lot 61 - Located along Little Heater Road, currently zoned Light Industrial (IND-L) requesting parcel be rezoned to General Commercial (GC)
- Tax Map 664, Lot 30 - Located along Little Heater Road, currently zoned Light Industrial (IND-L) requesting parcel be rezoned to General Commercial (GC)

Details of the request(s) along with a memorandum from Planning & Development Department Staff regarding the relationship of the request to the current Master Plan and the process to amend the Zoning Ordinance are attached for your review.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the Zoning Ordinance and Zoning Map amendments as described in the September 28, 2023, letter by Daniel Nash of Advanced Geomatics & Design to the Planning Board, Conservation Commission, and Zoning Board of Adjustment for their review and comment. The City Council hereby sets the following tentative review schedule:

Zoning Board of Adjustment - November 6, 2023

Conservation Commission - November 9, 2023

Planning Board - November 27, 2023

City Council Public Hearing-January 17, 2024

Seconded by Councilor Liot Hill.

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

E. SAFER Grant for Additional Firefighters Presentation by Fire Chief Wheatley

Included in the agenda packet: **(All supportive documents, information and LFD Chief Wheatley's presentation can be found on Pages 173-198, Council agenda packet)**

- 1 1. October 11, 2023 Memo from Fire Chief Jim Wheatley re: Staffing for Adequate Fire and
- 2 Emergency Response (SAFER) Grant
- 3 2. Staffing for Adequate Fire and Emergency Response (SAFER) Fire Department Presentation
- 4

5 **BACKGROUND**

6 Fire Chief Wheatley is requesting that the City Council consider adding personnel to the Fire Department
7 through the acceptance of a SAFER Program Grant (should it be awarded to us).

8
9 The SAFER program is a federal grant program with a goal to “assist local fire departments with staffing
10 and deployment capabilities in order to respond to emergencies and assure that communities have adequate
11 protection from fire and fire-related hazards”. The program provides grant awardees funding for a 36-
12 month period as follows:

13
14 Year 1 100% of the cost of a firefighter (wages and benefits);

15 Year 2 100% of the cost of a firefighter (wages and benefits).

16 Year 3 100% of the cost of a firefighter (wages and benefits).

17
18 As a condition of acceptance of the grant funding the positions must be maintained for 36 months. At the
19 end of the 36-month period the City would have two options: 1) retain and fully fund the position(s) or 2)
20 eliminate the position(s).

21
22 The estimated program costs (wages and benefits) for four (4) Firefighters for the total 36-month
23 commitment are Federal = \$1,691,200.00 and City of Lebanon share = \$149,752.00.

24
25 Fire Chief Wheatley noted the LFD has been trying to find creative ways for years to supplement their
26 staffing and explained the ways they have done this. The Fire Prevention Division is becoming very busy
27 with the growth that is going on in the City and he is being forced to use those employees to supplement
28 emergency calls almost on a daily basis. He came before the Council tonight to discuss the opportunity of
29 applying for a SAFER Grant, noting that in 2017 they received a SAFER Grant, which allowed them to
30 receive three positions.

31
32 The purpose for the Federal SAFER Grant is to provide the LFD with additional staffing to meet their
33 service demands and National Response Standards. He has spoken to the Council before about the
34 Response Standards and some inability we have to meet those standards, more so when we were having
35 the Station discussions regarding locations, but he also indicated that some of that was due to the
36 availability of resources that we have. Last year when he gave his budget presentation, one of the things
37 he mentioned is the need for help. He wears a lot of hats being the Fire Chief and this has consumed a lot
38 of his time because they have a severe problem in their Department right now.

39
40 The current grants that are out cover 100% of salary and benefits for these full-time positions for 3-years.
41 Essentially, we would be asking the City to pay for the turnout year, equipment, and uniforms. When we
42 talk about service delivery, it is the availability to which the resources are ready and available to respond.
43 Right now, we have shifts of 6 people on duty and will drop to a minimum of 5 on duty. What this means
44 is that when he has one ambulance call, he has three (3) people left in the City to provide fire and EMS
45 protection. We will try to call back coverage, but our ability to get off duty members back has become
46 very difficult. When he has two ambulance calls, he is down to one member covering the station. The
47 repetitiveness of two/three/four ambulance/fire calls are continuing to add up. Last Friday, after a series

of calls, he noted that he and his administrative assistant were the only ones covering the City of Lebanon for Fire/EMS protection.

MEASURING SERVICE DELIVERY

Availability—The degree to which the resources are ready and available to respond.

Capability—The abilities of deployed resources to manage an incident.

Operational Effectiveness—A product of availability and capability. It is the outcome achieved by the deployed resources or the ability to match resources deployed to the risks to which they are responding.

Fire Chief Wheatley spoke about incident(s) where a fire truck with one firefighter arrived on scene to a building on fire by himself. The recommendation is that the department arrive on scene with four firefighters in less than 4 minutes, 90% of the time.

RE ENGINE RESPONSE CRITERIA (NFPA 1710)

Fire engine arrival with 4 firefighters in less than 6 minutes from the time of initial call not less than 90% of the time.

Call processing = 60 Seconds (1 Minute)

Turn out time = 60 Seconds (1 Minute)

Travel time = 240 Seconds (4 Minutes)



RESPONSE CRITERIA

S RESPONSE CRITERIA (NFPA 1710)

Ambulance arrival in less than 6 minutes from the time of initial call not less than 90% of the time.

Call processing = 60 Seconds (1 Minute)

Turn out time = 60 Seconds (1 Minute)

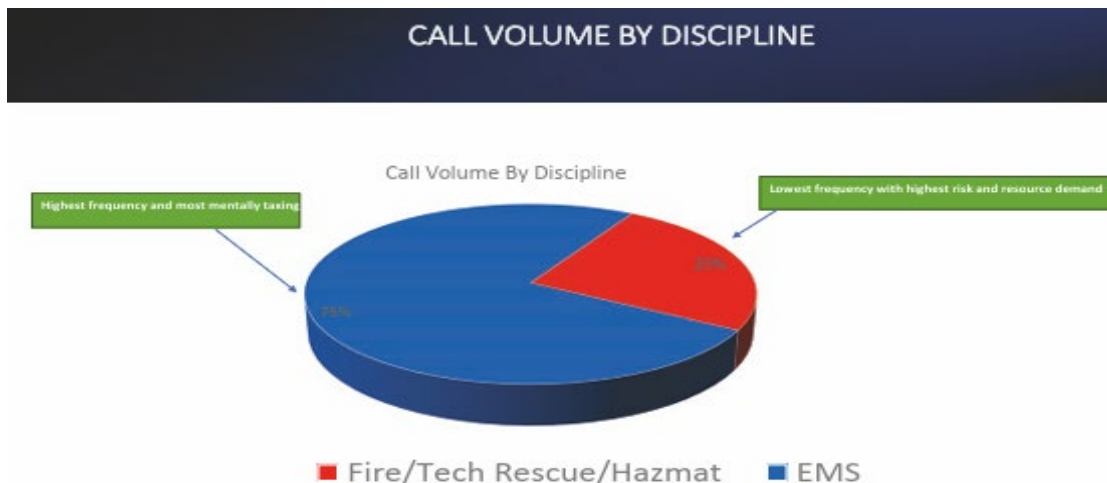
Travel time = 240 Seconds (4 Minutes)



For high hazard buildings (apartment buildings; high-rise buildings; commercial buildings), the standards require that we arrive with six firefighters on an engine and also recommends that we are arriving with a minimum of 28 firefighters in less than 20 minutes.

Fire Chief Wheatley spoke about the Massachusetts Municipal Association Study Statement and Recommendations for 2008 (page 180, agenda packet), noting the LFD has 41 square miles they are

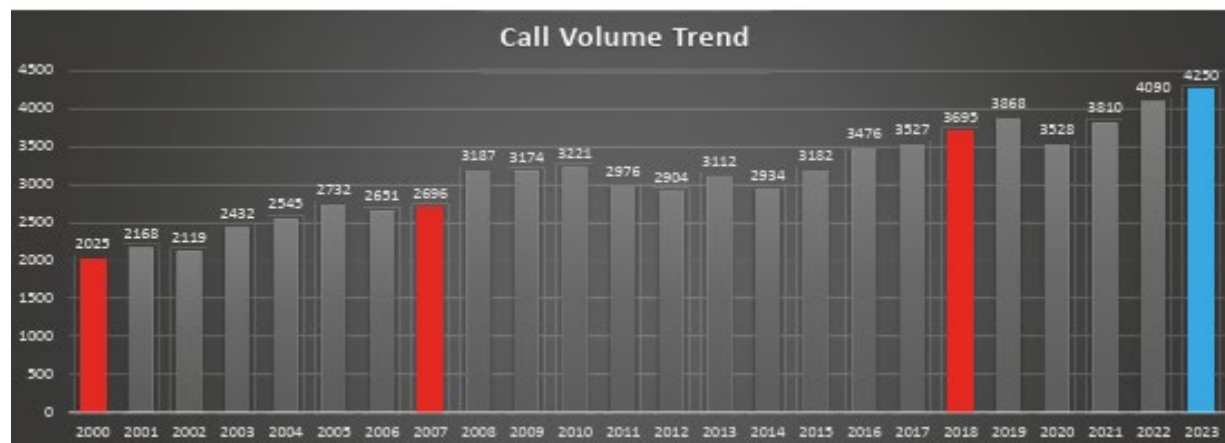
trying to cover with 2 fire stations. We have a pocket in Lebanon that is seeing incredible growth that he cannot achieve response times in right now.



SERVICE DEMANDS:

between 2007 and 2023

- 55.7% increase in call volume
- Staffing increased by 4% (1 Position)
- Department is currently working with deficit of 15 positions; Four positions are being requested with the application of a safer grant.



Fire Chief Wheatley also spoke about the following graphs, which are included in the Council agenda packet:

- Simultaneous Incidents (page 184-185);
- Number of Firefighter on First Due Engine (page 186);
- Number of calls per member broken down by similar NH Cities (page 187);
- Annual call volume breakdown for Lebanon and other similar cities (page 189):

Councilor Simon noted that these numbers are representative across the State and are typically population based upon that population's need. His point is that he has maintained for many years that the recorded census population in the City of Lebanon is wrong. We need to figure out a way to commission some sort of strategy regarding how many people we have living here.

1 Mayor McNamara did not know how many calls for service are folks who are Lebanon residents.
2 Chief Wheatley noted he has tried to narrow down the spike in population during the day in
3 Lebanon, but in 2020-2023 we have seen a 42% increase in our residential housing units and a
4 17% increase in our population. He also spoke about the 5K housing unit shortage in the City, so
5 the population growth does not match with the housing growth and the housing needs:
6 somewhere there is a gap.
7

8 Councilor Whittlesey noted that our census data and our resident data do not accurately reflect
9 our true population. This is where we start getting that daytime population and further explained
10 his reasons. He would not look at our population at all as we start looking at our capacity and
11 should instead focus more on the annual call volume and how we respond to that in a safe way.
12

13 Councilor Wilkie spoke about the calls per member and felt the LFD probably needs four times as
14 many (firefighters).
15

16 In response to Council Heistad's question regarding calls during working hours, Chief Wheatley
17 noted a spike in calls (5-years ago) was between 9 am and 4 pm. Today a rise in calls is between
18 6 am to 10 pm., noting that 86-87% of our calls originate in the City of Lebanon, and we have
19 2,500 EMS transports and 86% of those are Lebanon residents.
20

21 Councilor Sykes questioned the City Manager and asked if federal grants was another way our
22 city payer dollars are actually coming back to the community. City Manager Mulholland
23 answered by saying we send a lot more back to Washington and get very little back here in the
24 City of Lebanon.
25

26 In response to Councilor Sykes' question, Chief Wheatley said that this SAFER grant covers all
27 costs in wages/benefits/ uniforms/equipment/personal protective clothing and gave examples.
28

29 Councilor Sykes spoke about his reasons why he felt the motion (in agenda packet) was
30 inadequate. Here we have real, hard data and suggested that the number (of firefighters) be
31 changed to at least 7.
32

33 Councilor Whittlesey calculated the number of firefighters that would be needed to bring down
34 the individual firefighter call number down, noting 40 new hires would be needed.
35

36 Assistant Mayor Below noted that in the 2020 census 21.4% of Lebanon's population was 65-
37 years or older hypothesizing that we are a very attractive area for retirees.
38

- 39 • Mutual Aid requests (page 188);
- 40 • Call Volume (page 189);
- 41 • Fire Prevention Staff Emergency Call Responses (page 190);
- 42 • Time Spent in Emergency Mode (page 191);
- 43 • Response Criteria: EMS (page 192);
- 44 • Response Criteria: Fire Engine (page 193);
- 45 • How LFD Currently Offsets Annual Budget (page 194);
- 46 • Lost Revenues because of Resource Gaps (page 195)

- 2024 Potential Revenue Increase with Additional Staffing (page 196);

3 YEAR COST COMPARISON FOR THE CITY OF LEBANON (4 Fulltime Positions)

ANNUAL BUDGET CYCLE	COL COST WITHOUT SAFER GRANT	COL COST WITH SAFER GRANT
2024 Operating Budget	\$ 377,203.98	\$ 57,229.20
2025 Operating Budget	\$ 554,721.44	\$ 44,033.00
2026 Operating Budget	\$ 546,275.18	\$ 24,038.00
2027 Operating Budget (First 6 Months)	\$ 362,753.30	\$ 24,452.00
TOTAL over Grant Duration (36 Months)	\$ 1,840,953.82	\$ 149,752.00

- Estimated SAFER Grant Timeline (page 198);

Council Discussions:

Mayor McNamara thought this illustrated something that is really important. Over the next few weeks, as we look at the budget, we are looking at a potential tax increase of 4.5%, which is significant. As he looks through the Capital Budget, it reaffirms that we have some very, very, very difficult decisions to make and there are essential services that we have to identify and support. Clearly the Fire Department is one of these. We have made strategic investments and maybe these had money we didn't have to spend but were investments we wanted to make in the long term. He was afraid as we go forward for the next several years, we are going to have to find a way to shrink that middle in order to fund essential services adequately and be able to make strategic investments while trying to mitigate the increase in taxes, or we are going to start to drive people out of the City. We simply cannot afford the continuous increases in property taxes. We also need to realize that at the end of this 3-year SAFER Grant, we will not let these people go, and this will increase the budget by +/- \$600K/year.

The Council had lengthy discussions regarding:

- The concern that these 4 positions were not adequate.
- What the risk was to the City/LFD if the staffing levels were not increased? Chief Wheatley gave examples and spoke about why the risk is high.
- How adding 4 positions to the LFD would just be putting a band aid on this problem.
- If the grant did not work out, how the LFD would need to find funding through the Operational Budget.
- How there would be a cost savings if there were no overtime and how the cost of not doing this may be worse.
- Whether or not there has been a rise in sick time/injuries. (Chief Wheatley noted that over the last 5 years they have seen a 15% increase in sick time.)
- Whether or not to change the motion to replace 4 hires to 8 to reduce the number of calls per firefighter and to increase the safety of the citizens of Lebanon.

- Whether or not the timing of SAFER Grants can be done yearly. (Chief Wheatly noted you cannot apply for a SAFER Grant while one is still active.)
- Whether or not adding 8 new hires instead of 4 would hurt the SAFER Grant. (Chief Wheatley spoke about his reason why adding 8 new hires would actually make our argument better.)
- Whether or not the Council should add a certain amount (of funding) to the budget immediately for 2024 to potentially mitigate some of the concerning scenarios they heard about.
- Concerns about rising taxes in the City.
- Establishing a Safety Committee to look after our Public Safety Services and public safety in the City.
- Concerns about the accuracy of the City's census.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council directs the City Manager to apply for a SAFER grant application for "8" full time firefighter positions. If the grant is awarded, it is understood that the eight positions funded under the SAFER Program will be maintained for the performance period of 36-months, and no staffing reductions can occur within the Fire Department during the grant performance period. The City would be responsible for fully funding the eight positions after the 36-month period.

Seconded by Councilor Simon.

The Council held further deliberations on whether or not to support the change in the motion as listed above.

Mayor McNamara spoke about his reasons in support of having four (4) full-time firefighters, as originally stated in the Motion.

Councilors Whittlesey and Wilkie spoke about their reasons why they supported adding eight (8) firefighters.

Councilor Heistad spoke about his reason why he supported keeping four (4) full-time firefighters.

City Manager Mulholland highly suggested the Council wait until the meeting on November 7, 2023 before making a decision on this item so they can see the final budget picture, especially since eight (8) new firefighters are being proposed.

Assistant Mayor Below spoke about his reasons why he felt it made sense to table this item for the moment noting that in 3 years from now there could be a bump of \$1M in potential Debt Service. He also spoke about the Fire Station costs that the City desperately needs.

In response to Councilor Liot Hill's question regarding what the Chief's priority would be (Staffing or Fire Station), Chief Wheatley said that he cannot prioritize one over the other. If there was a phased approach it would be staffing, noting the new Fire Station will be built to house 9 firefighters.

City Manager Mulholland noted that the Fire Station needs to be done. If we postpone this, the cost will only grow higher. We are also looking at \$3M in Fire Equipment. There is no question that additional staff is needed, but the Council has not looked at the additional budget items yet. Unless you are willing

1 to make dramatic cuts throughout the rest of the budgets in the City, the tax rates will go up dramatically.
2 He also addressed the School District proposed budget and all the other proposed CIP project requests.

3
4 Councilor Liot Hill gave her reasons why she was not in favor of tabling this tonight.

5
6 Councilor Heistad spoke about his reasons why he felt the Council needs to get all the information (on the
7 budget) before we commit ourselves (to the SAFER Grant).

8
9 Councilor Sykes was not in favor of tabling this item, noting we are very aware of the concerns raised,
10 but it does not change the fact we have a real problem right now.

11
12 ***Assistant Mayor Below MOVED to table the Motion.***

13 ***Seconded by Councilor Heistad.***

14 ****The Vote on the MOTION FAILED (2-7).***

15
16 Assistant Mayor Below noted that in the presentations we saw tonight, the General Fund Debt Service
17 (what we pay out every year) is projected to spike by over \$2.5M in 2027. What would that mean if there
18 was a \$1.5M increase in General Fund Expenditures in a single year and then add to that the cost of eight
19 (8) more firefighters on top of that? He questioned what we could potentially be looking at in terms of a
20 tax rate increase in 2027. Mayor McNamara said it would probably be another \$1.2 M to \$1.3M.

21 Assistant Mayor Below wanted everyone to understand that what we are saying is 3-years out in the
22 future, we may be looking at having to raise roughly \$3M more in taxes from Lebanon's tax payers.

23
24 The Council held more discussions regarding the tax rate implications of approving the SAFER Grant and
25 took the following Action:

26
27 **The Original Motion was already moved by Councilor Sykes and seconded by Councilor Simon.**

28
29 ****The Vote on the Original Motion was approved (7-2) Mayor McNamara and Council Heistad voted***
30 ***Nay.***

31
32 **F. Review and Action on Properties Qualified for Tax Deeding**

33
34 Included in the agenda packet: ***(All supportive documents and information can be found on Pages 199-***
35 ***201, Council agenda packet)***

36 1. October 18, 2023 Memorandum from City Clerk/Tax Collector Jaseya Ewing, RE: Tax Deeding

37
38 City Clerk Jaseya Ewing reviewed the background and explained the properties that are listed for Tax
39 Deeding.

40
41 **BACKGROUND**

42 Tax bills are mailed on or around June 1 and November 1 each year. Interest accrues at a rate of 8% per
43 annum on property tax bills that are outstanding for more than 30 days. Within 18 months of the date
44 assessed, the Tax Collector places a lien on properties for all uncollected property taxes. These liens have
45 priority over other liens and accrues interest at 14% per annum.

46
47 In accordance with RSA 80:76, if a property owner has not redeemed their property taxes, penalties, and

1 interest within the 2-year redemption period, the Tax Collector is required to deed the property unless
2 notified by the City Council to not deed.

3
4 If the City Council instructs the Tax Collector that it shall not accept a deed, the tax lien shall remain in effect
5 indefinitely. The taxpayer's right of redemption as provided by RSA 80:69 shall likewise be extended
6 indefinitely, with interest continuing to accrue until taxes, penalties, and interest have been satisfied.

7
8 Should the City Council decide that the reasons for refusing the tax deed no longer apply, and the tax lien
9 has not been satisfied, they may instruct the Tax Collector to commence the statutory deeding process.

10
11 The taxpayers and their respective mortgagors were notified of the City's intent to lien in 2021. The deeding
12 process began August 31, 2023, when certified notices were mailed to the property owners. Certified notices
13 were mailed to mortgagors on September 7, 2023, in addition to multiple attempts to establish payment
14 agreements with the property owners.

15 16 **Waiver Of Tax Deeding**

17
18 We are recommending that the City Council waive tax deeding on four properties, totaling \$11,934.34. The
19 property owners have an existing payment plan in process with one of these properties set to be paid in full
20 by the end of the year.

21 22 **Authorization For Tax Deeding**

23
24 The properties recommended to commence the deeding process on the total of \$1,893.03.

25 26 **Council Discussions:**

27
28 Councilor Liot Hill spoke about her reasons why she felt that inhabited properties should not be on the
29 Tax Deed list, especially since there is such a shortage of housing in Lebanon.

30
31 Councilor Sykes spoke about a couple of State programs and questioned if the people on the Tax Deeded
32 list have been offered counseling. The City Clerk answered this has not been done through her office, and
33 City Manager Mulholland noted this is done through the Human Services Department.

34 35 **ACTION:**

36 **Councilor Whittlesey *MOVED the following RESOLUTION:***

37 38 ***RESOLUTION***

39 ***FOR THE PURPOSE, of complying with NH RSA 80:76.***

40 ***NOW THEREFORE BE IT RESOLVED that the Lebanon City Council, in accordance with NH RSA***
41 ***80:76, has reviewed the following compilation prepared by the Tax Collector of tax liens outstanding***
42 ***for tax year 2020.***

43 ***NOW THEREFORE BE IT FURTHER RESOLVED that the Lebanon City Council, hereby serves***
44 ***notice upon the Tax Collector to waive taking deeds on the immediately following properties because***
45 ***of an existing payment plan between the owner and the City of Lebanon:***

Billed Owner/Location	Map/Lot	Type	2020 Lien	Total Due
Maville, Sandra 19 Mason St	91-59	Residence	\$3,672.43	\$10,487.28
Parker, Robin D ET AL+ 55 Eastman Hill Rd	125-20	Residence	\$598.03	\$11,106.58
Maville, Muriel 20 West St	91-71	Apartment Building	\$4,844.42	\$25,920.00
Maville, Muriel 24 Granite St	91-81	Apartment Building	\$2,819.46	\$23,432.79

NOW THEREFORE BE IT FURTHER RESOLVED that the Lebanon City Council, hereby serves notice upon the Tax Collector to commence the statutory tax deeding process on the immediately following properties:

Billed Owner/Location	Map/Lot	Type	2020 Lien	Total Due
Griffin, Heather 0 Pumping Station	93-103	Land	\$188.06	\$392.58
Jalbert, Patricia M. 68 Bomhower St	90-42-6300	Mobile Home	\$907.08	\$4,526.37
Thibodeau, Brandon & Tarrah 29T Andrew St	90-42-2900	Mobile Home	\$797.89	\$4,380.34

Seconded by Councilor Wilkie.

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

11. City Manager Report:

City Manager Shaun Mulholland updated the Council as follows:

- Access to City Hall and restrooms during renovations.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS:

- A. RSA 91-A:3, II(a) “The dismissal, promotion, or compensation of any public employee...”

14. NON-PUBLIC SESSION: The Council chose not to hold this session due to the lateness of this meeting.

- A. RSA 91-A:3, II(a) “The dismissal, promotion, or compensation of any public employee...”

15. ADJOURNMENT:

Councilor Whittlesey MOVED for adjournment.

Seconded by councilor Wilkie.

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

1 **The meeting was adjourned at 9:50 PM.**

2

3 Respectfully submitted,

4 Dona E. Gibson

5 Recording Secretary

Agenda
Lebanon City Council
November 01, 2023

8. Appointments:

Appointments

Board/Committee Appointments as presented by City Clerk Jaseya Ewing

- Zoning Board of Adjustment, Jennifer Barkley (Regular Member)
- Diversity, Equity, and Inclusion Commission, Tia Winter (Reappointment Regular Member)
- Diversity, Equity, and Inclusion Commission, Bise Wood Saint Eugene (Reappointment Regular Member)
- Diversity, Equity, and Inclusion Commission, Emily Walton (Reappointment Regular Member)
- Library Board of Trustees, Jeffrey Damren (Reappointment Alternate Member)
- Lebanon Housing Authority, Charles Chapman (Regular Member)

Included in this Section:

1. Memo from City Clerk Jaseya Ewing dated November 1, 2023



Office of the City Clerk & Tax Collector
51 N. Park Street
Lebanon, NH 03766

MEMORANDUM

DATE: November 1, 2023
TO: The Honorable Mayor & City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
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.

Zoning Board of Adjustment

- **Jennifer Barkley** – Appointment as a Regular Member of the Zoning Board of Adjustment for a three-year term. Currently serving as an alternate.
Term: 11/23-11/26

Diversity, Equity, and Inclusion Commission

- **Tia Winter** – Reappointment as a Regular Member of the Diversity, Equity, and Inclusion Commission. Recommended for reappointment by chair, Emily Walton.
Term: 11/23-11/25
- **Bise Wood Saint Eugene** – Reappointment as a Regular Member of the Diversity, Equity, and Inclusion Commission. Recommended for reappointment by chair, Emily Walton.
Term: 11/23-11/25
- **Emily Walton** – Reappointment as a Regular Member of the Diversity, Equity, and Inclusion Commission. Recommended for reappointment by City Manager, Shaun Mulholland.
Term: 11/23-11/25



Office of the City Clerk & Tax Collector
51 N. Park Street
Lebanon, NH 03766

Library Board of Trustees

- **Jeffrey Damren** – Reappointment as an alternate Member of the Library Board of Trustees.

Term: 11/23-11/24

Lebanon Housing Authority

- **Charles Chapman** – Appointment as a Regular Member of Lebanon Housing Authority Board for a five-year term.

Interviewed by: Councilor Whittlesey

Term: 11/23-11/28

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

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

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 Jennfier

Last Name BARKLEY

Physical Address 10 Dulac street

City Lebanon

State NH

Zip Code 03766

Is this your mailing address? Yes

Home Phone Number

Work Number *Field not completed.*

Email Address

How long have you resided in Lebanon? 13 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? Zoning Board of Adjustment

Other Committee *Field not completed.*

Why would you like to serve? I have served as an alternate on the ZBA board since 2021 and it would seem like a natural move to fill an open slot on the board roster. I have enjoyed the time serving the city in this capacity, while also learning more about the city's zoning ordinance.

State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee. Since 2021 I have become familiar with the zoning ordinance requirements and remain impartial while using facts through testimony to make an informed decision regarding ZBA applications.

Certification

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

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[REDACTED]

[REDACTED]

[REDACTED]

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

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- *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	Tia
Last Name	Winter
Physical Address	50 Winona Circle
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	
Work Number	<i>Field not completed.</i>
Email Address	
How long have you resided in Lebanon?	11 years

(Section Break)

Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	Continuation of planned service to the community
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I can provide "institutional knowledge" of the DEI to continue progress being established.

Certification

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

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

[REDACTED]

[REDACTED]

[REDACTED]

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

Board Member Application

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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 Bise Wood

Last Name Saint Eugene

Physical Address 42 Spring Street

City Lebanon

State NH

Zip Code 03766

Is this your mailing
address? Yes

Home Phone Number [REDACTED]

Work Number [REDACTED]

Email Address [REDACTED]

How long have you resided
in Lebanon? 9

(Section Break)

Is this an application for re-
appointment? This application is for re-appointment.

For which board,
committee, or commission
are you applying? Diversity, Equity, and Inclusion Commission

Other Committee *Field not completed.*

Why would you like to
serve? The work is just begun and our community members's wellbeing depends on it. Building a more diverse, inclusive and equitable community is essential for the success of the city.

State a few of what you
feel your qualifications are
or why you wish to be
appointed to this board /
committee. At work I coordinate family programming and get to work with people from 29 towns. I also was trained in sociology—so I understand what it means to be human and how our diverse identities present challenges and opportunities.

Certification

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

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

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #7889 for Board Member Application
Date: Tuesday, October 24, 2023 3:29:36 PM

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

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

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	Emily
Last Name	Walton
Physical Address	4 Allen St
City	Lebanon
State	NH

Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	
Work Number	<i>Field not completed.</i>
Email Address	
How long have you resided in Lebanon?	11 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am invested in equity and I care about Lebanon.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I do research on race relations in the Upper Valley, and have thought through some potential interventions to improve the "welcoming" nature of the City.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

[REDACTED]

[REDACTED]

[REDACTED]

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

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

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	Jeffrey
Last Name	Damren
Physical Address	82 Maple St
City	West Lebanon
State	NH
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	
Work Number	<i>Field not completed.</i>
Email Address	
How long have you resided in Lebanon?	Total of 35 years in two segments

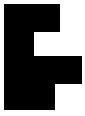
(Section Break)

Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Library Board of Trustees
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	Enjoyed the first year and wish to continue to serve
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	35 years of business background with personnel, infrastructure and fiscal responsibilities

Certification

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

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



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

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

Basic Requirements

1. *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
2. *Willingness to learn*
3. *Commitment to attend meetings*
4. *Treat people fairly*
5. *Consider the best interest of the community as a whole when making decisions*
6. *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	Charles
Last Name	Chapman
Physical Address	43 Crafts Ave.

City	Wes
State	NH
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	
Work Number	Field not completed.
Email Address	
How long have you resided in Lebanon?	36 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?	Other (please fill in blank)
Other Committee	Lebanon Housing Authority Board
Why would you like to serve?	To serve my community.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Long time resident. Concern for proper housing for all residents. Equal opportunities for all residents.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

email as spam.

Councilor Interview Report Form

Councilor Name: Doug Whittlesey Date of Interview: Oct 24, 2023

Applicant Name: Charles Chapman

Board(s) to Which Applied: Lebanon Housing Authority

X Regular Seat Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? Yes X No
(If yes, indicate date of meeting.) Date:

Recommend Appointment: X Yes No

X Regular Seat Alternate Seat

General Comments:

With one of the board seats coming vacant, Charlie discussed joining with LHA ED. While he's new to the LHA, he's excited to get involved and learn more about their mission. Through Meals on Wheels, Charlie works with some of the population supported by LHA and believes in ensuring fair, affordable housing for Lebanon residents, especially the elderly and unhoused.

(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?

To ensure LHA provides fair housing for everyone and help oversee the LHA developments. Charlie currently delivers meals as part of Meals on Wheels to Lebanon Towers and wants to get involved to help ensure fair housing for all.

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, familiar with meeting schedule and can attend additional meetings as needing

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?

Primarily through Meals on Wheels, he has experience working with the LHA population

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

Yes

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

No

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

Ensuring ongoing effectiveness of LHA through regular oversight of critical decisions as presented by the Executive Director

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

Looking to address the ongoing housing needs for the homeless and elderly population

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

Looking to learn more about the Board's role in the LHA before determining goals

**Agenda
Lebanon City Council
November 01, 2023**

11. New Business:

**10.A – Update on Federal Energy Regulatory Commission (FERC)
Relicensing Process for Wilder Hydroelectric Dam
presented by Connecticut River Conservancy**

Background

The process for relicensing of the Wilder Hydroelectric Dam on Route 10, West Lebanon is approaching its final comment period. Kate Buckman, River Steward with the Connecticut River Conservancy will be present to update the Council on the status and discuss next steps.

Action

No action is required by Council. This item is for informational purposes only.

Included in this Section:

1. September 27, 2023 letter from Connecticut River Conservancy



Connecticut River
Conservancy



Clean water. Healthy habitat. Thriving communities.

PO Box 445, Alstead, NH 03602
603.931.2448 · www.ctriver.org

27 September 2023

Dear Town Leader,

We are reaching out to request an opportunity to visit with your Conservation Commission and/or Selectboard to update you on the relicensing of the Vernon, Bellows Falls, and Wilder hydroelectric facilities.

These facilities, owned by Great River Hydro, are approaching the home stretch of the Federal Energy Regulatory Commission (FERC) relicensing process. This license process will direct operations at these facilities for the next 40+ years. Connecticut River Conservancy (CRC) has been involved in this relicensing process since it started in 2013, advocating for better environmental protections for the river and mitigation of impacts to the river and adjacent communities.

CRC expects that FERC will announce a formal comment period on the final license application over the coming months. We also expect a public process for issuing a 401-water quality certification in both VT and NH will commence soon after the announcement from FERC. **These are the last two opportunities for your concerns to be heard in this once in a lifetime relicensing process.**

Comments by communities are critical to ensure that FERC understands and responds to local concerns and desires. Local community members can provide invaluable knowledge of how town lands, natural resources, and wildlife populations have been and may continue to be affected by hydro operations. We value your knowledge and input!

We are reaching out to request an opportunity to come visit with your Conservation Commission and/ or Selectboard to update you on this relicensing process and next steps. We can provide information on what has happened since the last time we may have talked with your town, share our concerns about the final license application, and discuss how your town can participate in the final stages of this process to ensure you have a voice in how our public trust river is used. **If we can join you for a meeting before the end of November, we think this will provide enough time for your Selectboard to determine any course of action or comments you would like to submit.**

Please contact Kate Buckman at the email address or phone number below to schedule a time for us to present to your town. You can also visit our webpage for more information (<https://www.ctriver.org/our-work/hydropower/>). We hope to hear from you soon and look forward to working with you to engage in this process.

Sincerely,

Kate Buckman
River Steward, NH
kbuckman@ctriver.org, 603-931-2448



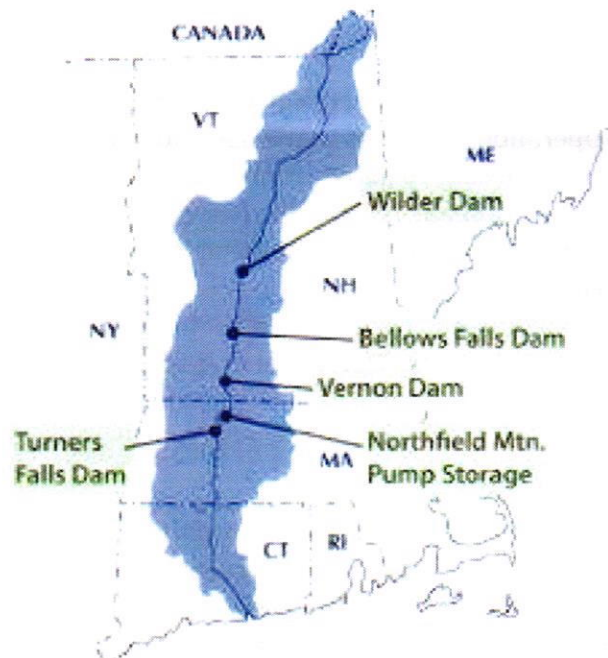
Connecticut River
Conservancy

Five Hydro Facilities Now! The heart of the Connecticut River's next 50 years.

Since late 2012, five hydroelectric facilities in the heart of the Connecticut River valley have been in the process of renewing their operating licenses in a process known as relicensing. **The licenses for two facilities in northern MA and three dams in southern VT and NH will endure for the next 30-50 years and impact more than 175 miles of the Connecticut River.** It's critical that we all speak up NOW in this once-in-a-lifetime opportunity to influence these operating licenses.

The three dams at Wilder, Bellows Falls and Vernon in New Hampshire and Vermont are owned by [Great River Hydro](#) (formerly TransCanada), a subsidiary of Hydro-Québec, the largest power utility in Canada whose sole shareholder is the Québec government.

The two Massachusetts facilities, Turners Falls Dam and Northfield Mountain Pumped Storage Project, are now separate LLCs under [First Light Power Services LLC](#), owned by PSP Investments, one of Canada's largest pension investment managers.



The Federal Energy Regulatory Commission (FERC) last issued licenses for these facilities over forty years ago and all five licenses initially expired in April 2018.

Next Steps

Comments by local communities, the states, individuals, and other stakeholders provide a rare opportunity to improve the health of our river. The current relicensing process for these five hydropower facilities will dramatically affect the health of the river and watershed for generations to come. [Anyone with thoughts or concerns can comment](#) and those comments become part of the official record for that project.

Kathy Urffer, VT
kurffer@ctriver.org
802-258-0413

Kelsey Wentling, MA
kwentling@gmail.com
413-772-2020 x216

Kate Buckman, NH
kbuckman@ctriver.org
603-931-2448

CRC river stewards Kelsey Wentling (MA), Kate Buckman (NH), and Kathy Urffer (VT) are participating in all the formal proceedings related to this relicensing effort. They review reports, prepare CRC comments, and are working to engage the public in the process. They would be glad to answer any of your questions or speak to your group about the relicensing.

Both companies submitted revised final applications in December 2020. Since then, the companies engaged in some specific settlement discussions to resolve some of the issues. FERC will review all application documents and issue a request for the public to comment and formally intervene. CRC expects a public comment period sometime in fall of 2023 or winter of 2023-2024.

CRC'S ROLE

CRC's desired outcomes and priority areas where CRC is advocating for change include:

- Safe, timely, and effective upstream and downstream fish passage
- Operational changes at the dams to minimize surface water fluctuations both upstream and downstream to minimize bank erosion and impacts to rare and threatened species
- Healthy aquatic habitat for river critters
- Seasonally appropriate minimum flows in the river channel
- Ecologically compatible and accessible recreational facilities
- Protection and interpretation of historic and archeological resources
- Consideration of Traditional Cultural Properties

YOUR ROLE: YOU have a say!

It is important for the public and municipalities **to submit comments** to make sure that local concerns and desires are voiced and are responded to as part of the new license. The Federal Energy Regulatory Commission (FERC) is interested in maintaining these energy facilities and they are in constant communication with the companies as a course of their relationship as regulators. FERC needs to hear from the public to understand and balance local ecological and public access concerns.

Hydroelectric facilities use a **public trust resource – your river – to produce power**. In exchange for this privilege, FERC requires that hydropower operators provide *direct benefits to the public*, be protective of the ecological health of *the river*, and mitigate for impacts of the dams. The license serves as a public contract that we revisit periodically to examine the impact of the facility on our public trust resource.

There are official comment periods at different stages of licensing, and you can file comments, concerns, or complaints... **AND YOU SHOULD!**

See the instructions on our website about how to submit comments. CRC encourages public participation and our staff is glad to help answer any question that you may have.

www.ctriver.org/hydropower

**Agenda
Lebanon City Council
November 1, 2023**

11. New Business:

**11.B – Discussion & Set Public Hearing for November 15, 2023:
Community Revitalization Tax Relief Application –
LWM Residential LLC**

BACKGROUND

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On February 26, 2021, One Mechanic Street, LLC applied for consideration under the program.

LWM Residential LLC is the owner of 1 Foundry Street (Tax Map 91, Lot 263) and 25 Mechanic Street (Tax Map 91, Lot 267) in downtown Lebanon. On October 24, 2022, the Planning Board granted Site Plan approval for a phased, 196-unit, multi-family development to include the renovation of the existing mill building at 1 Foundry Street and the construction of three new buildings to be located on 1 Foundry Street and 25 & 43 Mechanic Street. LWM is planning to return to the Planning Board to request an amendment of their original site plan approval to remove the 43 Mechanic Street site from the development and construct a total of 183 new units on the Foundry Street and 25 Mechanic Street parcels. The development will include the renovation of the existing mill structure, the construction of two new buildings, the demolition of blighted buildings, and the remediation of a longstanding brownfields site. The central area of the site will be preserved as a park (the “Mill Yard”) which will be open to the public. Below grade parking and surface parking will be available for both tenants and visitors.

Under the terms of the 79-E program, the City Council must hold a public hearing on the application within 60 days from receipt of the application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Does the project involve a Qualifying Structure?

The existing buildings, located at 1 Foundry Street and 25 Mechanic Street, are situated within the Downtown Lebanon 79- E District as adopted by the City Council and, therefore, are considered Qualifying Structures.

Is the project a Substantial Rehabilitation?

Under the terms of the 79-E program as adopted by the City, the project must cost at least 15% of the pre-rehabilitation assessed valuation or \$75,000, whichever is less, in order to be considered substantial. The applicant has provided a cost estimate of \$55,000,000 for completing the entire renovation and rehabilitation project as proposed. Based on the combined current assessed value totaling approximately \$1,660,000 the project will far exceed 15% of the current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

As noted in the application form and cover letter, the applicant has indicated that the project will address several of the stated public benefits, including enhancing economic vitality, enhancing and improving a historically important structure, promoting the preservation and reuse of existing building stock, promoting the development of municipal centers, and increasing residential housing in municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. An additional four (4) years of tax relief may also be granted for the substantial rehabilitation of a qualifying structure that is listed on or determined to be eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district. For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation.

The applicant has requested fifteen (15) years of tax relief for the project:

- 5 years for a project that complies with the program requirements;
- 2 years for a project that results in new residential units;
- 4 years for a project that includes affordable housing; and
- 4 years for a project that substantially rehabilitates a qualifying historic structure

RSA 79-E does not define the term “affordable” for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units that must be considered affordable in order to merit the tax relief. LWM Residential is proposing that ten percent (10%) of the total units in the development will be affordable and spread evenly across unit types and 60%, 80%, and 100% of AMI classifications.

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, staff recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise “pencil out” and

the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

The 79-E statute, and the program as adopted by the City, already requires the City Council to determine that one or more of the enumerated public benefits is generated by a project in order to grant up to five (5) years of tax relief. And whereas an increase of residential housing in our downtowns is a goal expressed in the 2012 Master Plan as well as the recent visioning efforts conducted for both Downtown Lebanon and West Lebanon Village, granting two (2) more years for projects that result in new downtown housing seems to address stated community goals.

For purposes of determining whether to grant additional years of tax relief for projects that will include affordable housing, staff recommends that the City utilize the definition of “workforce housing” instead of the term “affordable” from RSA 674:58. In that statute, the State defines workforce housing for rental units to mean “rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household”. While “affordable” connotes a relative and variable threshold as determined by an individual household’s gross annual income, “workforce housing” provides a rental threshold that is specifically tied to the region’s Area Median Incomes (AMI) and the community’s need for truly affordable housing. New Hampshire Housing Finance Authority annually publishes “Workforce Housing Purchase and Rent Limits”, which provides information about the estimated maximum affordable amounts for purchase and rent in each of the State’s Metropolitan or County (Non-Metro) Fair Market Rent Areas and which incorporates the 60% of AMI threshold for rental units (see attached).

In exchange for granting the additional four (4) years of tax relief for projects that include “workforce” housing, staff recommends that the City Council require developers to provide either: a) at least 40% of residential units at rates affordable to households with an income of no more than 60% of AMI or, b) at least 20% of units at rates affordable to households with an income of no more than 50% of AMI. These thresholds are the same as those associated with the Low Income Housing Tax Credit (LIHTC) program administered through the New Hampshire Housing Finance Authority and provide clearly definable requirements for the number of units and level of affordability necessary to merit the additional tax relief.

However, staff understands that a significant purpose of the 79-E program is to enable and incentive rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the Council should have the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community against the potential tax revenue foregone.

RECOMMENDATION:

Staff recommends that the City Council schedule and hold a public hearing on the application in order to receive public input on the request prior to making a final determination. Following the public hearing, the City Council will make a determination as to whether the applicant’s Project and Property comply with the requirements of the 79-E Program as set forth above, and if so, whether to grant the requested tax relief and for how long. Following is a sample Resolution for the Council’s consideration in advance of the public hearing.

For detailed information regarding the project, please see the accompanying application and supporting documentation submitted by LWM Residential LLC.

ACTION

Should the Council decide to schedule a public hearing on this application, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 15, 2023, beginning at 7:00pm, for the purpose of receiving public input and taking action on a request by LWM Residential LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

Included in this Section:

1. October 18, 2023 letter from LWM Residential LLC
2. Application for Community Revitalization Tax Relief Incentive Program (RSA 79-E) from LWM Residential LLC for the Lebanon Woolen Mill
3. September 12, 2023 letter from 106 Associates to the Lebanon Heritage Commission, RE: Historic Status and Opinion on Secretary's Standards, Lebanon Woolen Mill Complex, 1 Foundry Street
4. Sample Resolution to Grant Tax Relief to LWM Residential, LLC

October 18, 2023

Attn: Lebanon City Council & City of Lebanon Planning Department
 City Hall
 51 North Park Street
 Lebanon NH, 03766

Lebanon City Council,

Attached is our application for the Community Revitalization Tax Relief Incentive Program (RSA 79-E) for 1 Foundry Street (including 25 Mechanic St) in downtown Lebanon.

We are thrilled to be working on this project given its history and location along the Mascoma River. The Lebanon Woolen Mill is currently approved for 196 units, but we will be resubmitting a site plan with a proposal for 183 units which removes the new building located at 43 Mechanic and preserves the existing structure. The development will include the renovation of the historic mill, two new buildings, the demolition of blighted buildings and the remediation of a longstanding brownfield site.

This project will transform a vacant mill and parking lot into residential buildings with below grade parking, strategically located surface parking while maintaining the core of the site for the "Mill Yard". The Mill Yard will be an urban park for our tenants and the public to enjoy. In addition to the Mill Yard there will be a river walk along the Mascoma which will help connect Blacksmith Street and the River Mill Center to Foundry Street/downtown. The development will also include the revitalization of the shoreland by removing invasive species and other contamination from decades of poor treatment. Lastly, there will be an ADA accessible path from Mechanic Street that will allow pedestrians to walk through the Mill Yard to Foundry Street, creating a safer walking and biking experience to get downtown.

Unlike our previous submittal, we are proposing to include an affordable component in our development, but we need the assistance of the City Council and 79E to help make that possible. Per the City Council's meeting in August 2021, the below table highlights the requirements for additional 79E abatement.

		TARGETED AREA MEDIAN INCOME (AMI)				
		60% or less	60 - 70%	70 - 80%	80 - 90%	90 - 100%
<u>% OF UNITS IN PROJECT</u>	40% or more	4	3	3	2	1
	30-40%	4	3	2	1	1
	20-30%	3*	2	2	1	0
	10-20%	2*	1	1	1	0
	0-10%	1*	1	0	0	0

* Units targeted for 50% or less of AMI
 qualify for 1 additional year of tax relief

Since the above chart was approved, interest rates have increased from ~3% to ~8%, CPI has increased by 12%, and construction costs are anywhere from 20% - 40% higher. This has resulted in tens of millions in increased costs for developments of this size. We acknowledge the importance of affordable housing, but we also must acknowledge that the market is 99.5% leased and units of all types are needed to help alleviate the macro-economic issue of supply and demand. While the pipeline of new real estate developments may seem fuller than ever, the likelihood of developments moving forward is low and our concern is that in a few years we will see the same full pipeline but no new housing resulting in an even worse housing crisis. The City Council aptly included the below language below the above chart that states:

"The City understands that a significant purpose of the 79-E program is to enable and incentivize rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the City Council shall retain the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community of the completed project against the potential tax revenue forgone."

We believe our project embodies everything the 79E legislation was created for and we have gone out of our way to include public benefits above and beyond other developments rather than sacrificing them for cost savings. Our desire and commitment to the Lebanon Woolen Mill development has not wavered but we need the assistance of the City of Lebanon to help put ourselves in a financial position for this development to move forward.

Thank you,
Jon Livadas





This project meets the RSA 79-E standards:

- Substantial Rehabilitation: The required investment of \$75,000
- Qualifying Structure: The structure is in the identified 79-E downtown district

This Project provides the below required 79-E benefits:

- Enhancement of the economic vitality of the downtown
 - Transforming vacant blighted buildings and creating new housing
 - Creating a public park
 - Revitalizing a shoreland
 - Connecting Mechanic Street, Blacksmith Street and the River Mill Complex to downtown
- Enhances and improves a structure that is culturally or historically important on a local, regional, state or nation level
 - The Lebanon Woolen Mill is eligible for listing on the NPS of historic buildings
- Promotes the preservation and reuse of existing building stock
 - Renovation of the 60,000 SF historic mill building into apartments
 - Renovation of the boiler house with the LWM smoke tower
- Promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community
 - The Mill Yard will be a gathering place for the residents and public
 - The river-walk will give residents access to enjoy the river
 - Boiler building as flexible space for public or private events
 - Connecting blacksmith, Mechanic, and the River Mill Center in a safer more direct route
- Increases residential housing in urban or town centers
 - 183 units of new housing a five minute walk from downtown
 - Over 200 people will be living walkable to downtown restaurants and retail which will help bring business while alleviating downtown parking issues

79E Abatement Request:

LWM Residential request 15 years of abatement across the 1 Foundry St and 25 Mechanic St Parcel (lot merger in process) for all buildings both existing and new. LWM Residential believes we qualify for the below tax abatement:

- 5 years for the base project
- 2 years for rehabilitation that results in new residential units
- 4 years for Historic building
 - The property is eligible to be listed per the Part 1 submitted by our historic consultant
 - Our design does not alter the exterior of the building (outside of new window penetrations along the south side) and will highlight the history of the building both architecturally and culturally.
 - We are preserving the oldest part of the building even though it is in disrepair and our structural consultants have told us it is cost prohibitive to do so
- 4 Years for 10% of units being affordable
 - spread evenly across unit type and 60%, 80% and 100% of AMI classifications



APPLICATION FOR COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

Date application submitted: _____ Received by: _____

Note: Application must be accompanied by a \$50 application fee at the time of submission.

APPLICANT:	OWNER: (if different from applicant)
Name: [REDACTED]	Name:
Mailing Address: 1 Guyenne Road	Mailing Address:
City, State, Zip: Wilmington, DE 19807	City, State, Zip:
Phone / Fax: 302.598.3492	Phone / Fax:
Email: jon.livadas@outlook.com	Email:

PROPERTY / BUILDING INFORMATION:			
Building Name (if any): Lebanon Woolen Mill		Year Built: ~1900	
Building Address: 1 Foundry Street & 25 Mechanic St		Gross Square Footage of Building: 57,000 & 7,000 (current)	
Tax Map # 91	Lot # 263 & 267	Plot #	
Grafton County Registry Book # 4694		Page # 749	

Existing Property / Building Information: (Describe <i>current</i> use, size, number of units, number of employees, etc.) Vacant 60,000 SF mill and 7,000 SF vacant dry cleaning facility.
Proposed Property / Building Information: (Describe <i>proposed</i> use, size, number of units, number of employees, etc.) Proposing 49 units (57,000 SF) with amenity space in the existing mill. We will be building a new building on the site that will be 97 units (75,000 SF). We are merging this lot with 25 mechanic which will see the demolition of the existing building.
Is there a change of use associated with this project? Yes ☒ No ☐ If yes, please describe Commercial to residential
Will the project include new residential units? Yes ☒ No ☐ If yes, please describe 146 new units on 1 Foundry and 35 units on 25 mechanic. A mix of junior 1 bedrooms, 1 bedrooms and 2 bedrooms.
Will the project include new subsidized residential units? Yes ☒ No ☐ If yes, please describe We are proposing to include 10% of units to be workforce housing across three AMI thresholds: 60%, 80% and 100%.

Is the building eligible for listing or listed individually on the State or National Register of Historic Places or located within a State or National Register Historic District? Yes ☒ No ☐ If yes, provide a copy of the approved designation by the State or National Register of the building or the district.
Is the building located within and is it significant to a locally-designated historic district? Yes ☐ No ☒
Is the property located in an existing Tax Increment Finance (TIF) District? Yes ☒ No ☐
Has an abatement application been filed or has abatement been awarded on this property within the last year? Yes ☐ No ☒
Will any state or federal grants or funds or low income subsidies or tax credits be used in this project? Yes ☐ No ☒ If yes, what is the amount of the aid? \$_____ Describe and detail any terms of repayment, if applicable.

PROJECT INFORMATION: Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.	
Expected Project Start Date: <u>8/1/24</u>	Expected Project Completion Date: <u>6/1/26</u>
Structural: mill will have updated structural design and new buildings will be ground up new build	\$ 5,000,000
Exterior Alterations: (storefront/façade, walls, windows, doors, etc.) new windows and doors for the mill. repointing of exterior brick facade, interior fit out for residential.	\$ 5,000,000
Interior Alterations: (walls, ceilings, moldings, doors, etc.) apartment fit out	\$ 10,000,000
Electrical: all electric building, washer and dryer in unit	\$ 5,000,000
Plumbing/Heating: all electric, TBD on exact heating/cooling system.	\$ 10,000,000
Mechanical: all new systems	\$ 5,000,000
Fire Protection: Sprinklered buildings	\$ 5,000,000
Other: concrete, site work, finishes, thermal - inclusive of "mill yard" park area and river walk	\$ 10,000,000
Total: NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.	\$55,000,00
To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.	
TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:	
Pre-Rehabilitation Assessed Valuation as of date of application submission: \$_____	
Are the cost threshold requirements satisfied by the project as proposed? Yes___ / No___	

PROPOSED PUBLIC BENEFIT (RSA 79-E:7)

In order to qualify for property assessment tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed *replacement* of a qualifying structure must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.

Does the Project provide the following public benefits? (Check all that apply)

Enhances the economic vitality of the designated areas. If yes, please describe. We are redeveloping a vacant historic mill that is currently in disrepair to a residential complex. We will be demolishing 25 mechanic which is currently not occupiable and a brownfield site. We will be building a new building on-site that involves removing non-structural fill soil while cleaning up the shoreline. The site will be environmentally clean, inclusive of the river bank clean up to bring back natural species and any other dumped soil/product. The development is proactively preserving the center area to be the "Mill yard" rather than creating surface parking. The Mill Yard will be the center piece of the residential community and will connect Blacksmith, Mechanic, and the Rivermill Center to Foundry Street. We will be providing access and enjoyment of the river which has never been available before in this area.	Yes ☒ 4 No ☐
Enhances and improves a culturally or historically important structure. If yes, please describe. We will be renovating the Lebanon Woolen Mill which originally opened in the early 1900's.	Yes ☒ 4 No ☐
Promotes preservation and reuse of existing building stock by rehabilitation of historic structures in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation. If yes, please describe. We will be renovating the Lebanon Woolen Mill which originally opened in the early 1900's. The project is sustainably designed, all electric and will include EV charging stations. We are also looking into rooftop solar where possible.	Yes ☒ 4 No ☐
Promotes development in the designated areas, providing for efficiency, safety, and a greater sense of community, consistent with RSA Chapter 9-B. If yes, please describe. We will be taking a vacant mill and 4-acre parking lot and creating 183 units with public access to the river. We will also be connecting the Mechanic street corridor to the downtown core with a more safe and pleasant walking route while opening the river up for public enjoyment.	Yes ☒ 4 No ☐
Increases residential housing in the designated areas. If yes, please describe. Yes, 181 units across three buildings.	Yes ☒ 4 No ☐

HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES

In the case of replacement of qualifying structure(s), the applicant shall submit a New Hampshire Division of Historical Resources Individual Inventory Form prepared by a qualified architectural historian and a letter issued by the Lebanon Heritage Commission that identifies any and all historical, cultural, and architectural value of the structure(s) that are proposed to be replaced and the property on which those structure(s) are located.

Note: An application for replacement of a qualifying structure shall not be considered complete, and no public hearing shall be scheduled, until the Individual Inventory Form and the Heritage Commission letter, as well as any other required information, have been submitted.

IMPORTANT

Per RSA 79-E:13, II, the Base or "Original" Assessed Value for any tax relief period is only set after the following two conditions are met:

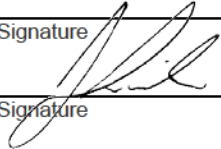
1. Approval of the tax relief by the City Council following a public hearing.
2. The applicant's entering into a Covenant with the City of Lebanon to protect the public benefit(s).

Therefore, the applicant and/or property owner shall not commence any of the improvements included in this application until such time as he or she has satisfied the above requirements. This prohibition shall include any demolition to the existing structure.

AFFIDAVIT

I/We have read and understand the Community Revitalization Tax Relief Incentive (RSA 79-E) and am/are aware that this will be a public process, including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the City and pay any reasonable expenses associated with the drafting of the covenant. I/We understand the application will not be determined as complete or recommended to the City Council for consideration until all of the necessary information is provided.

The undersigned hereby acknowledge understanding of the above statement and certify that the information provided herein are true and correct:

Signature 	Print Name Jon Livadas	Date: 10/19/23
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:

MEMORANDUM

Date: September 12, 2023

To: Lebanon Heritage Commission

Re: Historic Status and Opinion on Secretary's Standards
Lebanon Woolen Mill Complex, 1 Foundry Street

My firm has been asked by Jon Livadas to provide comment regarding eligibility of the Lebanon Woolen Mill Complex for listing in the National Register of Historic Places (NRHP), and whether the proposed project meets the Secretary of the Interior's Standards for Rehabilitation. With respect to the National Register, the National Park Service (NPS) has formally concurred with 106 Associates recommendation that the mill complex is eligible for listing in the NRHP via its concurrence with a historic tax-credit application Part 1. The purpose of a Part 1 is precisely to seek the opinion of the NPS on a property's National Register eligibility. Tax-credit rules require that a professional architectural historian prepare and submit a comprehensive evaluation of the property with a recommendation on NR eligibility. 106 Associates' Part 1 report included a detailed history of the mill since its construction, placing it in its historic context in the development of the Lebanon and the growth of its textile industry. It also included a detailed descriptive and photographic survey of the buildings. The package of Part 1 documentation is extensive and can be accessed at the following link:

https://1drv.ms/f/s!AlkhtEgpPLElg_tH7JGieTTdVBuNdQ?e=dfDI3I

The NPS response to the Part 1 application is attached to this memorandum. The box checked in Section 2 of the response form indicates the nature of the request, in this case a "preliminary determination for individual listing in the National Register. The box checked at the bottom of the page indicates the NPS response, stating the property "appears to meet the National Register criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60". This form constitutes proof of NR eligibility by the federal government agency (NPS) responsible for National Register listings.

With respect to compliance with the Secretary of the Interior's Standards for Rehabilitation, it is important to contextualize the buildings in the complex which comprises three structures: the main mill, the connected boiler house, and the office/garage. The main mill located alongside the river is the largest and most historically significant building in the complex, where the river power was harnessed in a succession of engineering achievements, and the textiles were produced by generations of Lebanon residents. The connected boiler building, and iconic brick

Lebanon Woolen Mill: NR Eligibility and Standards Compliance

smokestack testify to the evolving use of power to heat the plant. Having been closely involved with plan development, it is our opinion that the buildings will be rehabilitated consistent with the Secretary's Standards. Both will be preserved along with most of their important historical components despite facing a wide range of technical and financial challenges owing to their deteriorated condition and years of deferred maintenance. Adapting an industrial building to residential use can be extremely difficult in best case circumstances, made more challenging by the size and condition of this mill and facing today's construction costs. All considered, I am confident the current rehabilitation plans meet the requirements of the Secretary's Standards.

The third building on the site, the office/garage, is secondary to the history and operation of the mill. The garage has been extensively altered and would require highly intrusive and cost-prohibitive structural and hazardous material remediation which would substantially degrade any remaining historic significance. This is known based on a structural assessment of the building undertaken by Engineering Ventures, and a hazardous materials assessment undertaken by Credere Associates. The same hazmat assessment reported that the basement and lower walls of the attached 1940s office building are saturated with toxic dry-cleaning chemicals, for which remediation would be exceptionally difficult and expensive. It is our opinion that removal of this altered and secondary building is fully justified by the serious structural and hazmat circumstances as reported in professional assessments, and that this work meets the Secretary's Standards.

Sincerely,



Scott Newman
Principal, 106 Associates
Historic Preservation Consulting



HISTORIC PRESERVATION CERTIFICATION APPLICATION PART 1 - EVALUATION OF SIGNIFICANCE



Instructions: This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

NPS Project Number

44654

1. Historic Property Name Lebanon Woolen Mill

Street 1 Foundry Street

City Lebanon

County Grafton

State NH

Zip 03766

Name of Historic District or National Register property

☐ National Register district ☐ certified state or local district ☐ potential district ☐ National Register property

2. Nature of Request (check only one box)

- ☐ certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.
☐ certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.
☐ certification that the building does not contribute to the significance of the above-named district or National Register property.
☒ preliminary determination for individual listing in the National Register.
☐ preliminary determination that a building located within a potential historic district contributes to the significance of the district.
☐ preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. Project Contact (if different from applicant)

Name Scott Newman

Company 106 Associates

Street 11 Ward Street

City Burlington

State VT

Zip 05401

Telephone (802) 777-1572

Email Address scottnewman@106associates.com

4. Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that (check one or both boxes, as applicable):

- ☒ I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or
☐ If I am not the fee simple owner of the above described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011).

For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.

Name Jon Livadas

Signature (Sign in ink)

Date 12/13/2021

Applicant Entity LWM Residential LLC

SSN

or TIN 87-2815737

Street 1 Guyenne Road

City Wilmington

State DE

Zip 19807

Telephone (302) 598-3492

Email Address jon.livadas@outlook.com

NPS Official Use Only

The National Park Service has reviewed the Historic Preservation Certification Application - Part 1 for the above-named property and has determined that the property:

- ☐ contributes to the significance of the above-named district or National Register property and is a "certified historic structure" for rehabilitation purposes.
☐ contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.
☐ does not contribute to the significance of the above-named district or National Register property.

Preliminary Determinations:

- ☒ appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.
☐ does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.
☐ appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.
☐ appears to contribute to the significance of a registered historic district if the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS is expanded by the State Historic Preservation Officer.
☐ does not appear to qualify as a certified historic structure.

Date

National Park Service Authorized Signature (Sign in ink)

☒ NPS Comments Attached

SAMPLE RESOLUTION

BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly-noticed public hearing, that:

WHEREAS, the City Council has determined that the application of One Mechanic Street, LLC (hereinafter the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough to commence consideration, and

WHEREAS, the City Council has determined that the Applicant's property, 1 Mechanic Street, Tax Map 91, Lot 264 (hereinafter the "Property"), is situated in the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

WHEREAS, the City Council has determined that the Applicant's project to complete interior renovation and exterior rehabilitation on the Property pursuant to plans and information provided in the application (hereinafter the "Project") exceeds the lesser of 15% of the current pre-rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including:

1. Enhancement of the economic vitality of Downtown Lebanon, and
2. Promotion of the preservation and reuse of existing building stock, and
3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and
4. Increasing residential housing in municipal centers.

NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant _____ years of property assessment tax relief for the Property to commence upon completion of Project, with the following conditions:

1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for _____ years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.
2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.
3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City

Council in writing. The Project, as approved, shall be completed on or before March 31, 20____, unless otherwise extended by the City Council in writing.

**Agenda
Lebanon City Council
November 01, 2023**

11. New Business:

**11.C – Discussion and Set Public Hearing for November 15, 2023:
Placement of Proposed Amendments to the City Charter on the Ballot of the
March 2024 Municipal Election**

BACKGROUND

The Charter was first created and formally effectuated in 1957 when Lebanon chose to become a City with a City Council-City Manager form of government. As we continue to evolve with changes in laws, regulations, processes, and technology, it has become apparent that changes to the Charter are needed to create consistency and increase efficiency.

In accordance with the provisions of RSA 49-C, to change the Lebanon Charter, the City Council must first schedule a public hearing to determine that the proposed amendments are necessary. Following a public hearing, a resolution must be adopted by the Council to place the question of the proposed charter amendment on the ballot of a municipal election. It is requested that the City Council schedule the public hearing for November 15, 2023, at which time the Council will be asked to consider adoption of this proposed resolution:

RESOLUTION

BE IT RESOLVED that the Lebanon City Council hereby requests that the following proposed City Charter amendments be placed upon the ballot of the March 12, 2024 Municipal Election:

Proposed City Charter Changes: Amend the City Charter as follows:

Amend Section III, Administration, §C419:53-53a by deleting and repealing the sections in their entirety.

Amend Section III, Administration, §C419:17 by deleting reference to the manager's power to appoint a member of the personnel advisory board under Section 53.

Explanation: The purpose of these amendments is to remove the provisions from the Charter as they are administrative in nature and governed by the City Manager through provisions in the Employee Handbook and the four collective bargaining agreements. The Employee Handbook is amended from time to time through the process outlined in Section C419:51 of the City Charter.

This change will be effective July 1, 2024, if passed by voters at the March 12, 2024 Municipal Election.

Please note: After the public hearing is conducted, passage of the resolution requires 2/3 majority of the City Council.

ACTION

If the City Council wishes to move forward with the proposed amendments, the following motion is offered for the Council's consideration.

MOVED, that the Lebanon City Council hereby schedules a public hearing beginning at 7:00 pm on November 15, 2023 for the purpose of receiving public input and taking action on a resolution to place proposed amendments to Section III, Administration, §C419:17 and §C419:53-53a of the City Charter on the ballot of the March 12, 2024 Municipal Election.

Included in this Section:

1. Draft Proposed Charter Amendment Language

CHAPTER C CHARTER

CITY OF LEBANON, NEW HAMPSHIRE

CHAPTER 419

AN ACT TO ESTABLISH THE CITY OF LEBANON

Be it enacted by the Senate and House of Representatives in General Court convened:

I

THE CITY ESTABLISHED

§ C419:1 Establishment.

The inhabitants of the town of Lebanon, in the county of Grafton, shall continue to be a body corporate and politic, under the name of the "City of Lebanon."

§ C419:2 Transfer of Property, Special Districts Abolished.

All existing property and assets now of said town of Lebanon and all precincts and districts within said town including Lebanon Center Fire precinct, Lebanon Water Works, and West Lebanon Village Fire District shall be vested in said city under the provisions of this chapter. Lebanon Center Fire Precinct, Lebanon Water Works and West Lebanon Village Fire District are hereby abolished. All bonded indebtedness of the Lebanon Center Fire Precinct existing at the time of the adoption of this charter shall be reassessed upon residents living within the bounds of said former precinct until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the Lebanon Water Works existing at the time of adoption of this charter shall be reassessed upon residents living within the bounds of said former Lebanon Water Works until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the West Lebanon Fire and Water District at the time of the adoption of this charter shall be reassessed upon the residents living within the bounds of said former district until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council.

§ C419:3 School District.

[Amended 12-3-1968]

The school district of the town of Lebanon as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon town school districts by the statutes of the state of New Hampshire, in such case made and provided. However, the school district and the city manager provided for under this charter are hereby authorized to enter into such voluntary agreements for cooperative purchasing and the maintenance of buildings as may be desirable to effect economies and promote efficiency.

II ELECTIONS

§ C419:4 Wards Defined.

[Amended 3-8-1977; 6-17-1992; 3-8-2005; 3-13-2012]

The City of Lebanon shall consist of three wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and such ward lines are to follow easily identifiable physical features such as streets, railroad tracks, surface waters or power lines.

At least as often as each recurring federal census, the City Council shall review the ward boundaries and, if necessary to comply with a Constitutional requirement to equalize populations, shall, by ordinance, make adjustments to the City's ward boundaries. A public hearing on the proposed ward boundaries shall be held not more than 30 days before adoption by the City Council, at such time and place as the City Council shall determine. Notice of the public hearing shall be published at least 10 days in advance of the hearing by the City Clerk.

Until passage of an ordinance for future realignment of the City's ward boundaries, ward lines shall remain as approved by the voters of Lebanon on March 13, 2012. Notwithstanding any changes in the ward boundaries, the City and Ward officers serving in office, or elected to office, at the time of passage of this amendment shall continue in said offices until the end of the terms for which they were elected.

The three wards shall be divided as follows:

WARD 1 shall consist of all that land in said City of Lebanon beginning at the southwest corner of the Lebanon-Plainfield line; thence easterly along said boundary to Hibbard Brook; thence northerly along said brook until its western tributary meets Poverty Lane; thence northerly along said road to the intersection of Slayton Hill Road, thence northeasterly along Slayton Hill Road to the intersection of Farnum Hill Road; thence westerly along said road until it meets Old Kings Highway; thence northwesterly along said road until it intersects with power transmission lines; thence northwesterly along said power lines until it intersects another set of power lines; thence turning ninety (90) degrees and continuing northeasterly along the latter power lines until it meets the Hanover/Lebanon boundary; thence westerly along the Lebanon-Hanover line until it meets the New Hampshire-Vermont boundary; thence southerly along said boundary to the point of beginning.

WARD 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway until it intersects with Laplante Road; thence southerly along Laplante Road until intersects with Meriden Road (Rt 120); thence northerly along said center line until it merges with School Street; thence continuing along the center line of School Street; to the center line of Prospect Street; thence easterly along said center line to the center line of Elm Street; thence northerly along said center line to the center line of Bank Street; thence westerly along said center line to the center line of East Park Street; thence northerly along said center line to the center line of North Park Street; thence westerly along said center line; and through the Lebanon Mall until it merges with Hanover Street; thence northerly along the center line of Hanover Street to the center line of I-89; thence continuing northerly along Hanover Street Extension to the intersection of Heater Road, thence northerly along Mt. Support Road until the intersection of Rt 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

WARD 3 shall consist of all that land in said City of Lebanon north of the Lebanon-Enfield town line beginning at the center line of Interstate 89; thence northerly along said Lebanon-Enfield boundary to the Lebanon-Hanover town line; thence westerly along said line until it meets the northeast boundary of Ward 2; thence southerly along the easterly boundary of Ward 2 to the point of beginning.

(Ward lines changed by Lebanon City Council on September 15, 1982, June 17, 1992, and March 8, 2005 and March 13, 2012)

§ C419:5 Representatives to General Court.
[Amended 11-2-1971, effective 4-1-1972]

Representatives to the general court from the city of Lebanon shall be elected at large.

§ C419:6 City Election.
[Amended 3-14-1978; 3-11-1997]

The city election shall be held annually on the same date as may be required by statute for the annual election of Lebanon School District Officers, or, if none, on the second Tuesday of March. The polls shall be open not earlier than six o'clock in the forenoon of the day of the election nor later than eight o'clock in the evening, and shall be open not less than four hours on a schedule as the City Council shall determine at least thirty days prior to said election.

§ C419:7 Members of the Council.
[Amended 11-6-1973]

The council consists of nine members, each with a two year term. One member shall be elected annually from each ward by the voters in the ward. One member shall be elected from the city at large in odd numbered years and two members shall be elected from the city at large in even numbered years. The term of office begins on the third Wednesday after the city election at which the member is elected, and ends two years from the date the term begins.

§ C419:8 Ward Officials.
[Amended 3-14-1978; 11-16-2022]

Each ward shall at municipal elections choose by ballot a moderator, clerk and three supervisors of the checklist who shall hold office for two years and until their successors are elected and qualified. Said supervisors shall perform all the duties required by law of selectpersons of wards in cities and of supervisors of checklists in towns, and for all purposes requiring such officers shall be considered and be the selectpersons of their wards. No other selectpersons shall be chosen. No person shall continue to perform as a ward official whose name appears on the ballot for an office other than that of a ward official.

§ C419:9 Ward Checklists.
[Amended 11-16-2022]

The selectpersons of the town of Lebanon shall within fourteen days from the date of adoption of this act appoint a moderator, clerk and three supervisors of the checklist and four inspectors of election for each ward, which officers shall be residents of their respective wards. Said supervisors shall act as and be selectpersons of their respective wards for the purpose of calling the first ward meeting, and shall call said meeting according to law. They shall seasonably prepare checklists for

their respective wards and perform all duties respecting the same required by law. The supervisors of the checklist in each ward shall fix the polling place therein and give notice thereof.

§ C419:10 Preparation of Ballots.
[Amended 3-4-1976; 11-16-2022]

The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in state biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of all who file with the city clerk as candidates for councilor. Such filing shall take place not before nine o'clock in the morning of the forty-second day before the election nor later than five o'clock in the afternoon of the twenty-eighth day before the election. Candidates shall pay the city clerk a fee of one dollar except those on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such petition unless consent thereto is endorsed on the petition by the candidate personally at the time that the petition is filed. Below the list of names of candidates for councilor there shall be as many blank spaces as there are councilors to be elected. The city clerk shall have the same powers and duties with preference to municipal elections as has the secretary of state with preference to general elections so far as such powers and duties are not inconsistent herewith. In the first instance, the town clerk shall have the same duties and powers as are given under this charter to the city clerk.

§ C419:11 Qualifications of Voters.
[Amended 3-4-1976]

Persons who would be qualified voters in a biennial election if held on the day of such municipal election shall be qualified voters therein. Municipal elections thereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with this chapter.

§ C419:11a Absentee Voting.
[Amended 3-8-1977]

Any legal voter of the city of Lebanon who is absent from the city on the day of any regular or special municipal election, or who, by reason of physical disability, is unable to vote in person at said election, may vote at said election by so-called absentee ballot. The provisions of state law, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in the city, provided that the city clerk shall prepare the forms and ballots for such voting and said clerk shall also prepare the required instructions.

§ C419:12 Procedure.

The qualified voters in each ward, at said election, shall give in to the moderator their votes which shall be received, sorted, counted and declared, and the ward clerk shall make a true and certified copy of the record of the votes and said record, certified also by a majority of the supervisors and the moderator, shall be delivered by the ward clerk to the city clerk within twenty-four hours after the meeting.

§ C419:13 Ballots Preservation.

All the ballots cast at a municipal election shall be kept by the city clerk sealed for two months, and may be opened during said two months after a request for a recount by any candidate voted for at the election at which they were cast, upon order of any court or the city council.

§ C419:14 Canvass.
[Amended 3-4-1976]

The city council shall meet on the Thursday following the election to canvass the votes. The city clerk shall lay before the council the record of votes received in each ward for each person voted for on the ballots. The council shall examine the record of votes, and it shall declare the persons having the largest number of votes to be elected as councilors and shall cause them to be notified of their election.

§ C419:15 Recounts and Contested Elections.
[Amended 3-14-1978]

Upon request of any candidate for an elective office made within seven days after the canvass, the council shall recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers. Any amendment to the Charter which is carried or lost by 1% or less of the vote shall be subject to an automatic recount.

III

Administration

§ C419:16 The Council.
[Amended 3-4-1976; 3-8-1977; 11-16-2022]

The entire administration of all fiscal, prudential and municipal affairs of the City of Lebanon shall, except as otherwise provided, be vested in a City Council of nine Councilors, elected as provided in Section 7. Vacancies occurring in the office of councilor at any time after the election of a candidate thereto, and from a failure to elect thereto, shall be filled by the remaining councilors, who, by majority vote and within thirty days, shall appoint some qualified person to fill the vacant seat until the next municipal election, at which time a councilor shall be elected to fill the unexpired term. The office of any ward council member shall be deemed vacant if said member takes up residence in any ward other than the one from which they were elected. The city clerk shall act as clerk of council.

§ C419:17 Mayor.
[Amended 11-6-1973; 11-16-2022]

Each year the council shall elect one of its members mayor at its first meeting after the terms of office of the newly elected members begin. A majority vote of all members of the council is necessary for election of the mayor. The mayor shall preside at council meetings and may speak and vote at those meetings. The mayor shall be head of the city for all ceremonial purposes. The mayor and council voting as a unit, neither with a veto over the other, shall make appointments of members of the Lebanon Housing Authority and the Zoning Board of Adjustment. All other administrative duties prescribed by the general statutes shall be exercised by the manager. Nothing in this section shall be construed to take away the manager's power to appoint all administrative officers listed in Section 32 of this chapter, ~~or his or her power to appoint a member of the personnel advisory board under Section 53 of this chapter,~~ or the manager's power to appoint an administrative official of the city to the Planning Board, or the manager's general power to appoint any administrative officers authorized under any ordinance. Each year the council shall elect from

its members an assistant mayor who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

§ C419:18 Qualifications.

[Amended 3-4-1976; 11-16-2022]

Any person may be a candidate for election as councilor provided said person is a duly qualified voter in the city and has been a resident of the city for at least two years immediately preceding the election. No person in default to the city shall be eligible for election to the council.

§ C419:19 Compensation.

[Amended 3-4-1976]

No councilor, shall, while in office, receive any pay or compensation of any sort, either as councilor or for any other personal services rendered for the benefit of the city, or be employed by the city, or any department or branch thereof, for any compensation, excepting that this provision shall not apply to compensation of call members of the fire department.

§ C419:20 Dealings Of Council With City.

[Amended 3-4-1976]

No councilor, or other official of the city, shall sell to or buy from the city any goods or commodities while in office other than by open competitive public bid.

§ C419:21 Meetings.

[Amended 3-14-1978 and 3-10-1998]

All meetings of the council shall be public and in compliance with the New Hampshire Right-to-Know Law, RSA Chapter 91:A. Nonpublic sessions may be held only as permitted under RSA Chapter 91:A. Regular meetings shall be held on such day of each month at such time as the council shall, from time to time, by ordinance or resolutions direct, and at such other times as are required by this charter. Special meetings may be had upon notice delivered to each councilor by the city clerk at the request of the mayor, the manager or a majority of the councilors. The council shall establish its own rules. A majority of the council shall constitute a quorum for the transaction of business.

§ C419:22 Ordinances.

[Amended 3-8-1977]

Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The City of Lebanon ordains" and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded in full uniformly and permanently by the city clerk and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Each ordinance shall be reviewed by the city council every five years, and revised where determined necessary. Ordinances shall be published and compiled in such manner and at such time as the council shall determine.

§ C419:23 General Powers.

The city council created by this act shall, except as here in otherwise provided, have all the powers and do and perform in reference to each other or otherwise, all the duties which mayors, boards of aldermen and common councils of cities and selectmen of towns are by law authorized or required

to do and perform, either separately or otherwise, except insofar as such powers or duties are inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager, and all provisions of statutes pertaining to the duties or powers of aldermen or common councils, separately or otherwise, shall be construed to apply to said city council, except insofar as a contrary intention appears in this act or insofar as they may be inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager.

§ C419:23a Citizens Binding Initiative.
[Adopted 11-2-1982, effective 1-1-1983]

Citizens may propose a measure with an initiative petition signed by qualified voters equal in number to ten percent of the votes cast in the last gubernatorial election. When said petition is complete, as certified by the city clerk to have met the above requirements, said proposed measure, shall be submitted to the city council requesting the city council to pass proposed measure without alteration; if said proposed measure be not passed without alteration within twenty days after the date of the Clerk's certification, then such proposed measure without alteration shall be submitted by the city council to the vote of qualified voters at the next municipal election. If a majority of the qualified voters voting on any proposed measure, and which falls within the lawful rights and powers of the city, shall vote in favor thereof, same shall thereafter go into effect on the first day of the next succeeding municipal year.

§ C419:23b Citizens Non-binding Initiative.
[Amended 3-13-1984, effective 9-1-1984]

In lieu of proposing a binding initiative, citizens may propose a non-binding measure providing they file a petition signed by qualified voters equal in number to 10 percent of the votes cast in the last gubernatorial election. If a majority of the qualified voters voting on any non-binding measure shall vote in favor thereof, then such vote shall constitute an advisory opinion to the city council. The provision of any ordinance passed by the city council dealing with binding initiative petitions shall also apply to non-binding initiative petitions.

§ C419:24 Salaries.

The city council of the City of Lebanon is hereby empowered to fix a scale of salaries to be paid to all officials and agents of the City of Lebanon in accordance with the provisions of Section 52 in this Charter.

§ C419:25 Procedure To Fix Salaries.
[Amended 3-14-1978]

No ordinance of said city council relating to a scale of salaries as above set forth shall be valid until it has had three separate presentations in said council, only one presentation at any meeting of said council, and shall have received the votes of at least two-thirds of all members elected to said council upon its final passage.

§ C419:26 Manager.
[Amended 3-8-1977; 11-16-2022]

The city council shall appoint an officer of the City of Lebanon who shall have the title of city manager and who shall have the powers and duties hereinafter provided. The city manager shall be appointed for an indefinite term by the votes of two-thirds of the members of the council.

§ C419:27 Qualifications.
[Amended 3-8-1977; 11-16-2022]

The manager shall be chosen solely on the basis of the candidate for manager's executive and administrative qualifications but the candidate for manager need not be a resident of the city or state at the time of their appointment. During the city manager's tenure of office, the city manager shall reside within the city. No person who has within three years held elective or appointive office in the City of Lebanon shall be chosen manager.

§ C419:28 Removal.
[Amended 3-14-1978; 11-16-2022]

The manager may be removed by a two-thirds vote of the members of the council as herein provided. At least 90 days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove the manager and the reasons therefor, a copy of which shall be served forthwith on the manager who may, within ten days, demand a public hearing in which event the manager shall not be removed until such public hearing has been held. Upon or after passage of such resolution, the council may suspend the manager from duty, but the manager's pay shall continue until the manager's removal. In case of such a suspension, the council may appoint an acting manager to serve at the pleasure of the council for not more than 90 days. If the manager chooses to leave the city's employ voluntarily, the city manager shall notify the council at least 90 days before the manager's planned departure. The action of the council in removing the manager shall be final.

§ C419:29 Non-interference By The Council.
[Amended 11-4-1986, effective 1-1-1987; amended 11-16-2022]

Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or the removal therefrom by the manager or any of the administrative officers except that the council shall have the power to appoint and remove the board of adjustment. In addition to appointing a council representative to the planning board, the council shall, by majority vote, appoint members of the planning board upon nomination by the city manager. However, members of the council may state objections to the appointment of any person proposed by the manager as provided in Section 31 of this Charter. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilor shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of office.

§ C419:30 Powers And Duties Of Manager.
[Amended 3-14-1978; 11-16-2022]

The city manager shall be the chief executive and administrative officer of the city government, and shall carry out the policies laid down by the city council. The city manager shall be responsible to the city council for the proper administration of all affairs of the city, except the school department, but including the preservation of the public health, the public safety of all citizens and their property and management of all municipally owned utilities and be in responsible charge of the maintenance, care, construction or otherwise of all streets, highways, bridges, sewers, parks, playgrounds, buildings and all other municipally owned structures. The city manager shall keep the council informed of the condition and needs of the city and shall make such reports as may be required by law, this charter or ordinance, or may be requested by the council, and such other reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of the manager by ordinance or resolution of the council not inconsistent

with this charter. The city manager shall have and perform such other powers and duties not inconsistent with the provisions of this charter as are or here after may be conferred or imposed upon the city manager by municipal ordinance or upon mayors of cities by general law. The city manager shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

§ C419:31 Power To Appoint And Remove.
[Amended 11-16-2022]

The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a certain department or office responsible to the city manager to appoint and remove subordinates in such department or office. It shall be the duty of the manager to furnish the council in writing with the identity of any person whom the manager proposes to appoint as the head of any department or office at least ten days prior to the date on which the appointment is to be made. If the council has any objection to the person proposed by the manager for appointment, it shall certify its objections to the manager in writing within said ten day period. All appointments shall be without definite term unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

§ C419:32 Certain Officers.
[Amended 3-8-1977 and 11-14-1986, effective 1-1-1987; amended 11-16-2022]

The manager shall appoint a city clerk, fiscal account clerk for the department of finance assessor or assessors, treasurer, tax collector, fire chief, police chief, health officer, civil defense director, and such other officers as the city manager deems necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions, except as herein specifically accepted. The duties of any two or more such officers may be combined in one officer except that the office of fiscal account clerk for the department of finance shall not be combined with the office of the treasurer. The powers and duties of these officers and heads of departments so appointed shall include those prescribed by state law, by this charter or by ordinance.

§ C419:33 Administrative Departments.
[Amended 3-8-1977; 11-16-2022]

The first manager under this charter shall draft and submit to the council within six months after assuming office an ordinance dividing the administrative service of the city into departments, divisions and bureaus and defining the functions and duties of each. After the adoption of the ordinance, upon recommendation of the manager, the council by ordinance may create, consolidate, or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. Such ordinance shall be known as the "Administrative Code." Each officer shall have supervision and control of their own department and the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code and the rules and regulations of the merit plan.

§ C419:34 Commissions.

All commissions as constituted and existing at the time of the adoption of this charter shall continue to exist hereunder until such time as they may be consolidated or abolished pursuant to Section 33 above, but their authority as previously prescribed by law or ordinance is hereby repealed and hereafter they shall serve only in an advisory capacity to the council in matters of policy affecting their respective jurisdiction and to the manager in matters of administration relating thereto.

§ C419:35 Purchasing Procedure.

The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles for different departments and purchasing by competitive bids whenever practical.

§ C419:36 Municipal Year.

The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

§ C419:37 Financial Control.

[Amended 3-8-1977]

The department of finances shall maintain accounting control over the finances of the city, make financial reports and perform such other duties as may be required by the administrative code. No bill against the city shall be approved by the city manager until the department of finance has audited and approved the same and certified that said bill was lawfully contracted, that the prices charged for all goods and materials are reasonable, that the goods or materials were actually received by the city and that it is in favor of a person legally entitled to receive payment for the same.

§ C419:38 False Certification, Penalty.

[Amended 3-8-1977; 11-16-2022]

If the Department of Finance or any member thereof provided for under Section 37 above, shall knowingly make a false certification in any case provided for in Section 37 or approve any bill when the appropriation, as provided for in Sections 42 and 43 of this chapter, for which the same should be paid is exhausted, such false certification shall constitute a misdemeanor, and the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months or both.

§ C419:39 Unauthorized Payment, Penalty.

[Amended 3-8-1977; 11-16-2022]

If the disbursing officer of the city shall pay out any money from the city treasury except on order of the city manager after approval by the department of finance, such unauthorized payment shall constitute a misdemeanor and the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months, or both, and shall be personally bound to refund to the city any sum so paid.

§ C419:40 Budget Procedure.

[Amended 3-14-1978; 11-16-2022]

At such time as may be requested by the manager or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of expenditures for the next fiscal year for the departments or activities under their control. The manager shall submit the proposed budget to the council no later than October 31, annually.

§ C419:41 Budget Hearing.

A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a summary of the budget as submitted shall be printed in a newspaper published or circulated locally, once a week

in two successive calendar weeks, the last publication being at least seven days, including the day of publication, before the public hearing.

§ C419:42 Date Of Final Adoption.
[Amended 3-14-1978]

The budget shall be finally adopted no later than December 31, annually. Should the council take no final action on or prior to such day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council.

§ C419:43 Appropriations After Budget Is Adopted.

No appropriations shall be made for any purpose not included in the annual budget as adopted unless voted by two-thirds majority of the council after a public hearing held to discuss said appropriation, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. The council shall by resolution designate the source of any money so appropriated.

§ C419:44 Budget Control.
[Amended 11-16-2022]

At the beginning of each quarterly period during the fiscal year and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses and if it shall appear that the income is less than anticipated, the council or manager may reduce the appropriation, for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as the manager shall prescribe.

§ C419:45 Transfer Of Appropriations.
[Amended 3-14-1978; 11-16-2022]

After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefor. The head of any department with the written approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within their department to another fund or agency within their department. The manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

§ C419:46 Depository.
[Amended 3-14-1978]

The council shall designate the depository or depositories for the city funds. The council may provide for such security for the city deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

§ C419:47 Independent Audit.
[Amended 3-14-1978]

An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants experienced in municipal accounting or a public accountant licensed by the state of New Hampshire under RSA 309:A:8 to conduct its annual audit. An abstract of the results of such an audit shall be made public. An independent audit shall also be made by an independent auditing firm as required above to make an annual audit of all trust funds established within the city. An annual report of the city's business shall be made available.

§ C419:48 Official Bonds.
[Amended 11-16-2022]

Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of their office but the manager and all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

§ C419:49 Borrowing Procedure.

Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit and resources of the city for the payment of the obligations created thereby. Except in the case of borrowing in anticipation of taxes, borrowing for a term exceeding one year or in an amount of twenty thousand dollars or more shall be authorized by the council only after a public hearing held to discuss such borrowing, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. In no event shall the term of such bonds exceed the limitations imposed by state law.

IV MERIT PLAN

§ C419:50 Merit Plan – Appointments.

Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicant's fitness so far as practicable examination shall be competitive.

§ C419:51 Rules and Regulations.
[Amended 3-8-1977]

The first manager under this charter shall draft and submit to the council within three months after assuming office a set of rules and regulations, which shall become effective one month after its submission unless vetoed by the council within that period, providing for the establishment of a merit system personnel administration and for the implementation of such portions of that system as are prescribed by this charter. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations and any other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force subject to amendments submitted from time to time by the manager which shall become effective one month after their submission unless vetoed by the council within that period.

§ C419:52 Compensation.

The compensation of all officers and employees not fixed by this charter shall be fixed in the rules and regulations of the merit plan by a schedule of pay which include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided in Sections 24 and 25. In increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary item but shall act solely with respect to total salaries in the various departments of the city.

**~~§ C419:53 Personnel Advisory Board.~~
~~[Amended 3-8-1977]~~**

~~There is hereby established a personnel advisory board of three citizens holding no other political office and appointed, one member by the manager, one by the council, and the third by these two appointees. In the first instance only, the member appointed by the manager shall serve for one year, the member appointed by the council for two years and the third member for three years, in each case beginning on the date of appointment; the term of all succeeding members shall be for three years beginning on the expiration of the term each succeeds. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the manager regarding the administration of the merit plan.~~

**~~§ C419:53a The Grievance Board.~~
~~[Amended 3-8-1977]~~**

~~There is also hereby established the Grievance Board of the City of Lebanon whose duty shall be to hear appeals of any employees aggrieved as to their status or condition of their employment. The Grievance Board shall consist of three members: one member shall be appointed by the city council, one member shall be appointed by the employee association, group or union from which the aggrieved employee may come, and the third member shall be appointed by the first two appointees. The member appointed by the city council shall serve for a two year term. The other two members will be appointed at the time of a request for a specific grievance hearing. In case of an unavailability to serve by any member during any grievance procedure, a replacement will be chosen for the term of that procedure in the same manner as the original holder of the appointment.~~

**§ C419:54 Certification Of Compensation.
[Amended 11-16-2022]**

No compensation shall be paid without Certification by the manager, or such officer as the manager may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedule provided for in Section 52. If such officer approves payments not in conformity therewith, the officer and the officer's surety shall be liable for the amount of such payments.

§ C419:55 Taxpayers Remedy.

A taxpayer may maintain a civil action to restrain payment of compensation to persons unlawfully appointed or employed or to recover for the city any sums paid contrary to the provisions of this charter.

SPECIAL ASSESSMENTS

§ C419:57 Special Assessments – Council Resolutions.

The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

§ C419:58 Procedure Fixed By Ordinance.

The council shall prescribe by general ordinance complete special assessment procedure concerning plans and the specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

VI

MISCELLANEOUS PROVISIONS

§ C419:59 Oath Of Office.

[Amended 3-14-1978; 11-16-2022]

Every person elected or appointed to any city office or city board, before entering upon the duties of said office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

§ C419:60 Notice Of Election Or Appointment.

[Amended 11-16-2022]

Written notice of election or by appointment of any city officer shall be mailed to said officer at the officer's address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer has not filed with the city clerk a written notice of acceptance of such election or appointment and shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

§ C419:61 Vacancy Defined.

In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, is physically incapacitated, or is judicially declared to be mentally incompetent.

§ C419:62 Disqualification of Councilor, Board Member or Employee.

[Amended 3-18-1988, effective 1-1-1989; amended 11-16-2022]

A person who has, or within twelve months preceding had, a direct personal and pecuniary interest in a matter pending before the Council, any Board or department of the City shall be disqualified from participation, voting or acting on such matter, as a councilor, board member, or employee. Such person must at all times physically remove themselves from any and all consideration of that matter. Any person who is disqualified as provided herein and demands to participate, vote or act on such matter may be removed only by order of the Superior Court on petition by any person.

§ C419:63 Private Use Of Public Property.

No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

§ C419:64 Use Of Streets By Public Utilities.

Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

§ C419:65 Liability For Discharge.

The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract, or otherwise.

§ C419:67 Public Records.

[Amended 3-10-1998]

All books of account, in relation to the receipt holding or disbursement of money of the city kept by any official of the city, shall be paid for by the city, shall remain the property of the city, and shall be turned over to the city clerk whenever the keeper of the books of account retires from the office. All books pertaining to city affairs kept by the city manager, city clerk, or any other elective or appointive officer of the city shall be kept in the city buildings in their proper places and shall not be removed therefrom without an order of court or a vote of the city council first had and obtained. All books and accounts of any official of the city and all records of the city council and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city, except that the council may vote to withhold minutes of proceedings of a nonpublic session only in accordance with the New Hampshire Right-to Know Law, RSA Chapter 91-A.

§ C419:68 Trust Funds.

Trust funds of the City of Lebanon, except where otherwise provided by the instrument creating such trust, shall continue to be kept separate and apart from all other funds and shall remain in the hands of the trustees of trust funds, one of whom shall be appointed by the mayor each year for a term of three years. Said trustees shall invest such funds in securities legal for investment by savings banks of this state.

§ C419:69 Saving Clause.

All special legislation pertaining to water precincts, fire precincts and fire districts shall be hereby repealed, including the following acts of the general court: 1943, Chapter 298; 1941 Chapter 306; 1907, Chapters 191 and 247; 1887, Chapter 223; 1873, Volume 65, Page 155; 1868, Volume 60, Page 95. All ordinances and by-laws of the town of Lebanon pertaining to fire or water districts shall be repealed. All special legislation now in force relating to sewers, registration and elections, borrowing money, issuing bonds or refunding same, is hereby continued in force insofar as it is not inconsistent with the provisions of this charter, the powers thereby given to the town of Lebanon or any board or commission thereof being vested in the City of Lebanon, subject, however, to all the provisions of this charter. All special legislation relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the interests and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith.

§ C419:70 Saving Clause Municipal Legislation.

[Amended 11-16-2022]

All ordinances and by-laws of the town of Lebanon or its selectpersons shall continue in force until altered or repealed, except where a contrary intent herein appears.

§ C419:73 Repeal Or Amendment.

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed.

§ C419:73a Violations.

[Adopted 11-7-1967]

Any person who violates any provision of this charter, unless otherwise provided, shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both. The council may provide in any city ordinance that any person who violates that ordinance shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both.

§ C419:74 Separability Clause.

The sections of this charter and the parts thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

Adopted:

July

17,1957

Amended:

November

7, 1967

December

3, 1968

November

2, 1971

November

6, 1973

March 4,

1976

March 8,

1977

March 14,

1978

March 10,

1981

November
2, 1982

March 13,
1984

November
4, 1986

March 8,
1988

June 17,
1992

March 11,
1997

March 10,
1998

March 8,
2005

March 13,
2012

November
16, 2022

**Agenda
Lebanon City Council
August 16, 2023**

11. New Business:

11.D – Authorization for the City Manager to Transfer Appropriated, but Unencumbered FY2023 General Funds from the Finance Department to the Department of Public Works and Human Services Department

Background

On July 19, 2023, the City Council authorized the purchase of 160 Mechanic Street, Lebanon. The purchase was finalized on August 31, 2023, and the City took possession of the property. On September 6th, the City Council voted to exempt the property from the requirements of the Zoning Ordinance, and on September 25, 2023, staff met with the Planning Board at a duly noticed public hearing to present the proposal for an emergency winter shelter.

During this time, City Administration has been working diligently with staff from the Haven and ReArch Company to review the feasibility of establishing a temporary emergency winter shelter. Estimates for the rehab of the building along with operational needs have been developed.

The total cost is estimated at \$230,899 (\$178,899 for renovations and \$52,000 for 2023 operations). Grants to assist with the renovation and operation of the facility have been applied for and obtained in the amount of \$75,000 (\$50,000 was received from the Jack & Dorothy Byrne Foundation which will be used to offset the cost to operate the facility and \$25,000 was received from Dartmouth Health which to be used towards renovations). An additional \$50,000 has been requested from the Mascoma Bank Foundation for which we are awaiting a decision.

The Council may authorize the City Manager to transfer funds from one department to another within the City's General Fund, pursuant to the provisions in City Charter §C419:45, Transfer of Appropriations. The City Manager is requesting authorization to transfer appropriated, but unencumbered funds from the Finance Department's FY2023 Budget to the Department of Public Works and Human Services Department.

Action

MOVED, that the Lebanon City Council, pursuant to City Charter §C419:45, hereby authorizes the City Manager to transfer Fiscal Year 2023 General Fund Appropriations as provided in the following table and as presented in the November 1, 2023, City Council Agenda Packet:

Transfer of Appropriated, but Unencumbered, FY 2023 General Funds Pursuant to City Charter §C419:45	
From:	Up To Amount:
Finance Department	\$155,899
To:	
Human Services	\$2,000
Public Works	\$153,899
Total:	\$155,899