

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday July 21, 2021, 7:00 p.m.
Remote Via Microsoft Teams: LebanonNH.gov/Live**

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

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Fire Chief, Emergency Management Director Chris Christopoulos

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

2. PLEDGE OF ALLEGIANCE: Councilor Winny 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: July 7, 2021 (Regular Meeting)
Councilor Heistad MOVED to approve the July 7, 2021 City Council Regular Session minutes as written as presented in the July 21, 2020 City Council agenda packet.

Seconded by Councilor Whittlesey.

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

7. APPOINTMENTS:

- City Historian, Carl Porter (withdrew application)
- City Historian Nicole Ford Burley

Assistant Mayor Below MOVED to Nominate Nicole Ford Burley as a regular member/City Historian to the Heritage Commission. Three-Year Term (7/21-7/24)

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

- Planning Board, Michael Smith (Alternate Member): Planning Board members are nominated by the City Manager.

City Manager Mulholland put forth the nomination of Michael Smith as an Alternate Member to the Planning Board. Three-Year Term (7/21-7/24).

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

- Trustees of Trust Funds, Lawrence Kelly (Re-appointment)

Councilor Liot Hill MOVED to re-appoint Lawrence Kelly as a member to the Trustees of Trust Funds. Three-Year Term (7/21-7/24)

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

8. PUBLIC HEARING ITEMS:

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

Included in the agenda packet: Ordinance 2021-06.

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

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

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

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-06, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, Article VII, Heritage Commission, to reduce required regular members from seven (7) to five (5).

Seconded by Councilor Winny.

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

CITY OF LEBANON ORDINANCE #2021-06

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

Section 1:

The Code of the City of Lebanon is hereby amended:

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

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

Section 2: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date

This ordinance shall become effective upon passage.

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

Included in the agenda packet:

1. Ordinance 2021-07 (**Pages 45-46**)
2. July 12, 2021 Legal Opinion by Attorney Christine Fillmore (**Pages 47-52**)

The City Manager came forth and explained the purpose for creating a Diversity, Equity & Inclusion Commission, which is to bring the community together and bridge the divide to the extent it exists regarding diversity, equity, and inclusion and recommended the Council create a commission to address the issues of diversity, equity, and inclusion in the City. The objective is to create a body that can work to educate and develop conversations in the community regarding these issues.

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

The appointment of commissioners will be very important. In communities where DEI commissions, or similarly named bodies have been effective, members include those who have a desire to bring the

community together. Commission members who have credibility in the community and a reputation for working with others who may have a different point of view will be critical to the success of a DEI commission in the City of Lebanon.

The City Manager was not overly concerned about the possible legislative issues raised in the July 12, 2021 Legal Opinion by Attorney Christine Fillmore (*pages 47-49, agenda packet*).

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

- Ms. Lindsay Dearborn (Ward 1): She invited everyone to look at the work being done in Dover, NH with their committee and felt this might serve as a State model.
- Ms. Doreen Schweizer (Ward 2): She thanked the Council for putting together the DEI Commission and is proud to be part of this city.
- Mr. Peter Vinton (Ward 2): He spoke about his support for the DEI.
- Mr. Jeremy Katz (Ward 3): He spoke about his support for the DEI and did not feel how there could be a potential conflict (as mentioned in Attorney Fillmore's review) in State law.
- Ms. Kathleen Beckett (Ward 3): She requested that the groups addressed in the Welcoming Ordinance be included in the new Ordinance and that immigrants and a student representative be included.
- Mr. William Dunn (Economic Development Commission): He spoke about his support for the DEI and suggested the Commission seek input from the business community. They may have a lot of material they would be happy to share.

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

Councilor Liot Hill spoke about her support for the DEI Commission, noting that while working on the Welcoming Lebanon Ordinance, race, skin color, national or ethnic origin, cultural groups, language, gender identity or expression, sexual orientation, mental or physical ability, age, religious or political opinion or activities, economic status, immigration status, or housing status were the groups identified in the ordinance. From her perspective, the DEI Commission would be including all of these forms of diversity as part of their work in the DEI. It will be important for us to reach out over the next few months to truly make sure that the DEI Commission represents all of the diversity that is possible within the City.

Councilor Sykes supported establishing this Commission and noted that community immigrants are residents.

Councilor Winny supported establishing the DEI Commission and asked what the recruitment procedure would be for members of the community. City Manager Mulholland stated there would be an application form on the City's website that can be filled out and sent in. The complete list of applicants will be presented to City Council on September 15 for review of the broadest possible representation in the selection process. Interviews will then be conducted.

In response to Councilor Liot Hill's request on identifying a deadline for the creation of the DEI Commission, City Manager Mulholland said this will come back to the Council at their September 15, 2021 meeting for a vote on the membership.

In response to Councilor Wilkie’s question regarding the number of residents required to be on the Commission and whether or not they need to be a resident of Lebanon to be on the Commission, the Mayor noted that the way the Ordinance is written it says: “The Public Representatives shall be residents of the City of Lebanon.” Mayor McNamara noted he would like to focus the membership on Lebanon residents only, at this time.

Assistant Mayor Below spoke about his support for the DEI Commission and highlighted the following declarations in Ordinance #2021-07 for the record:

§31-53. PURPOSE/CHARGE/MISSION

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

1. Enhancing the City’s support for a welcoming environment encouraging cooperation, tolerance, and respect among and by all persons living, working, and visiting the city.
3. Advising the City government to ensure the community is united amongst diversity, where everyone is equally respected, valued, needed, and cherished.

§31-54. DUTIES AND RESPONSIBILITIES.

8. Working in partnership with the City Manager and Staff to achieve the objectives of ensuring diversity, equity, and inclusion in the City.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-07, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to establish the Diversity, Equity & Inclusion Commission.

Seconded by Councilor Liot Hill.

Councilor Liot Hill spoke about the National League of Cities “REAL Program,” which stands for Race, Equity and Leadership training. She, along with Councilors Wilkie and Zook, attended some sessions and found them to be incredibly thoughtful, engaging and would be a great resource for the DEI Commission.

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

THE CITY OF LEBANON HEREBY ORDAINS AS FOLLOWS:

ORDINANCE NO. 2021-07

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

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

ARTICLE XIII, DIVERSITY, EQUITY and INCLUSION COMMISSION

§31-52. ESTABLISHMENT; MEMBERSHIP; QUALIFICATIONS.

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

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

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

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

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

§31-53. PURPOSE/CHARGE/MISSION.

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

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

§31-54. DUTIES AND RESPONSIBILITIES.

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

1. Providing recommendations to the City Manager and City Council that would identify opportunities to address diversity and equity issues, promote inclusion/diversity programs, and provide guidance to create a more accessible, safe, welcoming and inclusive government and community.
2. Enhancing communication across and among the community to promote awareness, understanding and the value of cultural, ethnic and religious differences.

3. Promoting equity among all persons relative to gender, race, ethnicity, religion, age, gender identity, sexual orientation.
4. Promoting inclusion in the workplace, the community and City government.
5. Coordinating economic development activities amongst City representatives and private organizations at the request and direction of the City Council.
6. Establishing a dialogue with City residents to understand the needs and concerns of the community; with local business owners to understand challenges and hindrances to the enhancement of diversity, equity and inclusion.
7. Reporting quarterly to the City Council in accordance with Council directives.
8. Working in partnership with the City Manager and Staff to achieve the objectives of ensuring diversity, equity and inclusion in the City.

Section 2. Severability

The provisions of this ordinance are delated to be severable, and if any section, subsection, sentence, clause or part thereof, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective upon passage.

9. OLD BUSINESS - None

10. NEW BUSINESS

A. Presentation of Plans to Relocate West Lebanon Fire Station

Included in agenda packet:

1. June 22, 2021 Memo to Shaun Mulholland, City Manager from Fire Chief Chris Christopoulos re: 2022 CIP Station 2 Replacement (**pages 52-53**)
2. PowerPoint Presentation: Lebanon Station 2 Replacement Project (**pages 54-60**)

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

1. The building is not energy efficient.
2. There is no parking on the property. Our employees park in the bank parking lot.
3. There is no way to separate clean and dirty areas as this relates to cancer causing contaminants on the clothing of fire personnel returning from fires.
4. The building does not meet current life safety and building codes. A DOL inspection was conducted in June with numerous items identified, report to follow.

5. Roof repairs are needed.
6. The boiler needs to be replaced.
7. The front apron is sinking
8. We do not have adequate facilities to separate different genders (locker room, bathroom, shower).

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

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

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

- A. Determine and agree on sale price of the property.
- B. Set a public hearing for the following purposes:
 - i. Supplemental appropriation of funds to purchase the property
 - ii. Bond hearing to authorize the issuance of bonds to pay for the property.
- C. Conduct the public hearing for the purposes listed above (August 18).
- D. Vote to appropriate the funds necessary to purchase the property (September 15).
- E. Vote to authorize the issuance of bonds and authority the City Manager to issue those bonds (September 15).
- F. Vote to purchase the property and authorize the City Manager to take all actions necessary to execute the real estate sales transaction (September 15).
- G. CIP Work Session to review the project in more detail (October 20).
- H. 2022 Budget Hearing, approval of 2022 CIP, this is the date the Council would act to appropriate the funds for the demolition, site work and construction of the building (December 15).
- I. Bidding and construction starting in 2022 with completion in 2023.
- J. Decision and action to dispose of the old Station #2 (Fall of 2023).

Fire Chief, Emergency Management Director Chris Christopoulos came forth and reviewed his presentation for Lebanon's Fire Station 2 Replacement Project. (pages 58-64, agenda packet.) For potential site options, Chief Christopoulos, spoke about the pros/cons of the following:

- River Park – North Main Street: Of particular note on this property, Chief Christopoulos reached out to Mr. Clem (founder and managing partner of Lyme Properties, West Lebanon, NH) to talk about potentially looking at this property and whether or not it could incorporate a Fire Station within the layout of that development. It was not something Mr. Clem had thought about and he was very open-minded and provided a couple of different options from four (4) lots within the River Park development. They proceeded to have a site rendering of the building done on those lots to determine whether or not they would even work. Of the four (4) options proposed, the building would fit on two (2) and he thought they concurrently agreed that the lot where they moved the house (the old Ken Morley property) would be the optimal site because of its access to North Main Street; is within a mile of Downtown; has access to municipal water; could be used as a back-in station for the LFD, and; there was certainly connection to some of the LFD's major

response routes. The cons were: It would need some water/wastewater expansion because the city sewer ends at the falls. As far as initial negotiations went, we felt that the cost of the land acquisition was not conducive to the City pursuing, so negotiations were ended. He also noted this was a small 1-acre lot that would not allow the LFD a lot of ability for expansion in the future (40-50 years from now) if there was a need to do so..

- South Main Street near Waterman Avenue: Not a suitable site.
- Market Street near Waste-Water Treatment: Not a suitable site.
- 38 Maple Street (@Tracy Street): This site was selected as a possibility because the lot size was approximately 2-acres; had access to Main Street via Tracy Street; there was continuity within the Downtown West Lebanon area: it had minimal impact on response times, and; it had connections to primary response routes. The cons were: The building will need floor tile asbestos abatement and water run-off will require site drainage modifications.

At a community meeting for residents, Chief Christopoulos explained that unless a call originated on the north end of Maple Street, it would be unlikely that emergency vehicles would go down Maple Street and, even though there is parking on Tracy Street, it should not be a problem to bring a fire truck down that street based on the current width and the fact that buses are coming down Tracy Street every day.

Community comments centered around noise, increased emergency vehicle traffic, and the impact a fire station would have on property values. In response to community concerns, Chief Christopoulos spoke about how noise can be mitigated in the building; how ambulance calls are coded by severity; the new GPS Traffic Control System that is being installed; equipment checks, and how landscaping can be used to fit within the residential neighborhood environment..

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

- Mr. Jason Achmoody (Ward 1): He spoke about his support for a new Fire Station but questioned its location within a residential neighborhood and suggested the Council consider starting renegotiations in the River Park area. He was also concerned as to why the 38 Maple Street property needed to be acted on so quickly.

City Manager Mulholland noted the property owner needed to close before the end of the year for tax reasons. He read one section from a letter that was sent to the City on September 15, 2020, which he will provide to the Council, regarding negotiations for the River Park area. It read as follows: “Lyme Properties respectfully declines your September 14, 2020 proposal and will be disengaging from this negotiation before expending any further efforts,” noting we (City) did not disengage from negotiations, they (Lyme Properties) did.

- Mr. David Clem (55 Crafts Avenue) - Founder and managing partner of Lyme Properties, West Lebanon, NH: He spoke about the reference made by City Manager Mulholland, and explained they were approached by the Fire Chief regarding whether or not they would be willing to consider one of the lots that has already been approved at River Park. Being a strong supporter of the Fire Department, we said “certainly” and met with them. He noted that none of the lots at River Park are approved for a Fire Station, and it was not part of their Site Plan or Subdivision Approvals.

We disclosed, on the condition of confidentiality, we had an adjacent parcel at 193 North Main, that is not part of River Park and was not part of their Subdivision or Site Plan Approvals. This parcel was purchased because the estate of the former owner approached us and asked if we would be interested. The reason we purchased the site (193 North Main) is that it can be combined with an existing lot at River Park, which has been approved for subdivision and zoning, and creates a development parcel.

We were shocked to see we were referenced at the community meeting when all of our communications, that we were thought were confidential, went back and forth. We said from the outset, and continue to maintain, that Lyme Properties policy is always to approach and be open with the neighbors first, and we wanted an assurance from the City that they would feel the same way.

We never put a price in our negotiations (with the City) on 193 North Main. What we did do was share our actual expenses. We also shared the valuation of combining the lot (193 North Main) and the lot at River Park. We also shared our evaluation in terms of its development potential, as a right under current zoning, and the number we talked about was for the development potential of the combined lots, but never expressed a price on 193 North Main. What we said was the development value of the combined sites, if sold, would impact us in terms of opportunity costs. We quantified that and defined our methodology as to how we arrived at that number. We offered at least 8 different ways we might cooperate to generate value that would not cost the City any additional money. At one point, the City proposed swapping the existing Fire Station site after the new Fire Station was built at 193 (North Main Street), saying that the value of the existing Fire Station, based on the opinion of a broker, was \$400K. In his opinion, based on what has been mentioned tonight, he would wager that an appraisal would not come in at \$400K for the building, in that condition, that cannot meet parking requirements, and that would be inconsistent with what the West Lebanon Visioning wanted, which was to tear it down and build something new.

We believe there is a way to get to yes at a price that is affordable for the City. 193 (North Main), based on the analysis done by the Chief and the consultants, does not allow this hypothetical expansion 50-years from now because of its physical size, but the adjacent parcel, which is part of the development site, would meet that requirement. We (Lyme Properties) are still open to having a conversation, but overtures from the City Manager's office about their evaluation for 193 (North Main) and what they would be willing to pay was less than our costs, so we did not consider that to be a plausible/realistic offer. We are not in the business of taxing people to meet our expenses, we have to make a profit, and this was a no-win proposition for us.

It is not fair to rule us out on costs when a price was never established and when several different ideas were offered as non-cash ways that the City could promote as an economic development that would produce significant tax revenue and public safety. He looked forward to having the opportunity to speak at the Public Hearing and will provide all his information to everyone at this time.

Since the negotiations between the City and Mr. Clem appear to be no longer confidential information, City Manager Mulholland will include all information, including conversations, between Mr. Clem and the City, in the August 18, 2021 City Council agenda packet, noting that it was \$300K for the Fire Station and not \$400K.

ACTION: Action for this item is under Item 10 B. Below.

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

Background

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

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

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

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

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

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

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

V. Bonding authority under this section may be limited or rescinded as provided in RSA 33:8-f. Source. 1971, 270:1. 1973, 25:1; 543:1. 1979, 43:1. 1983, 160:3, eff. Aug. 9, 1983. 2009, 229:2, eff. Jan. 1, 2010. 2014, 292:3, eff. Sept. 30, 2014.

Mayor McNamara noted that this appropriation will not be specifically for the Fire Station but is related to it. Since the Council was going to discuss the terms of a potential real estate transaction, the following action took place:

NON-PUBLIC SESSION

Councilor Winny MOVED that the City Council go into Non-Public Session pursuant to NH RSA 91-A:3,II(d).

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

The Council entered into Non-Public Session at 8:45 PM.

The Council was briefed on proposed sale price of a property located at 38 Maple Street.

Councilor Winny MOVED that the City Council go out of the Non-Public Session

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

The Council returned from Non-Public Session at 9:04 PM.

ACTION:

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

1. Appropriate the sum of \$775,000.00 (Seven Hundred and Seventy-Five Thousand Dollars and no cents) for the purchase of 38 Maple Street, West Lebanon, NH. The appropriation is expected to be financed through the issuance of long-term debt as a general obligation debt to be paid through property taxes; and

2. Authorize the issuance of bonds or notes, in an amount not to exceed \$775,000.00 (Seven Hundred and Seventy-Five Thousand Dollars and no cents) to finance the purchase of 38 Maple Street, West Lebanon, NH.

Seconded by Councilor Sykes.

Mayor McNamara noted the Council will be voting to schedule a Public Hearing to discuss purchase of the property at 38 Maple Street in the sum of \$775,000. That is not specific, or directly related to, the construction of a Fire Station on that property so this was removed from the original proposed motion. The Public Hearing will be for the purpose of appropriating the sum to purchase the property. He thanked

Mr. Clem and noted the City is interested in re-engaging him and Lyme Properties in discussions with regard to a potential alternate location for a Fire Station. While we will be having a Public Hearing on purchasing the 38 Maple Street property, we are not tying this to the construction of a Fire Station at this time.

Councilor Liot Hill also spoke to the motion noting that the Council has known the West Lebanon Fire Station was going to have to be addressed. There is a lot of consideration that has to be given about where the right location should be and exactly what the project would entail. We have also been hearing from the residents of West Lebanon that they are very interested in the revitalization of Downtown West Lebanon and are interested in seeing the City focus its attention and efforts in West Lebanon. It is not every day an opportunity comes up in the heart of Downtown West Lebanon. The Public Hearing on August 18, 2021 is an invitation to hear from the residents of Downtown West Lebanon. This is not a commitment to build a Fire Station there and is not a commitment to even buy this piece of property.

Councilor Winny noted he was in support of the motion for a Public Hearing to move this discussion forward.

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

11. City Manager Report:

City Manager Mulholland updated the Council on the following:

- Sewer line break at Baker's Crossing: The pipeline deteriorated and was leaking into the Mascoma River. DPW is studying whether or not the remaining 14,000 ft of this line may need to be replaced; the potential forensic work that may need to be done; potential options if all the remaining pipeline is at risk, and; potential costs. A map of this area will be emailed to the Council.
- Bond Issuance: Now at 1.47%
- United Airline: Will be purchasing a 119 seat electric aircraft which they expect to be delivered in 2021. This is particularly helpful for small airports like Lebanon. The NLC has asked our community if we would be interested in an advocacy group at a national level, and the Mayor and Airport Director, Carl Gross have volunteered.
- SeeClickFix App.: Now available.
- Tax Bills: Approximately 95% have been received to date.
- 20 Spencer Street: The location of the PCBs have been located. The cost will be around \$900K to mitigate, which will come out of the Unassigned Fund

12. Council Representatives to other bodies:

Assistant Mayor Below informed the Council the Lebanon Energy Advisory Committee (LEAC) has a draft Electric Aggregation Plan for Lebanon Community Power. They are required by the Statute to have two Public Hearings before a vote is taken to recommend it to the Council for adoption. The first hearing was last week, and the second meeting is tentatively scheduled for August 18th at 6:00 PM in Council Chambers before the Council meeting. While there is no requirement for the Council to have a Public Hearing on this, he suggested the LEAC meeting be a joint meeting between LEAC and the City Council. The Council agreed to participate in a Joint LEAC/City Council Meeting to review the Draft Electric Aggregation Plan for Lebanon Community Power.

13. FUTURE AGENDA ITEMS:

- Joint LEAC/City Council Public Hearing, 6PM, Council Chambers and/or via Webex.
Topic: Review of Draft Electric Aggregation Plan for Lebanon Community Power

14. NON-PUBLIC SESSION:

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

Councilor Winny MOVED for the City Council to go into a NON-Public Session Pursuant to RSA 91-A:3,II (a) and RSA 91-A:3,II (d)

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

The Council went into Non-Public Session per NH RSA 91-A:3,II(a) to discuss a personnel matter at 9:28 PM.

The Council was briefed on a personnel matter.

Councilor Winny MOVED for the City Council to come out of the NON-Public Session.

Seconded by Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

The Council came out of the Non-Public Session at 9:47 PM.

15. ADJOURNMENT:

The Regular Session meeting was adjourned at 9:29 PM.

Respectfully submitted,

Dona E. Gibson, Recording Secretary