



**LEBANON CITY COUNCIL
SEPTEMBER 1, 2021 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via WebEx](#) or call 415-655-0001 (access code: 1329 05 7773). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. A MOTION TO approve the minutes as presented in the September 1, 2021 agenda packet

7. Appointments

- A.
1. Lebanon Airport-Tech Park TIF Advisory Board, Jason Archambeault (Reappointment Property Owner/ Occupant Member)
 2. Arts & Culture Commission, Joe Clifford (Reappointment Arts Representative)
 3. Zoning Board of Adjustment, William Koppenheffer (Reappointment Regular Member)
 4. Pedestrian & Bicyclist Advisory Committee, John Kelleher (Reappointment Regular Member)

8. Public Hearing Items

- A. APPROPRIATION FOR 20 SPENCER STREET CLEANUP PROJECT – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of Seven Hundred Thousand Dollars (\$700,000) to be transferred from Unassigned Fund Balance to the Capital Improvement Fund for the 20 Spencer Street Cleanup Project.
- i. Presentation:
 - ii. Opening of the Public Hearing:

- iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- B. ORDINANCE 2021-05 – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to correct the water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- C. ORDINANCE 2021-08 – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles & Traffic, §168-12, Stop Signs.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- D. ORDINANCE 2021-09 – Public hearing for the purpose of receiving public input and taking action to adopt Ordinance 2021-09, requiring that persons wear face masks under certain circumstances.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business

- A. Presentation of Second Reading: Amend Ordinance #18 Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to add the position of Community Nurse, Grade 10.
- B. Review and adoption of City Council Policy CC-107, Debt Management

10. New Business

- A. Review and Action on Properties Qualified for Tax Deeding
- B. Status update by City Engineer Christina Hall re: Mechanic Street/ Mascoma Street/ High Street Roundabout
- C. Presentation of first reading and set public hearing for October 6, 2021: Amendment to Ordinance No. 18, Salary Plan, Article III, C. Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent Association (NEPBA)

- D. Authorization of transfer of unspent bond proceeds totaling \$40,000 from the Hillcrest Acres Reconstruction Project to the Kimball Street Reconstruction Project
- E. Clarification of authorization to create a technical review committee originally authorized by the City Council on August 4, 2010
- F. Discussion of Potential Use of Narcan by Police Staff (Agenda Request Submitted by Councilor Sykes)

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

15. Adjournment

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://lebanonnh.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Arts & Culture Commission
Position: Regular Member
Applicant: B. Van Vliet
Assigned Councilor: G. Sykes
Assigned Date: 08/10/2021

Board/Committee: Board of Cemetery Trustees
Position: Regular Member
Applicant: F. Hanchett
Assigned Councilor: K. Zook
Assigned Date: 07/21/2021

Board/Committee: Board of Cemetery Trustees
Position: Regular Member
Applicant: C. Hauke
Assigned Councilor: D. Whittlesey
Assigned Date: 08/10/2021

Board/Committee: Lebanon Energy Advisory Committee
Position: Regular Member
Applicant: F. W. Rothe
Assigned Councilor: K. Hill
Assigned Date: 07/21/2021

Board/Committee: Lebanon Energy Advisory Committee
Position: Regular Member
Applicant: G. Ames
Assigned Councilor: J. Winny
Assigned Date: 08/10/2021

Board/Committee: Zoning Board
Position: Regular Member
Applicant: D. Newlove

Lebanon City Council Agenda
September 1, 2021

Assigned Councilor: D. Whittlesey
Assigned Date: 07/08/2021

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list not considered all-inclusive.

SEPTEMBER 15, 2021

PUBLIC HEARING ITEM:

A. AMEND ORDINANCE 18, SALARY PLAN: Public hearing for the purpose of receiving public input and taking action to amend Ordinance #18 Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to add the position of Community Nurse, Grade 10.

OLD BUSINESS:

A. Action to authorize appropriation and bond issuance for purchase of 38 Main Street, West Lebanon (public hearing held August 18, 2021)

NEW BUSINESS:

A. Presentation of Lebanon Community Power Aggregation Plan

B. Request by Edwards Properties to discontinue portions of Edwards Street, Foch Avenue, and Little Heater Road, Lebanon. (TENTATIVE)

C. Discussion of Interview and Selection Process for Members of the Diversity, Equity & Inclusion Commission

OCTOBER 6, 2021

NEW BUSINESS:

A. Presentation of Zoning Amendments

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- August 18, 2021 (Joint Lebanon Energy Advisory Board and City Council Meeting)
- August 18, 2021 (Regular Meeting)

MOVED, to approve the minutes as presented in the September 1, 2021 agenda packet.

DRAFT

JOINT LEBANON LEAC/CITY COUNCIL
MINUTES

SPECIAL SESSION

Wednesday, August 18, 2021 6:00 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 Clerk Paula Maville, City Clerk Kristin Kenniston, GIS Coordinator Mark Goodwin, and LEAC Representatives Joan Monroe, Jonathan Chaffee, Woody Rothe, and Meghan Butts

7:00 PM: JOINT LEAC/CITY COUNCIL SPECIAL SESSION

1. CALL TO ORDER: Mayor McNamara called the Regular Session meeting to order at 6:00 p.m.

2. PUBLIC HEARING:

A. A public hearing for the purpose of receiving public input on its draft Electric Aggregation Plan for Lebanon Community Power, which, if adopted by the City Council, would allow the City to become the alternative default energy service supplier for electricity customers within Lebanon on an opt-out basis. The presentation at 6:00 pm preceded the public comment period.

Included in agenda packet: Detailed draft Electric Aggregation Plan for Lebanon Community Power presentation (pages 2-84).

The DRAFT Electric Aggregation Plan and Frequently Asked Questions (FAQs) can be viewed at: <https://lebanonnh.gov/1513/Lebanon-Community-Power>

Assistant Mayor Below and LEAC Chair presented the background behind Lebanon's Community Power Electric Aggregation Plan, noting that in October 2017, in accordance with RSA 53-E, LEAC was designated as Lebanon's Aggregation Committee. Their intent is to help the City achieve its sustainability goals, lower costs for residents and businesses, and enable accelerated cost-effective integration of renewable energy, reduction of fossil fuel use, and decarbonization.

Ms. Meghan Butts gave a brief overview of what Lebanon's Community Power is, what it means for Lebanon's residents, and why it is a good thing for our community, noting the benefit of the Community Power method is that the City can procure electricity at affordable rates on its own, which can make it cheaper for residents and increase energy savings at the city level. It can open us up to more options such as access to more green power options; the options to source more locally; consider time of use rates; and would also include support for solar, storage and electric vehicle charges. Liberty Utilities will still maintain and deliver the power grid, and is still responsible to provide reliable electric service and remain the City's main electric power supplier. She also presented an overview of the Electric Aggregation

Plan's goals and objectives, noting that Lebanon Community Power will only launch if it can offer a rate lower than the default energy service rate offered by Liberty Utilities. They are not proposing to start Lebanon Community Power if it is not going to be more affordable for the city's residents.

How Lebanon Community Power will work

Lebanon Community Power (LCP) will:

- Serve as the default electricity supplier on an "opt-out" basis;
- Offer innovative service and rate options to customers on an "opt-in" basis (such as time-varying rates and Net Energy Metering generation credits);
- Operate on a competitive basis – customers will be able to switch back to Liberty energy service or other supplier with no penalty; and
- Be self-funded in rates paid by participating customers – the City will not use taxes to cover program operating expenses or capitalized costs.
- The City Council, with advisory support from the Lebanon Energy Advisory Committee (LEAC), will authorize the City Manager to contract for the necessary services and power supplies to implement and operate the program, set customer rates prior to program launch, and continue to provide oversight thereafter

Customer Notification and Enrollment Process

- At least 30 days before program launch, all Lebanon electric customers will be mailed notifications that will include the initial fixed rate for LCP service compared with Liberty.
- Customers currently on default energy service provided by Liberty Utilities will be able to decline participation or "opt-out" of LCP such as by return postcard, online, or by calling a number.
- If a customer is already getting their power from a competitive supplier, nothing will change unless they choose to switch and "opt-in".
- New utility customers will get similar opt-out notices.
- All Lebanon Community Power default service customers will always be able to know the fixed rate at least 30 days in advance and be able to switch supplier at next meter read upon request with no penalty or exit fee.

Assistant Mayor Below noted the key feature of this program is being able to provide the opportunities to take advantage of competitive supply options for residential and small commercial customers. The majority of very large customers already use a competitive supplier because they can find better deals.

Assistant Mayor Below reviewed Net Metering for Lebanon Community Power, how LCP plans to serve Net Energy Metered (NEM) customers, and the 3 types of NEM which are:

1. On-site (behind the meter or BTM) NEM customer-generators grandfathered into traditional or standard NEM 1.0 (< 9/1/17) will continue to receive kWh credits for exports to the grid to offset future electricity load.
2. On-site BTM customer-generators on newer NEM 2.0 (since 9/1/17) may switch to traditional NEM kWh credit for generation supply from LCP but will continue to receive monetary credit for net monthly exports for distribution and transmission rates from Liberty.
3. For Group NEM the group host (generator) should stay on Liberty default service while group members may switch to LCP, get LCP rate for supply, and continue to receive on-bill credits for their share of group host output.

1 Assistant Mayor Below also reviewed Lebanon's Policy Goals, Program Objectives & Requirements,
2 Program Design Requirements, and the Start-Up and Launch Process as detailed in the agenda packet
3 (pages 23-28). He also explained the financial aspects of LCP, market timing, and locking into contracts
4 to Councilor Whittlesey.

5
6 **Mayor McNamara opened the Public Hearing, and the following people came forth to speak:**

7
8 *Ms. Pat Button:* She asked about the timeframe this process would take place. Assistant Mayor Below
9 said they plan to come before the Council at their second meeting in September with LEAC's
10 Aggregation Plan for the Council to approve. Ideally, they would like to launch in the spring of 2022.

11
12 *Ms. Renee Dunn:* She spoke about the NH Electric Co-Op and was wondering if this program differs or is
13 a continuation of this work. Assistant Mayor Below said he was using the NH Electric Co-Op as an
14 example of a utility that uses a portfolio management approach to energy supply procurement in NH.
15 While they own distribution facilities, LCP will not own distribution facilities.

16
17 **After hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**

18
19 **ACTION: No action required by the Council. For information purposes only.**

20
21 **The meeting was adjourned at 6:51 PM.**

22
23 Respectfully submitted,
24 Dona E. Gibson, Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, August 18, 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, Human Services Director Lynne Goodwin, Director of Planning & Development David Brooks, Senior Planner Tim Corwin

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: Councilor Liot Hill stated she has received multiple requests from Lebanon residents asking that the Council reinstate the mask mandate due to the rising number of COVID infections in Grafton County and the surrounding regions. The Council will discuss this issue under New Business at the end of the meeting.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES: August 4, 2021 (Regular Meeting)

Councilor Heistad ***MOVED*** to approve the August 4, 2021 minutes as written and presented in the August 18, 2021 City Council agenda packet.

Seconded by Councilor Liot Hill.

**The Vote on the Motion was approved (8-0-1). Mayor McNamara abstained as he was not present at this meeting.*

7. APPOINTMENTS:

- Library Board of Trustees, Donna Hartford (Regular Member)

*Assistant Mayor Below **MOVED** to NOMINATE of Donna Hartford from alternate to regular member of the Library Board of Trustees. One year term (8/21-3/22)*

Seconded by Councilor Liot Hill.

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

- Zoning Board of Adjustment, Jennifer Barkley (Alternate Member)

*Councilor Wilkie **MOVED** to NOMINATE Jennifer Barkley as an alternate member to the Zoning Board of Adjustment for a three-year term (8/21-8/24).*

1 *Seconded by Councilor Sykes.*

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

3
4 **8. PUBLIC HEARING ITEMS:**

- 5 **A. BUILDING PERMIT ON CLASS VI ROAD** – Public Hearing for the purpose of receiving
6 public input and taking action on a request by Joshua Patch/Patch Forest LLC to construct a
7 single-family dwelling on property identified as Tax Map 167, Lot 20, which is located on the
8 Class VI portion of Barden Hill Road, Lebanon.
9

10 Included in the agenda packet:

- 11 1. June 28, 2021 e-mail to the Planning Board with staff's recommended conditions of approval
12 2. Excerpt of Minutes of the June 28, 2021 Planning Board meeting
13 3. June 22, 2021 Planning & Development Department staff memo to the Planning Board
14 4. Building permit application by Patch Forest, LLC for Single Family Home and Garage
15

16 Tim Corwin (Senior Planner) came before the Council to review the above request from Joshua
17 Patch/Patch Forest LLC. He shared screenshots of the maps where the construction is proposed. (Pages
18 41-42, agenda packet)
19

20 On May 18, 2021, the applicant submitted a building permit application to the Planning and Development
21 Department to construct a single family dwelling on Barden Hill Road, a Class VI road. The procedure
22 for approving the issuance of a building permit for a property with frontage on a Class VI road is set forth
23 in RSA 674:41, I(c) as follows:
24

25 [N]o building shall be erected on any lot within any part of the municipality nor shall a
26 building permit be issued for the erection of a building unless the street giving access
27 to the lot upon which such building is proposed to be placed:
28

29 (c) Is a class VI highway, provided that:
30

- 31 (1) The local governing body after review and comment by the planning board has voted to
32 authorize the issuance of building permits for the erection of buildings on said class VI
33 highway or a portion thereof; and
34
35 (2) The municipality neither assumes responsibility for maintenance of said class VI highway
36 nor liability for any damages resulting from the use thereof; and
37
38 (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice
39 of the limits of municipal responsibility and liability has been recorded in the county registry
40 of deeds[.]
41

42 Pursuant to RSA 674:41, I(c)(2), the Planning Board held a public hearing on June 28, 2021, to review
43 and provide comment on the applicant's request. Prior to the hearing, staff prepared recommended
44 conditions of approval which were sent to the Planning Board via e-mail on June 28, 2021, a copy of
45 which is attached for reference. (Revised recommended conditions of approval are included with the
46 proposed motion below).
47

48 Following the public hearing, the Planning Board unanimously approved the following motion in support
49 of the applicant's request (as reflected in the attached minutes of the June 28, 2021 Planning Board
50 meeting):

1 A MOTION by Laurel Stavis that the Planning Board, having heard the plans from the
2 applicant, will forward their favorable views on the proposal to the City Council and believes
3 the applicant has agreed to meet the conditions as established in the statutes and will support
4 the recommendations of Planning Department Staff.
5

6 Additional background was included with the staff memo prepared for the Planning Board hearing,
7

8 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
9 **Hearing was closed.**
10

11 **ACTION:**

12 *Assistant Mayor Below MOVED*, that pursuant RSA 674:41, I(c), the Lebanon City Council
13 hereby approves the issuance of a building permit application to Joshua Patch/Patch Forest,
14 LLC to construct a single-family dwelling on property identified as Tax Map 167, Lot 20, located
15 on the Class VI portion of Barden Hill Road, with the following conditions:
16

- 17 (1) *The Applicant shall apply for and obtain an Excavation Permit from the Department of Public*
18 *Works, in accordance with Chapter 152 of the City Code, prior to any work within the City's*
19 *right-of-way and prior to the issuance of a building permit.*
- 20 (2) *The Applicant shall apply for and obtain a Driveway Permit from the Department of Public*
21 *Works prior to any work within the City's right-of-way and prior to the issuance of a*
22 *building permit.*
- 23 (3) *Roadway/driveway construction extending from the Class V portion of Barden Hill Road to the*
24 *proposed house site shall be based on plans prepared by a qualified engineer, to be approved*
25 *by the City Engineer as part of the excavation and driveway permitting process. The plans*
26 *shall ensure that:*
 - 27 • *The property is accessed from the property's frontage on the Class VI portion of the*
28 *road.*
 - 29 • *Proposed roadway improvements shall not negatively impact abutting properties.*
 - 30 • *Any roadway damage resulting from past roadway use as a heavy truck haul road shall be*
31 *repaired.*
 - 32 • *The roadway is designed to carry City emergency vehicles with special consideration*
33 *for wet areas, drainage, and ledge.*
 - 34 • *A minimum roadway width of 12 feet is provided, with a vehicle turn-around provided to*
35 *the satisfaction of the Fire Department and related current IFC codes.*
- 36 (4) *Roadway maintenance shall be the Applicant's responsibility and shall be maintained to*
37 *provide year-round access to City emergency vehicles. A maintenance plan and schedule shall*
38 *be provided to the Department of Public Works and approved by the City Engineer.*
- 39 (5) *Prior to the issuance of the building permit, the applicant shall demonstrate compliance with*
40 *Sections 102.5 and 503.2 of the International Fire Code (IFC) to the satisfaction of the Fire*
41 *Department.*
- 42 (6) *The applicant and property owner shall sign and record in the Grafton County Registry of*
43 *Deeds a "Notice of Limits of Municipal Responsibility and Liability," which shall be reviewed*
44 *and approved by the City's legal counsel prior to recording.*
- 45 (7) *The applicant shall demonstrate compliance with all other applicable codes and regulations*
46 *including but not limited to building, zoning, and life safety codes and*

1 *to the satisfaction of City staff.*

2
3 ***Seconded by Councilor Liot Hill.***

4
5 Councilor Heistad clarified that the Class VI Road Advisory Committee voted to recommend to the
6 Council that this become a Class A trails, but it was never acted upon by the Council so it should still be a
7 Class VI road.

8
9 ****The Vote on the MOTION was unanimously approved (9-0).***

10
11 **B. SUPPLEMENTAL APPROPRIATION & BOND ISSUANCE** – Public hearing for the
12 Purpose of receiving public input and taking action to authorize a supplemental appropriation and
13 The issuance of bonds or notes in the amount of Seven Hundred Seventy-Five Thousand Dollars
14 (\$775,000) for the purchase of 38 Maple Street West Lebanon (Action onPublic Hearing to take
15 place September 15).

16
17 Included in the agenda packet: NH RSA 33:8-a, Procedure for Authorizing Bonds or Notes in Excess of
18 \$100,000.

19
20 The City Council reviewed the proposal to purchase this property at its meeting on July 21, 2021, and
21 subsequently scheduled a public hearing to receive public input regarding a possible supplemental
22 appropriation and bond issuance in the amount of Seven Hundred Seventy-Five Thousand Dollars
23 (\$775,000) for the purchase.

24
25 Before opening up this item for public comment, Mayor McNamara wanted to clear up some
26 misconceptions. This (lot) was originally proposed as a purchase for a new Fire Station. Last month, the
27 Council approved this Public Hearing to not specifically utilize this lot for a Fire Station, but rather to
28 consider just purchasing it. It might be used for a Fire Station or it could be used for something else.

29
30 The purpose of this public hearing is to look into whether it is worthwhile, or in the public interest, for the
31 City to appropriate \$775K to purchase this lot (38 Maple Street) for a purpose as yet to be determined.
32 Mayor McNamara wanted to make it very, very clear that this is not some way to of doing a run-around
33 on an approval for a Fire Station. If the Council approves this tonight, we will take action on September
34 15, 2021. It is not for the purposes of utilizing this lot for a Fire Station, it is simply to purchase the lot.

35
36 **Mayor McNamara opened the Public Hearing, and the following came forth to speak:**

37
38 Susan Teffnor (W. Lebanon resident): She questioned what other actions have been taken in purchasing
39 properties without a specific use. Mayor McNamara noted that in his 6-7 years on the Council, he could
40 not recall if property had been purchased without a specific purpose(s). Councilor Liot Hill noted that
41 during her 17-years on the Council, land has usually been purchased for a specific reason. However, in
42 this particular instance, an opportunity presented itself and was not something the City Council sought
43 out. This is why the Council is bringing it forward to the public to weigh in before they take any action.

44
45 Kathleen Corrigan (Ward 1): Spoke about her concerns regarding how future decisions will be made if
46 this property is purchased for no specific reason. Mayor McNamara noted that right now, there are a
47 limited number of purposes this lot could be used for. City uses do not have to conform with zoning, but
48 uses other than a municipal use have to comply with existing zoning. This lot is zoned R-3, which allows

1 for single and 1-2 family housing. This would be the only use that it could be put to other than a
2 municipal use. It cannot be a shopping center, or anything that is not a municipal facility, school facility,
3 or basically a 1-2 family home. The Council has not discussed alternate uses yet and we are actively
4 looking at alternative sites for a Fire Station. However, there are a limited number of available sites and
5 this happened to be the one identified, but is not the only one. The question before the public now is
6 whether or not this property is worth the municipality acquiring it as an investment for the future benefit
7 of the community rather than having a private developer purchase it. Councilor Liot Hill said the more
8 important question is what do the residents of West Lebanon want and if they see this (property) as an
9 opportunity that is worth pursuing.

10
11 Jane Carroll (Ward 1): She spoke about the property being located in a residential part of West Lebanon
12 and would take issue if it was to be used for a Fire Station. She also questioned why this lot was worth
13 \$775K. Mayor McNamara spoke about the appraisal on the property, noting that at R-3 zoning (10K sq.
14 ft per lot – 2 acres is roughly 8 lots which equates to \$100K +/- per lot).

15
16 Katherine Hart (Ward-1): She spoke about the costs of taking down the existing building and if this was
17 considered in the appraised value (the answer was yes).

18
19 Ms. Kathy Romano (Lebanon resident): She spoke in favor of purchasing the lot, but not necessarily for
20 the purpose of building a Fire Station. She also addressed other uses this lot could be used for (i.e.,
21 Community Center). She suggested the Council look into the possibility of using the front yard of the
22 Timken Corp, and spoke about her reason why this would be an ideal space for the Fire Station.

23
24 Ms. Cindy Young (Lebanon resident): She spoke about her reasons for not purchasing the lot, noting the
25 City needs more housing.

26
27 Mr. Marc Shaker (Maple St., resident): He spoke about his reasons against the lot being used as a Fire
28 House and was against purchasing the lot.

29
30 Mr. Rich Kremar (Ward 1): He spoke about his reasons against using this lot for a Fire Station, and was
31 against the City purchasing the lot.

32
33 Mr. Jason Achmoody: He spoke in favor of investing in Downtown West Lebanon, but was against the
34 purchase of 38 Maple Street and against placing a Fire Station on this lot.

35
36 Mr. Jonathan Chaffee: He spoke in favor of purchasing the lot and suggested other uses this lot could be
37 used for (i.e., park, community center, or the creation of some residential housing).

38
39 Mr. Steve Peterson (Maple St. resident): He spoke about his reasons against purchasing the property
40 without a purpose.

41
42 Ms. Joan Monroe (Lebanon resident): She disclosed her membership on the Planning Board and noted
43 she was not speaking on behalf of the Planning Board. Ms. Monroe explained Land Banking and was in
44 favor of purchasing the property. She also spoke about her thoughts on how the property could be used in
45 the future (i.e., community park, playground, indoor pool, recreation building).

46
47 **Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**

Mayor McNamara noted that because this appropriation will require the issuance of bonds, the Council has time constraints that they will need to comply with relative to NH Statutes, *NH RSA 33:8(a)*. The Council cannot take action until the September 15, 2021 Council Meeting.

The Council discussed: how difficult it was for residents to make a decision without a proposed use for the property; the lack of 2-acre lots in the City of Lebanon at a rate below the subdivision assessment; how pursuing this property would give the City the flexibility and a greater role in looking at how we want this neighborhood to look like; how the City should be cautious in purchasing property without a specific plan considering the City's financial situation as a whole (i.e., rising taxes; water/sewer rates rising, etc.); if there is a better use for the \$775K such as building roads or some other expense that the City has; the need to hear more from residents about what their visions and ideas are for this area; the skepticism from residents about having a Fire Station in a residential neighborhood; how, if the City waits on purchasing this property until a future date, it could be more expensive; how, from a risk management perspective, a future purchaser (developer) of this property could do something that the people of West Lebanon really do not want; skepticism from residents on how the City would use this property; the need to look at what the highest/best use is for the whole City in the future if they purchase this property, and; the importance of looking at the purchase of this property from a Debt Management Policy perspective, especially since building a new Fire Station will still be needed;

Mayor McNamara noted there are risks in whatever the Council makes and summarized the two key decisions the Council can make:

1. Does the Council want to make a decision with the time constraints we have now, or
2. What do we do with the property if the City purchases it without a use knowing the City still needs a Fire Station?

Mayor McNamara encouraged residents to reach out to their Councilors with their thoughts and opinions on the purchase of 38 Maple Street..

ACTION:

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)-as attached on page 49 in agenda packet.

9. OLD BUSINESS

- A. Set Public Hearing for September 1, 2021: Ordinance #2021-05 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to correct the water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter.

Included in agenda packet: Proposed Ordinance 2021-05 (*page 53*)

At its June 16, 2021, meeting, the City Council scheduled a public hearing for July 7, 2021, to take action to adopt Ordinance 2021-05. The public hearing was inadvertently omitted from the July 7 agenda. Council is asked to schedule the public hearing for September 1st.

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

1 affected by this error in the amounts of \$457.20 each (total overcharge of \$1,828.80). Each account holder
2 will be reimbursed accordingly.

3
4 Administration is requesting the Council approve an adjustment in the rate for a four-inch water meter
5 from \$2,629.90 to \$2,532.70 to accurately reflect the 8.0% increase.

6
7 **ACTION:**

8
9 ***Councilor Sykes MOVED, that the Lebanon City Council hereby schedules a public hearing for***
10 ***Wednesday, September 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall,***
11 ***Lebanon, and Remote via City's Virtual Platform, for the purpose of receiving public input and***
12 ***taking action on proposed Ordinance #2021-05 to amend City Code Chapter 68, Fees, §68-15,***
13 ***Enumeration of Fees to correct the water rate charge for a four-inch water meter.***

14 ***Seconded by Councilor Heistad.***

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

16
17 **10. NEW BUSINESS**

18 **A. Dog Licensing Civil Forfeiture Update**

19
20 Included in the agenda packet: August 4, 2021 Memo from City Clerk Kristin Kenniston, re: Dog
21 Licensing – Civil Forfeiture Notice – Returns as required by RSA 466:16. (***Pages 55-57***).

22
23 City Clerk Kristin Kenniston came before the Council to review the Dog Licensing - Civil Forfeiture
24 Notice – Returns

25
26 In accordance with NH RSA 466:14, at the June 16, 2021, City Council Meeting, City Clerk Kristin
27 Kenniston presented the Dog Licensing Warrant for Civil Forfeiture Notice to the Council for approval.
28 NH RSA 466:16 requires the City Clerk to report back to the Council on or before August 31st with the
29 number of owners who received and paid the civil forfeiture, the number of dogs in the City which have
30 been seized and held, and the number of owners who have received summons to a district or municipal
31 court for failure to pay the civil forfeiture or license their dog.

32
33 **As of August 4, 2021**

34
35 # of Owners who received Civil Forfeiture Notices (159)

36 # of Owners who reported dogs deceased OR owner has moved from Lebanon (29)

37 # of Owners who Paid Civil Forfeiture Fees (61)

38 # of Dogs which have been seized (* 0)

39 # of Owners who have received summons to Lebanon District Court (* 0)

40
41 ***The Lebanon Police Department does not seize dogs as a result of failure to license.**

42
43 **** A list of negligent owners will be provided to the Police Department who will contact the owners.**
44 **Summons have not yet been issued but are expected to be soon. 69 owners may be issued summons for**
45 **the 81 dogs which remain unlicensed.**

46
47 **ACTION:**

48 **No action required by the Council. Item was for discussion purposes only.**

1 **B. Request for Stop Signs: Commerce Avenue, West Lebanon; Old PineTree Cemetery**
2 **Road, West Lebanon; Cross Road, Lebanon**

3
4 Included in the agenda packet: August 3, 2021 Memo from Everett Hammond, Assistant Public Works
5 Director (*pages 59-61*)

6
7 Placement of stop signs is regulated by City Code Chapter 168, Vehicles & Traffic, Section 12,
8 Stop Signs, and requires approval by the City Council.

9 The Department of Public Works is requesting the placement of three (3) stop signs in the
10 following locations:

- 11 – Intersection of Airpark Road & Commerce Avenue
- 12 – Intersection of Old Pine Tree Cemetery Road & Seminary Hill Road
- 13 – Intersection of Cross Road, Daisy Hill Road & Great Brook Road

14
15 **ACTION:**

16 ***Councilor Wilkie MOVED, that the Lebanon City Council in accordance with City Code Chapter***
17 ***168, Vehicles and Traffic, Section 168-12, Stop Signs, hereby authorizes the placement of stop signs***
18 ***at the following locations:***

- 19 – Intersection of Airpark Road & Commerce Avenue, West Lebanon
- 20 – Intersection of Old Pine Tree Cemetery Road & Seminary Hill Road, West Lebanon
- 21 – Intersection of Cross Road, Daisy Hill Road & Great Brook Road, Lebanon

22 ***Seconded by Councilor Winny.***

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

24
25 **C. Discussion & Set Public Hearing for September 1, 2021: Ordinance #2021-08 to amend City**
26 **Code Chapter 168, Vehicles & Traffic, §168-12, Stop Signs.**

27
28 Included in the agenda packet: Proposed Ordinance #2021-08 (*page 63*).

29
30 City Manager Shaun Mulholland came before the Council noting that upon review of the Code that
31 currently regulates the placement of Stop signs (requiring City Council approval), City Administration is
32 requesting City Council consider transferring the authority for placement of Stop signs to the City
33 Manager. Doing so will increase efficiency and give administration the ability to act more expeditiously
34 when situations arise that need attention.

35
36 Councilor Sykes questioned why Lebanon's Public Safety Committee was disbanded and felt there might
37 be a role for this type of Committee. City Manager Mulholland noted the Lebanon Police Department,
38 Lebanon Fire Department, and the Department of Works play this role, and they have done this since he
39 began working for the City.

40
41 **ACTION:**

42 ***Councilor Sykes MOVED, that the Lebanon City Council hereby schedules a public hearing for***
43 ***Wednesday, September 1, 2021, beginning at 7:00 pm in Council Chambers, City Hall, and Remote***
44 ***via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed***
45 ***Ordinance #2021-08, to amend the Code of the City of Lebanon, Chapter 168, Vehicles and Traffic,***
46 ***§168-12, Stop Signs.***

47 ***Seconded by Councilor Winny.***

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

D. Presentation of First Reading and Set Public Hearing for September 15,2021: Amend Ordinance #18 Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time BenefitEligible Positions to add the position of Community Nurse, Grade 10.

Included in the agenda packet: Proposed changes to Ordinance #18 Salary Plan (*page 64*).

The City began funding the Community Nursing Program in 2019 with an allotment of \$15,000. Funding continued in 2020 with an allotment of \$23,260 which increased to \$75,000 in 2021, pending approval of a Mobile Integrated Health (MIH) Agreement with Dartmouth Hitchcock Medical Center. The MIH Agreement was signed by the City and DHMC in December 2020 and is in effect until December 31, 2023. Funding is included in the agreement for the Community Nursing Program for up to 40 hours of nursing service each week. There are currently two to three nurses participating in the program sharing the 40-hour workload. The MIH Program will be assessed in 2023 to determine if the program will continue for an additional three-year term.

The Community Nurses will be regular part-time employees of the city which requires an amendment to Ordinance #18 to include the position in the wage and classification scale. After review of the job description and the completion of a local market analysis, the position is proposed to be classified as a Grade 10.

Process to Amend Ordinance No. 18

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

The Council is asked to recognize the **first of three** presentations on August 18, and to schedule a public hearing for September 15, 2021, to amend the Ordinance. The second and third presentations will follow on September 1, and September 15, respectively.

ACTION:

1. ACKNOWLEDGE FIRST PRESENTATION:

***Councilor Wilkie MOVED*, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to include the position of Community Nurse, Grade 10.**

Changes in the table below shown in red.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES					
10	Assistant City Engineer**	\$30.50	\$41.18	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Community Nurse	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,220.15	\$1,647.20

**denotes LPASE Positions.

1 **2. SCHEDULE PUBLIC HEARING:**

2 ***Councilor Wilkie FURTHER MOVED, that the Lebanon City Council hereby schedules a public***
3 ***hearing for Wednesday, September 15, 2021, beginning at 7:00 pm, Council Chambers, City Hall,***
4 ***Lebanon, and Remote via City’s Virtual Platform, for the purpose of receiving public input and***
5 ***taking action to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE***
6 ***Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to include the***
7 ***position of Community Nurse, Grade 10***
8 ***Seconded by Councilor Liot Hill.***

9
10 ****The Vote on the MOTION was unanimously approved (9-0)***
11

12 **E. Review of Proposed City Council Policy CC-107, Debt Management**
13

14 Included in the agenda packet:

- 15 1. Existing Debt Policy, 99-02-C (*page 68*)
16 2. Proposed revised Council Policy CC-107 Debt Management (*pages 69-102*)
17 3. City debt statistics (*pages 103*)
18 4. Examples of Debt Policies from Nashua, Keene, Concord, and Dover (*pages 104-108*)
19 5. GFOA Guidance regarding debt management (*pages 109-112*)
20

21 City Manager Shaun Mulholland came before the Council to review proposed City Council Policy CC-
22 107, Debt Management.
23

24 The Council adopted the present debt management policy, 99-02-C in January of 1999. The policy needs
25 to be revised to address the circumstances the City currently operates in. Since the inception of this
26 policy, the City was issued an administrative order by the US Environmental Protection Agency regarding
27 the separation of the City’s sewer system from its stormwater system. This required the City to authorize
28 long-term debt in the amount of approximately \$71 million dollars. The cost of the debt service was
29 apportioned to the General Fund, Sewer Fund and Water Fund. The present debt load regarding the
30 General Fund is in compliance with the requirements of state statute; however, it is not in compliance
31 with the previously approved policy.
32

33 The proposed revisions reformat and re-number the policy to comply with the new policy format and
34 numbering system. The policy adopts a new structure and standards for the General Fund. The revised
35 policy, for the first time, proposes the adoption of specific provisions for the Water, Sewer, and Solid
36 Waste enterprise funds.
37

38 A review was conducted of similar policies in other cities in New Hampshire, as well as other states. The
39 Government Finance Officers Association standards were also incorporated into the policy. The proposed
40 policy complies with the provisions of state and federal law. City staff working with consultants Dave
41 Fox of Raftelis and Doug Smith assisted in the development of the policy and analysis of the financial
42 data.
43

44 The goal of the policy revisions is to assist the City in long-term financial planning to meet its
45 infrastructure needs and ensure the City’s financial health. The provisions of the plan would take effect
46 immediately upon approval regarding debt management in the General Fund and Solid Waste Fund. The
47 provisions relative to the Water and Sewer Funds would take effect in January of 2024 when the present
48 rate plan developed by Raftelis ends at the end of 2023. The specific percentage rates for the Sewer Fund
49 will need to be added in 2022 when the long-term sewer infrastructure plan is finalized.
50

Adoption of the policy would be used to develop the present 6-Year Capital Improvement Plan under consideration by the City Manager and the Planning Board this year. Adoption of this policy would not change the process which requires the Council to make appropriations on an annual basis, as well as the setting of water, sewer and solid waste rates. The appropriation of funds and the rate setting process will continue to occur on an annual basis while the CIP will continue to be re-adopted and projected out for the subsequent 6 years.

It is important to note that the projections for debt service are based upon the 6-Year CIP being proposed. The actual debt service will change for a number of reasons to include:

1. Some projects will come under budget while others will exceed their budget estimates.
2. The timing of when debt service is due changes based upon when the bonds are actually sold. Some project schedules change and the need to borrow the funds also changes depending upon the project.
3. We estimate what interest rates will be; however, the actual amount is not known until the bond sale actually occurs.
4. Some projects anticipate grant funding that may not actually be received while others are the recipients of grant funds that were not initially anticipated.

This policy focuses on the amount of debt principal that is owed, not the annual debt service payments which will fluctuate for the reasons indicated above.

City Manager Mulholland presented a PowerPoint overview on the draft proposed City Council Policy CC-107, Debt Management that included the following. He noted this policy will be different from any other city in the State.

PRESENT POLICY-GEN. FUND

The present Council policy was approved in 1999.

- Complies with statutory restrictions (3% of Assessed Valuation)
- Per Capita Indebtedness not to exceed \$900 (**\$3,962** in 2021)
- 25% of principal outstanding retired within five years of issuance
 - **Not in Compliance**
- Debt Service = 15% or less of General Fund Operating Budget: Currently we have no policy on our Sewer Fund debt, and there are no statutory limits either.

POLICY ENTERPRISE FUNDS

- Water- No Policy- Statutory Limit - 10% of Assessed Valuation
- Other Debt without Statutory Limits-Landfill Closure/Clean Up, Broadband, Energy Projects, Parking Garages/Facilities
- We do not have any policy related to our Solid Waste or Airport funds

POST CSO STRATEGY

- Transition from CSO capital spending to the backlog of infrastructure needs
- Implementation of immediate plan to control the level of debt (2020). We are not going to borrow any more money than we are going to retire. However, this is not a great long-term plan so the City Manager will be proposing a better plan and will suggest a couple of different options. He emphasized the importance of long-term planning and how the City will manage our debt.
- Move to a long-term debt management plan in the General Fund and development of plans for the enterprise funds

1
2
3
4

REVISED POLICY – GENERAL FUND

- Baseline debt ceiling set at the 2021 amount \$41,159,000

General Fund			
FY	Principle	Interest	Total
2016	\$48,192,630	\$14,634,472	\$62,827,102
2017	\$47,110,673	\$13,672,130	\$60,782,803
2018	\$45,323,622	\$12,676,115	\$57,999,737
2019	\$43,550,175	\$11,694,827	\$55,245,001
2020	\$41,651,172	\$10,698,317	\$52,349,489
2021	\$41,159,000	\$9,959,992	\$51,118,992

- 5
- Adjusted annually by growth in the economy based on the CPI year over year from June to June. City Manager Mulholland suggested they use the 2021 number as our base ceiling.

6
7
8
9

General Fund Debt Management Plan Chart explained and discussed by the Council.

- 10
- **Note:** The Debt Limit CPI Adjusted will be adjusted by the actual average CPI ending on June 30th of each year with a 12 month look back. The chart presented to the Council assumes a CPI of 4.6% for 2021 and an average CPI of 1.5% for the subsequent years, which is the average CPI change from year over year from 2016 to 2020. Also note that there will projects the City will not be able to cover.

11
12
13
14
15
16
17

Councilor Liot Hill noted her skepticism about imposing artificial limits on debt service and explained her reasons.

18
19
20
21

The Council discussed what would be an appropriate debt service for the City now and what it might be in the future. Future Council members would still be able to change the debt service in the future.

22

Cost Recovery Projects

- 23
24
25
26
27
- Projects that result in revenues that substantially offset debt service or that substantially offset operating costs to offset debt service are not included in the debt ceiling.
 - EXAMPLE: LED Street Light Project
 - Debt principal would be bifurcated as it relates to the Debt Ceiling amounts.

28

Rolling 6-year Period

- 29
30
31
32
33
34
- 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 was below the ceiling.

35
36
37

General Fund Debt Service: Graph was presented that depicted years from 2019-2025 and the current and assumed Debt Service moving forward to the year 2025.

38
39

Councilor Whittlesey suggested that the debt service be separated into different categories for tracking and payment purposes. Making a clear delineation of Debt Service Funds would provide a way to track

these funds, including unallocated balances that we know we are going to use for Debt Service.

The Council will continue discussions on the proposed changes to Policy CC-107 starting with Water & Sewer Enterprise Funds at the next Council meeting on September 1, 2021.

ACTION:

No action taken at this meeting. This policy is scheduled for final review and approval by the Council on September 1, 2021.

The following was taken out of order.

13. FUTURE AGENDA ITEMS: MASK MANDATE-DRAFT POLICY

In June, when this was last discussed, Lebanon was way below what the Medical Society was suggesting. On Tuesday, August 17, 2021, Mayor McNamara reviewed the dashboard for COVID in Grafton County, which was at 140+/- cases per 100K. (Assistant Mayor Below noted he just opened the dashboard and Grafton County was now at 172+/- cases per 100K, which is a jump of 20-30% in the past 24-hours.) We have gone from a 0.1% positivity rate to a 0.9% positivity rate. While our positivity rate is below 10%, this (the rise in COVID cases) is a concern, along with the fact that the whole State of NH has been designated as having a substantial transmission rate.

Staff is presently working on modifying the former Mask Ordinance to bring it up to date with what is going on in our area and will be bringing this before the Council on September 1, 2021.

Assistant Mayor Below noted that on the CDC Website, Windsor County, Vermont flipped from being moderate to substantial transmission so there are now five (5) counties in NH that are considered high transmission, including three (3) that neighbor Lebanon.

Councilor Wilkie suggested it might be worth revisiting the provisions of the Ordinance to include masks will not be required in outdoor spaces, such as the Rail Trail, sidewalks, etc.

Due to the rise of transmission rates of Covid-19 (& the Delta Variant), the Council took the following action:

Councilor Liot Hill MOVED that the Lebanon City Council schedules a Public Hearing for Wednesday, September 1, 2021 at 7:00 PM, in Council Chambers (and remotely), for the purpose of taking public input and acting on proposed Mask Ordinance 2021-09: Face Masks.

Seconded by Councilor Wilkie.

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

11. CITY MANAGER REPORT:

City Manager Mulholland update the Council on the following:

- Tentative Union Agreements with AFSCME.
- Letter for the extension of the Rail Trail into West Lebanon will be sent out on August 19, 2021. A virtual meeting with the NH DOT Commissioner is scheduled for September 20, 2021.

In following up with the housing discussion, Mayor McNamara will be reviewing the notes and will put together a proposed plan for the Council to review on the seven (7) steps discussed.

1 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

2
3 **14. NON-PUBLIC SESSION: NONE**

4
5 **15. ADJOURNMENT:**

6
7 *Councilor Heistad MOVED for adjournment.*

8 *Seconded by Councilor Winny*

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

11
12 **The meeting was adjourned at 9:30 PM.**

13
14 Respectfully submitted,

15 Dona E. Gibson

16 Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Lebanon Airport-Tech Park TIF Advisory Board, Jason Archambeault (Reappointment property owner/occupant Member)
- Arts & Culture Commission, Joe Clifford (Reappointment Arts Representative)
- Zoning Board of Adjustment, William Koppenheffer (Reappointment Regular Member)
- Pedestrian & Bicyclist Advisory Committee, John Kelleher (Reappointment Regular Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated August 23, 2021

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: August 23, 2021

TO: The Honorable Mayor & City Council

FROM: Kristin M. Kenniston, City Clerk

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

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

Airport-Tech Park TIF Advisory Committee

- **Jason Archambeault** – Reappointment as property owner/occupant member for a three-year term.
Interviewed by: Councilor Heistad
Term (9/21-9/24)

Arts and Culture Commission

- **Joe Clifford** – Reappointment as an Arts Representative for a one-year term.
Interviewed by: Councilor Sykes
Term (9/21-9/22)

Zoning Board of Adjustment

- **William Koppenheffer** – Reappointment as a regular member for a three-year term.
Interviewed by: Councilor Heistad
Term (9/21-9/24)

Pedestrian and Bicyclist Advisory Committee

- **John Kelleher** – Reappointment as a regular member for a three-year term.
Interviewed by: Councilor Heistad
Term (9/21-9/24)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5180 for Board Member Application
Date: Wednesday, July 7, 2021 2:49:56 PM

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

CONFIDENTIALITY NOTICE

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

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 7, 2021 2:40 PM
To: [cityclerk](mailto:cityclerk@lebanonnh.gov) <cityclerk@lebanonnh.gov>; [webmaster](mailto:webmaster@lebcity.com) <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5180 for Board Member Application

Board Member Application

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

Basic Requirements

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

(Section Break)

First Name Jason

Last Name	Archambeault
Physical Address	53 Mountain View Dr.
City	Enfield
State	NH
Zip Code	03748
Is this your mailing address?	Yes
Home Phone Number	603-286-0742
Work Number	603-298-6555
Email Address	jarchambeault@graniteair.com
How long have you resided in Lebanon?	Co-Owner of Granite Air Center since July 2012
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Lebanon Airport-Tech Park TIF Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I have worked at the Lebanon Airport since 2003. I have been a business owner at the Airport since 2012. The airport is important to me, and I would love to be a part of the team that puts the airport on the path to self-sustainability for the long-term.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Qualifications include: MBA in Leadership; Business owner at the airport; over 20 years experience in aviation; willingness to learn and apply new knowledge; experience serving on other boards (served one term on the Budget Advisory Committee for Hartland School District, served several terms on the Board of Directors for North Country Community Theatre, based in Lebanon, served one term on Air Elite board of directors (a division of World Fuel Services, a Fortune 125 company)). As stated previously, I would love to be part of the team that puts the airport on a self-sustainable path. The airport is a gem for the

City of Lebanon, and the benefits of it are tremendous. The challenges at the airport have always been financial, and if we can solve those challenges the community will be able to see what a great asset this airport really is.

Certification

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

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

Councilor Interview Report Form

Councilor Name: Erling Heistad

Date of Interview: 8/11/2021

Applicant Name: Jason Archambeault

Board(s) to Which Applied: Lebanon Airport Park TIF Advisory Committee

☒ Regular Seat

Has Applicant Attended Meeting of Board to Which Applying? Yes

(If yes, indicate date of meeting.) Date: current member of committee

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments: Jason has been serving as a regular member of the Airport TIF advisory committee. He is keenly aware of the financial liability that the airport is to the city and would like to be part of the process which will put the airport on a more financially balanced footing. He sees the TIF as tool which can be used to facilitate development at the airport. He would like to continue to serve serving and be part of the team to put the airport on a more secure financial footing. I recommend that he be reappointed to this committee.

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

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: Online Form Submittal: Board Member Application
Date: Sunday, January 20, 2019 5:02:32 PM

Board Member Application

Board Member Application

City of Lebanon board / committee member application.

Basic Requirements

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

(Section Break)

First Name	Joe
Last Name	Clifford
How long have you resided in Lebanon?	N/a
Current Address	111 Dodge Rd
City	Plainfield
State	NH
Zip Code	03781
Is this your mailing address?	Yes
Home Phone Number	8023567092
Work Number	6034480400
Email Address	jclifford@lebanonoperahouse.org

(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	Arts Commission
Why would you like to serve?	As a member of the Mayor's Arts and Culture Task Force, I am eager to continue our important work as a member of the Arts Commission. For nearly two years, I've been meeting with Trip Anderson (AVA Gallery) and Ben Van Vliet (Upper Valley Music Center) for a series of monthly lunch discussions about the ways in which our individual arts organizations can partner to make Lebanon a cultural destination in the Upper Valley. Each meeting has featured a guest including Mayor Prentiss and City Manager Shaun Mulholland as well as representatives from Scratch, Lebanon Area Chamber of Commerce, City Council, CCBA and Mascoma Bank. I embarked upon this strategic outreach throughout my first year as Executive Director of Lebanon Opera House to quickly learn about the opportunities and challenges the City faces in terms of the creative economy. Since LOH is the home stage for so many regional arts organizations--Opera North, City Center Ballet and North Country Community Theatre to name a few--it's imperative that LOH continues to have a voice at the table.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I was named Executive Director of Lebanon Opera House in March 2017. I am an arts administration leader with more than 20 years of non-profit and arts presenting experience. From 2000-2017, I rose through the ranks at Dartmouth College's Hopkins Center for the Arts. My most recent work as Audience Engagement Director included oversight of the Hop's strategic communication—marketing, public relations and design—as well as ongoing research about student engagement in the arts. Previously, I'd spent ten years leading the Hop's Outreach and Arts Education programs. Each year, I planned 200 multi-disciplinary residency events on campus and in the community through the visiting performing artist series. I'm a 2018 graduate of Vital Communities' Leadership Upper Valley program and an active board member (and immediate past president) of the Arts Presenters of Northern New England (APNNE) consortium. I recently completed a two-year fellowship program created by the Association of Performing Arts Professionals (APAP) and the Arts Leadership Program at the University of Southern California. In 2004, I was identified by APAP as an "emerging leader" in the presenting field. I'm also a founding member and past chair of the NH/VT Upper Valley Arts Alliance.

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.](#)

Councilor Interview Report Form

Councilor Name: George Sykes

Date of Interview: 8/12/21

Applicant Name: Joe Clifford

Board(s) to Which Applied: Arts and Culture Commission

☒ Regular Seat

☐ Alternate Seat

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

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

Recommend Appointment: ☒ Yes ☐ No

☐ Regular Seat ☐ Alternate Seat

General Comments:

this is a re-appointment

(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?

Sees the Arts and Culture Comm.
As a way to improve the quality of life here

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 a re-appointment

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?

See Above, Also Mr Clifford is the
Executive Director of the L.O.H.

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?

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?

Recognizes there is a need to find smaller performance spaces, COVID ISSUES

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

Better Co-ordination between other ARTS organizations

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

Achieve further Accessibility to the ARTS FOR LEBANON'S CITIZENS

Specific Questions for Applicants to Land-Use Boards:

N/A

Zoning Board of Adjustment:

1) Have you ever appeared before a zoning board, personally or through a representative?

2) Do you have any personal or professional knowledge or background in the area of zoning law?



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

You must meet the basic requirements listed below to be considered for appointment to a City board/committee.

BASIC REQUIREMENTS:

- ✓ Lebanon/West Lebanon resident (except for those boards who 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.

Check all that apply:

I am an applicant for: ZBA

☒ Check if for re-appointment

Name: William K. Koppenheffer
(Please print)

Address: 36 Stone Hill Rd Lebanon 03766
(street) (Town) (Zip)

Mailing Address, if different from above: _____

Home Phone 448-6274 Work Phone: 448-3224 Cell Phone: _____

Email Address: wkoppenheffer@j-klaw.com

Continued on reverse side.....

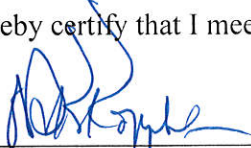
How long have you resided in Lebanon? 35 years
(This will not necessarily reflect on your possible appointment.)

Why would you like to serve?

civic involvemen, and I like it and think I do a good job

State a few of what you feel your qualifications are or why you wish to be appointed to this board/committee.

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


Applicant Signature

8 January 2015

Date

Official Use Only

Interview Committee Review

Date Received by City Clerk _____ Date of Review _____

Date of Appointment _____ Appointment Term _____

Committee/Board to which appointed _____

Please return to:

Lebanon City Clerk's Office
51 North Park Street, Lebanon, NH 03766

Fax # 442-6148

Email: Sandi.Allard@lebcity.com

Councilor Interview Report Form

Councilor Name: Erling Heistad

Date of Interview: 8/12/2021

Applicant Name: William Koppenheffer

Board(s) to Which Applied:

☒ Regular Seat

Has Applicant Attended Meeting of Board to Which Applying? Yes

(If yes, indicate date of meeting.) Date: Currently chair of ZBA

Recommend Appointment: ☒ Yes

☒ Regular Seat

General Comments:

I had a in depth conversation with William Koppenheffer. We discussed his past role with the Planning Board and his current role as chair of the ZBA. He feels strongly that all Lebanon residents should act together to build a cohesive community in which we all work for the benefit of the City and hopes that more people will get involved and volunteer for city service. He has a significant depth of understanding of how zoning and zoning appeals work. He enjoys the challenge of his position with the ZBA and feels that they are able to do a good job balancing the many points of view and concerns that are brought before the board. He is very appreciative of the guidelines prepared by city staff to assist the ZBA in their considerations. I enthusiastically recommend William Koppenheffer to be reappointed to the ZBA for another term.

(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?

Is very familiar with the work of the board and the need to maintain a balance between zoning requirements and the desire of citizens.

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, has served many years and willing do what is necessary.

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?

He has many years of service both on the Planning Board and the ZBA.

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, as appropriate.

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?

He has had to recuse himself in the past and is willing to recuse himself in the future as the need arises. He is aware of the need and feels that the committee makes appropriate use of recusal.

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

He sees the challenge of the committee is to have all members of the community recognize that there is a balanced assessment of appeals so that everyone feels that their voices are heard, and opinions valued.

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

To keep the process flowing.

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

Keep a balance approach for all applicants.

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

1) Have you ever appeared before a zoning board, personally or through a representative?

Yes, see below.

2) Do you have any personal or professional knowledge or background in the area of zoning law?

As a lawyer he has had clients appear before the ZBA

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted Zoning Ordinance?

Yes, he feels very strongly about following the city zoning ordinance.

4) Zoning Board decisions can be controversial. The Board is bound by law to work within the current zoning regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

He has done this for many years and is anxious to continue his impartial assessment of appeals.



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

You must meet the basic requirements listed below to be considered for appointment to a City board/committee.

BASIC REQUIREMENTS:

- ✓ Lebanon/West Lebanon resident (except for those boards who 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.

Check all that apply:

I am an applicant for: _____

☒ Check if for re-appointment

Name: John G. Kelleher
(Please print)

Address: 21 Deer Run Ln., Lebanon, NH 03766
(street) (Town) (Zip)

Mailing Address, if different from above: _____

Home Phone 603-448-4675 Work Phone: - Cell Phone: -

Email Address: JackKelleher50@gmail.com

Continued on reverse side.....

How long have you resided in Lebanon? 29 years
(This will not necessarily reflect on your possible appointment.)

Why would you like to serve?

I'm very interested in cycling as a mode of transportation.

State a few of what you feel your qualifications are or why you wish to be appointed to this board/committee.

I'm an avid cyclist around Lebanon. I've been on
Ped and Bike for 7 years or so.

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

John H. Kelleher
Applicant Signature

10/5/14
Date

Official Use Only

Interview Committee Review

Date Received by City Clerk 10/8/14 Date of Review _____

Date of Appointment _____ Appointment Term _____

Committee/Board to which appointed _____

Please return to:

Lebanon City Clerk's Office
51 North Park Street, Lebanon, NH 03766

Fax # 442-6148

Email: Sandi.Allard@lebcity.com

Councilor Interview Report Form

Councilor Name: Jim Winny

Date of Interview: 8/18/21

Applicant Name: John Kelleher

Board(s) to Which Applied: Ped/Bike

☒ Regular Seat ☐ Alternate Seat

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

(If yes, indicate date of meeting.) Date: Currently a member

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments: Mr Kellher has been a member of Ped/Bike for several years and is willing and able to continue his work on the committee.

(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 make Lebanon walkable and bikeable with a focus on safety.

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, currently sits on committee and is available for additional meeting as needed.

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?

Not in another area, but experienced with ped/bike in Lebanon

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, if needed

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?

Lebanon, like most US cities is not really designed for walking and biking, it is challenging to work around the car based culture

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

Continue developing the Rail Trail/MRG and push for more biking and walking which seem to have built some momentum during the pandemic

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

Continue community engagement, develop a bike program for underprivileged children with community partners, take advantage of the recent increase in ped/bike activity

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

8. PUBLIC HEARING ITEMS:

**8.A – SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF SEVEN HUNDRED
THOUSAND DOLLARS (\$700,000) FOR TRANSFER FROM UNASSIGNED FUND
BALANCE TO THE CAPITAL IMPROVEMENTS FUND FOR THE
20 SPENCER STREET CLEANUP PROJECT**

A public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of Seven Hundred Thousand Dollars (\$700,000) for transfer from unassigned fund balance to the capital improvements fund for the 20 Spencer Street Cleanup Project.

The City Council scheduled this public hearing at their August 4, 2021, regular meeting. The public hearing was properly noticed in the *Valley News* on August 20 and August 24, 2021, in accordance with City Code and State Law.

BACKGROUND

This location is the former Department of Public Works facilities site which the city is in the process of redeveloping for housing. The City is working with developer Ken Braverman to sell the property to him for \$1.5 million. Mr. Braverman plans to develop an apartment building with 94 units. A percentage of these units will be leased at workforce housing rates.

Testing of the soils on the site indicate varied levels of PCB at different depths in the soil in one area. This material will need to be removed and trucked to a location in Michigan for disposal. The area will also have to be backfilled. This work needs to be completed as soon as possible to allow for the housing to be developed which will require a supplemental appropriation. The funding will be coming from the City's Unassigned Fund Balance. No additional tax dollars will need to be raised for this cleanup.

Failure to clean up the site will prohibit the housing development. The City would be required by the US EPA to either clean up the site or cap it and permanently monitor the site with test wells.

ACTION

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

FOR THE PURPOSE OF appropriating funds for the removal and disposal of contaminated soils at 20 Spencer Street, Lebanon.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that funds, in the amount of \$700,000 (Seven Hundred Thousand Dollars) be appropriated for expenditure from the Capital Improvements Fund for the 20 Spencer Street Cleanup Project to be paid for through the use of Unassigned Fund Balance.

(Resolution continued on next page)

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds, in an amount not to exceed \$700,000 (Seven Hundred Thousand Dollars), be transferred from Unassigned Fund Balance to the Capital Improvements Fund, for the purpose of financing the removal and disposal of contaminated soils at 20 Spencer Street, Lebanon.

This Resolution shall be effective upon passage.

Included in this Section:

1. 07/28/2021 Memorandum from Department of Public Works Director Jim Donison, RE: 20 Spencer Street – Site Cleanup
2. Excavation area diagram with estimated soil excavation volume dated 07/19/2021
3. Notice of Public Hearing as Published in the August 20 and August 24, 2021 Editions of the *Valley News*



CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 Dartmouth College Highway
Lebanon, NH 03766

Memorandum

Date: July 28, 2021

TO: Shaun Mulholland, City Manager

FROM: Jim Donison, P.E., Director of Public Works & Brian Vincent, PE
City Engineer

RE: 20 Spencer Street – Site Cleanup

In 2020 the City contracted with a local contractor, Casella Construction, to perform the demolition of the old DPW garage building and shed and removal of old storage tanks at 20 Spencer Street. As part of the storage tank closure process and the NHDES requirements, soils in the immediate vicinity of the old tanks were required to be tested for petroleum-contaminated soils. These soil samples and tests were coordinated by Credere Associates, LLC. of Westbrook, ME. Test results came back and the City was surprised to find out that the soils indicated low concentrations containing PCB's.

PCP contaminated soils are required by US EPA and NH DES to be disposed of in a hazardous waste landfill. The City has proceeded to excavate the soils around the immediate area of the tanks and dispose of the soil in a permitted facility.

Subsequent soil tests around the perimeter of the contaminated soil location have been performed to identify/delineate the area and depths of the extent of the contaminated soils as well as to quantify the additional volume that will need to be disposed of.

Credere Associates has completed the field investigations. The volume of soils that will be required to be removed has been estimated to be approximately 550 cubic yards (825 tons), ranging in depths from 1 to 9 feet below ground surface. The area is approximately 3,200 square feet.

Credere is currently preparing a cost estimate for the trucking and disposal of the 825 tons yards of soil. The original 2020 cost was approximately \$640 per ton to excavate and dispose of the PCB contaminated soils. Using this unit cost, it is estimated that the total costs for this disposal will be \$700,000. This is based on the estimated volume of

soil that will be required to be disposed, contingencies and “other” costs. The “other” costs of \$100,000 associated with soil disposal include environmental oversight, confirmatory sampling and analyses and reporting by the environmental engineer, clean soil backfill to level the excavated area, and moving through the environmental approval process associated with this performance-based cleanup.

The City will be initiating an RFP for this work which we would like to complete this fall. The City will be required to address the PCP contamination in one fashion or another. We will either be required to clean up the site as we are proposing here or cap and monitor the site for an underdetermined period which may be for a very long time. Cleanup of the site is requirement to allow the site to be developed.

PROPOSED PCB-IMPACTED SOIL EXCAVATION VOLUME ESTIMATE

OVERALL EXCAVATION AREA: 3227.13 SQUARE FEET

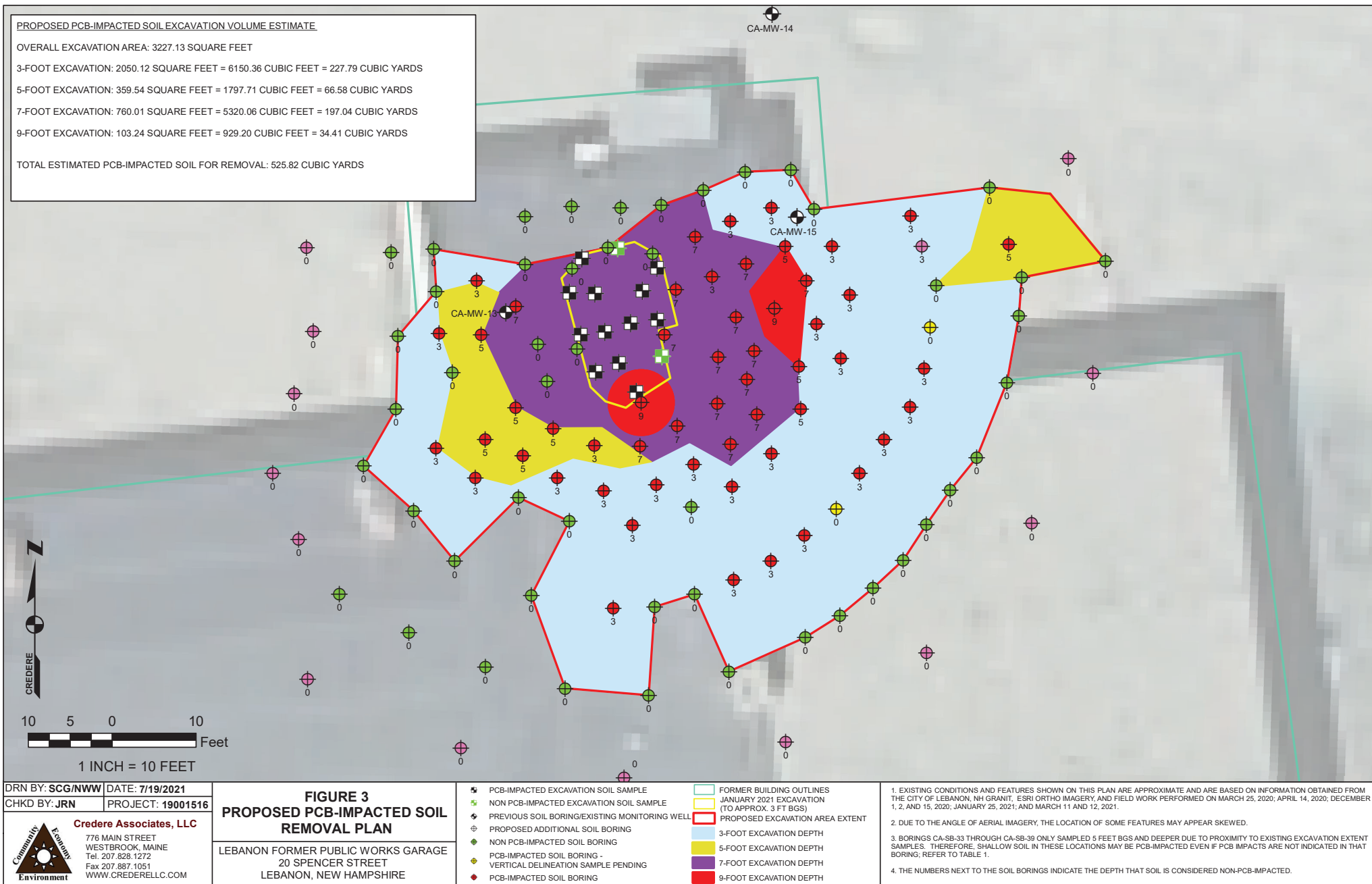
3-FOOT EXCAVATION: 2050.12 SQUARE FEET = 6150.36 CUBIC FEET = 227.79 CUBIC YARDS

5-FOOT EXCAVATION: 359.54 SQUARE FEET = 1797.71 CUBIC FEET = 66.58 CUBIC YARDS

7-FOOT EXCAVATION: 760.01 SQUARE FEET = 5320.06 CUBIC FEET = 197.04 CUBIC YARDS

9-FOOT EXCAVATION: 103.24 SQUARE FEET = 929.20 CUBIC FEET = 34.41 CUBIC YARDS

TOTAL ESTIMATED PCB-IMPACTED SOIL FOR REMOVAL: 525.82 CUBIC YARDS



T:\Data\NH\Town\Lebanon\Lebanon_PW\PCB Soil Remediation\March 2021 Drilling\Figure 3_10.5.mxd

August 23, 2021



**LEBANON CITY COUNCIL
NOTICE OF
PUBLIC HEARINGS
Wednesday, September 1, 2021 -
7:00pm
Council Chambers, City Hall or
REMOTE VIA
VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

The Lebanon City Council will hold public hearings on September 1, 2021, beginning at 7:00pm for the following:

- A. APPROPRIATION FOR 20 SPENCER STREET CLEANUP PROJECT** – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of Seven Hundred Thousand Dollars (\$700,000) to be transferred from Unassigned Fund Balance to the Capital Improvement Fund for the 20 Spencer Street Cleanup Project.
- B. ORDINANCE 2021-05** – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to correct the water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter.
- C. ORDINANCE 2021-08** – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles & Traffic, §168-12, Stop Signs.
- D. ORDINANCE 2021-09** – Public hearing for the purpose of receiving public input and taking action to adopt Ordinance 2021-09, requiring that persons wear face masks under certain circumstances.

The September 1, 2021 City Council agenda package will be available on the City's website beginning August 27, 2021, and documents pertaining to the above described public hearings can be reviewed online at: LebanonNH.gov/Agendas

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Friday, August 20, 2021.

Kristin M. Kenniston, City Clerk

August 25, 2021



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, September 1, 2021
- 7:00pm
Council Chambers, City Hall or
REMOTE VIA
VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on September 1, 2021, beginning at 7:00pm for the following:

A. APPROPRIATION FOR 20 SPENCER STREET CLEANUP PROJECT – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of Seven Hundred Thousand Dollars (\$700,000) to be transferred from Unassigned Fund Balance to the Capital Improvement Fund for the 20 Spencer Street Cleanup Project.

The September 1, 2021 City Council agenda package will be available on the City's website beginning August 27, 2021, and documents pertaining to the above described public hearings can be reviewed online at: LebanonNH.gov/Agendas

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Tuesday, August 24, 2021.


Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

8. PUBLIC HEARING ITEMS:

**8.B – ORDINANCE 2021-05 TO AMEND CITY CODE CHAPTER 68,
FEES, §68-15, ENUMERATION OF FEES TO CORRECT THE WATER RATE
CHARGE FOR A FOUR-INCH WATER METER**

A public hearing for the purpose of receiving public input and taking action on Ordinance 2021-05 to amend City Code Chapter 68, Fees, §68-15, Enumeration of Fees to correct the water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter.

At its June 16, 2021, meeting, the City Council scheduled a public hearing for July 7, 2021, to take action to adopt Ordinance 2021-05. The public hearing was inadvertently omitted from the July 7 agenda. At its August 18, 2021 meeting, the City Council rescheduled the public hearing for September 1st. The public hearing was properly noticed in the *Valley News* on August 20, 2021 in accordance with City Code and State Law.

BACKGROUND

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

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

Administration is requesting the Council approve an adjustment in the rate for a four-inch water meter from \$2,629.90 to \$2,532.70 to accurately reflect the 8.0% increase.

ACTION

The following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-05 to amend City Code Chapter 68, Fees, §68-15, Enumeration of Fees to correct the water rate charge for a four-inch water meter.

Included in this Section:

1. Proposed Ordinance 2021-05
2. Notice of Public Hearing as Published in the August 20, 2021 Edition of the *Valley News*

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

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

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

Section 1

The Code of the City of Lebanon is hereby amended to revise Chapter 68 FEES, Article III, Miscellaneous Fees, Section 68-15 Enumeration of Fees, for the purpose effecting a change to the fixed meter charge for a Four-inch water meter:

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

§68-15 B(1) Water service rates:

§68-15 B(1)(b) Fixed charge per quarter:

[7] Four-inch: ~~\$2,629.90~~ \$2,532.70

Section 2. Severability

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

Section 3. Effective Date

This Ordinance shall become effective upon passage.

August 23, 2021



LEBANON CITY COUNCIL
NOTICE OF
PUBLIC HEARINGS
Wednesday, September 1, 2021 -
7:00pm
Council Chambers, City Hall or
REMOTE VIA
VIRTUAL PLATFORM
LebanonNH.gov/LIVE

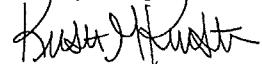
The Lebanon City Council will hold public hearings on September 1, 2021, beginning at 7:00pm for the following:

- A. APPROPRIATION FOR 20 SPENCER STREET CLEANUP PROJECT** – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of Seven Hundred Thousand Dollars (\$700,000) to be transferred from Unassigned Fund Balance to the Capital Improvement Fund for the 20 Spencer Street Cleanup Project.
- B. ORDINANCE 2021-05** – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to correct the water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter.
- C. ORDINANCE 2021-08** – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles & Traffic, §168-12, Stop Signs.
- D. ORDINANCE 2021-09** – Public hearing for the purpose of receiving public input and taking action to adopt Ordinance 2021-09, requiring that persons wear face masks under certain circumstances.

The September 1, 2021 City Council agenda package will be available on the City's website beginning August 27, 2021, and documents pertaining to the above described public hearings can be reviewed online at: LebanonNH.gov/Agendas

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Friday, August 20, 2021.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

8. PUBLIC HEARING ITEMS:

**8.C – ORDINANCE #2021-08 TO AMEND CITY CODE CHAPTER 168, VEHICLES
AND TRAFFIC, §168-12, STOP SIGNS**

A public hearing for the purpose of receiving public input and taking action on Ordinance 2021-08 to amend City Code Chapter 168, Vehicles & Traffic, §168-12, Stop Signs.

The City Council scheduled this public hearing at their August 18, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on August 20, 2021 in accordance with City Code and State Law.

BACKGROUND

Upon review of the Code that currently regulates the placement of Stop signs (requiring City Council approval), City Administration is requesting City Council consider transferring the authority for placement of Stop signs to the City Manager. Doing so will increase efficiency and give administration the ability to act more expeditiously when situations arise that need attention.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-08 to amend City Code Chapter 168, Vehicles and Traffic, §168-12, Stop Signs.

Included in this Section:

1. Ordinance #2021-08
2. Notice of Public Hearing as Published in the August 20, 2021 Edition of the *Valley News*

**CITY OF LEBANON
ORDINANCE #2021-08**

AN ORDINANCE TO AMEND Chapter 168, Vehicles and Traffic, of the Code of the City of Lebanon, by amending § 168-12 Stop signs.

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 168, Vehicles and Traffic, Section 168-12, Stop Signs, for the purpose of transferring authority for placement of Stop signs from the City Council to the City Manager, to read as follows:

§168-12. Stop signs.

Stop signs may be located on City streets by approval of the City Manager or his/her designee. Date of approval and location shall be recorded in the office of the City Clerk.

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.

August 23, 2021



LEBANON CITY COUNCIL
NOTICE OF
PUBLIC HEARINGS
Wednesday, September 1, 2021 -
7:00pm
Council Chambers, City Hall or
REMOTE VIA
VIRTUAL PLATFORM
LebanonNH.gov/LIVE

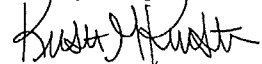
The Lebanon City Council will hold public hearings on September 1, 2021, beginning at 7:00pm for the following:

- A. APPROPRIATION FOR 20 SPENCER STREET CLEANUP PROJECT** – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of Seven Hundred Thousand Dollars (\$700,000) to be transferred from Unassigned Fund Balance to the Capital Improvement Fund for the 20 Spencer Street Cleanup Project.
- B. ORDINANCE 2021-05** – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to correct the water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter.
- C. ORDINANCE 2021-08** – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles & Traffic, §168-12, Stop Signs.
- D. ORDINANCE 2021-09** – Public hearing for the purpose of receiving public input and taking action to adopt Ordinance 2021-09, requiring that persons wear face masks under certain circumstances.

The September 1, 2021 City Council agenda package will be available on the City's website beginning August 27, 2021, and documents pertaining to the above described public hearings can be reviewed online at: LebanonNH.gov/Agendas

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Friday, August 20, 2021.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

8. PUBLIC HEARING ITEMS:

**8.D – ORDINANCE 2021-09 REQUIRING
FACE MASKS UNDER CERTAIN CIRCUMSTANCES**

A public hearing for the purpose of receiving public input and taking action to adopt Ordinance 2021-09 to require persons to wear face masks under certain circumstances.

The City Council scheduled this public hearing at their August 18, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on August 20, 2021 in accordance with City Code and State Law.

BACKGROUND

The Delta Variant of COVID-19 has emerged as the predominant strain of the virus in the Nation and has been found to be more infectious and faster spreading with the ability to cause more than twice as many infections as earlier strains of the virus.

The CDC is recommending that, due to the high level of spread and how contagious the Delta Variant is proving to be, even amongst those fully vaccinated, all persons wear a face covering in indoor public environments regardless of their vaccination status in areas of substantial or high transmission, which currently includes all of New Hampshire.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-09, requiring the wearing of face coverings in publicly occupied indoor spaces under certain circumstances.

This ordinance shall be effective beginning September ____, 2021, and shall continue in effect until rescinded by action of the Council.

Included in this Section:

1. Ordinance 2021-09
2. Notice of Public Hearing as Published in the August 20, 2021 Edition of the *Valley News*

ORDINANCE 2021-09 FACE MASKS

FOR THE PURPOSE OF reducing the spread of the SARS-Co-V-2 (COVID-19) virus and all of its current variants, and potentially reducing the need for hospitalization and the number of fatalities, the City of Lebanon ordains as follows:

WHEREAS, a primary function of municipal government is the health and safety of those persons residing within or entering into it; and

WHEREAS, the provisions of RSA 47:17, XV provide authority to city councils to adopt By-Laws and Ordinances for the well-being of their cities. Further, RSA 147:1 allows towns to make regulations for the public health and safety of the people and RSA 47:12 vests the authority of towns to make such public health regulations to city councils; and

WHEREAS, COVID-19 is a viral infection that has the ability to be spread from person to person very easily through respiratory droplets, including:

- Through the air by coughing or sneezing;
- Through close personal contact, such as touching or shaking hands;
- Touching an object or surface with the virus on it, then touching mouth, nose, or eyes before washing of hands

And,

WHEREAS, viruses constantly change through mutation and new variants of a virus emerge as the virus continues to spread and infect; and

WHEREAS, the Delta Variant of COVID-19 has emerged as the predominant strain of the virus in the Nation, and has been found to be more infectious and faster spreading with the ability to cause more than twice as many infections as earlier strains of the virus; and

WHEREAS, more than 94 percent of counties in the Nation are experiencing a substantial or high level of community transmission of COVID-19; and all 10 counties in New Hampshire are experiencing a substantial or high level of community transmission; and

WHEREAS, it is clinically established that the best means of slowing the spread of a virus, other than vaccinations, is through minimizing close personal contact with individuals in a public environment, covering one's mouth and nose by wearing a face covering, and utilizing frequent and proper hand washing; and

WHEREAS, face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings, particularly when combined with social/physical distancing and other sanitary measures such as washing hands or utilizing hand sanitizer; and

WHEREAS, the CDC is recommending that, due to the high level of spread and how contagious the Delta Variant is proving to be, even amongst those fully vaccinated, all persons wear a face covering in indoor public environments regardless of their vaccination status in areas of substantial or high transmission, which currently includes all of New Hampshire.

NOW, THEREFORE the Lebanon City Council adopts the following Emergency Public Health regulations:

1. Members of the public entering or queued to enter; remaining in or exiting from, any business, governmental, or non-profit owned premises, or utilizing any form of public transportation must wear a face covering as described in paragraph 2 below.
 - Policies regarding face coverings in governmental buildings within the geographical boundaries of the City of Lebanon adopted by the governmental entity having jurisdiction over such buildings are hereby recognized by this ordinance and shall control in such buildings.
 - Property owners shall have the authority to regulate the requirement to wear masks by any person, while on the premises of their property, by allowing persons to temporarily remove their masks while remaining on the premises when it is practical or becomes necessary to do so based upon the requirements of the services provided.
2. As used herein “face covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes or exhalation air valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials.
3. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public except when adequate physical barriers are in place to protect the public and the employee. Building owners, operators, managers, lessees, employers, businesses, and non-profit organizations, as appropriate, shall have the authority to waive masking for employees and volunteers who are known to be fully vaccinated against Covid-19 while within the workplace or building space managed by them, provided however that mask requirements shall not be waived for employees and volunteers who are interacting in person with members of the public.
4. Members of the public dining indoors at a restaurant may remove face covering while seated at their table. Members of the public must wear a mask when entering, using, or leaving the restroom of a restaurant.
5. A person may temporarily remove their mask when in a business if obtaining a service or product that requires verification of the person’s identity or age.
6. Residents, visitors, and members of the public entering or present at a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and communal spaces when social distancing of at least six feet is not practiced.
7. Notwithstanding the above, this order does not require children under 3 years of age to wear face covering (parents should make their own judgment). Face covering is not recommended for children less than 2 years of age.
8. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health-related reasons.

Any person who violates this ordinance shall be subject to a fine for the first offense in the amount

of \$100, for a second offense or subsequent offense the fine shall be \$250.

This ordinance shall be effective immediately upon passage and shall continue in effect until rescinded by action of the Council.

Effective date September 4, 2021.

August 23, 2021

**LEBANON CITY COUNCIL
NOTICE OF
PUBLIC HEARINGS**

**Wednesday, September 1, 2021 -
7:00pm**

**Council Chambers, City Hall or
REMOTE VIA
VIRTUAL PLATFORM
LebanonNH.gov/LIVE**



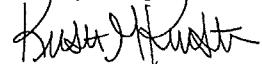
The Lebanon City Council will hold public hearings on September 1, 2021, beginning at 7:00pm for the following:

- A. APPROPRIATION FOR 20 SPENCER STREET CLEANUP PROJECT** – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of Seven Hundred Thousand Dollars (\$700,000) to be transferred from Unassigned Fund Balance to the Capital Improvement Fund for the 20 Spencer Street Cleanup Project.
- B. ORDINANCE 2021-05** – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to correct the water rate charge approved as part of Ordinance #2020-20 for a four-inch water meter.
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Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

9. OLD BUSINESS:

**9.A – PRESENTATION OF SECOND READING:
AMEND ORDINANCE NO. 18 TO
INCLUDE THE POSITION OF COMMUNITY NURSE**

BACKGROUND

The City began funding the Community Nursing Program in 2019 with an allotment of \$15,000. Funding continued in 2020 with an allotment of \$23,260 which increased to \$75,000 in 2021, pending approval of a Mobile Integrated Health (MIH) Agreement with Dartmouth Hitchcock Medical Center. The MIH Agreement was signed by the City and DHMC in December 2020 and is in effect until December 31, 2023. Funding is included in the agreement for the Community Nursing Program for up to 40 hours of nursing service each week. There are currently two to three nurses participating in the program sharing the 40-hour workload. The MIH Program will be assessed in 2023 to determine if the program will continue for an additional three-year term.

The Community Nurses will be regular part-time employees of the city which requires an amendment to Ordinance #18 to include the position in the wage and classification scale. After review of the job description and the completion of a local market analysis, the position is proposed to be classified as a Grade 10.

Process to Amend Ordinance No. 18

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

The first presentation was recognized by the Council on August 18, 2021. The Council is now asked to recognize the second of three presentations to amend the Ordinance. The third presentation will follow on September 15, along with a public hearing to adopt the amendments as proposed.

ACTION

The City Council is asked to take the following actions:

1. ACKNOWLEDGE SECOND PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions to include the position of Community Nurse, Grade 10.

Changes in the table below shown in **red**.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES					
10	Assistant City Engineer**	\$30.50	\$41.18	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Community Nurse	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,220.15	\$1,647.20

**denotes LPASE Positions.

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

9. OLD BUSINESS:

**9.B – REVIEW AND ADOPTION OF CITY COUNCIL POLICY CC-107
DEBT MANAGEMENT**

BACKGROUND

City Manager Shaun Mulholland began review of proposed City Council Policy CC-107, Debt Management, at the August 18, 2021, City Council meeting. Review will continue this evening, at the close of which, Council will be asked to consider adopting the policy as proposed.

ACTION

The following motion is offered for consideration:

MOVED, that the Lebanon City Council adopts City Council Policy CC-107, Debt Management, as presented in the September 1, 2021, City Council Agenda packet, to be effective upon passage.

Included in this Section:

1. August 18, 2021 City Council Agenda Packet Item 10.E
2. PowerPoint Presentation – Debt Management Policy

**AGENDA
LEBANON CITY COUNCIL
AUGUST 18, 2021**

10. NEW BUSINESS:

10.E – REVIEW OF PROPOSED CITY COUNCIL POLICY CC-107

DEBT MANAGEMENT

BACKGROUND

The Council adopted the present debt management policy, 99-02-C in January of 1999. The policy needs to be revised to address the circumstances the City current operates in. Since the inception of this policy the City was issued an administrative order by the US Environmental Protection Agency regarding the separation of the City's sewer system from its stormwater system. This required the City to authorize long-term debt in the amount of approximately \$71 million dollars. The cost of the debt service was apportioned to the General Fund, Sewer Fund and Water Fund. The present debt load regarding the General Fund is in compliance with the requirements of state statute however it is not in compliance with the previously approved policy.

The proposed revisions reformat and re-number the policy to comply with the new policy format and numbering system. The policy adopts a new structure and standards for the General Fund. The revised policy for the first time proposes the adoption of specific provisions for the Water, Sewer, and Solid Waste enterprise funds.

A review was conducted of similar policies in other cities in New Hampshire as well as other states. The Government Finance Officers Association standards were also incorporated into the policy. The proposed policy complies with the provisions of state and federal law. City staff working with consultants Dave Fox of Raftelis and Doug Smith assisted in the development of the policy and analysis of the financial data.

The goal of the policy revisions is to assist the City in long-term financial planning to meet its infrastructure needs and ensure the City's financial health. The provisions of the plan would take effect immediately upon approval regarding debt management in the General Fund and Solid Waste Fund. The provisions relative to the Water and Sewer Funds would take effect in January of 2024 when the present rate plan developed by Raftelis ends at the end of 2023. The specific percentage rates for the Sewer Fund will need to be added in 2022 when the long-term sewer infrastructure plan is finalized.

Adoption of the policy would be used to develop the present 6 Year Capital Improvement Plan under consideration by the City Manager and the Planning Board this year. Adoption of this policy would not change the process which requires the Council to make appropriations on an annual basis as well as the setting of water, sewer and solid waste rates. The appropriation of funds and the rate setting process will continue to occur on an annual basis while the CIP will continue to be re-adopted and projected out for the subsequent 6 years.

It is important to note that the projections for debt service are based upon the 6 Year CIP being proposed. The actual debt service will change for a number of reasons to include:

1. Some projects will come under budget while others will exceed their budget estimates.

2. The timing of when debt service is due changes based upon when the bonds are actually sold. Some project schedules change and the need to borrow the funds also changes depending upon the project.
3. We estimate what interest rates will be however the actual amount is not known until the bond sale actually occurs.
4. Some projects anticipate grant funding that may not actually be received while others are the recipients of grant funds that were not initially anticipated.

This policy focuses on the amount of debt principal that is owed, not the annual debt service payments which will fluctuate for the reasons indicated above.

ACTION

No action at this meeting. This policy is scheduled for final review and approval by the Council on September 1, 2021.

Included in this Section:

1. Existing Debt Policy, 99-02-C
2. Proposed revised Council Policy CC-107 Debt Management
3. City debt statistics
4. Examples of Debt Policies from Nashua, Keene, Concord, and Dover
5. GFOA Guidance regarding debt management



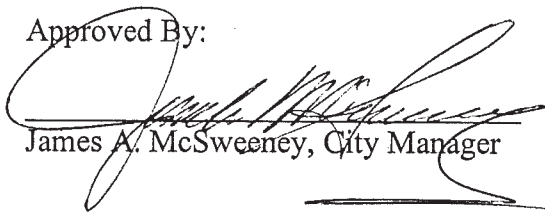
City of Lebanon ~ City Council Policy

Debt Policy

Policy Number: **99-02-C**

Effective Date: **January 6, 1999**

Approved By:


James A. McSweeney, City Manager

PURPOSE:

To protect both current and future taxpayers from the effects of excessive spending and assure that municipal affairs will be conducted economically and efficiently; prevent the City from incurring excessive debt except in extreme and exigent circumstances while striking an appropriate balance between establishing limits on the debt program and providing sufficient flexibility to enable the City to respond to unforeseen circumstances and new opportunities that may benefit the City.

POLICY:

General Application. This Debt Policy is applicable to debt issued for municipal purposes as defined and permitted by RSA Chapters 33 (Municipal Finance Act) and 33B (Municipal Revenue Bonds) and not for debt issued in connection with either School District, County or other overlapping debt. It is the intent of this Policy to be consistent with other financial policy goals of the City. In particular, provisions of this Policy are to be compatible with the City's goals pertaining to the capital program and budget, the financial plan and the operating budget.

Type of Debt. All debt legally permitted to be issued by the City, with the exception of debt issued in connection with revenue producing facilities, as enabled by RSA Chapter 33B, is general obligation debt, supported by the full-faith-and-credit of the City of Lebanon.

PROCEDURE:

Please refer to the Policy attached.

CITY OF LEBANON, NEW HAMPSHIRE

DEBT POLICY

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01 GENERAL PROVISIONS**01-101 PURPOSE**

To protect both current and future taxpayers from the effects of excessive spending and assure that municipal affairs will be conducted economically and efficiently; prevent the City from incurring excessive debt except in extreme and exigent circumstances while striking an appropriate balance between establishing limits on the debt program and providing sufficient flexibility to enable the City to respond to unforeseen circumstances and new opportunities that may benefit the City.

01-102 APPLICATION OF THIS POLICY

01-102.01 General Application. This Debt Policy (herein after referred to as Policy) is applicable to debt issued for municipal purposes as defined and permitted by RSA Chapters 33¹ (Municipal Finance Act) and 33B² (Municipal Revenue Bonds) and not for debt issued in connection with either School District, County or other overlapping debt. It is the intent of this Policy to be consistent with other financial policy goals of the City. In particular, provisions of this Policy are to be compatible with the City's goals pertaining to the capital program and budget, the financial plan and the operating budget.

01-102.02 Type of Debt. All debt legally permitted to be issued by the City, with the exception of debt issued in connection with revenue producing facilities, as enabled by RSA Chapter 33B, is general obligation debt, supported by the full-faith-and-credit of the City of Lebanon.

01-103 DEFINITIONS

The words defined in this Section shall have the meanings set forth below whenever they appear in this Code unless:

- (a) the context in which they are used clearly requires a different meaning; or
 - (b) a different definition is prescribed for a particular or provision.
- 1) *Annual Rate of Debt Retirement* is an indicator of ability to repay outstanding debt in a timely manner.
 - 2) *Authorized Debt.* Authorization by City Council to the City Treasurer with the approval of the City Manager to borrow funds through the issuance of notes/bonds pursuant to the City's Debt Policy and applicable State Law. Debt may be issued (borrowing having taken place) or unissued (borrowing not having taken place). Both authorized issued and unissued debt are elements taken into consideration when determining debt burden and limitations. retirement) and measures of debt burden on the City (debt per capita and direct and statutory debt as percentage of equalized assessed property value).
 - 3) *Call or Call Provision.* The conditions under which a debt obligation may be redeemed prior to its maturity date.
 - 4) *Capital Budget.* A spending plan for capital outlays for the current or upcoming fiscal year. The capital budget is usually the first year of a multi-year capital improvement plan.
 - 5) *Debt Capacity and Utilization Measures.* The goal of such measurements is to assure that

¹See appendix Section 10-101.

²See appendix Section 10-102.

the amount of debt is affordable and cost effective. Included are selected measurements and evaluations including: evaluation of trends relating to financial performance (Unreserved Fund Balance), analysis of debt service obligations (existing debt service requirements, debt service as a percentage of General Fund operating budget and annual rate of debt

- 6) *Direct Bonded Indebtedness per Capita*. Direct Bonded Indebtedness divided by population as employed by the New Hampshire Department of Revenue Administration in determining State revenue sharing and Business Profits Tax revenue allocation and distribution. (See Benchmark Direct and Overall Debt Ratios and Other Affordability Targets.)
- 7) *Debt Service*. Principal and interest payments.
- 8) *Direct Bonded Indebtedness*. Total authorized, issued and unissued debt to be paid out of general public revenue as opposed to debt paid by self-supporting funds -- i.e. Landfill, Water, Sewer and Airport Funds. This contrasts with Net Statutory Bond Indebtedness, the calculation of which being limited to certain statutory exclusions.
- 9) *Direct Bonded Debt Service*. Costs incurred for payment of principal and interest that are to be paid out of general public revenue as opposed to debt service costs paid by self-supporting funds -- i.e. Landfill, Water, Sewer and Airport Funds.
- 10) *Equalized Valuation*. Property valuations at 100% of market value as determined through sale ratio analysis by the New Hampshire Department of Revenue Administration (DRA) based on locally generated sales data. Total equalized valuation is adjusted by the DRA for debt limitation calculation purposes.
- 11) *General Fund Operating Budget*. Total budgeted expenditures supporting general municipal functions, activities, programs and services. Excluded are outlays associated with the collection and disbursement of tax receipts in connection with the School District and County assessments.
- 12) *General Obligation Bonds*. Bonds that are secured by the full-faith-and-credit of the City.
- 13) *Net Statutory Bonded Indebtedness*. Total authorized, issued and unissued debt adjusted by statutory exclusions (RSA 33, Municipal Finance Act). Cities may not incur net statutory indebtedness to an amount at any one time outstanding exceeding 3 percent of last applicable locally assessed valuation of the City as equalized for debt limitation purposes by the New Hampshire Department of Revenue Administration. See Direct Bond Indebtedness.
- 14) *Proceeds*. Includes premium, accrued interest and investment earnings as well as the principal amount borrowed.
- 15) *Refunding Bonds*. Debt issued to retire existing debt.
- 16) *Revenue-Producing Facilities* means water works, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities and any other real or personal property or interests in a City owned or controlled by the City, from the operation of which revenues are or are expected to be derived by the City.
- 17) *Tax Anticipation Notes*. Short-term cash flow borrowing in anticipation of receipt of property tax proceeds. Term outstanding is limited by statute to one-year. (Property taxes are billed twice yearly with due dates of July 1 and December 1 allowing at least 30-days between time of billing and due date. Property taxes comprise approximately 83 percent of total revenues.)

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SEVERABILITY

If any provision of this Policy or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Policy which can be given effect without the invalid provision or application, and to this end the provisions of this Policy are declared to be severable.

01-105 AMENDMENT AND REVIEW OF POLICY

Authority to implement changes to this Policy is delegated to the City Treasurer with the concurrence of the City Manager without prior notice if it is deemed to be in the best interest of the City. This Policy shall be reviewed and adopted at least annually by the City Council. This Policy is available for public review and inspection. A copy may be obtained by contacting the City Treasurer.

01-106 EFFECTIVE DATE

This Policy was adopted by the City Council on January 6, 1999 to become effective upon adoption.

02 OBJECTIVES**02-101 GENERAL**

To enhance the quality of decisions by imposing order and discipline, and promoting consistency and continuity in decision making; to rationalize the decision-making process; and to demonstrate a commitment to long-term financial planning objectives.

02-201 SELECTED OBJECTIVES

02-201.01 Purpose for Which Debt May be Issued. The City of Lebanon will utilize long-term borrowing only for capital improvement projects or for such other purposes as permitted by this Policy and RSA Chapters 33 and 33B that cannot be financed from current revenue sources.

02-201.02 Individual Fund Debt Service Support. Debt incurred by or on behalf of any City fund -- other than the General Fund, which is supported by general City revenues -- shall be supported by that fund. For any City fund other than the General Fund that is supporting debt service an annual rate review will be performed to ensure that fees or rates are sufficient to meet the debt service requirements. For General Fund supported debt service an estimate of tax rate impact shall be conducted.

02-201.03 Debt Capacity and Utilization Measurements.

- 1) The City will maintain at any one time its Net Overall Bonded Indebtedness at a level not to exceed 3 percent of the assessed valuation of taxable property within the City as determined for debt limitation purposes by the New Hampshire Department of Revenue Administration.
- 2) The City will strive to maintain its annual Direct Bonded Debt Service costs at a level not to exceed 15 percent of the General Fund Operating Budget.
- 3) The City will strive to ensure that its Direct Bonded Indebtedness per Capita does not exceed \$900.
- 4) The City will maintain its Annual Rate of Debt Retirement at a level not less than 25 percent of principal outstanding within five years of the year of issuance.

02-201.04 Tax Anticipation Notes. The City will strive to maintain non-reliance on the issuance of tax anticipation notes consistent with the City's Fund Balance and Capital Improvements Management Policies.

02-201.05 Communications with Interested Parties. The City will maintain good communications with all interested parties with respect to its financial condition and will follow a policy of full disclosure on

every financial report.

03 RESPONSIBILITIES AND AUTHORITY

03-101 DELEGATION OF AUTHORITY

Authority for the issuance of debt is delegated to the City Manager and City Treasurer in accordance with RSA Chapters 33 and 33B and City Charter Sections³ 419:41, 419:43 and 419:49. No person may engage in a debt issuance transaction except as provided under the terms of this Policy and RSA Chapters 33 and 33B and the procedures and internal controls established by the City Treasurer. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate employees. The investment of debt proceeds shall be governed in accordance with RSA 48:16⁴ and City's Investment Policy.

03-101.01 Tax Anticipation Notes. Authorization for the issuance of Tax Anticipation Notes was provided by resolution of the City Council on December 17, 1996⁵ with such authorization and empowerment to be indefinite until specific rescission of such authority and empowerment by the City Council.

03-102 STANDARDS OF CARE

03-102.01 Prudence. The standard of prudence to be used by the City Treasurer and other authorized individuals in the debt issuance process shall be the "prudent person" standard.

03-102.02 Ethics and Conflicts of Interest. City employees, officials, and representatives and agents of the City involved in the debt issuance process shall refrain from personal business activity that could conflict (or appear to conflict) with the proper execution of the debt issuance program, or that could impair their ability to make impartial decisions. Employees and other officials shall disclose any material financial interests in financial institutions with which they conduct business.

03-103 INTERNAL CONTROLS

03-103.01 Internal Controls. The City Treasurer shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed annually with the City's independent auditors.

04 MUNICIPAL FINANCE ACT, RSA CHAPTER 33

04-101 REPAYMENT OF LOANS

04-101.01 Repayment of Loans. See RSA Chapter 33:2.

04-101.02 Call Bonds. See RSA Chapter 33:2-a

³See appendix Sections 10-103, 104 and 105.

⁴See appendix Section 10-106.

⁵See appendix Section 10-107.

- 04-201 **PURPOSE AND USE OF BOND AND NOTE PROCEEDS**
- 04-201.01 **Purpose of Issue of Bonds and Notes.** See RSA Chapter 33:3.
- 04-201.02 **Use of Bond Proceeds.** See RSA Chapter 33:3-a.
- 04-201.03 **Additional Purposes.** See RSA Chapter 33:3-b.
- 04-201.04 **Issue of Bonds for Preliminary Expenses.** See RSA Chapter 33:3-c.
- 04-201.05 **Refunding Bonds.** See RSA Chapter 33:3-d.
- 04-201.06 **Superfund Site Cleanup Bonds.** See RSA Chapter 33:3-e.
- 04-201.07 **State Guarantee.** See RSA Chapter 33:3-f.
- 04-301 **STATUTORY DEBT LIMIT**
- 04-301.01 **Debt Limit.** See RSA Chapter 33:4-a.
- 04-301.02 **Debt Limit Computation and Exclusions.** See RSA Chapters 33:4-b through 33:6-e.
- 04-401 **TEMPORARY NOTES**
- 04-401.01 **Tax Anticipation Notes.** See RSA Chapter 33:7.
- 04-401.02 **Temporary Loans.** See RSA Chapter 33:7-a.
- 04-401.03 **Anticipation of Federal or State Aid.** See RSA Chapter 33:7-b.
- 04-401.04 **Borrowing in Emergency Due to Bankruptcy.** See RSA Chapter 33:7-c.
- 04-401.05 **Tax Lien Redemption Notes.** See RSA Chapter 33:7-d.
- 04-501 **BOND/NOTE ISSUANCE AUTHORIZATION**
- 04-501.01 **City Bonds.** See RSA Chapter 33:9.
- 04-601 **OTHER STATUTORY PROVISIONS**
- 04-601.01 **Authentication of Bonds.** See RSA Chapter 33:11.
- 04-601.02 **Agreements Relating to Registered Bonds and Notes.** See RSA Chapter 33:11 a.
- 04-601.03 **Register.** See RSA Chapter 33:12.
- 04-601.04 **Report of Borrowing.** See RSA Chapter 33:14.
- 04-601.05 **Regularity Presumed.** See RSA Chapter 33:15.

- 04-601.06 **Tax Exemption.** See RSA Chapter 33:16.
- 04-601.07 **Construction of Other Legislation.** See RSA Chapter 33:17.
- 05 MUNICIPAL REVENUE BONDS, RSA CHAPTER 33B**
- 05-101 PURPOSE, USE AND ISSUANCE OF REVENUE BONDS**
- 05-101.01 **Issuance of Revenue Bonds.** See RSA Chapter 33-B:2.
- 05-101.02 **Project Costs.** See RSA Chapter 33-B:3.
- 05-101.03 **Trust or Security Agreement or Resolution.** See RSA Chapter 33-B:4.
- 05-101.04 **Credit Facilities and Insurance.** See RSA Chapter 33-B:5.
- 05-101.05 **Pledge of Revenue or Other Property.** See RSA Chapter 33-B:6.
- 05-101.06 **Enforcement of Rights.** See RSA Chapter 33-B:7.
- 05-101.07 **Refunding Bonds.** See RSA Chapter 33-B:8.
- 05-101.08 **Governmental Consents.** See RSA Chapter 33-B:9.
- 05-201 OTHER STATUTORY PROVISIONS**
- 05-201.01 **Investment Securities.** See RSA Chapter 33-B:10.
- 05-201.02 **Separate Funds.** See RSA Chapter 33-B:11.
- 05-201.03 **Trust Funds.** See RSA Chapter 33-B:12.
- 05-201.04 **Tax Exemption.** See RSA Chapter 33-B:13.
- 05-201.05 **Eligible Investments.** See RSA Chapter 33-B:14.
- 05-201.06 **Construction and Effect of Other Laws.** See RSA Chapter 33-B:15.

§ 33:1 Definitions. – This chapter may be referred to as the "Municipal Finance Act." The following terms, when used in this chapter, shall have the meanings set forth below, except when the context in which they are used requires a different meaning:

I. "Municipality" or "municipal corporation," town, city, school district or village district;

II. "Governing board," the selectmen of a town, the commissioners or comparable officers of a village district, and the school board of a school district;

III. "Net indebtedness," all outstanding and authorized indebtedness, heretofore or hereafter incurred by a municipality, exclusive of the following: unmatured tax anticipation notes issued according to law; or notes issued in anticipation of grants of federal or state aid or both; debts incurred for supplying the inhabitants with water or for the construction, enlargement, improvement or maintenance of water works; debts incurred to finance the cost of sewerage systems or enlargements or improvements thereof, or sewage or waste disposal works when the cost thereof is to be financed by sewer rents or sewer assessment; debt incurred pursuant to RSA 31:10; debts incurred to finance energy production projects, the reconstruction or enlargement of a municipally owned utility, or the manufacture or furnishing of light, heat, power or water for the public, or the generation, transmission or sale of energy ultimately sold to the public; debts incurred to finance small scale power facilities under RSA 374-D; debts incurred outside the statutory debt limit of the municipality under any general law or special act heretofore or hereafter enacted (unless otherwise provided in such legislation); and sinking funds and cash applicable solely to the payment of the principal of debts incurred within the debt limit.

§ 33:2 Repayment of Loans. – Municipalities and counties shall not issue any bonds or notes payable on demand. They shall provide for the payment of all loans issued under authority of this chapter except notes issued under authority of RSA 33:7, in annual payments which shall be so arranged that the amount of the annual payment of principal and interest in any year on account of any loan shall not be less than the amount of principal and interest payable in any subsequent year by more than 2 percent of the principal of the entire loan. The total amount of such payments shall be sufficient to extinguish the entire loan on account of which they are made at maturity. The first payment of principal on any loan shall be made not later than 2 years and the last payment not later than 30 years after the date thereof, provided, however, that no loan issued to pay for public work or improvement shall exceed the expected useful life of said public work or improvement as determined by the governing board or the city councils in the case of cities, or the county commissioners in the case of counties. Each authorized issue of notes or bonds shall be a separate loan. The amount of each payment of principal and interest on all loans shall, without vote of the municipality or county, be annually assessed and collected. Sinking funds and debt retirement funds for the payment of debt shall not hereafter be established.

§ 33:2-a Call Bonds. – The issuance of bonds or notes hereunder which are subject to call, at the election of the municipality, before the date fixed for final payment thereof, is authorized. The bonds or notes, in such cases, shall contain provisions setting forth the method or methods by which the option to call may be exercised, the procedure for payment in the event of call, and the legal effect of the making of the call. If such call bonds or notes are payable to bearer, they may be called, at the election of the municipality, on any date when interest thereon shall become payable, written notice of such election first having been given to the bank, banks or other institutions, if any, at which they are stated on their face to be payable, and published for 4 consecutive weeks at least once a week in one or more newspapers printed and published in Boston, Massachusetts, and in one newspaper printed and published in the state of New Hampshire and circulating in said municipality, the last such publications being at least 14 days before the date specified for payment; and thereupon, after the date so specified, interest thereon shall cease. If such call bonds or notes are payable to the registered holder, they may be called, at the election of the municipality, on any date when

interest thereon shall become payable, written notice of such election first having been given to the registered holder by registered mail, postage prepaid, to such holder at his last address, as registered in the books of the municipal treasurer; and thereupon, after the date so specified, interest thereon shall cease.

§ 33:3 Purpose of Issue of Bonds or Notes. – A municipality or county may issue its bonds or notes for the acquisition of land, for planning relative to public facilities, for the construction, reconstruction, alteration and enlargement or purchase of public buildings, for other public works or improvements of a permanent nature, for the purchase of departmental equipment of a lasting character, for the payment of judgments, and for purposes of economic development which shall include public-private partnerships involving capital improvements, loans, and guarantees. The public benefit in any public-private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes of economic development may be issued only after the governing body of the municipality or county has held hearings and presented the public benefit findings to the public and after such issuance has been approved by the legislative body. A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

§ 33:3-a Use of Bond Proceeds. – I. The proceeds of any sale of bonds or notes shall be used only for the purposes for which the loan was incurred except as otherwise authorized by this section; provided, however, that any premium received shall not be used to increase the amount to be spent for the purpose for which the loan was originally incurred. The purposes for which the loan was incurred may include the payment of principal of and interest on any temporary indebtedness incurred under RSA 33:7-a and interest on any temporary indebtedness incurred under RSA 33:7-b.

II. If after notes or bonds have been issued and no expenditure of the proceeds has been made for the purpose or purposes for which the debt was incurred, or if a balance remains after the completion of the project or projects for which the debt was authorized, a city by a vote of 2/3 of the city council or a town, school district or village district by a vote of 2/3 of the voters present and voting at an annual meeting, and a county by a 2/3 vote of all the members of the county convention may authorize the expenditure of the sum or sums on hand, including any premiums received, for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time at any time which said sum or any portion thereof remains available; provided, however, that if the sum obtained by issuance of bonds or notes, as aforesaid, or any balance thereof, including any premium, is not appropriated as aforesaid, then the same shall be used to pay the principal of the loan as it matures.

III. Notwithstanding the provisions hereof, no appropriation for a loan or balance thereof shall be made which will increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for such purpose.

§ 33:3-b Additional Purpose. – A city or town may issue its bonds or notes for the purpose of defraying the cost of a reappraisal by professional appraisers of the real estate in such city or town for tax assessment purposes, or for the acquisition of a tax map of said city or town; said bonds or notes to mature in a period of not more than 5 years from the date of issue.

§ 33:3-c Issue of Bonds for Preliminary Expenses. – A municipality or county may issue its bonds or notes for the purpose of defraying the cost of preliminary or final plans and specifications or other preliminary expenses incidental to or connected with any proposed public work or improvement of a permanent nature consisting of the construction, reconstruction, alteration or enlargement of a public building, or the construction, enlargement or improvement of water works, of a sewerage system or sewage or waste treatment facilities or of solid waste disposal or resource recovery facilities, said bonds or notes to mature over a period of not more than 5 years from the date of issue unless they are issued at the same time as bonds or notes for the public work or improvement for which such expenses were incurred, in which case said bonds or notes shall mature over a period not exceeding the expected useful life of such public work or improvement. A municipality or county may issue its bonds or notes in accordance with this section for planning and other preliminary expenses relating to solid waste disposal or resource recovery facilities to serve the municipality or county, notwithstanding that the facilities may later be owned by a private entity, but only for such

expenses incurred prior to any binding contractual commitment to a proposed private owner, and only if such bonds or notes do not constitute "private activity bonds" as defined in section 103(n)(7) of the United States Internal Revenue Code (1954) as amended.

§ 33:3-d Refunding Bonds. – I. A municipality or county may authorize the issuance of refunding bonds in order to pay all or part of any issue of bonds called or to be called for redemption, including any redemption premium thereon, all or part of the interest coming due on or prior to the date on which the outstanding bonds are redeemed, and the costs of issuing and marketing the refunding bonds. The authorization and issuance of refunding bonds shall be subject to the same requirements and provisions of law as would then be applicable to the authorization and issuance of the bonds being redeemed, as far as apt. In a town, school district, or village district, but not in a city, such refunding bonds may be authorized by the governing body of such town, school district, or village district, notwithstanding the provisions of RSA 33:8. In this case, the authorization of refunding bonds shall not be subject to RSA 33:8-a, provided that there shall be at least one public hearing concerning any proposed refunding bond issue in excess of \$100,000 held before the governing body of the town, school district, or village district. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the town, school district, or village district at least 7 days before the hearing is held.

II. Refunding bonds shall be payable in installments, the first of which shall be not later than the earliest stated principal maturity date of the bonds being refunded and the last of which shall be not later than the last date on which the bonds being refunded could have been made payable under that law applicable to the bonds being refunded. The installment payments of refunding bonds shall be arranged in accordance with RSA 33:2 except that any installment that is payable earlier than the date on which the first installment is required to be made payable may be in any amount. The proceeds of refunding bonds, exclusive of any premium and accrued interest and any proceeds used to pay issuing or marketing costs, shall, upon their receipt, be paid immediately to the paying agent for the bonds which are to be called and prepaid; and such paying agent shall hold such proceeds in trust until the bonds are redeemed. While such proceeds are held in trust, they may be invested for the benefit of the municipality or county in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof, or as may be provided in any other applicable law of the state of New Hampshire relating to the investment or deposit of municipal or county funds; and the income derived from investment may be expended to pay the principal of and redemption premium, if any, on the refunded bonds and interest thereon until they are redeemed. Refunding bonds issued in accordance with this section shall be subject to the same statutory limit of indebtedness, if any, as the bonds refunded; provided, however, that upon the issuance of the refunding bonds, the bonds refunded shall no longer be counted in determining any limit of indebtedness of the municipality or county.

§ 33:3-e Superfund Site Cleanup Bonds Authorized. – A municipality may authorize the issuance of bonds, payable within 20 years from their dates of issuance, in order to pay all response costs associated with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. section 9601 et seq. ("CERCLA"), national priorities list site ("superfund site") in which the municipality is a named potentially responsible party. Response costs shall include, but not be limited to, costs incurred for investigation, design, remedial action, legal fees and costs, consulting fees and costs, and other costs associated with the superfund site. Any debt incurred for this purpose shall be outside the debt limit prescribed in this chapter. Such debt shall at no time be included in the net indebtedness of any municipality for the purposes of determining its borrowing capacity. In the sole discretion of the municipality, it may extend the benefits of this bonding authority to one or more of the other potentially responsible parties at the superfund site. If a municipality elects to extend such benefits, its governing body shall enter into agreements with such other potentially responsible parties, in such form as it shall deem appropriate, to provide for payments to the municipality to pay principal and interest and other related costs of the bonded indebtedness incurred by the municipality on behalf of the other party or parties. For the purposes of this subdivision, "governing body" means the board of selectmen in a town, the board of aldermen or council in a city or town with a town council, the school board in a school district or the village district commissioners in a village district, or when used to refer to unincorporated towns or unorganized places, or both, the county commissioners.

§ 33:3-f State Guarantee. – I. The governor and council may award an unconditional state guarantee of the principal

of and interest on bonds issued under RSA 33:3-e. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest. The amount of the state guarantee available under this section shall not exceed the following principal amounts, plus interest:

- (a) Effective upon passage \$25 million
- (b) For the fiscal year 1995, an additional 25 million

II. The total amount awarded under RSA 33:3-e and this section to any one superfund site, however, shall not exceed \$20,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

III. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds and such terms and conditions as they may deem appropriate concerning reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the municipality, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the municipality by its governing body.

IV. Nothing in this subdivision shall be construed to affect in any way the ultimate liability of any party, under state or federal law, for hazardous waste cleanup costs.

§ 33:4 Debt Limit, Counties. – Counties shall not incur net indebtedness to an amount, at any one time outstanding, exceeding 2 percent of the last assessed valuation thereof.

§ 33:4-a Debt Limit, Municipalities. – I. Cities shall not incur net indebtedness, except for school purposes to an amount, at any one time outstanding, exceeding 3 percent of their valuation determined as hereinafter provided.

II. Cities shall not incur net indebtedness for school purposes to an amount at any one time outstanding, determined as hereinafter provided, exceeding 7 percent of said valuation. Any debt incurred for school purposes by a city under this or any special statute heretofore or hereafter enacted shall be excluded in determining the borrowing capacity of a city for other than school purposes under the 3 percent limitation in paragraph I.

III. Towns shall not incur net indebtedness to an amount at any one time outstanding exceeding 3 percent of their valuation determined as hereinafter provided.

IV. School districts shall not incur net indebtedness to an amount at any one time outstanding exceeding 7 percent determined as hereinafter provided.

V. Village districts shall not incur net indebtedness to an amount at any one time outstanding exceeding one percent of their valuation determined as hereinafter provided.

§ 33:4-b Debt Limit; Computation. – The debt limitations hereinbefore prescribed, except for counties, shall be based upon the applicable last locally assessed valuation of the municipality as last equalized by the commissioner of revenue administration under RSA 21-J:3, XIII and shall include the equalized value of property formerly taxed

pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X and XI; 72:16; 72:17; 73:26; 73:27 and 73:11 through 16 inclusive, all as amended, which was relieved from taxation by 1970, 5:3, 5:8 and 57:12, as determined under the provisions of RSA 71:11 as amended. Whenever several municipalities possessing the power to incur indebtedness cover or extend over identical territory, each such municipality shall so exercise the power to incur indebtedness under the foregoing limitations so that the aggregate net indebtedness of such municipalities shall not exceed 9.75 percent of the valuation of the taxable property as hereinbefore determined, except as provided for cooperative school districts under RSA 195:6. A written certificate signed by the commissioner of the department of revenue administration shall be conclusive evidence of the base valuation of municipalities for computing debt limits hereunder.

§ 33:5 Sewerage Systems and Sewage Treatment Works. – Municipalities which have received orders from the department of environmental services to install sewage treatment works under the provisions of RSA 485-A, or to install a sewerage system or sewage treatment works under the provisions of RSA 485:27, or under RSA 147, or acts amending such statutes enacted in the future, may incur debt by the issue of bonds or notes for the construction of such sewerage systems and treatment works outside the limit of indebtedness prescribed by RSA 33:4. Such debt shall at no time be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity.

§ 33:5-a Water Works. – Municipalities may incur debt for supplying the inhabitants with water or for the construction, enlargement, or improvement of water works, by the issue of bonds or notes, for such purposes, as set forth in this chapter; provided, however, that such municipalities shall not incur debt for such purposes to an amount, at any one time outstanding, exceeding 10 percent of their last locally assessed valuation as last equalized by the commissioner of revenue administration determined as provided in RSA 33:4-b. Any municipality which shall have received orders from the department of environmental services under the provisions of RSA 485 requiring the alteration, enlargement, or application of any other improvement in such facilities as will ensure fitness and safety and adequate protection of the public health may incur debt thereof by the issue of bonds or notes outside the limit prescribed herein. All debt authorized by this section, inasmuch as it is all excluded from the definition of "net indebtedness" in RSA 33:1, shall at no time be included for the purpose of calculating the borrowing capacity of the municipality for other purposes. The debt limits established by this section may be exceeded by a municipality in accordance with the procedure prescribed in and subject to the provisions of RSA 33:6.

§ 33:5-b Voluntary Projects. – Any city, town, village district, or other political subdivision may vote to incur debt for the purpose of installing a sewage disposal plant including treatment works or sewerage facilities or thereof, although at the time of such vote it has not received an order from the department of environmental services directing such installation under RSA 147, RSA 485, or RSA 485-A. Any such debt shall at no time be included in the net indebtedness of said city, town, village district, or other political subdivision for the purpose of ascertaining its borrowing capacity provided the approval of the governor and council hereinafter provided for is obtained.

§ 33:5-c Approval. – Any such municipality which has voted to incur debt under the provisions of RSA 33:5-b shall submit a certified copy of the record of such action together with detailed plans of the proposed construction to the department of environmental services for review and approval, as hereinafter provided. After a review of the plans and such other independent investigation as is deemed necessary, if the department of environmental services determines that the proposed project is in the public interest, due consideration being given to the cost of said project in relation to the benefits which will accrue to public health or water pollution control, it shall furnish a report of its findings and recommendations including a recommendation concerning a state guarantee as provided for under RSA 485-A:7 to the governor and council for their approval.

§ 33:5-d State Revolving Loan Funds. – The terms of repayment by a municipality of any loan from the loan fund established under RSA 486:14, or from any other state revolving loan fund established for water pollution control, solid waste disposal or treatment or other environmental improvement purposes, shall be governed by the statute and rules establishing the loan fund, notwithstanding any inconsistency with the provisions of this chapter relating to required annual installments, maximum period, or other such terms and conditions. In addition, a municipality may use proceeds of such a loan to pay interest on the loan during construction and for a period thereafter to the extent

permitted by such statute or rules, and no authenticating certificate shall be required under RSA 33:11 on any bond, note or other document evidencing the loan.

§ 33:6 Emergency Borrowing. – Upon recommendation of the commissioner of revenue administration, approved by the governor and council, municipalities and counties may, within such limits as to amount, term and rate of interest as may be prescribed by the commissioner of revenue administration, incur debt outside the debt limit prescribed by RSA 33:4 for purposes made necessary by war or other national or local disaster or emergency. Such debt shall at no time be included in the net indebtedness of the municipality or county for the purpose of determining its borrowing capacity.

§ 33:6-a Exclusion from Debt Limit. – Any municipality which has authorized the purchase and installation of parking meters under the provisions of RSA 249, and acts in amendment thereof which has incurred indebtedness or may incur indebtedness for the purchase and installation of such meters and the acquisition, construction and improvement of public parking facilities may have such indebtedness to an amount not exceeding $\frac{1}{2}$ of one percent of its last assessed valuation computed under the provisions of RSA 33:4 excluded from the debt limit prescribed in RSA 33:4 if upon application to the commissioner of revenue administration, after hearing, the commissioner of revenue administration finds that the revenues from such sources may reasonably be expected to be adequate to retire such indebtedness and the costs connected therewith in accordance with the terms by which said indebtedness was incurred. Every such municipality shall annually in April report to the commissioner of revenue administration such information as the commissioner may require relative to the revenues from such sources, the costs of operation of such parking facilities and the amount of outstanding indebtedness for such purposes. If, at any time, the commissioner of revenue administration shall find the revenues available for retiring the debt are insufficient for the purpose, then the remaining amount of outstanding indebtedness shall be included in the limit of indebtedness prescribed by RSA 33:4.

§ 33:6-b Exclusion From Debt Limit. – Municipalities, other than school districts and counties, may incur debt for energy production projects including the reconstruction or enlargement of a municipally owned utility; the manufacture or furnishing of light, heat, power or water for the public; the generation, transmission or sale of energy ultimately sold to the public; or the construction, enlargement, or improvement of small scale power facilities, as such facilities are defined in RSA 374-D:1; by the issue of bonds or notes authorized under this chapter, RSA 374-D, and as otherwise provided by law. Any debt incurred for this purpose shall be outside the debt limit prescribed in this chapter. Such debt shall at no time be included in the net indebtedness of any municipality for the purposes of determining its borrowing capacity.

§ 33:6-c Exclusion From Debt Limit. – Any municipality which has voted to acquire land from a United States military base may incur debt by the issuance of bonds or notes beyond the limit of indebtedness as set forth in RSA 33:4-a, provided that the purpose of the acquisition is to further the economic development of the municipality. Such debt shall at no time be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity.

§ 33:6-d Exclusion From Debt Limit; Waste Site Cleanups. – Municipalities may incur debt for cleanup projects pursuant to RSA 147-B, excluding Superfund sites, and for the closing or cleanup of landfills and other solid waste facilities as defined in RSA 149-M by the issue of bonds or notes authorized under this chapter and RSA 149-M:30. Any debt incurred for this purpose shall be outside the debt limit prescribed in this chapter. Such debt shall at no time be included in the net indebtedness of any municipality for the purposes of determining its borrowing capacity.

§ 33:6-e Exclusion From Debt Limit; Solid Waste Management Districts. – The debt limit restrictions of this chapter shall not apply to a solid waste management district formed under RSA 53-B or to the debts or obligations incurred by such a district. Debts or obligations of a member municipality to such a district shall at no time be included in the net indebtedness of the municipality for the purposes of determining its borrowing capacity.

§ 33:7 Tax Anticipation Notes. – *1. Cities and Towns.* Cities and towns may incur debt in anticipation of the taxes of

the financial year in which the debt is incurred, in order to pay current maintenance and operation expenses, and may issue notes therefor to an aggregate principal amount not exceeding the total tax levy during the preceding financial year, provided that after the tax levy of the current year has been determined any city or town may borrow an amount not exceeding in the aggregate the total tax levy of the city or town for the current financial year. In order to meet necessary expenses which may arise during the period from the beginning of the financial year to the date of the annual town meeting, the treasurer of any town, with the approval of the selectmen, may issue notes, without a vote of the town therefor, to an aggregate principal amount not exceeding 30 percent of the total receipts from taxes during the preceding financial year.

II. Village Districts. Village districts may incur debt in anticipation of taxes and other revenue of the financial year in which the debt is incurred, in order to pay current maintenance and operation expenses, and may issue notes therefor to an aggregate principal amount not exceeding the total tax levy of the district during the preceding financial year. In order to meet necessary expenses which may arise during the period from the beginning of the financial year to the date of the annual district meeting, the treasurer of any district with the approval of the governing board, may issue notes, without a vote of the district therefor, to an aggregate principal amount not exceeding 30 percent of the total tax levy during the preceding financial year.

III. All notes issued under authority of this section shall be general obligations. They may be sold at discount and shall be payable not later than one year from their date. Notes issued for a shorter period than one year may be refunded or renewed, pursuant to a vote or resolution of the governing board, or the city councils in the case of cities, by the issue of other notes maturing within the required period, provided, however, that the period from the date of issue of the original loan to the date of maturity of the refunding or renewal loan shall not be more than one year.

IV. A village district established pursuant to RSA 52:1 may apply to the town it is situated in for tax anticipation money before the tax rate has been established for the town if said district presents to the selectmen a district budget, approved at a properly constituted district meeting called for the purpose of approving a budget. Towns may advance to any village district a share of any money borrowed by the town in anticipation of taxes, not exceeding the total approved budget amount to be paid to such district. The town may charge the district a proportionate share of the interest due on that town's tax anticipation notes.

V. For tax anticipation notes only, any town or village district at an annual meeting may adopt an article authorizing indefinitely until specific rescission of such authority the issuance of tax anticipation notes. The following shall apply:

(a) Such warrant article to be voted on shall read: "Shall the town (or village district) accept the provision of RSA 33:7 providing that any town (or village district) at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the selectmen (or commissioners) to issue tax anticipation notes?"

(b) If a majority of voters voting on the question vote in the affirmative, the proposed warrant article shall be in effect in accordance with the terms of the article until such time as the town (or village district) meeting votes to rescind its vote.

§ 33:7-a Temporary Loans. – If a municipality votes to issue bonds or serial notes in accordance with this chapter, or when bonds have been authorized by a county convention, and such action was in accordance with the provisions of law in all respects, the officers authorized to issue the same may, in the name of the municipality, or county, make a temporary loan or loans in anticipation of the money to be derived from the sale of such bonds or notes and may issue temporary notes therefor from time to time which are payable not later than 5 years from their respective dates of issue. Temporary notes issued for a period of less than 5 years may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed 5 years. When a temporary loan is made in anticipation of an issue of bonds or serial notes, the periods within which annual payments of an equivalent amount of the principal of such bonds or serial notes must commence and end under this chapter shall be measured from the date of the original note or notes representing such temporary loan, except that such annual payments need not commence less than one year

after the date of such bonds or serial notes. No such notes shall be renewed beyond the third anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which said notes are issued, is paid and retired on or before said third anniversary date and, if such notes are renewed beyond the fourth anniversary date of the original notes, a like amount is paid or retired on or before said fourth anniversary date from funds other than proceeds of the obligation.

§ 33:7-b Anticipation of Federal or State Aid. – A municipality may contract for or accept grants of federal or state aid or both in connection with any project for which the municipality may incur indebtedness under this chapter; and, after their receipt, such grants shall be expended according to the terms under which they are received or used to pay indebtedness incurred under this chapter. Any municipality which has contracted for or accepted an offer of a grant of federal or state aid or both, and any municipality which has not contracted for or accepted such aid but which has authorized such action and which has received a certificate from the department of environmental services stating that the department of environmental services has determined that such municipality may reasonably expect to receive an amount of federal aid with respect to a sewer project, may incur indebtedness in anticipation of the receipt of such aid by issuing its note or notes payable not more than 5 years from their dates, except that notes issued for a shorter period than 5 years may be funded and refunded from time to time by the issue of other notes which shall be payable no later than 5 years after the date of issue of the original note or notes creating the indebtedness being funded or refunded. In the case of a city the authority to contract for or accept grants of federal or state aid or both shall be given by a resolution passed in the manner provided in RSA 33:9, and in the case of a town, school district or village district the authority shall be given by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting of such corporation; and the giving of such authority shall be sufficient to authorize the appropriate officers as specified in RSA 33:8 and 9 to issue notes as provided in this section without further proceedings by the municipality. Nothing contained in this section shall be construed to authorize the appropriation of any money in a manner which is inconsistent with laws relating to appropriations of money by municipalities.

§ 33:7-c Borrowing in Emergency Due to Bankruptcy. – Whenever any person, firm or corporation, who or which owns property subject to taxation under any provision of RSA 72, files a petition in bankruptcy, or is adjudicated bankrupt under any chapter of the federal bankruptcy laws, thus causing a substantial delay in or impediment to the payment or collection of property taxes assessed thereon by the city or town in which such property is located, such city or town, if the locally assessed value of such property of the bankrupt taxpayer exceeds 5 percent of the total locally assessed value of all taxable property within the city or town, may borrow money from time to time to meet any such deficit by issuance of its notes in such amount as may be approved by majority vote of its legislative body if a city, or of those present and voting at any annual or duly called special meeting, if a town. The discretion of fixing the date, maturities and denominations, interest or discount rate, the form and other details of said notes and of providing for the issuance and place of payment thereof shall be deemed delegated to the selectmen or the treasurer, unless otherwise voted by said legislative body or town meeting. The issuance of such notes and the provisions thereof shall also be subject to the approval of the commissioner of revenue administration, who may approve the same upon a finding that the proposed borrowing complies with the provisions of this section and is in the best interests of the municipality. The provisions of RSA 31:5 shall not apply to action by special town meetings under this section. Such notes may be renewed subject to the provisions of this section and subject to the approval of the commissioner of revenue administration. Indebtedness incurred under this section shall not be subject to the debt limit prescribed by RSA 33:4-a and shall be excluded from the definition of net indebtedness in RSA 33:1. All taxes recovered from the bankrupt or through the bankruptcy proceedings shall be promptly applied toward the reduction of notes issued under this section. The commissioner may, from time to time, require reports from any such municipality as to progress in retirement of such indebtedness. All notes issued under this section shall be general obligations.

§ 33:7-d Tax Lien Redemption Notes. – I. Any city or town in which the provisions of RSA 80:58-86 are in effect may incur debt in anticipation of redemption of real estate tax liens held by the city or town, in order to pay current maintenance and operation expenses or to fund cash deficits, and may issue notes therefor that are secured and made payable in accordance with this section, notwithstanding the provisions of RSA 33:7.

II. Notes issued under this section shall be general obligations but may also be secured, pursuant to a vote or a

resolution of the local legislative body of the city or town, by a pledge of all or a portion of the proceeds of payments in redemption made under RSA 80:69 and RSA 80:71. Any such proceeds so pledged shall be deposited upon receipt in a segregated account to be held by the treasurer, or a corporate trustee designated by the treasurer, shall be applied without appropriation to the payment of such notes, and shall not be used for any other purpose until the notes and the interest on such notes are paid in full; provided that any earnings derived from investment of moneys in the account shall be credited to the general fund of the city or town and shall be available for appropriation for any lawful purpose. Any resolution adopted under this section may contain such covenants or restrictions with respect to maintenance, investment and disposition of the account, and any other provisions for protecting and enforcing the rights, security and remedies of the noteholders as may be, in the discretion of the city council or board of selectmen, reasonable and proper and not in violation of law. Any pledge made under this section shall be valid and binding and deemed continuously perfected from the time the pledge is made; and any proceeds so pledged and then held or thereafter acquired shall immediately be subject to the lien of that pledge. The resolution authorizing or creating the pledge need not be recorded other than in the records of the city or town clerk and no filing of the resolution need be made under RSA 382-A.

III. Notes issued under this section may be sold at a discount and shall be payable not later than 3 years from their dates. Notes issued for a shorter period may be refunded by the issue of other notes, provided that the period from the date of issue of the original notes to the date of maturity of the refunding notes shall not exceed 3 years. No notes may be issued or refunded under this section in a principal amount that would cause the total aggregate principal amount of notes outstanding under this section to exceed the total amount of real estate tax liens then held by the city or town.

§ 33:8 Town or District Bonds or Notes. – Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the cases of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

§ 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 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.

§ 33:8-c Alternate Procedure for Authorizing Town or Village District Bonds or Notes for Municipal Small Scale Power Facilities. – I. By a 2/3 vote, the governing board of a town or village district may call a special meeting for the purpose of authorizing the issuance of bonds or notes for the municipal financing of small scale power facilities, as such facilities are defined in RSA 374-D:1. A special meeting held under this section shall have the same authority as that of an annual town meeting. The issuance of such bonds or notes shall be authorized by a vote of 2/3 of all the voters present and voting at the special meeting.

II. The warrant for such special meeting shall be published in a newspaper of general circulation in the municipality at least once a week for 2 consecutive weeks after the posting of such warrant. The warrant for such special meeting shall be served or posted at least 14 days before the date of the meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the warrant.

III. There shall be at least one public hearing concerning any such proposed municipal bond issue held before the governing board of the municipality, before a special meeting held to vote on such issue. Said hearing shall be held at least 15 days, but not more than 60 days before the special meeting at which the bonds or notes to be issued are to be voted on. 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. If a hearing is held under RSA 35:8-a or RSA 32, said hearing shall be sufficient for this purpose.

IV. All bonds or notes authorized in accordance with this section shall be signed by the governing board, or a majority of the board, and countersigned by the treasurer of the issuing municipality, and shall have the corporate seal, if any, affixed to such bonds or notes. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for their sale, may be delegated to the governing board or to the treasurer and shall, to the extent provision for such delegation shall not have been made in the authorizing vote, be deemed to have been delegated to the governing board.

§ 33:8-d Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B, Without a Budgetary Town Meeting. – I. The town council of any town which has adopted a charter pursuant to RSA 49-B, and which has chosen the procedures as set forth in this section, shall have the authority to issue bonds or notes, as follows:

(a) At least one public hearing shall be held at least 15 days, but not more than 60 days, prior to the vote on the bond issue or note. Notice of the time, place and subject matter of such hearings shall be published in a newspaper of general circulation in the municipality at least 7 days before the hearing is held and posted in at least 2 public places in the municipality.

(b) The issuance of any bonds or notes shall appear as an agenda item on the public agenda of the town council meeting at which any vote is scheduled to be taken and any action taken on such item shall be by a recorded roll call

vote.

(c) A 2/3 majority vote of the town council shall be required to authorize the issuance of bonds or notes.

(d) The authority of the town council to issue bonds or notes pursuant to this paragraph is limited to an amount not in excess of 10 percent of the town's operating budget for the most recently concluded fiscal year.

II. In the event that a proposed bond issue or note is in excess of 10 percent of the town's operating budget for the most recently concluded fiscal year, a referendum shall be held on said issuance, as follows:

(a) The town council shall, after notice and public hearing at a regularly scheduled council meeting, order a referendum on the issuance to be held on the Tuesday not less than 60 nor more than 67 days from the regular meeting at which the order is passed.

(b) The town council shall hold at least one additional public hearing on the proposed bond or note after the issuance of its order for a referendum. The hearing shall be held at least 30 days, but not more than 60 days, prior to the referendum.

(c) The same notice requirements for public hearings on issuance of bonds or notes by vote of the town council shall apply to public hearings on bonds or notes to be authorized by referendum.

(d) An additional public hearing shall be held if the proposed bond or note issue is substantively altered by the town council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and shall comply with the same notice requirements.

(e) An official copy of the final bond or note proposal shall be placed on file with the town clerk and made available to the public 7 days before the referendum and displayed at the voting place on the day of the referendum.

(f) The town clerk shall prepare an official ballot which shall include the following question:

"Are you in favor of appropriating the sum of \$_____ for the purpose of _____, with said sum to be in addition to any federal, state or private funds made available therefor, and of authorizing the issuance of not more than \$_____ of bonds or notes in accordance with the provisions of the municipal finance act, RSA Chapter 33?"

When submitting the question under this section to the voters, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

(g) If a 2/3 majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds or notes in the amounts so stated in the question shall be declared to have been adopted.

III. The issuance of tax anticipation notes shall be authorized by a majority vote of the town council.

IV. This section shall not apply to towns which have adopted a charter calling for a budgetary town meeting pursuant to RSA 49-D:3, III. The issuance of bonds or notes in such towns shall be governed by RSA 33:7, 33:8 and 33:8-a.

§ 33:8-e Town Council Authority to Issue Bonds and Notes. – Any town which has adopted a charter pursuant to RSA 49-B and which does not have a budgetary town meeting, may choose in its charter to allow the town council to follow the procedures set out in RSA 33:8-d or RSA 33:9 for the issuance of bonds and notes.

§ 33:9 City Bonds. – The issue of bonds or tax anticipation notes by a city shall be authorized by a resolution of the city councils, passed by at least 2/3 of all the members of each branch thereof. All such bonds and notes shall be signed by the mayor and countersigned by the city treasurer, and shall have the city seal affixed thereto. The discretion

of fixing the date, maturities, denominations, place of payment, interest rate, or discount rate in the case of notes, the form and other details of said bonds or notes, and of providing for the sale thereof, may be delegated to the city treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the treasurer with approval of the mayor.

§ 33:10 County Bonds. – County bonds shall be authorized and issued as provided in RSA 25 and 28, provided that a public hearing is held which shall be advertised at least 7 days before said public hearing, in some daily newspaper having a wide circulation in the county, giving the time and place of the hearing; and provided that not more than 14 days after said public hearing the county convention shall approve such bond issue by at least 2/3 of the county convention present and voting and provided further that a majority of the whole convention shall be present.

§ 33:11 Authentication of Bonds. – All bonds issued under authority of this chapter shall bear an authenticating certificate signed by an authorized officer of a bank or trust company doing business in the state of New Hampshire or in the commonwealth of Massachusetts, or by the commissioner of revenue administration, or by a notary public or justice of the peace. The authenticating certificate endorsed upon such bond shall identify such bond as being one of the particular issues described therein, shall certify the genuineness of the signatures and the seal, if any, thereto affixed and shall state the name of the attorney or attorneys who rendered an opinion approving the legality of such issue. A signed copy of such legal opinion shall be furnished to the commissioner of revenue administration within 10 days after the bonds are delivered to the purchaser thereof. The provisions of this section shall not apply to bonds or notes issued to secure a principal sum of \$17,000 or less when the bonds or notes are payable over a period not exceeding 5 years from the date of issue.

§ 33:11-a Agreements Relating to Registered Bonds and Notes. – In connection with the issuance by a municipality or county of original or replacement bonds or notes in registered form, the treasurer of the municipality or county, with the approval of the officer or officers authorized to sign such bonds or notes, is authorized to contract for and engage the services of any bank, trust company, banking institution or financial institution within or without the state to perform authentication, registration, transfer, exchange, record and paying agent functions, including, without limitation, the preparation, signing and issuance of checks in payment of such bonds or notes, the preparation and maintenance of records, reports and accounts and the performance of such related duties as may be necessary or desirable in connection with such bonds or notes. The treasurer, with such approval, may also enter into agreements with banks, trust companies, banking institutions and financial institutions to act as custodian or financial intermediary in connection with the establishment and maintenance by others of a central depository system for the transfer of interests in such bonds or notes. Any agreement entered into under this section shall include provisions for indemnifying the municipality or county for losses sustained by it on account of the negligence of a designated bank, trust company, banking institution or financial institution or on account of the failure of such designated bank, trust company, banking institution or financial institution to perform faithfully its duties and obligations under the agreement. Such agreement may include additional provisions necessary or desirable to protect the municipality or county and may provide for the limitation of liabilities of the parties, indemnification or payment of liquidated damages.

§ 33:12 Register. – The treasurer of every municipal corporation shall keep a register, in such form as may be prescribed by the commissioner of revenue administration, which shall state the denomination, number and date of every bond or note issued by the municipality, the time when and the place where the principal thereof and interest, if any, thereon are payable and such other information as the commissioner of revenue administration may prescribe. The commissioner of revenue administration shall inspect the register provided for herein whenever it shall make any audit of the accounts of a municipal corporation.

§ 33:14 Report of Borrowing. – The treasurer of any municipal corporation, within 10 days after the delivery of an issue of bonds or notes authorized by this chapter to the purchaser thereof, shall submit to the commissioner of revenue administration a report setting forth the details of the issue in such form as the commissioner may prescribe. Failure to make said report, however, shall not affect the validity of any issue of bonds or notes.

§ 33:15 Regularity Presumed. – All bonds or notes purporting to be issued under authority of this chapter, and

executed as hereinbefore provided, shall, in favor of bona fide holders, be conclusively presumed to have been duly and regularly authorized and issued in accordance with the provisions herein contained, and no such holder thereof shall be obliged to see to the propriety of the purpose of the issue, to the regularity of any of the proceedings relating thereto, or to the application of the proceeds thereof. Said bonds or notes shall be negotiable in all respects and to the same extent as other securities negotiable by the law merchant except as herein otherwise provided. Any of such bonds or notes, if properly executed by officers of the municipality in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor such officers shall have ceased to be officers of the municipality.

§ 33:16 Tax Exemption. – All bonds and notes, and the interest thereon, heretofore or hereafter issued by municipal corporations and counties under the provisions of this chapter or of any general or special act, heretofore or hereafter enacted, shall be exempt from taxation in the state of New Hampshire. For the purpose of this section the amount of the discount on any notes which are sold at discount shall be deemed to be interest paid in advance.

§ 33:17 Construction of Other Legislation. – Any special act, heretofore or hereafter enacted shall be construed so as not to lessen the amount of indebtedness which the municipality affected would be authorized to incur under the terms of this chapter, unless such act expressly provides for such limitation.

§ 33:18 Saving Clause. – I. Nothing contained herein shall impair the validity of any debt properly issued by a municipality or county under authority of any general or special act so repealed hereby.

II. Chapter 9, Laws of 1953, [RSA ch. 204], shall not be deemed repealed by this act.

10-102 RSA CHAPTER 33B, MUNICIPAL REVENUE BONDS

§ 33-B:1 Definitions. – This chapter may be referred to as the "Municipal Revenue Bond Act". For purposes of this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

I. "Authorized officers" means the treasurer of a municipality and the mayor or city manager of a city, the selectmen of a town, and the commissioners or comparable officers of a village district.

II. "Bonds" means any bonds, notes or other evidences of indebtedness issued under this chapter.

III. "Construction" means acquisition, construction, reconstruction, equipping, enlargement or other capital improvement.

IV. "Legislative body" means the city council of a city, and the voters present and voting at an annual or special meeting of a town or village district.

V. "Municipality" means a city, town or village district.

VI. "Revenue-producing facilities" means water works, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas and any other real or personal property or interests in a municipality owned or controlled by the municipality, from the operation of which revenues are or are expected to be derived by the municipality.

VII. "Revenues" means any rates, rents, fees, charges and other receipts and moneys held or to be received by or on behalf of a municipality from or with respect to the construction, financing, operation and disposition of a revenue-producing facility and all rights to receive the same including, without limitation, rates, rents, fees, charges and other moneys received for the use or occupancy of the facility or any part thereof or any service provided thereby, repayments of loans made in respect of the cost of the facility, grants, loans and other contributions from any

governmental unit or any other person for or in respect of proceeds of the lease, sale or other disposition of the facility or any interest therein; revenues shall not include any ad valorem taxes on the real estate and personal property comprising any revenue-producing facility.

§ 33-B:2 Issuance of Revenue Bonds. – A municipality may issue bonds or notes under this chapter for construction of revenue-producing facilities. Bonds issued by a municipality under this chapter shall not be deemed to be a pledge of the faith and credit of the state or of the municipality. Except as otherwise provided in this chapter, the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued in such amounts as the legislative body may authorize by a 2/3 vote as required under RSA 33:8 or 33:9, as applicable. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authorized officers, and shall mature at such time or times as may be determined by the authorized officers, except that no bond shall mature more than 40 years from the date of its issue or beyond the expiration of the expected useful life of the facilities being financed by the bonds as determined by the authorized officers. Bonds may be made redeemable before maturity at the option of the municipality at such price or prices and under such terms and conditions as may be fixed by the authorized officers prior to the issue of bonds. The authorized officers shall determine the form and details and the manner of execution of bonds. The municipality may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as the authorized officers may determine. The provisions of RSA 33:11-a, 14 and 15 shall apply to bonds issued under this chapter.

§ 33-B:3 Project Costs. – In addition to other lawful items, the costs to be financed by the issuance of bonds under this chapter may include interest during construction and for up to one year after completion of the revenue-producing facilities being financed as estimated by the authorized officers, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, expenses as may be necessary or incident to determining the feasibility or practicability of constructing the revenue-producing facilities, the funding of reserves for debt service or other expenses, and such other expenses as may be necessary or incident to the construction of the revenue-producing facilities, the financing of such construction and the placing of the facilities in operation.

§ 33-B:4 Trust or Security Agreement or Resolution. – Any bonds issued under this chapter may be secured by a resolution or by a trust or security agreement between the municipality and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a trust or security agreement directly between the municipality and the purchasers of the bonds, and such resolution or trust or security agreement shall be in such form and executed in such manner as may be determined by the authorized officers. Such trust or security agreement or resolution may pledge or assign, in whole or in part, the revenues held or to be received by the municipality from or on account of the revenue-producing facilities, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the municipality, and the proceeds thereof. Such trust or security agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the authorized officers, be reasonable and proper and not in violation of law. Without limiting the generality of the foregoing, such agreement or resolution may include provisions defining defaults and providing for remedies in the event of default, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, the municipality in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees, charges and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the construction and operation of the revenue-producing facilities, and the making and amending of contracts relating to the bonds. It shall be lawful for any bank or trust company described in RSA 41:29 or RSA 48:16 to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a trust or security agreement or resolution and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or other credit facilities as may be required by a municipality acting under this chapter. Any such trust or security agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

§ 33-B:5 Credit Facilities and Insurance. – Any bonds issued under authority of this chapter may be issued by a municipality pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements as the authorized officers may determine to be in the best interests of the municipality. In addition to other security provided herein or otherwise by law, bonds issued by a municipality under this chapter may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the municipality by any bank, trust company or other financial institution, within or without the state, and the municipality may pledge or assign any of the revenues from its revenue-producing facilities as security for the reimbursement by the municipality to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made thereunder.

§ 33-B:6 Pledge of Revenues or Other Property. – Any pledge of revenues, contract or other rights to receive revenues, or the proceeds thereof made by a municipality under this chapter shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code and other laws from the time when the pledge is made; the revenues, moneys, rights and proceeds so pledged and then held or thereafter acquired or received by the municipality shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the municipality, irrespective of whether such parties have notice thereof. Neither the resolution, any trust or security agreement nor any other agreement by which a pledge is created need be filed or recorded except in the records of the municipality and no filing need be made under the Uniform Commercial Code.

§ 33-B:7 Enforcement of Rights. – Any owner of a bond issued by a municipality under the provisions of this chapter and any trustee under a trust or security agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such agreement or resolution, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust or security agreement or resolution and may enforce and compel the performance of all duties required by this chapter or by such agreement or resolution to be performed by the municipality or by any officer of a municipality.

§ 33-B:8 Refunding Bonds. – A municipality, when authorized by its legislative body, may issue refunding bonds for the purpose of paying any of its bonds issued pursuant to this chapter at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the refunding bonds as the authorized officers may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a trust or security agreement or resolution securing the bonds. The authorization and issue of refunding bonds, the maturities and other details of such bonds, the security for the bonds, the rights of the holders of the bonds, and the rights, duties and obligations of the municipality in respect to the same shall be governed by the provisions of this chapter relating to the issue of the bonds other than refunding bonds insofar as the same may be applicable.

§ 33-B:9 Governmental Consents. – I. Bonds may be issued under this chapter without obtaining the consent of any department, division, commission, board, or agency of the state except as provided in paragraph II, and without any other proceedings or the happening of any condition or things other than those proceedings, conditions or things which are specifically required therefor by this chapter, and the validity of and security for any bonds issued by a municipality pursuant to this chapter shall not be affected by the existence or nonexistence of any such consent or other proceedings, condition or things.

II. If in the opinion of either the authorized officers or the state treasurer more than $\frac{1}{2}$ of the revenues derived or expected to be derived from a revenue-producing facility will be in the form of rents, fees, grants or other moneys paid

by the state, no bonds may be issued for the revenue-producing facility in excess of an amount approved for the purpose by the governor and council.

§ 33-B:10 Investment Securities. – Notwithstanding any of the provisions of this chapter or any recitals in any bonds issued under this chapter, all such bonds shall be deemed to be investment securities under the Uniform Commercial Code.

§ 33-B:11 Separate Funds. – Any debt service fund, construction fund, debt service reserve fund, depreciation reserve fund or other fund established in connection with the issuance of bonds under this chapter shall be kept separate from other moneys of the municipality. The moneys deposited in any such funds, together with income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the trust or security agreement or resolution establishing such funds.

§ 33-B:12 Trust Funds. – All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds, as revenues, or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

§ 33-B:13 Tax Exemption. – Bonds issued under this chapter, their transfer and income from them, including any profit made on their sale, shall at all times be exempt from taxation within the state.

§ 33-B:14 Eligible Investments. – Bonds issued under this chapter are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or of any political subdivision is now or may hereafter be authorized by law.

§ 33-B:15 Construction and Effect of Other Laws. – I. The provisions of this chapter shall be deemed to provide an additional and alternative method for the effectuation of the purposes of this chapter and shall be construed to be supplemental to, and not in derogation of, powers otherwise conferred by law on municipalities, provided, however, that insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, administrative order or rule or any limitation imposed by a municipality's charter, the provisions of this chapter shall be controlling.

II. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

III. This chapter shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this chapter, all steps shall be taken which are necessary to meet constitutional requirements.

IV. This chapter shall be interpreted liberally to effect the purposes set forth in this chapter.

10-103

CITY CHARTER SECTION 419:41, 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.

10-104 CITY CHARTER SECTION 419:43, 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.

10-105 CITY CHARTER SECTION 419:49, 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.

10-106 RSA CHAPTER 48, CITY OFFICERS, CITY TREASURER

§ 48:16 City Treasurer; Duties. – I. The city treasurer shall have custody of all moneys belonging to the city. The treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits, United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.

II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, he shall make a report to the city giving a particular account of all his financial transactions during the year. He shall furnish to the mayor and council statements from his books, and submit his books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the city treasurer shall, with the approval of the mayor and a majority of the city council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer. At least yearly, the city council or board of aldermen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent or in the case of moneys held pursuant to RSA 674:44-a upon order of the heritage commission.

V. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

10-107 AUTHORIZATION TO ISSUE TAX ANTICIPATION NOTES

TO AUTHORIZE ISSUANCE OF TAX ANTICIPATION NOTES

FOR THE PURPOSE OF paying current maintenance and operation expenses for the financial year ending December 31, 1997 in anticipation of taxes.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, be and hereby is authorized and empowered, under and pursuant to the Municipal Finance Act (RSA 33), to borrow in increments as the need arises, a sum or sums of money from time to time during the current financial year, to issue and sell with interest at maturity, temporary notes of the City of Lebanon in an amount sufficient to cover expenses and to refund such note expenses. All such notes shall be signed by the City Manager and countersigned by the City Treasurer, shall have the City seal affixed thereto, and shall mature not later than one year from their respective dates. Except as herein or otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form and other details of said notes and the sale thereof, be and hereby is delegated to the City Treasurer with the approval of the City Manager. [RSA 33:9 requires passage by 2/3 of City Council.]

NOW THEREFORE BE IT FURTHER RESOLVED, by the City of Lebanon, that, pursuant to the provisions of RSA 33:7, Tax Anticipation Notes, as amended, that such authorization and empowerment shall be indefinite until specific rescission of such authority and empowerment by the City Council.

Effective December 17, 1996.



City of Lebanon
New Hampshire

COUNCIL POLICIES & PROCEDURES

DEBT MANAGEMENT POLICY

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Section 1.0: Purpose

The incurring of debt to fund public infrastructure is a key component of the City's strategy to spread the cost of significant long-term assets over their useful life. Further, by spreading the cost of the asset over a longer period of time ensures that future users will help to pay for the cost. This document outlines the City's policy regarding debt limits, debt structuring, debt issuance and debt management.

Section 2.0: Scope

This policy applies to debt issued for municipal purposes as defined and permitted by NH RSA Chapter 33 (Municipal Finance Act) and not for debt issued in connection with either the Lebanon School District or Grafton County.

This debt policy will be all-inclusive of debt issued by the City, but not be limited to general obligation debt, government purpose revenue debt, economic development related debt, lease obligations, and all forms of debt having an annual appropriation of City revenues.

This debt policy contains certain elements on procedures and practices to achieve the objectives of the policy and to ensure that professional standards are defined and met in the policy's implementation.

Authority for the issuance of debt is delegated to the City Manager and City Treasurer in accordance with RSA Chapters 33 and 33B and City Charter Section 419:41, 419:43 and 419:49. The City Treasurer shall be responsible for all transactions undertaken.

Section 3.0: Definitions

Debt Ceiling- the maximum amount of principal owed by the City in long term debt in each fund.

Debt Service- the combination of principal and interest payments

Financial Obligation- means a (i) debt obligation; (ii) derivative instrument entered into in connection with or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii). Some examples of financial obligations include but are not limited to:



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- Direct placements, loans, lines of credit or other credit arrangements with private lenders or commercial banks.
- Letters of credit issued in connection with variable rate debt issuance.
- Interest rate swaps entered into in connection with debt issuance.
- Vehicle or equipment leases whether they include a non-appropriation clause or not

Section 4.0: Policy Detail

4.1 Debt Limits

Legal Restrictions:

All debt legally permitted to be issued by the City is General Obligation Debt, supported by the full-faith-and-credit of the City. Debt is issued pursuant to NH RSA 33, the Municipal Finance Act, RSA 33-B, Municipal Revenue Bonds, Lebanon City Charter Section 419:49 Borrowing Procedure and resolutions of the City Council which must be passed by at least 2/3 of all the members present.

4.1.1 General Fund Debt Limits

This policy sets debt limits for the City's General Operating Fund that are in compliance with present statutes and meets the goals of the City. There are several factors that comprise this policy.

1. The initial debt ceiling will be set based upon the present amount of long-term debt that is owed by the City as of the 2021 Budget Year that is applicable to the General Fund. This does not include debt that is applicable to other funds such as the various enterprise funds.
2. The debt ceiling will be adjusted annually based upon the rate of increase/decrease of the Consumer Price Index for the Northeast Region for Urban Wage Earners. The period will be fixed looking back from June 30th to the previous June 30th. The average over this period of time will be the adjustment factor.
3. New projects that involve long term debt that either result in or are projected to generate revenue to substantially offset the debt service payments or substantially offset operating costs that would substantially



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pay for the debt service payments are not included in the debt ceiling calculation.

4. The Capital Improvements Plan would be developed using a six-year rolling debt capacity for that period of time. To the extent that a large project, or projects, may require the need for appropriations exceeding the debt ceiling calculation, no additional debt shall be incurred until the debt levels drop below the debt ceiling.
5. Projects involving long term debt that are located within Tax Increment Finance Districts or Special Assessment Districts in which the debt service is paid for solely by TIF or SAD District Funds are not included in the debt ceiling calculation. The proportional debt service that is paid by TIF or SAD District Funds as it relates to the amount of principal for long term debt shall not be included in the debt ceiling. This relates to situations in which part of the debt service is paid for by TIF or SAD District Funds. There may be situations in which projects and their related debt service are partially attributed to these districts or start out being the responsibility of the General Fund and then transition to the appropriate district fund.

4.1.2 Water and Sewer Funds Debt Limits

This policy sets debt limits for the City's Water and Sewer Funds that are in compliance with present statutes and meets the goals of the City. There are several factors that comprise this policy.

1. Debt limits in the Water Fund and Sewer Fund are limited to the funds that can be raised to offset debt service payments and that would otherwise be needed for operating expenses within the Water Fund and Sewer Fund respectively.
2. The annual increase in rates in each fund shall be set by two components. A fixed percentage and a variable percentage. Water rates would increase by a fixed 5% (effective January 2024) and Sewer rates by a fixed **% (to be determined prior to January of 2024)¹ with a variable inflator added to those percentages based on the Consumer Price Index for the Northeast Region for Urban Wage Earners. The period will be fixed looking back from June 30th to the previous June 30th. The average CPI over this period of time will be the adjustment factor.

¹ An analysis of the infrastructure needs in the City's sewer system will not be completed until sometime in 2022.



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3. In no event shall the calculations in section 2 result in an annual rate increase exceeding 8% in the Water Fund or **% in the Sewer Fund.
4. As stated in 1 above the amount of debt that could be incurred would be relative to the amount of revenue generated in 2 above to pay for debt service and the operating budget of the water and/or sewer funds.
5. New capital expenditures that either result in projects that are projected to generate revenue to substantially offset the debt service payments or substantially offset operating costs that would substantially pay for the debt service payments are not included in the debt ceiling calculation.

4.1.3 Solid Waste Fund Debt Limits

This policy sets debt limits for the City's Solid Waste Fund that are in compliance with present statutes and meets the goals of the City. There are several factors that comprise this policy.

1. 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.
2. The period by which indebtedness may occur for any given project is limited to the useful life of the infrastructure asset.
3. 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.

4.1.4 Other Debt and Revenue Bonding

Revenue bonds authorized under the provisions of RSA 33-B shall not be included in the debt ceilings established in the various funds. Projects funded under the following statutory provisions shall not be included under the debt ceiling of any of the various funds.

1. The purchase and installation of parking meters and construction of parking facilities relative to RSA 33:6-a and RSA Chapter 249.
2. The construction, reconstruction and enlargement of energy projects related to light, heat, power or water for the public as defined in RSA 33:6-b and RSA 373-D:1



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3. The cost of waste site cleanup projects as defined in RSA 147-B and for the closing of landfills and other solid waste facilities as defined by RSA 149-M, RSA 33:6-d.
4. The cost of Broadband Infrastructure as defined in RSA 33:6-f and RSA 38:38,I(e).
5. Equipment and vehicles that are leased in accordance with RSA 33:7-e.

4.2 Debt Structuring Practices

Specific guidelines regarding the debt structuring practices for each type of bond, include:

Maturity of Bonds. Generally, bonds cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed. The City will attempt to keep the average maturity of general obligation bonds at or below 20 years. The limit of the City's and School's general obligation debt is subject to parameters set by Charter §C419:49 and New Hampshire RSA 33:4-a.

Enterprise Fund Debt Coverage. It is City policy that each utility or enterprise fund should provide adequate debt coverage in its rate structure to ensure that sufficient revenues are generated to pay for the financing of capital projects crucial to the operation of the Enterprise Fund. Rates may be increased in phases to meet this standard, provided such increases are identified in rate studies and/or the capital improvement plan and clearly shown as part of an overall long-term strategy for the utility or enterprise.

Short Term Financing/Capital Lease Debt will be considered to finance certain equipment and rolling stock purchases when the aggregate cost of equipment to be purchased exceeds \$25,000. Adequate funds for the repayment of principal and interest must be included in the requesting department's approved budget. The term of short-term financing will be limited to the usual life period of the vehicle or equipment, but in no case will exceed ten years.

Financial Restrictions or Planning Considerations:

- The City will maintain at any one time its Net Overall Bonded Indebtedness at a level not to exceed 3 percent of the assessed valuation of taxable property within the City as determined for debt limitation purposes by the New Hampshire Department of Revenue Administration.



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- The City will strive to maintain its annual Direct Bonded Debt Service costs at a level not to exceed 15 percent of the General Fund Operating Budget.

Prior to the issuance of debt, the City will prepare revenue projections (financial forecast) to ensure that there is adequate revenue to make principal and interest payments.

The City will utilize long-term borrowing only for capital improvement projects or for projects that cannot be financed from current revenue sources.

4.3 Debt Issuance Practices

Debt may be issued through one or more of the following means depending upon what is in the best interest of the City.

1. NH Municipal Bond Bank
2. State revolving loan funds or other state loan programs
3. Federal revolving loan funds or other federal loan programs
4. Bonds, leases, or other types of short and long-term debt issued to the City by financial institutions
5. Partnerships with not for profit, for profit entities and other governmental entities involving structural arrangements that are not repugnant to federal or state law.

4.4 Debt Management Practices

Debt Issuance and Management. The primary tool used to plan for debt is the Capital Improvement Plan (CIP). The focus of the CIP process is planning for the City's future; the guiding principle of this planning effort is to advance the vision of the Master Plan (MP). The CIP is developed and updated annually for use by the City Council to review proposed budget expenditures relative to the capital needs of the community. The CIP is an essential component of the City's financial planning effort and provides the long-range perspective and framework for addressing its capital improvement needs. As a companion to the annual budget, the CIP provides the mechanism for anticipating future facility and infrastructure requirements and ensuring they are funded in a responsible and systematic fashion.

Acceptable Use of Bond Proceeds. Include any items that may be capitalized and are considered an acceptable use under New Hampshire State law. Refunding bond



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issues designed to restructure currently outstanding debt are also an acceptable use of bond proceeds.

Unacceptable Uses. The City will not use short-term borrowing to finance operating needs except in the case of an extreme financial emergency which is beyond its control or reasonable ability to forecast. Recognizing that bond issuance costs add to the total interest costs of financing, bond financing should not be used for projects under \$100,000 unless the aggregate cost of multiple projects from different bond amortizations will exceed that amount at the time of a bond sale. In the event that there are no other projects to be financed by bonds, bond issuance will be considered only if the total interest and issuance costs will be less than the cost of any other available financing.

Section 5.0: Procedures

Section 6.0: References (Charter/Code/State Statues)

1. Government Finance Officers Association (GFOA) model policy guidance
2. NH RSA Chapter 33 Municipal Finance Act
3. NH RSA Chapter 33-B Municipal Revenue Bonds
4. City Charter provision C419:49 Borrowing Procedure
5. U.S. Dept. of Labor, Bureau of Labor Statistics annual CPI Report

Section 7.0: Policy & Procedure Revision History

	Section	Revisions	Date
Original Adoption	99-02-C	Original Policy Adopted	1/6/1999
Amendment	CC-107	Complete re-write and re-formatted	
Amendment			
Amendment			

02-201.03 - 2: The City will strive to maintain its annual Direct Bonded Debt Service costs at a level not to exceed 15 percent of the General Fund Operating Budget

FISCAL YEAR	GENERAL FUND				
	2017	2018	2019	2020	2021
DEBT SERVICE PAYMENTS	\$ 3,666,970	\$ 3,672,420	\$ 3,801,470	\$ 3,654,800	\$ 5,000,290
TOTAL BUDGET	\$ 29,338,760	\$ 30,738,370	\$ 32,508,264	\$ 33,636,895	\$ 34,511,300
DEBT SERVICE/TOTAL BUDGET	12.50%	11.95%	11.69%	10.87%	14.49%

02-201.03 - 3: The City will strive to ensure that its Direct Bonded Indebtedness per Capita does not exceed \$900

	2018	2019	2020	2021
AUTHORIZED/ISSUED	\$ 26,024,948	\$ 23,982,135	\$ 39,657,516	\$ 36,235,551
AUTHORIZED/UNISSUED	\$ 13,019,000	\$ 22,320,717	\$ 8,411,026	\$ 10,422,780
TOTAL DIRECT BONDED INDEBTNESS	\$ 39,045,966	\$ 46,304,871	\$ 48,070,562	\$ 46,660,352
POPULATION (1)	13,829	14,079	14,150	14,300

DIRECT BONDED INDEBTEDNESS PER CAPITA

	2018	2019	2020	2021
GENERAL FUND	\$ 2,823.48	\$ 3,288.93	\$ 3,397.21	\$ 3,262.96

(1) 2018-2019 PER NH OFFICE OF STRATEGIC INITIATIVES, 2020-2021 NOT LISTED

02-201.03 - 4: The City will maintain its Annual Rate of Debt Retirement at a level not less than 25 percent of principal outstanding within five years of issuance

	TOTAL DEBT - PRINCIPAL PAYMENTS - EXISTING DEBT													
FUND/FY	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	
General Fund	\$ 3,801,470	\$ 3,654,800	\$ 5,000,290	\$ 3,500,767	\$ 3,371,124	\$ 3,310,776	\$ 3,068,626	\$ 2,803,626	\$ 2,576,626	\$ 2,278,026	\$ 2,203,496	\$ 2,034,496	\$ 1,802,126	
FIVE YEAR PERIOD	2020-2024	2021-2025	2022-2026	2023-2027	2024-2028	2025-2029	2026-2030	2027-2031						
25% OF FIVE YEAR PERIOD	\$ 4,709,439	\$ 4,562,896	\$ 4,013,730	\$ 3,782,695	\$ 3,509,420	\$ 3,232,600	\$ 2,974,068	\$ 2,723,693						
OVER/(UNDER) 25%	\$ (907,969)	\$ (908,096)	\$ 986,560	\$ (281,928)	\$ (138,296)	\$ 78,176	\$ 94,559	\$ 79,934						

CHAPTER 5. FINANCES

SUBCHAPTER 1. MUNICIPAL INDEBTEDNESS

§ A-441. Amount of debt authorized⁹²

Notwithstanding the provisions of RSA 33:4-a, the city of Nashua shall not incur net indebtedness at any one time outstanding for school purposes to an amount exceeding in the aggregate 6 percent of its last assessed valuation as computed under RSA 33:4-b and for all other purposes, to an amount exceeding the aggregate of 2 percent of its last assessed valuation as computed under RSA 33:4-b, provided, however, that in ascertaining the amount of such debt so it be compared with said 6 percent and 2 percent, indebtedness lawfully incurred outside of said debt limit shall not be considered.

§ A-442. City to be single corporation; school district⁹³

Said city shall constitute a single municipal corporation with powers for municipal and school purposes, including all the powers of a school district. All provisions of law or of the charter of said city affecting school districts or schools shall, so far as to inconsistent herewith, continue to apply to said city.

§ A-442a. (Repealed. 1978, ch. 8:2, eff. June 13, 1978)

See, now, § A-441 of this chapter.

§ A-443. Advances to be reimbursed⁹⁴

All indebtedness of any governmental subdivision territorially coextensive with said city hitherto incurred for school purposes, in whatever form or however incurred, and all orders and votes authorizing the incurring of indebtedness or the issuance of bonds or notes or other obligations for school purposes by any such subdivision are hereby confirmed, ratified and validated. The city treasurer is hereby authorized to reimburse the city treasury for any sums advanced therefrom temporarily to pay any portion of such indebtedness pending the receipts of process of school bonds or notes which may be issued within said aggregate debt limit.

§ A-444. Debt time limitation for discharge not applicable⁹⁵

Notwithstanding the provisions of RSA 31:94-d, the city of Nashua may exceed the nine-year time limitation for the discharge of any debt incurred pursuant to the transition period resulting from the change of dates of its fiscal year.

⁹² Source: 1923, ch. 227:1; 1978, ch. 8:1, eff. June 13, 1978.

⁹³ Source: 1923, ch. 227:2.

⁹⁴ Source: 1923, ch. 227:3.

⁹⁵ Source: 1971, ch. 447:1.

Keene

The CIP reflects the continuation of the philosophy of seeking opportunity for strategic investments that leverage other resources and partnerships to advance the goals of the CMP as reflected in the recent ice rink, Library Campus Development, proposed skateboard park project and proposed Arts and Culture Corridor. Through engagement with employers, the Chamber of Commerce, College/City Commission, social service agencies, other governmental partners and community groups, our organization, community, and City Council priorities advance.

FISCAL POLICY IMPACT

In the fall of 2019, the City Council participated in a Fiscal Policies Workshop designed to review and update the City's fiscal practices. Subsequently, the Council adopted revised Fiscal Policies that provided greater budgetary flexibility and removed the incentive to use bonded debt when funding capital outlay with current resources and alternative financing sources. In addition, debt policy parameters were modified, the capital threshold was increased to \$35,000, and a biannual, seven-year long-range CIP planning was adopted.

- A. **Unassigned Fund Balance** - General Fund unassigned fund balance will be maintained at between seven (7%) and ten (10%) percent of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and state) and the county.

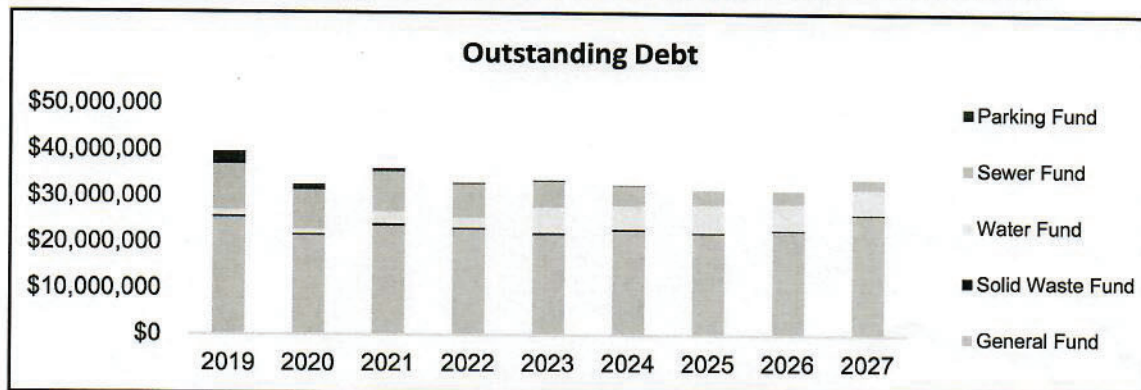
2021	2022	2023	2024	2025	2026	2027
8.37%	7.79%	7.92%	7.50%	7.95%	8.54%	9.09%

- B. **Debt** - The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve (12%) of the General Fund operating budget.

The proposed Capital Improvement Program is within the 12% cap established in the new fiscal policy.

2021	2022	2023	2024	2025	2026	2027
10.28%	10.32%	9.73%	8.85%	8.95%	9.04%	9.02%

Over the course of this CIP total outstanding debt for all funds decreases \$5.7 million. Below is a summary of the total outstanding debt by Fund, for each year presented in this book:



	2019	2020	2021	2022	2023	2024	2025	2026	2027
Parking	\$2,665,000	\$1,105,000	\$665,000	\$225,000	\$150,000	\$75,000	\$0	\$0	\$0
Sewer	9,905,256	8,485,623	8,592,400	7,090,311	5,598,722	4,221,632	3,097,486	2,630,132	2,255,039
Water	1,273,568	1,084,986	2,620,788	2,340,579	5,598,300	5,273,133	6,180,967	5,794,150	5,407,333
SW	400,500	342,000	451,500	381,800	335,600	289,400	243,200	197,000	150,800
General	25,449,828	21,489,083	23,712,928	22,884,330	21,890,649	22,738,552	22,079,293	22,701,577	26,176,667
	\$39,694,152	\$32,506,692	\$36,042,616	\$32,922,020	\$33,573,271	\$32,597,717	\$31,600,946	\$31,322,859	\$33,989,840

Appendix D

Amend

GOALS & POLICIES

Concord City Council Adopted Fiscal Goals for 2015-2016 (revised 11/9/15 – FY 2016)

A. ACCOUNTING, AUDITING AND FINANCIAL REPORTING

- Goal A1 Complete Consolidated Annual Financial Report (CAFR) and apply for Government Finance Officers Association (GFOA) award for excellence in achievement by December 31.

B. BUDGETARY AND FINANCIAL MANAGEMENT

- Goal B1 Comply with GFOA best practices where applicable.
- Goal B2 Develop annual budget document to meet the GFOA criteria for the Budget Award and, annually, apply for the GFOA Budget Award within 90 days of budget adoption.

C. CAPITAL IMPROVEMENTS

- Goal C1 Fund and utilize capital reserve funds when available and appropriate to help provide a stable programmed approach to funding high priority capital needs.
- Goal C2 Commit 3% of General Fund Appropriations towards Capital Improvement Plan.
- Goal C3 Annually, prepare a ten year Capital Improvement Plan and consider future operation and maintenance costs as part of the projection.
- Goal C4: By Fiscal Year 2019, commit funds equal to 2% of the tax rate to support a neighborhood street paving, restoration and repair program. Annually, these funds will be transferred to the Highway Capital Reserve trust. In order to reach the 2% goal, the final tax rate would be increased by .5% in Fiscal Years 2017, 2018, 2019, and 2020.

D. CASH MANAGEMENT

- Goal D1 Aggressively pursue collection of property taxes and all other receivables due the City.

E. DEBT MANAGEMENT

- Goal E1 Limit General Fund debt service expenditures to no more than 10% of total appropriations.
- Goal E2 Manage debt burden to 70% payoff within 10 years.

F. EMPLOYEE COMPENSATION AND BENEFITS

- Goal F1 Historically, the biggest factors forcing budget growth are increases in employee compensation and increased benefits costs. The City should have a compensation and benefit program that: (a) reflects the value of work performed by our employees; (b) includes incentives for superior job performance; (c) compares favorably with the compensation and benefits paid for similar work in the private and public sectors, and (d) considers the ability of the community to pay. Both our employees and the public must understand the mutual respect that such a policy warrants. Review compensation plan every 3-5 years for comparability to other municipalities and the private sector.

Appendix D

4. Assigned – Amounts that are constrained with the intent to use for specific purposes but are neither restricted nor committed. Intent should be expressed by (a) the governing body itself, (b) a committee, budget or finance, or (c) an official to which the governing body has delegated the authority to assign amounts to be used for specific purposes.
5. Unassigned – This is the residual classification for the General Fund. This represents amounts that have not been restricted, committed, or assigned to a specific purpose. The General Fund should be the only fund that reports a positive unassigned fund balance.

IV. POLICY

A. Requirements –

1. General Fund

- a. Unassigned fund balance – It is the policy of the City to achieve and maintain a general operating fund unassigned fund balance level of 18.5% of operating expenses by June 30, 2017.
- b. Assigned fund balance – Upon adoption of this policy, the City Council authorizes the City Manager to assign fund balance for a specific purpose; so long that said purpose is in keeping with this policy, the wishes of the City Council and its Fiscal Policy Advisory Committee, and is in the best interest of the City.
 - i. Utilization of Assigned fund balance will be presented to the City Council for action during the fiscal year immediately following the fiscal year of assignment.
 - ii. Any assigned fund balance not acted upon and/or utilized for the specific purpose for which the City Manager assigned will lapse to unassigned fund balance on June 30 of the fiscal year immediately following the fiscal year of assignment.
- c. Balanced Budget – It is the policy of the City Council to annually adopt a General fund operating budget such that current revenues equal or exceed current appropriations, overlay and war service credits.

2. Water and Sewer enterprise funds

- a. Operating fund reserves – It is the desire of the City to maintain financially self-supporting Water and Sewer Funds with rate stability and to avoid large rate increases. Therefore, it is the policy of the City to, over time, achieve and maintain operating, capital and rate stabilization reserves of:
 - i. Operating – 25% of operating expenses less debt service and pay as you go capital.
 - ii. Capital – 25% of debt service or no less than \$500,000.
 - iii. Rate Stabilization – 10% of operating revenue or no less than \$500,000.

3. Other enterprise and Special revenue funds

- a. Operating fund reserves – It is the desire of the City to maintain financially self-supporting Other Enterprise and Special Revenue Funds with healthy financial positions. Therefore, it is the policy of the City to, over time, achieve and maintain working capital reserves of:
 - i. Golf fund – a minimum of 10% of operating expenses including debt service and capital expenditures.
 - ii. Arena fund – a minimum of 10% of operating expenses including debt service and capital expenditures.
 - iii. Parking fund – a minimum of 10% of operating expenses including debt service and capital expenditures.
 - iv. Airport fund – a minimum of 10% of operating expenses including debt service and capital expenditures.
 - v. Solid Waste fund – a minimum of 10% of operating expenses including debt service and capital expenditures.

Dover

Capital Improvements Program

Legal and Policy Debt Limits

The State of New Hampshire, through RSAs 33:4-a and 33:5-a, sets the legal amount of debt a City may have outstanding at any one time. There are three such limits covering municipalities, schools and water utilities.

The limits are based on the locally assessed valuation for property taxation purposes as equalized to market value by the N.H. Department of Revenue Administration. The equalized value for debt purposes is then multiplied by the statutory percentages to achieve the legal debt limits. The percentages used for each limit are 3% for municipalities, 7% for schools and 10% for water utilities. Bonds for sewer projects are exempt from any debt limit.

The CIP assumes bonds to be issued for Tolend Road Landfill Closure will be exempt from the City's debt limit and will be State guaranteed, upon approval by Governor and Council (RSA 33:3-e & f). A fourth limit applies to existing and authorized debt of the Dover Business and Industrial Development Authority (DBIDA) and was set by special legislation at \$5 million. Any newly authorized debt of DIBDA will be covered by RSA 162 which was adopted by the City Council in 2004. The debt limit for projects authorized under this RSA is 8% of the most recent assessed valuation.

In addition to the statutory limits, the policy goals of the City recommend additional restrictions based on the statutory limits. The City policies recommend a limit for each area to a percent of their statutory limit as follows: City 65%, School 28%, Water 5%. In addition, the City's policies restrict the Sewer Fund to 1.5% of equalized assessed value.

City debt remains within the statutory limit, reaching a maximum level of 63.6% of the limit in FY14. School debt remains within the statutory limit, reaching a maximum level of 25.7% of the limit in FY17. Based on the proposed CIP, it is estimated that City debt will be at 98.1% of the policy limit in FY13. This is mostly due to the Police Facility project. It is estimated the School debt will be at 91.7% of the recommended policy limit in FY17 based upon the proposed CIP. These estimates are based on projecting an equalized value for the City.

The Water Fund is within the statutory policy debt limit based upon the proposed CIP. Based on the proposed CIP, it is estimated that the Water Fund will be at 100% of the recommended policy limit in FY14. This is mostly due to the North End Pressure Zone project debt and water system facilities upgrades. The Sewer Fund has plenty of bonding capacity remaining, due to the large state aid payments on its current outstanding debt. Both funds are able to finance some projects through the use of capital reserve funds, thus avoiding bonding.

GFOA GUIDANCE ON DEBT MANAGEMENT

Utilizing municipal bonds to fund public infrastructure is a valuable strategy for governments to spread the cost of significant long term assets over their useful life. It is important to involve all stakeholders in the decision to issue debt and to make sure resources are identified to prepare for the issuance, address all disclosure requirements and maintain the accounting through the life of the bonds. GFOA Best Practices provide a comprehensive overview of the requirements associated with a debt issuance. It is also recommended that any government or authority considering entering the bond market consult the expertise of bond counsel, disclosure counsel, and municipal advisor to determine the best course of action for their specific project and to assist with the development of debt management policies.

Debt management policies are written guidelines, allowances, and requirements that guide the debt issuance practices of state or local governments, including the issuance process, management of a debt portfolio, adherence to various laws and regulations, post issuance compliance for IRS purposes, and post issuance compliance for continuing disclosure purposes. A debt management policy should improve the quality of decisions, articulate policy goals, provide guidelines for the structure of debt issuance, and demonstrate a commitment to long-term capital and financial planning. Adherence to a debt management policy signals to rating agencies and the capital markets that a government is well managed and therefore is likely to meet its debt obligations in a timely manner. Debt management policies should be written with attention to the issuer's specific needs and available financing options and are typically implemented through more specific operating procedures. Finally, debt management policies should be approved by the issuer's governing body to provide credibility, transparency and to ensure that there is a common understanding among elected officials and staff regarding the issuer's approach to debt financing.

“Financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii). Some examples of financial obligations include but are not limited to:

- Direct placements, loans, lines of credit or other credit arrangements with private lenders or commercial banks;
- Letters of credit issued in connection with variable rate debt issuance;
- Interest rate swaps entered into in connection with debt issuance.

GFOA recommends that state and local governments adopt comprehensive written debt management policies. These policies should reflect local, state, and federal laws and regulations. To assist with the development of these policies GFOA recommends that a government's Debt Management

Policy (Policy) should be reviewed periodically (and updated if necessary) and should address at least the following:

1. **Debt Limits.** The Policy should consider setting specific limits or acceptable ranges for each type of debt. Limits generally are set for legal, public policy, and financial restrictions and planning considerations.
 - a. *Legal restrictions* may be determined by:
 - State constitution or law,
 - Local charter, by-laws, resolution, or ordinance,
 - Bond indenture, resolution, trust agreement, lease, or other similar document, and
 - Bond referenda approved by voters.
 - b. *Public Policies* will address the internal standards and considerations within a government and can include:
 - Purposes for which debt proceeds may be used or prohibited,
 - Types of debt that may be issued or prohibited,
 - Relationship to and integration with the Capital Improvement Program, and
 - Policy goals related to economic development, including use of tax increment financing and public-private partnerships.
 - c. *Financial restrictions or planning considerations* generally reflect public policy or other financial resources constraints, such as reduced use of a particular type of debt due to changing financial conditions. Appropriate debt limits can have a positive impact on bond ratings, particularly if the government demonstrates adherence to such policies over time. Financial limits often are expressed as ratios customarily used by credit analysts. Different financial limits are used for different types of debt. Examples include:
 - *Direct Debt, including general obligation bonds*, are subject to legal requirements and may be able to be measured or limited by the following ratios:
 - Debt per capita,
 - Debt to personal income,
 - Debt to taxable property value, and
 - Debt service payments as a percentage of general fund revenues or expenditures.
 - *Revenue Debt* levels often are limited by debt service coverage ratios (e.g., annual net pledged revenues to annual debt service), additional bond provisions contained in bond covenants, and potential credit rating impacts.

- *Conduit Debt* limitations may reflect the right of the issuing government to approve the borrower's creditworthiness, including a minimum credit rating, and the purpose of the borrowing issue. Such limitations reflect sound public policy, particularly if there is a contingent impact on the general revenues of the government or marketability of the government's own direct debt.
- *Short-Term Debt Issuance* should describe the specific purposes and circumstances under which it can be used, as well as limitations in term or size of borrowing.
- *Variable Rate Debt* should include information about when using non-fixed rate debt is acceptable to the entity either due to the term of the project, market conditions, or debt portfolio structuring purposes.

2. ***Debt Structuring Practices.*** The Policy should include specific guidelines regarding the debt structuring practices for each type of bond, including:

- Maximum term (often stated in absolute terms or based on the useful life of the asset(s)),
- Average maturity,
- Debt service pattern such as equal payments or equal principal amortization,
- Use of optional redemption features that reflect market conditions and/or needs of the government,
- Use of variable or fixed-rate debt, credit/liquidity enhancements, derivatives, short-term debt, and limitations as to when, and to what extent, each can be used, and
- Other structuring practices should be considered, such as capitalizing interest during the construction of the project and deferral of principal, and/or other internal credit support, including general obligation pledges.

Debt Issuance Practices. The Policy should provide guidance regarding the issuance process, which may differ for each type of debt. These practices include:

- Selection and use of professional service providers, including an independent municipal advisor, to assist with determining the method of sale and the selection of other financing team members,
- Criteria for determining the sale method (competitive, negotiated, private placement, bank loan) and investment of proceeds,
- Use of comparative bond pricing services or market indices as a benchmark in negotiated transactions, as well as to evaluate final bond pricing results,
- Criteria for issuance of advance refunding, current refunding, and taxable bonds, and

- Use of credit ratings, minimum bond ratings, determination of the number of ratings, and selection of rating services.

Debt Management Practices. The Policy should provide guidance for ongoing administrative activities including:

- Investment of bond proceeds,
- Primary market disclosure practices and procedures, including annual certifications as required,
- Continuing disclosure procedures; including those related to ensure compliance with any continuing disclosure undertaking (CDA),
- Arbitrage rebate monitoring and filing,
- Monitoring use of tax-exempt bond financed facilities for private use,
- Federal and state law compliance practices, and
- Ongoing market and investor relations efforts.

Use of Derivatives. The Debt Management Policy should clearly state whether or not the entity can or should use derivatives. If the policy allows for the use of derivatives, a separate and comprehensive derivatives policy should be developed (see GFOA's Advisory, Developing a Derivatives Policy and Derivatives Checklist).



DEBT MANAGEMENT POLICY

City of Lebanon, NH

PRESENT POLICY-GEN. FUND

The present Council policy was approved in 1999.

- ❖ Complies with statutory restrictions (3% of Assessed Valuation)
- ❖ Per Capita Indebtedness not to exceed \$900 (**\$3,962** in 2021)
- ❖ 25% of principal outstanding retired within five years of issuance
 - ❖ **Not in Compliance**
- ❖ Debt Service = 15% or less of General Fund Operating Budget 

POLICY-ENTERPRISE FUNDS

- **Sewer-No Policy - No Statutory Limits**
- **Water- No Policy- Statutory Limit - 10% of Assessed Valuation**
- **Other Debt without Statutory Limits-Landfill Closure/Clean Up, Broadband, Energy Projects, Parking Garages/Facilities**
- **We do not have any policy related to our Solid Waste or Airport funds**

POST CSO STRATEGY

- Transition from CSO capital spending to the backlog of infrastructure needs
- Implementation of immediate plan to control the level of debt(2020)
- Move to a long-term debt management plan in the General Fund and development of plans for the enterprise funds

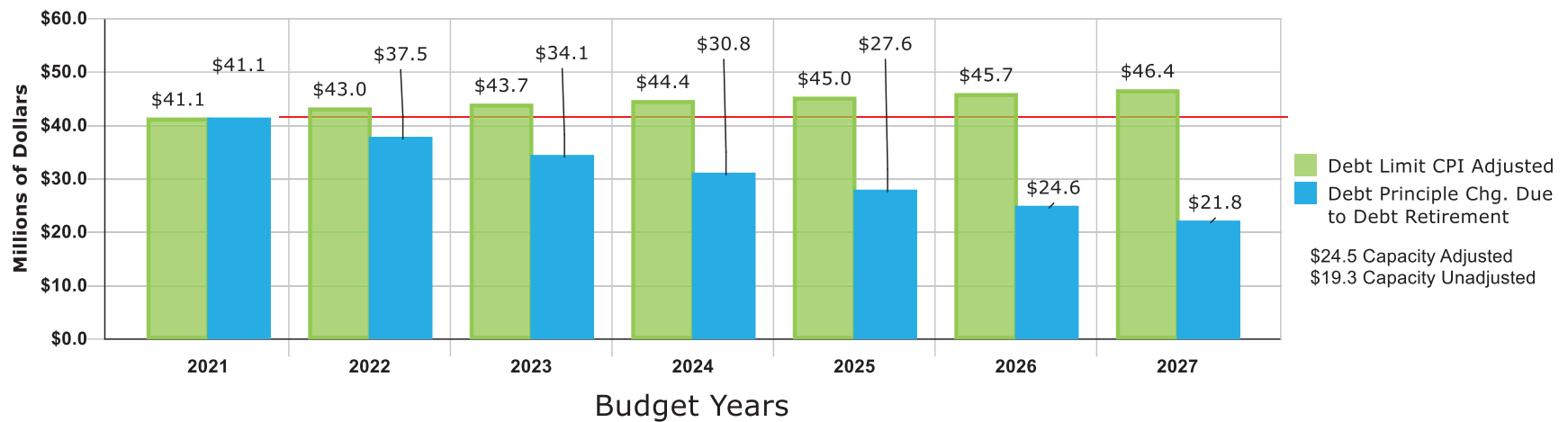
REVISED POLICY-GEN. FUND

- ❑ Base line debt ceiling set at the 2021 amount \$41,159,000

General Fund			
FY	Principle	Interest	Total
2016	\$48,192,630	\$14,634,472	\$62,827,102
2017	\$47,110,673	\$13,672,130	\$60,782,803
2018	\$45,323,622	\$12,676,115	\$57,999,737
2019	\$43,550,175	\$11,694,827	\$55,245,001
2020	\$41,651,172	\$10,698,317	\$52,349,489
2021	\$41,159,000	\$9,959,992	\$51,118,992

- ❑ Adjusted annually by growth in the economy based on the CPI year over year from June to June

General Fund Debt Management Plan



*NOTE: The Debt Limit CPI Adjusted will be adjusted by the actual average CPI ending on June 30th of each year with a 12 month look back. This chart uses a CPI of 4.6% for 2021 and an average CPI of 1.5% for the subsequent years which is the average CPI change from year over year from 2016 to 2020..

COST RECOVERY PROJECTS

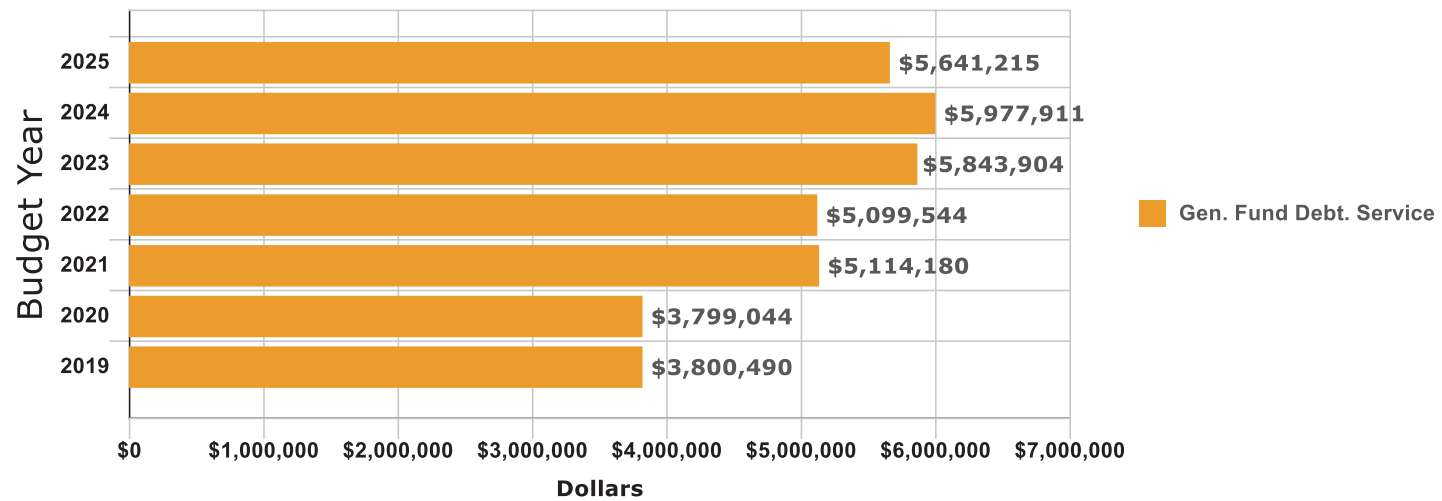
Projects that result in revenues that substantially offset debt service or that substantially offset operating costs to offset debt service are not included in the debt ceiling.

- **EXAMPLE: LED Street Light Project**
- Debt principal would be bifurcated as it relates to the Debt Ceiling amounts.

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 was below the ceiling.

General Fund Debt Service



WATER & SEWER

ENTERPRISE FUNDS

WATER FUND-OPTION 1

- ❖ WATER Fund- Long term Infrastructure improvement plan will cost an estimated \$25 million not including a new water source.
- ❖ Option #1 would involve a 37% increase in rates for year one (2024). This would produce \$1.5 million each year in additional revenue. Subsequent annual rate increases would only address increases in operating costs estimated to be approximately 3% per year. Time to complete plan would be 17 years. This is a pay-as-you-go option.

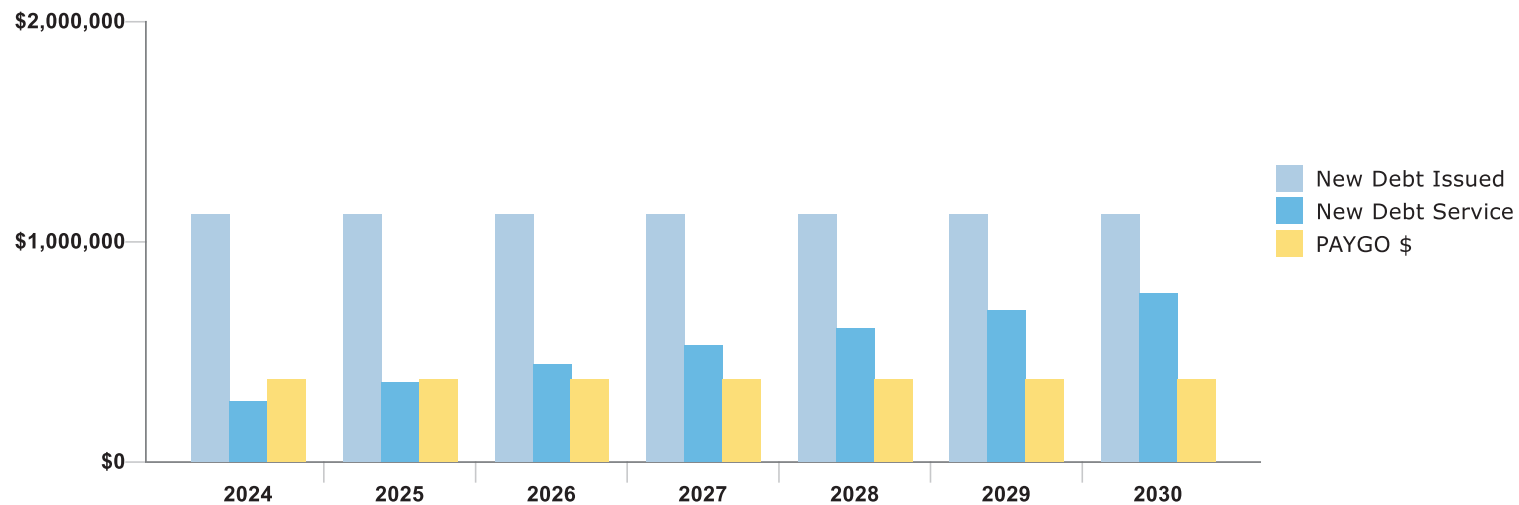
Option 1 -Customer Class Quarterly Water Bills-8% increase in 2022 and 2023, 37% in 2024, 3% in 2025-2030												
	<i>Ccf</i>	<i>Meter</i>	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	<u>Residential</u>											
	0	5/8"	\$18.32	\$19.79	\$21.37	\$29.28	\$30.16	\$31.06	\$31.99	\$32.95	\$33.94	\$34.96
	7	5/8"	\$42.75	\$46.18	\$49.86	\$68.34	\$70.41	\$72.50	\$74.69	\$76.91	\$79.23	\$81.58
	9	5/8"	\$49.73	\$53.72	\$58.00	\$79.50	\$81.91	\$84.34	\$86.89	\$89.47	\$92.17	\$94.90
	12	5/8"	\$60.20	\$65.03	\$70.21	\$96.24	\$99.16	\$102.10	\$105.19	\$108.31	\$111.58	\$114.88
	18	5/8"	\$102.08	\$110.27	\$119.05	\$163.14	\$168.04	\$173.02	\$178.21	\$183.55	\$189.10	\$194.74
	<u>Non-Residential</u>											
	12	5/8"	\$81.20	\$87.71	\$94.69	\$129.72	\$133.60	\$137.62	\$141.79	\$145.99	\$150.94	\$154.84
	25	3/4"	\$189.55	\$204.73	\$221.04	\$302.81	\$311.87	\$321.26	\$330.99	\$340.81	\$350.97	\$361.47
	200	2"	\$1,301.59	\$1,405.66	\$1,517.55	\$2,078.90	\$2,141.05	\$2,205.56	\$2,272.45	\$2,339.72	\$2,409.39	\$2,481.47
	1000	4"	\$7,772.70	\$8,500.29	\$9,177.51	\$12,572.49	\$12,572.49	\$13,338.42	\$13,742.17	\$14,149.94	\$14,571.84	\$15,008.00

WATER FUND-OPTION 2

- ❖ Option #2 would set a structure where there would be 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)
- ❖ After accounting for the increase in operating expenses, the additional revenue generated would pay for increases in debt service which determines the amount that can be borrowed for infrastructure improvement projects

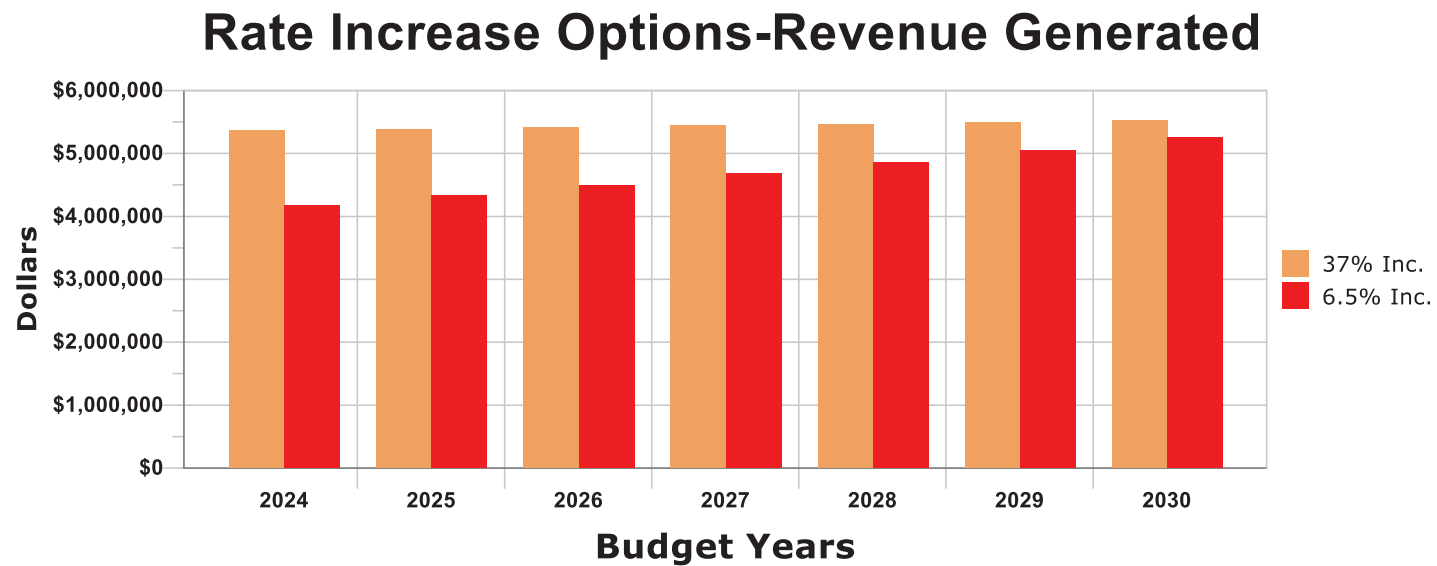
OPTION 2-FIXED 5%+CPI VARIABLE MAX OF 8%

Water Fund Debt/PAYGO Profile



Option 2-Quarterly Customer Class Water Bills												
	<i>Ccf</i>	<i>Meter</i>	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	<u>Residential</u>											
	0	5/8"	\$18.32	\$19.79	\$21.37	\$22.76	\$24.24	\$25.82	\$27.50	\$29.29	\$31.19	\$33.22
	7	5/8"	\$42.75	\$46.18	\$49.86	\$53.07	\$56.51	\$60.19	\$64.11	\$68.28	\$72.70	\$77.46
	9	5/8"	\$49.73	\$53.72	\$58.00	\$61.73	\$65.73	\$70.01	\$74.57	\$79.42	\$84.56	\$90.10
	12	5/8"	\$60.20	\$65.03	\$70.21	\$74.72	\$79.56	\$84.74	\$90.26	\$96.13	\$102.35	\$109.06
	18	5/8"	\$102.08	\$110.27	\$119.05	\$126.74	\$134.94	\$143.72	\$153.08	\$163.03	\$173.57	\$184.90
	<u>Non-Residential</u>											
	12	5/8"	\$81.20	\$87.71	\$94.69	\$100.88	\$107.40	\$114.38	\$121.82	\$129.73	\$138.11	\$147.10
	25	3/4"	\$189.55	\$204.73	\$221.04	\$235.48	\$250.71	\$266.99	\$284.35	\$302.81	\$322.39	\$373.37
	200	2"	\$1,301.59	\$1,405.66	\$1,517.55	\$1,616.76	\$1,721.22	\$1,833.01	\$1,952.22	\$2,078.95	\$2,213.25	\$2,357.28
	1000	4"	\$7,772.70	\$8,500.29	\$9,177.51	\$9,776.90	\$10,409.25	\$11,085.40	\$11,806.25	\$12,572.76	\$13,385.94	\$14,256.88

OPTIONS-REVENUE GENERATION

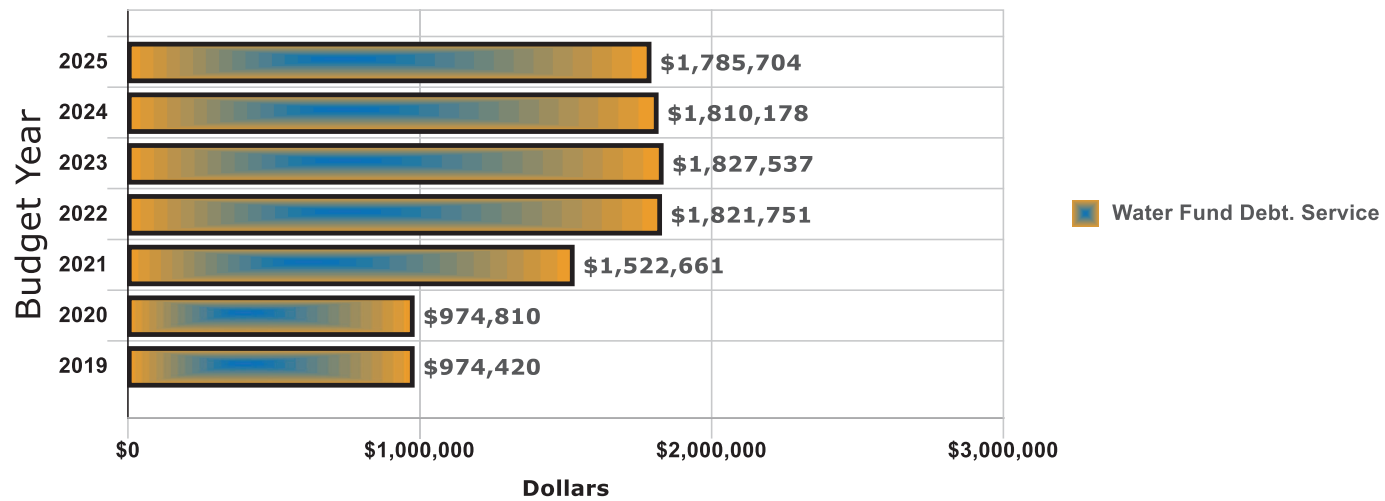


OPTIONS-REVENUE GENERATION

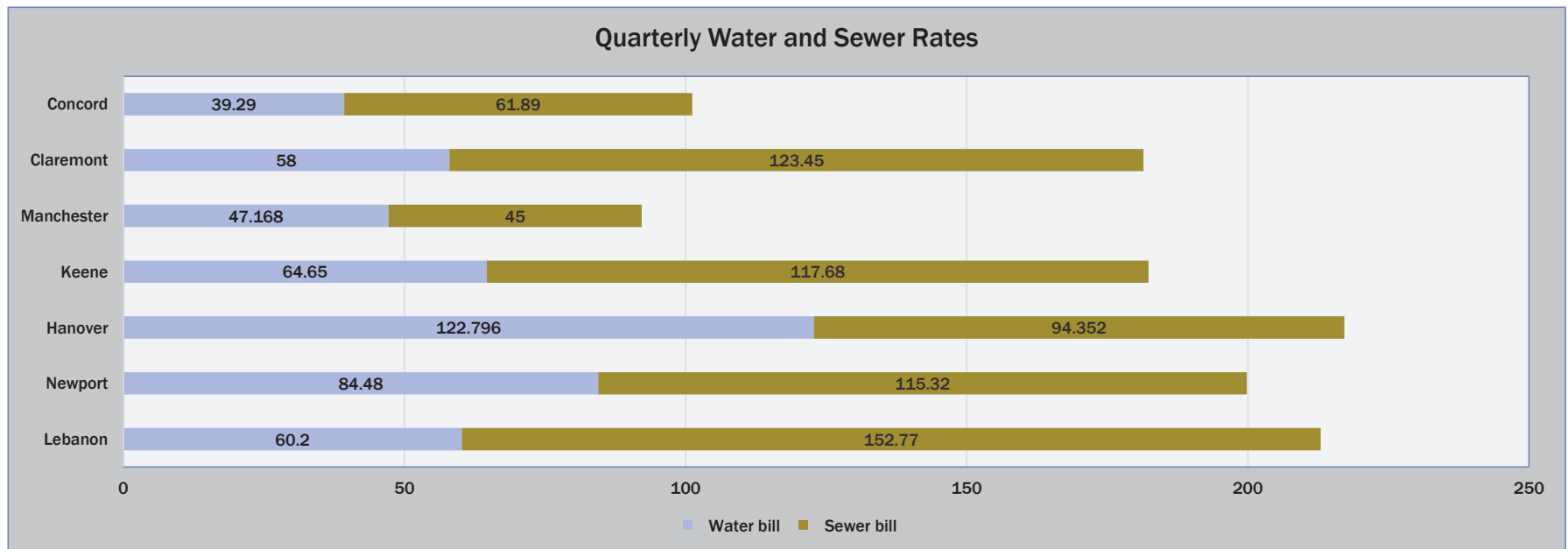
Option 1- 37% & 3%	\$38,063,811
Option 2- 5%+CPI Variable (6.5% est.)	\$32,801,584

These numbers represent the total revenue generated from 2024-2030.

Water Fund Debt Service



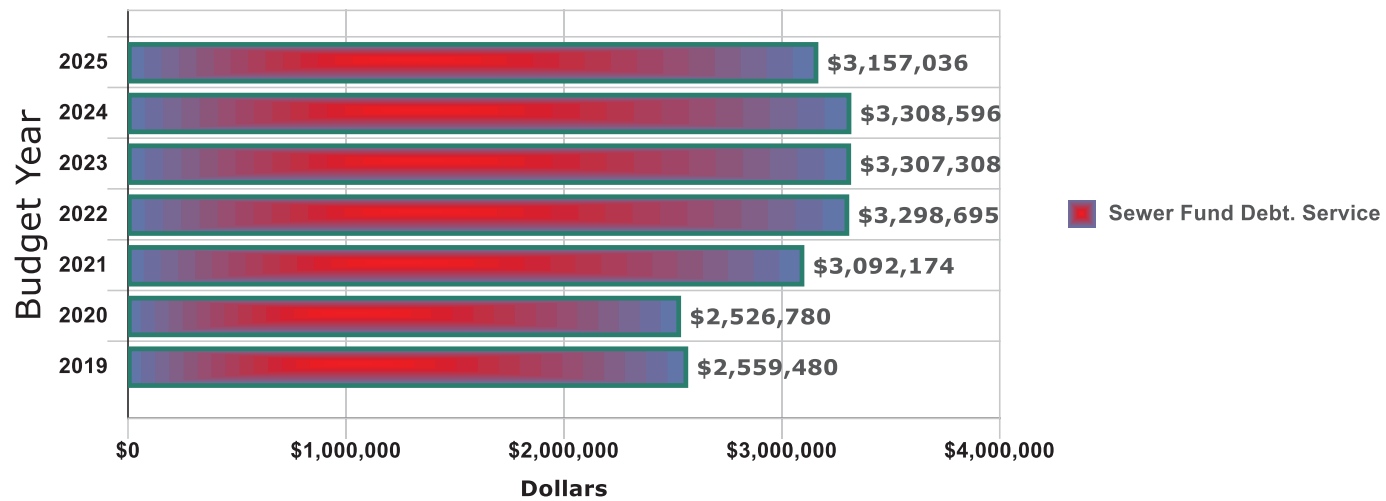
WATER & SEWER RATES-OTHER COMMUNITIES



SEWER FUND-OPTIONS

- The options for the sewer fund follow the same structure.
- Unlike the water system project analysis that was recently completed the long-term sewer system infrastructure plan is under development and will not be ready until later in 2022.
- The Council would need to revise the policy to include the rates of increase next year which would begin 2024.

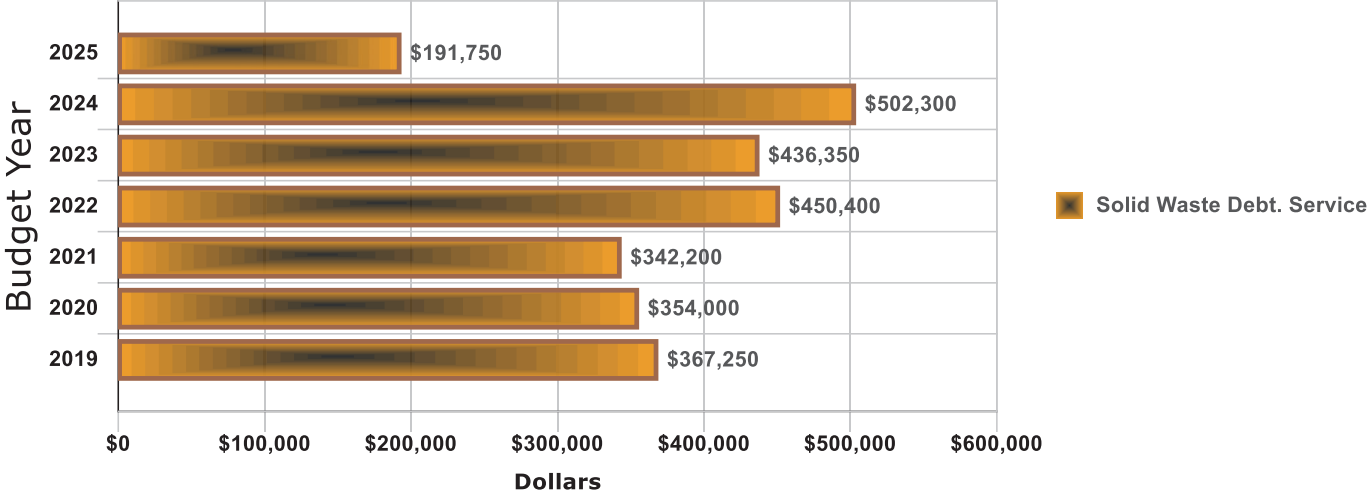
Sewer Fund Debt Service



SOLID WASTE FUND

1. 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.
2. The period by which indebtedness may occur for any given project is limited to the useful life of the infrastructure asset.
3. 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.

Solid Waste Fund Debt Service



**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

NEW BUSINESS:

**10.A – CITY COUNCIL REVIEW OF PROPERTIES QUALIFIED
FOR TAX DEEDING AND VOTE TO WAIVE TAX DEEDING**

BACKGROUND

Tax bills are mailed on or around June 1 and November 1 each year. Interest accrues at a rate of 8% per annum on bills outstanding for more than 30 days. Within 18 months of the date assessed (April 1), the Tax Collector places a lien on properties for all uncollected property taxes. The lien on these properties has priority over other liens and accrues interest at 12% per annum.

According to State law, if property is not redeemed (including taxes, penalties and interest) within the 2-year redemption period, the Tax Collector is required to tax deed the property as a normal matter of course unless notified by the City's governing body (City Council) not to take a deed.

When the City Council instructs the Tax Collector that it shall not accept a tax deed the tax lien remains in effect indefinitely. The taxpayer's right of redemption (to pay what is outstanding including taxes, penalties and interest) is likewise extended indefinitely with interest at the rate of 12% per annum continuing to accrue. At any time, if in the judgment of the City Council, the reasons for refusing the tax deed no longer apply, and the tax lien has not been satisfied, the City Council may instruct the Tax Collector to commence the statutory deeding process.

WAIVER OF TAX DEEDING:

There is one property recommended to waive tax deeding on totaling \$9,093.79. This property has an active payment plan in process (2018 outstanding taxes expected to be paid in full by the end of June 2022.)

AUTHORIZATION FOR TAX DEEDING:

The properties recommended to commence the deeding process on total \$38,153.27 consisting of a mobile home (\$2,615.07); a restaurant (\$31,754.43); and land with decaying structures (\$8,891.23).

ACTION

RESOLUTION

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

NOW THEREFORE BE IT RESOLVED that the Lebanon City Council, in accordance with NH RSA 80:76, has reviewed the following compilation prepared by the Tax Collector of tax liens outstanding for tax years 2018-2020.

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

Billed Owner/Location	Map/Lot	Type	Total Due
Maville, Sandra 19 Mason Street	91/59	Residence	Total: \$9,093.79 (2018: \$1100.75)

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 immediate following properties:

Billed Owner/Location	Map/Lot	Type	Total Due
Wright, Karen 22 Rudsboro Road #17	56/15/1700	Mobile Home	Total: \$2,615.07 (2018: \$984.55)
Vorachak LLC 70 Hanover Street	91/197	Restaurant	Total: \$31,754.43 (2018: \$3,403.25)
Bosworth Realty Trust 336 Meriden Road	167/8	Land w/ Decayed Structures	Total: \$8,891.23 (2018: \$3,540.97)

Included in this Section:

1. August 23, 2021, Memo from Kristin M. Kenniston, City/Clerk Tax Collector, re: Tax Deeding



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Kristin M. Kenniston, City Clerk/Tax Collector

DATE: August 23, 2021

RE: Tax Deeding

There are currently four parcels eligible for tax deeding due to non-payment of the 2018 property tax. One of the properties, a residence, is not recommended for tax deeding at this time as a payment plan has been established with the owner. Should the owner fail to make payments, this property may be brought before a future City Council meeting for consideration of tax deed.

The other three properties are comprised of one mobile home, one restaurant and one parcel of land with a dilapidated home and outbuildings. These properties are recommended for tax deeding.

On May 10, 2021, prior to beginning the tax deeding process, I mailed courtesy notices to ten owners notifying them of the impending tax deed. My purpose was to provide the owners additional time to clear up their 2018 taxes before beginning the formal process.

The formal tax deeding process began in July. I mailed certified notices to the owners on July 12th, giving them until September 1st to pay their 2018 tax bill in full. Of the three properties recommended for deeding, none of the owners have contacted my office to make payment plan arrangements.

In accordance with NH RSA 80:76, I am required to pass Tax Collector's Deeds to the holder of the lien (City of Lebanon) two years and one day after the recording the oldest tax lien. The liens for the 2018 tax year were recorded on May 2, 2019, by my predecessor, Susan McBain.

Included with this memo are property assessment cards, statements of all taxes due and certified mail receipts.

Run: 8/24/21
9:13AM

Property Bills Listing

Page: 1
Noll

CITY OF LEBANON
CITY CLERK/TAX COLLECTOR
51 NORTH PARK ST
LEBANON, NH 03766-1318
603-448-3054

Summary of Account by Property

Interest Calculated as of: 9/01/2021

MAVILLE, SANDRA
19 MASON ST
LEBANON, NH 03766

Map Lot: 91/59
PID: 2572
Alt ID:
Location: 19 MASON ST

Bill #	Bil Dt	Due Dt	Type	Year	Orig Amt	Rem Amt	Costs	Penalty	Int to Dt	Rate	PerDiem	Amt Due
180693	5/02/19	5/02/19	LIEN	2018	1,810.14	1,025.87	42.00	0.00	32.88	18.00	0.5059	1,100.75
191556	5/21/20	5/21/20	LIEN	2019	3,599.78	3,599.78	42.00	0.00	646.17	14.00	1.3807	4,287.95
208056	6/10/21	6/10/21	LIEN	2020	3,590.77	3,590.77	0.00	0.00	114.32	14.00	1.3773	3,705.09
202740	6/08/21	7/12/21	21JUL	2021	1,679.00	1,679.00	0.00	0.00	18.77	8.00	0.3680	1,697.77
Property Tax Totals ::::::::::::::::::::						9,895.42	84.00	0.00	812.14		3.6319	10,791.56

PROPERTY LOCATION

19 MASON ST
LEBANON, NH

OWNERSHIP

MAVILLE, SANDRA 19 MASON ST LEBANON, NH 03766			
Occ		Type	

PREVIOUS OWNER

MAVILLE, MARK & SANDRA
19 MASON ST
LEBANON, NH 03766-0000

NARRATIVE DESCRIPTION

This parcel contains 0.12000 AC of land mainly classified as ONE FAM with a CONVENT'NL building built about 1910, having primarily CLAPBOARD Exterior and 1,249 Square Feet, with 1 Residential Unit, 2 Baths, 5 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Desc	Amt	Comm Int Amt

PROPERTY FACTORS

Item	Code	Item	Code	%
Util 1	2 - WATER	Dis 1	Lebanon	100.0
Util 2	3 - SEWER	Dis 2		
Util 3		Dis 3		
Census	9618	Zone 1	R3	100
F. Haz		Zone 2		
Topo	2 - ABOVE ST	Zone 3		
Street	1 - PAVED			
Traffic	2 - SUBURBAN			
Exempt				

LAND SECTION

LUC	LUC Desc	Ft.	# Units	Depth	U. Type	L. Type	Ft.	Base V.	Unit Prc	Adj Prc	NBC	Ft.	Mod.	Inf 1	%	Inf 2	%	Inf 3	%	Appr	Alt LUC	%	Spec L.V.	Juris	L. Ft.	Assessed	Notes
101	ONE FAM	1	5,227.2						2.28	13.39	R4	1								70,000			0		1	70,000	
Total AC/HA			0.12	Total SF/SM			5,227.20	Parcel LUC101 - ONE FAM					P. NBC Desc			RES GD			Tot	70,000		Tot	0		Tot	70,000	

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Val	Yard Items	Land Size	Land Val	Total Val
	53,900	0	0.12	70,000	123,900
Building Total	53,900	0	0.12	70,000	123,900
Parcel Total	53,900	0	0.12	70,000	123,900
Source		Tot Val SF/Bld	99.20	Tot Val SF/Prcd	99.20

PREVIOUS ASSESSMENTS

Tx Yr	Cat	Use	Bld Value	Yard Items	Land Size	Land Val	Total Appr	Assessed	Notes	Date
2021	IV	101	53,900	0	0.12	70,000	123,900	123,900	2021/LDS 08/12/21 2:51:11	08/12/2021
2020	FV	101	53,900	0	0.12	70,000	123,900	123,900		11/16/2020
2019	FV	101	41,300	0	0.12	70,000	111,300	111,300		11/06/2019
2018	FV	101	41,300	800	0.12	70,000	112,100	112,100		08/31/2018
2017	FV	101	41,300	800	0.12	70,000	112,100	112,100	Year End Roll	11/14/2017
2016	FV	101	41,300	800	0.12	70,000	112,100	112,100		11/03/2016
2015	FV	101	41,300	800	0.12	70,000	112,100	112,100	Year End Roll	10/19/2015
2014	FV	101	35,400	1,200	0.12	71,900	108,500	108,500	Year End Roll	08/20/2014
2013	FV	101	35,400	1,200	0.12	71,900	108,500	108,500	Year End Roll	10/28/2013
2012	FV	101	35,400	1,200	0.12	71,900	108,500	108,500	Year End Roll	10/15/2012

SALES INFORMATION

[illegible]

BUILDING PERMITS

[illegible]

ACTIVITIES

Date	Result	By
05/13/2021	51	MRI Contractor
01/29/2020	51a	Alrick Hammar
02/14/2019	51	Alrick Hammar
10/23/2018	99	Marlene Jordan
12/22/2014	01	Rick Vincent
05/24/2005	99	Dan Fitzgerald
03/08/1996	99	Gary Fields
03/07/1996	00	Gary Fields
09/16/1995	02	Richard Walsh
09/02/1995	02	Richard Walsh
09/01/1995	01	Richard Walsh

LEGAL DESCRIPTION

0	
0	
0	Lot Size
3	Total Land
	Land Unit Type



Patriot
PROPERTIES INC.

User Account
2572
GIS Coord 1
GIS Coord 1
Insp Date
Print Date / Time
8/17/2021 10:25 am
Last Date / Time
8/30/18 2:33 pm
vincent
USER DEFINED
Old Map/Lot
28-115
Eld Update
Plan Ref
Inst Exempt
PriorD2b
PriorD3b
PriorD1c
PriorD2c
PriorD3c
Assessor Map

7020 3160 0001 0730 3184

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Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage

Total Postage and Fees

Sent To

Street and Apt. No.,

City, State, ZIP+4[®]

PS Form 3800, Apr

R A Bosworth Realty Trust
William B. Bosworth, Co-
45 Laurel Street #3
Leominster MA 01453

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R A Bosworth Realty Trust
William B. Bosworth, Co-TTEE
45 Laurel Street #3
Leominster MA 01453



9590 9402 5296 9154 5039 53

2. Article Number (Transfer from service label)

7020 3160 0001 0730 3184

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

William B. Bosworth

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUL 26 2021

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Restricted Delivery

☐ Priority Mail Express[®]
☐ Registered MailTM
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature ConfirmationTM
☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article

Vorachak LLC
2 Tannery Lane
Lebanon NH 03766



9590 9402 5296 9154 5039 08

2. Article Number (Transfer from service label)

7020 3160 0001 0730 3108

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Sommy Vorachak

C. Date of Delivery

7-14-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUL 19 2021

CITY CLERK'S OFFICE

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Restricted Delivery

☐ Priority Mail Express[®]
☐ Registered MailTM
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature ConfirmationTM
☐ Signature Confirmation Restricted Delivery

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OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage

Total Postage and Fees

Sent To

Street and Apt. No.

City, State, ZIP+4[®]

PS Form 3800, Apr

Vorachak LLC
2 Tannery Lane
Lebanon NH 03766

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article

Karen Wright
22 Rudsboro Road #17
Lebanon NH 03766



9590 9402 5296 9154 5038 92

2. Article Number (Transfer from service label)

7020 3160 0001 0730 3115

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Karen Wright

C. Date of Delivery

7/19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUL 19 2021

CITY CLERK'S OFFICE

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail Restricted Delivery (00)

☐ Priority Mail Express[®]
☐ Registered MailTM
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature ConfirmationTM
☐ Signature Confirmation Restricted Delivery

U.S. Postal ServiceTM
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For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage

Total Postage and Fees

Sent To

Street

City, State, ZIP+4[®]

PS Form 3800, Apr

Karen Wright
22 Rudsboro Road #17
Lebanon NH 03766

Domestic Return Receipt

Run: 8/24/21
9:11AM

Property Bills Listing

Page: 1
Noll

CITY OF LEBANON
CITY CLERK/TAX COLLECTOR
51 NORTH PARK ST
LEBANON, NH 03766-1318
603-448-3054

Summary of Account by Property

Interest Calculated as of: 9/01/2021

WRIGHT, KAREN L
22 RUDSBORO RD #17
LEBANON, NH 03766

Map Lot: 56/15/1700

PID: 967

Alt ID:

Location: 22 RUDSBORO RD 17

Bill #	Bil Dt	Due Dt	Type	Year	Orig Amt	Rem Amt	Costs	Penalty	Int to Dt	Rate	PerDiem	Amt Due
180719	5/02/19	5/02/19	LIEN	2018	654.29	654.29	55.00	0.00	275.26	18.00	0.3227	984.55
191581	5/21/20	5/21/20	LIEN	2019	655.51	655.51	25.00	0.00	117.66	14.00	0.2514	798.17
208091	6/10/21	6/10/21	LIEN	2020	806.67	806.67	0.00	0.00	25.68	14.00	0.3094	832.35
202731	6/08/21	7/12/21	21JUL	2021	365.00	365.00	0.00	0.00	4.08	8.00	0.0800	369.08
Property Tax Totals ::::::::::::::::::::						2,481.47	80.00	0.00	422.68		0.9635	2,984.15

Subplot

Building Location 22 RUDSBORO RD, Unit 17

Card: 1 of 1 Total Card Total Parcel

Patriot
PROPERTIES INC.

User Account

967

GIS Coord 1

GIS Coord 1

City Council

Insp Date

USER DEFINED

Old Map/Lot

File Update

Eld Update

Plan Ref

Flattner

Inst Exempt

--

PriorID2b

Drier/D3b

PH0101D30

PriorID1c

THIRD TO

PriorID2c

PriorID3c

A M

Assessor Map

Assessed	Notes
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7.10000000	7.1000

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MILDB 16-10-70	

Page 142 of 193

Exterior Information

Type	11- MOBILE HM		
Stry Hght	1 - 1.0		
(Liv) Units	1	Tot	1
Found	5- PIERS		
Frame	1 - WOOD		
P. Wall	3 - ALUMINUM		
Sec Wall	0		
Roof Str	4 - FLAT		
Roof Cvr	9 - METAL		
Color			
View	AV - AVERAGE		
Shape			
Bld Name			

General Information

Grade	C - AVERAGE		
Year Blt	1976	Eff Yr	
Alt LUC			
Juris			
Con Mod			

Interior Information

Avg Ht / FI			
P. Int Wall	8 - PLYWD PANL		
Sec Int Wall	3 - PANEL	50%	
Partition	T - Typical		
P. Floor	4 - CARPET		
Sec Floor	3 - HARDWOOD	50%	
Bmt Floors			
Sub Floors			
Bmt Garage	0		
Electric	3 - ADEQUATE		
Insulation	2 - TYPICAL		
Int Vs Ext			
Heat Fuel	1 - OIL		
Heat	1 - FORCED H/A		
# Heat Sys	1		
Heated %	100	AC %	
Sol HW %		Ctrl Vac %	
Com Wall %		Sprink %	

Special Features / Yard Items

Code	Desc	A	Y/S	Qty	Size	Qual	Con	Year	Unit Prc	D/S	Depr %	LUC	Ft.	NBC	Ft.	Juris	Ft.	Appr Val	Assessed	
02	SHED/FR	D	Y	1	160.00	A	PR	1996	8.00	T	23.76%		1		1		1	900	900	
Building Totals		Yard Item Appr								900	Special Feature Appr								900	900
Parcel Totals		Yard Item Appr								900	Special Feature Appr								900	900

Condo Information

Location	
Tot Units	49
Floor	
% Own	
Name	MMHP - MASCOMA MHP

Bath Features

Full Bath	1	Rtng	A - AVERAGE
Add Full	0	Rtng	
3/4 Bath	0	Rtng	
Add. 3/4	0	Rtng	
1/2 Bath	0	Rtng	
Add. 1/2	0	Rtng	
Other Fix	0	Rtng	

Other Features

Kitchens	1	Rtnng	A - AVERAGE
Add Kit.	0	Rtnng	
Fireplaces	0	Rtnng	
WS Flues	0	Rtnng	

Depreciation

Phys Con	AV	60
Functional		
Economic		
Special		
Override		
Total		60%

Comparable Sales

Rtng	Parcel ID	Type	Sale Date	Price
Avg Rtng		Ind Val		

Comments

1976 SKYLINE
SER #0116K
MKB
IA

Res Breakdown

Floor	No. Unit	Rooms	Bdrms
1	1	4	2
Bld Total	1	4	2
Prcl Total	1	4	2

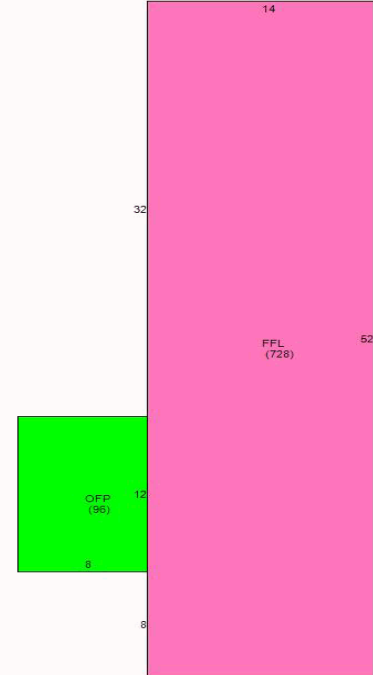
Calc Ladder

Base Rate	65.00	Depr	39,052
Size Adj	1.08593	Depr'd Total	26,035
Con Adj	1.18635	Juris Ft.	1.0000
Adj Prc	\$ 83.74	Spec. Features	\$ 0
Grade Ft.	1.00000	Lump Sum	0
Other Feat	\$ 7,900	Final Total	\$ 26,000
NBH Mod	1.0000	Override Val	
NBC Infl	0.9000	Assmnt Ft.	1.0000
LUC Ft.	1.0000	Assessed Val	\$ 26,000
Adj Tot (RCN)	65,087	Total \$/SF	\$ 35.71
Depr %	60%	Undepr \$/SF	83.74000

Sub Areas

Code	Desc	Net Area	Gross A.	F. Area	Sz Adj A.	Rate AV	Undepr Val
FFL	1ST FLOOR	728	728	728	728	83.74	60,963
OPF	OPEN PORCH	96	96	0	0	36.00	3,456
Building Totals		824	824	728	728		64,419
Parcel Totals		824	824	728	728		64,419

Sketch



Mobile Home

Make	Model	Serial	Year	Color
------	-------	--------	------	-------

Alt Areas

[illegible]

d Image



22 RUDSBORO ROAD 17 (56/15/1700) – FROM DRIVE IN PARK



22 RUDSBORO ROAD 17 (56/15/1700)-FROM RUDSBORO ROAD



Run: 8/24/21
9:12AM

Property Bills Listing

Page: 1
Noll

CITY OF LEBANON
CITY CLERK/TAX COLLECTOR
51 NORTH PARK ST
LEBANON, NH 03766-1318
603-448-3054

Summary of Account by Property

Interest Calculated as of: 9/01/2021

VORACHAK, LLC
2 TANNERY LN
LEBANON, NH 03766

Map Lot: 91/197
PID: 2712
Alt ID:
Location: 70 HANOVER ST

Bill #	Bil Dt	Due Dt	Type	Year	Orig Amt	Rem Amt	Costs	Penalty	Int to Dt	Rate	PerDiem	Amt Due
180706	5/02/19	5/02/19	LIEN	2018	7,966.68	3,215.37	42.00	0.00	145.88	18.00	1.5857	3,403.25
191571	5/21/20	5/21/20	LIEN	2019	10,298.78	10,298.78	42.00	0.00	1,848.69	14.00	3.9502	12,189.47
208073	6/10/21	6/10/21	LIEN	2020	10,713.19	10,713.19	0.00	0.00	341.06	14.00	4.1092	11,054.25
202743	6/08/21	7/12/21	21JUL	2021	5,051.00	5,051.00	0.00	0.00	56.46	8.00	1.1071	5,107.46
Property Tax Totals ::::::::::::::::::::						29,278.34	84.00	0.00	2,392.09		10.7522	31,754.43

PROPERTY LOCATION

70 HANOVER ST
LEBANON, NH

OWNERSHIP

VORACHAK, LLC
2 TANNERY LN
LEBANON, NH 03766-0000

PREVIOUS OWNER

FARNHAM, E C REV TRST
FARNHAM, M W REV TRST
PO BOX 2
HANOVER, NH 03755-0000

NARRATIVE DESCRIPTION

This parcel contains 0.24000 AC of land mainly classified as REST/BAR with a STORE building built about 1950, having primarily CONC BLOCK Exterior and 4,064 Square Feet, with 2 Commercial Units.

OTHER ASSESSMENTS

Code	Desc	Amt	Comm Int Amt

PROPERTY FACTORS

Item	Code	Item	Code	%
Util 1	2 - WATER	Dis 1	Lebanon	0.000
Util 2	3 - SEWER	Dis 2	162-K Leb	0.000
Util 3		Dis 3	79-E Leb	0.000
Census	9618	Zone 1	LD	100
F. Haz		Zone 2		
Topo	1 - LEVEL	Zone 3		
Street	1 - PAVED			
Traffic	1 - URBAN			
Exempt				

LAND SECTION

LUC	LUC Desc	Ft.	# Units	Depth	U. Type	L. Type	Ft.	Base V.	Unit Prc	Adj Prc	NBC	Ft.	Mod.	Inf 1	%	Inf 2	%	Inf 3	%	Appr	Alt LUC	%	Spec L.V.	Juris	L. Ft.	Assessed	Notes
326	REST/BAR	1	10,454.4						8	18.14	C3	1								189,600			0		1	189,600	
Total AC/HA			0.24	Total SF/SM		10,454.40		Parcel LUC326 - REST/BAR					P. NBC Desc			COM AV	Tot			189,600	Tot		0	Tot		189,600	

Disclaimer: This Information is believed to be correct but is subject to change and is not guaranteed

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Val	Yard Items	Land Size	Land Val	Total Val
	177,700	5,432	0.24	189,600	372,732
Building Total	177,700	5,432	0.24	189,600	372,732
Parcel Total	177,700	5,432	0.24	189,600	372,732
Source		Tot Val SF/Bld	91.72	Tot Val SF/Prcd	91.72

PREVIOUS ASSESSMENTS

Tx Yr	Cat	Use	Bld Value	Yard Items	Land Size	Land Val	Total Appr	Assessed	Notes	Date
2021	IV	326	177,700	5,432	0.24	189,600	372,732	372,732	2021/LDS 08/12/21 2:51:	08/12/2021
2020	FV	326	177,700	5,432	0.24	189,600	372,732	372,732		11/16/2020
2019	FV	326	152,000	2,688	0.24	165,900	320,588	320,588		11/06/2019
2018	FV	325	77,700	4,800	0.24	165,900	248,400	248,400		08/31/2018
2017	FV	325	77,700	4,800	0.24	165,900	248,400	248,400	Year End Roll	11/14/2017
2016	FV	325	77,700	4,800	0.24	165,900	248,400	248,400		11/03/2016
2015	FV	325	77,700	4,800	0.24	165,900	248,400	248,400	Year End Roll	10/19/2015
2014	FV	325	201,800	4,700	0.24	165,900	372,400	372,400	Year End Roll	08/20/2014
2013	FV	325	201,800	4,700	0.24	165,900	372,400	372,400	Year End Roll	10/28/2013
2012	FV	325	154,300	4,700	0.24	165,900	324,900	324,900	Year End Roll	10/15/2012

SALES INFORMATION

[illegible]

BUILDING PERMITS

[illegible]

ACTIVITIES

Date	Result	By
07/29/2020	93	Alrick Hammar
05/12/2020	94	Alrick Hammar
04/22/2019	51a	Rick Vincent
04/18/2017	51	Nick Taaffe
08/10/2015	00	Rick Vincent
03/13/2013	01	Rick Vincent
04/04/2012	00	Rick Vincent
04/25/2011	00	Rick Vincent
07/17/2008	00	Rick Vincent
03/21/1996	99	Tim Ballantine
10/24/1995	00	Tim Ballantine

LEGAL DESCRIPTION

2		
2		
2		
2		
9		



Patriot
PROPERTIES INC.

User Account
2712
GIS Coord 1
GIS Coord 1
Insp Date
Print Date / Time
8/17/2021 10:32 am
Last Date / Time
5/26/20 2:01 pm
apro
USER DEFINED
Old Map/Lot
28-236
Eld Update
Plan Ref
Inst Exempt
PriorID2b
PriorID3b
PriorID1c
PriorID2c
PriorID3c
Assessor Map

Exterior Information

Type	78 - STORE		
Story Hght	1 - 1.0		
(Liv) Units	0	Tot	2
Found	1 - CONCRETE		
Frame	6 - OTHER		
P. Wall	21- CONC BLOCK		
Sec Wall	7 - BRICK		50
Roof Str	4 - FLAT		
Roof Cvr	10 - ROLLED		
Color			
View	AV - AVERAGE		
Shape			
Bld Name			

General Information

Grade	C - AVERAGE		
Year Blt	1950	Eff Yr	
Alt LUC			
Juris			
Con Mod			

Interior Information

Avg Ht / Ft	10.00		
P. Int Wall	1 - DRYWALL		
Sec Int Wall			
Partition	T - Typical		
P. Floor	15 - LAMINATE		
Sec Floor	5 - LINOLEUM		50%
Bmt Floors	12 - CONCRETE		
Sub Floors			
Bmt Garage	0		
Electric	3 - ADEQUATE		
Insulation	2 - TYPICAL		
Int Vs Ext			
Heat Fuel	2 - GAS		
Heat	1 - FORCED H/A		
# Heat Sys	2		
Heated %	85	AC %	41
Sol HW %		Ctrl Vac %	
Com Wall %		Sprink %	

Special Features / Yard Items

[illegible]

Condo Information

Location	
Tot Units	
Floor	
% Own	
Name	

Bath Features

Full Bath	0	Rtng
Add Full	0	Rtng
3/4 Bath	0	Rtng
Add. 3/4	0	Rtng
1/2 Bath	0	Rtng
Add. 1/2	0	Rtng
Other Fix	0	Rtng

Other Features

Kitchens	0	Rtng
Add Kit.	0	Rtng
Fireplaces	0	Rtng
WS Flues	0	Rtng

Depreciation

Phys Con	AV	40
Functional	F	25
Economic		
Special		
Override		
Total		55%

Comparable Sales

Rtng	Parcel ID	Type	Sale Date	Price
Avg Rtng			Ind Val	

Comments

BANGKOK ASAIN MRKT- FRONT THAI ORCHIS RESTAURANT;
FRNT=MASONRY FRAME W/01-04 ROOF/REAR=LESSER QUAL
MASONRY + STEEL FRAME W/L/W PITCHED
01ROOF 04/11-BLDG VACANT AND GUTTED FOR NEW
TENANT FITUP. WATER IN BSMNT, NOT VIEWED. CHANGE
COND. INTER & EXTER DATA: CHK 2012 FOR FITUP:

Res Breakdown

Floor	No. Unit	Rooms	Bdrms
Bld Total			
Prcd Total			

Calc Ladder

Base Rate	94.00	Depr	217,230
Size Adj	1.05758	Depr'd Total	177,733
Con Adj	0.85471	Juris Ft.	1.0000
Adj Prc	\$ 84.97	Spec. Features	\$ 0
Grade Ft.	1.00000	Lump Sum	0
Other Feat	\$ 1,694	Final Total	\$ 177,700
NBH Mod	1.0000	Override Val	
NBC Infl	1.0000	Assmnt Ft.	1.0000
LUC Ft.	1.0000	Assessed Val	\$ 177,700
Adj Tot (RCN)	394,963	Total \$/SF	\$ 43.73
Depr %	55%	Undepr \$/SF	84.97000

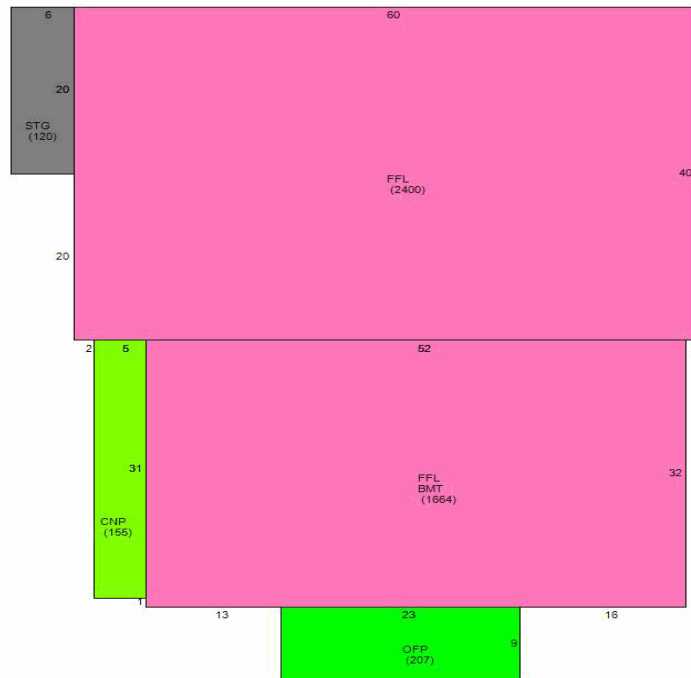
Sub Areas

Code	Desc	Net Area	Gross A.	F. Area	Sz Adj A.	Rate AV	Undepr Val
FFL	1ST FLOOR	4,064	4,064	4,064	4,064	84.97	345,318
OPF	OPEN PORCH	207	207	0	0	32.49	6,725
STG	STORAGE	120	120	0	0	8.82	1,058
BMT	BASEMENT	1,664	1,664	0	0	21.24	35,343
CNP	CANOPY	155	155	0	0	31.13	4,825
	Building Totals	6,210	6,210	4,064	4,064		393,270
	Parcel Totals	6,210	6,210	4,064	4,064		393,270

Remodeling

Exterior	
Interior	
Add.	
Kitchen	
Bath	
Plumb	
Electric	
Heating	
General	

Sketch



Mobile Home

Make	Model	Serial	Year	Color
------	-------	--------	------	-------

Alt Areas

[illegible]

d Image





PROPERTY LOCATION

336 MERIDEN RD
LEBANON, NH

OWNERSHIP

BOSWORTH, R A REALTY TRUST
BOSWORTH, WILLIAM B CO-TTEE
45 LAUREL ST #3
LEOMINSTER, MA 01453-0000

PREVIOUS OWNER

BOSWORTH, ROBERT ALLAN TTEE
BOSWORTH, R A REALTY TRUST
336 MERIDEN ROAD
LEBANON, NH 03766-0000

NARRATIVE DESCRIPTION

This parcel contains 3.67000 AC of land mainly classified as ONE FAM with a CAPE building built about 1800, having primarily CLAPBOARD Exterior and 891 Square Feet, with 1 Residential Unit, 1 Bath, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Desc	Amt	Comm Int Amt

PROPERTY FACTORS

Item	Code	Item	Code	%
Util 1	5 - WELL	Dis 1	Lebanon	100.0
Util 2	6 - SEPTIC	Dis 2		
Util 3		Dis 3		
Census	9618	Zone 1	RL1	100
F. Haz		Zone 2		
Topo	3 - BELOW ST	Zone 3		
Street	1 - PAVED			
Traffic	3 - RURAL			
Exempt				

LAND SECTION

LUC	LUC Desc	Ft.	# Units	Depth	U. Type	L. Type	Ft.	Base V.	Unit Prc	Adj Prc	NBC	Ft.	Mod.	Inf 1	%	Inf 2	%	Inf 3	%	Appr	Alt LUC	%	Spec L.V.	Juris	L. Ft.	Assessed	Notes
101	ONE FAM	1	130,680						0.12	0.6	R6	1		D	-5					78,200			0	1	78,200		
620	WET	1	0.67						2,500	1,874.63	R6	1		T	-25					1,256			0	1	20		
Total AC/HA			3.67	Total SF/SM		159,865.20		Parcel LUC016 - RES/CU					P. NBC Desc			RES AV			Tot	79,456	Tot		0	Tot		78,220	

Disclaimer: This Information is believed to be correct but is subject to change and is not guaranteed

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Val	Yard Items	Land Size	Land Val	Total Val
	1,400	0	3.00	78,200	79,600
	0	0	0.67	1,256	1,256
Building Total	1,400	0	3.67	79,456	80,856
Parcel Total	1,400	0	3.67	79,456	80,856
Source		Tot Val SF/Bld	90.75	Tot Val SF/Prcd	90.75

PREVIOUS ASSESSMENTS

Tx Yr	Cat	Use	Bld Value	Yard Items	Land Size	Land Val	Total Appr	Assessed	Notes	Date
2021	IV	016	1,400	0	3.67	79,456	80,856	79,620	2021/LDS 08/12/21 2:51:11	08/12/2021
2020	FV	016	1,400	0	3.67	79,456	80,856	79,620		11/16/2020
2019	FV	016	1,100	0	3.67	76,305	77,405	76,410		11/06/2019
2018	FV	016	1,100	0	3.67	76,305	77,405	76,410		08/31/2018
2017	FV	016	1,100	0	3.67	76,305	77,405	76,410	Year End Roll	11/14/2017
2016	FV	016	1,100	0	3.67	76,305	77,405	76,410		11/03/2016
2015	FV	016	1,100	0	3.67	76,305	77,405	76,410	Year End Roll	10/19/2015
2014	FV	016	1,000	0	3.67	75,505	76,505	75,507	Year End Roll	08/20/2014
2013	FV	016	1,000	0	3.67	75,105	76,105	75,107	Year End Roll	10/28/2013
2012	FV	016	1,000	0	3.67	75,105	76,105	75,113	Year End Roll	10/15/2012

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Price	TSF	Verif.	NAL	Notes
BOSWORTH, ROBERT ALLAN TTE	0-0		04/08/2014	0	No		28	
BOSWORTH, ROBERT ALLAN TTE	3951-0697	QC	01/03/2013	0	No		38	
BOSWORTH, ROBERT ALLAN TTE	3895-0157	QC	06/01/2012	0	No		44	
BOSWORTH, ROBERT ALLAN +	3666-0579		11/20/2009	0	No		38	
BOSWORTH, ROBERT ALLAN +	2008-0188	PRO	11/19/2009	0	No		38	
BOSWORTH, ROBERT ALLAN	3487-0563		01/30/2008	0	No		38	

BUILDING PERMITS

[illegible]

ACTIVITIES

Date	Result	By
08/14/2019	13	Alrick Hammar
05/18/2010	76	Rick Vincent
05/19/2008	76	Rick Vincent
11/07/2005	45	Scott Marsh
11/07/2005	75	Kathy Valentine
06/19/2003	75	Kathy Valentine
06/19/2003	99	Dan Fitzgerald
05/01/2003	51	Norm Bernaich
05/06/2002	51	Dan Fitzgerald
06/08/2001	51	Dan Fitzgerald
04/07/2000	40	Jim Commerford

LEGAL DESCRIPTION

6		
6		
5		Lot Size
	Total Land	
7	Land Unit Type	



Patriot
PROPERTIES INC.

User Account
4826
GIS Coord 1
GIS Coord 1
Insp Date

Print Date / Time
8/17/2021 10:27 am

Last Date / Time
8/30/18 2:33 pm
vincent

USER DEFINED

Old Map/Lot
Eld Update
Plan Ref
Inst Exempt
PriorD2b
PriorD3b
PriorD1c
PriorD2c
PriorD3c
Assessor Map

Run: 8/24/21
9:14AM

Property Bills Listing

Page: 1
Noll

CITY OF LEBANON
CITY CLERK/TAX COLLECTOR
51 NORTH PARK ST
LEBANON, NH 03766-1318
603-448-3054

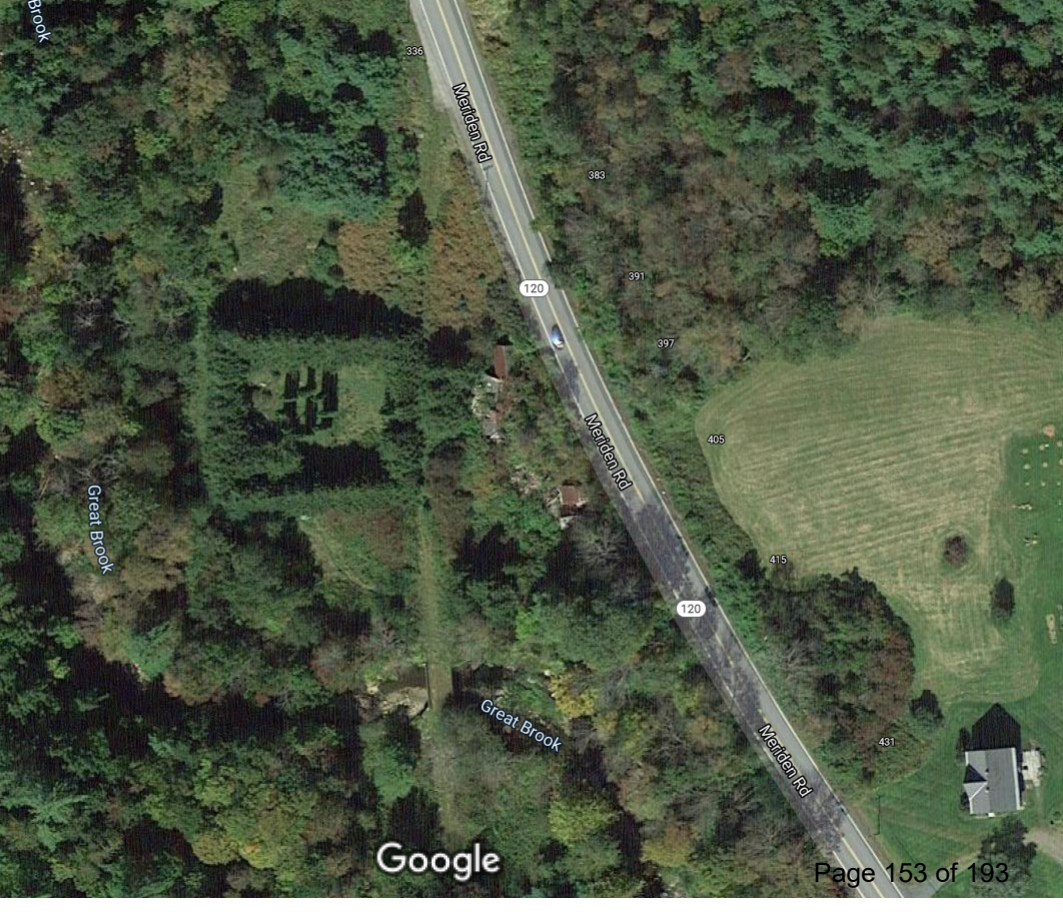
Summary of Account by Property

Interest Calculated as of: 9/01/2021

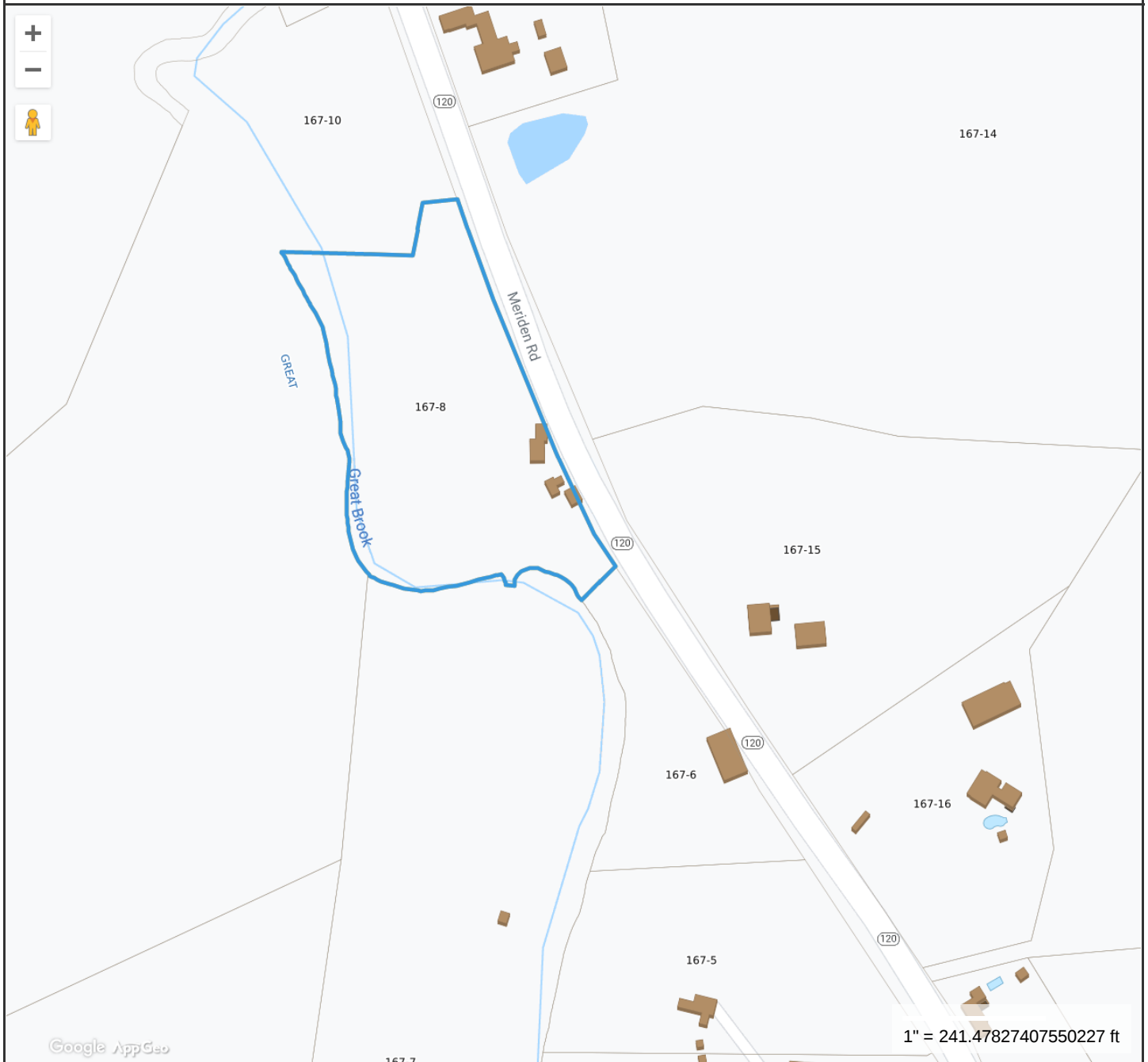
BOSWORTH, R A REALTY TRUST
BOSWORTH, WILLIAM B C0-TTEE
45 LAUREL ST #3
LEOMINSTER, MA 01453

Map Lot: 167/8
PID: 4826
Alt ID:
Location: 336 MERIDEN RD

Bill #	Bil Dt	Due Dt	Type	Year	Orig Amt	Rem Amt	Costs	Penalty	Int to Dt	Rate	PerDiem	Amt Due
180672	5/02/19	5/02/19	LIEN	2018	2,478.06	2,478.06	55.00	0.00	1,007.91	18.00	1.2221	3,540.97
191525	5/21/20	5/21/20	LIEN	2019	2,483.82	2,483.82	25.00	0.00	445.86	14.00	0.9527	2,954.68
208029	6/10/21	6/10/21	LIEN	2020	2,321.67	2,321.67	0.00	0.00	73.91	14.00	0.8905	2,395.58
202782	6/08/21	7/12/21	21JUL	2021	1,080.00	1,080.00	0.00	0.00	12.07	8.00	0.2367	1,092.07
Property Tax Totals ::::::::::::::::::::						8,363.55	80.00	0.00	1,539.75		3.3020	9,983.30



336 MERIDEN ROAD

**Property Information**

Property ID 167-8
Location 336 MERIDEN RD
Owner BOSWORTH, R A REALTY TRUST



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/23/2018
 Data updated 11/18/2018

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.



336 Meriden Road

Top picture is from 2000, prior to the building collapse. The house used to be visible, near the area of the telephone pole but has since collapsed behind the bushes and trees. The picture above shows part of the damaged building.

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

10. NEW BUSINESS:

**10.B – STATUS UPDATE: MECHANIC STREET / MASCOMA STREET /
HIGH STREET ROUNDABOUT**

BACKGROUND

City Engineer Christina Hall will be present to provide the Council with an update regarding the status of the Mechanic Street / Mascoma Street / High Street Roundabout project.

ACTION

No action is required. Item is for informational purposes only.

Included in this Section:

1. PowerPoint Presentation – City of Lebanon, High Street / Mascoma Street Intersection Project, Lebanon City Council, September 1, 2021, Lebanon, NH

City of Lebanon High St./Mascoma St. Intersection Project

Lebanon City Council

September 1, 2021

Lebanon, NH



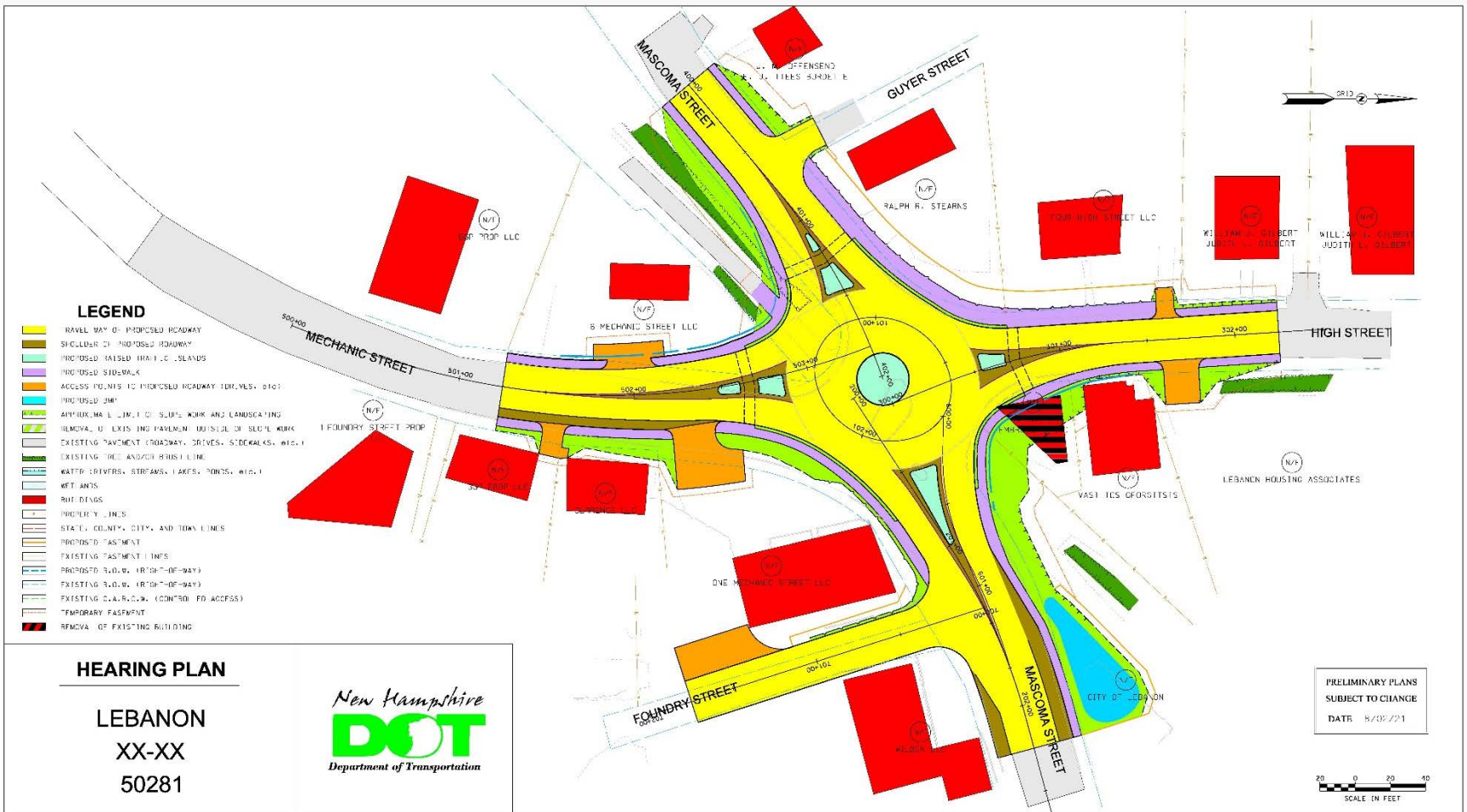
Project History

- Public Process
 - Blank Slate PIM – September 2013
 - Walkabouts – Fall 2013
 - Public Informational Meetings
 - May 2014 & October 2015
 - City Council – April 2016
 - City Council – February 2018
- Design Support
 - Traffic Counts
 - Agency Coordination
 - NHDOT Natural Resource Agency Meeting (Feb. 2015)
 - Historic Documentation
 - Potential Historic Districts

High St./Mascoma St. Intersection



Proposed Improvements High St./Mascoma St. Intersection



Proposed Improvements High St./Mascoma St. Intersection

- Project Benefits
 - Eliminate Confusing/Unsafe Intersection
 - Improve Traffic Operations
 - Improve Bike and Pedestrian Safety
 - Gateway Connection to the Greenway/Downtown
- Project Challenges
 - Right of Way Impacts
 - Challenging Topography
 - Potential Historic Resources
 - Construction Traffic Management



Traffic Management

- Alternating One-Way Traffic
- Short-Term Detours
 - High St. and Mascoma St. Road Closures
- Widened Areas
 - Widened Pavement Allows for Traffic Shifts
- Maintain Pedestrian Access Throughout Construction
 - Temporary Crossings to Maintain Trail and Bike/Ped Access
- Minimal Deep Utility Trenching
 - Water/Sewer Installation Complete

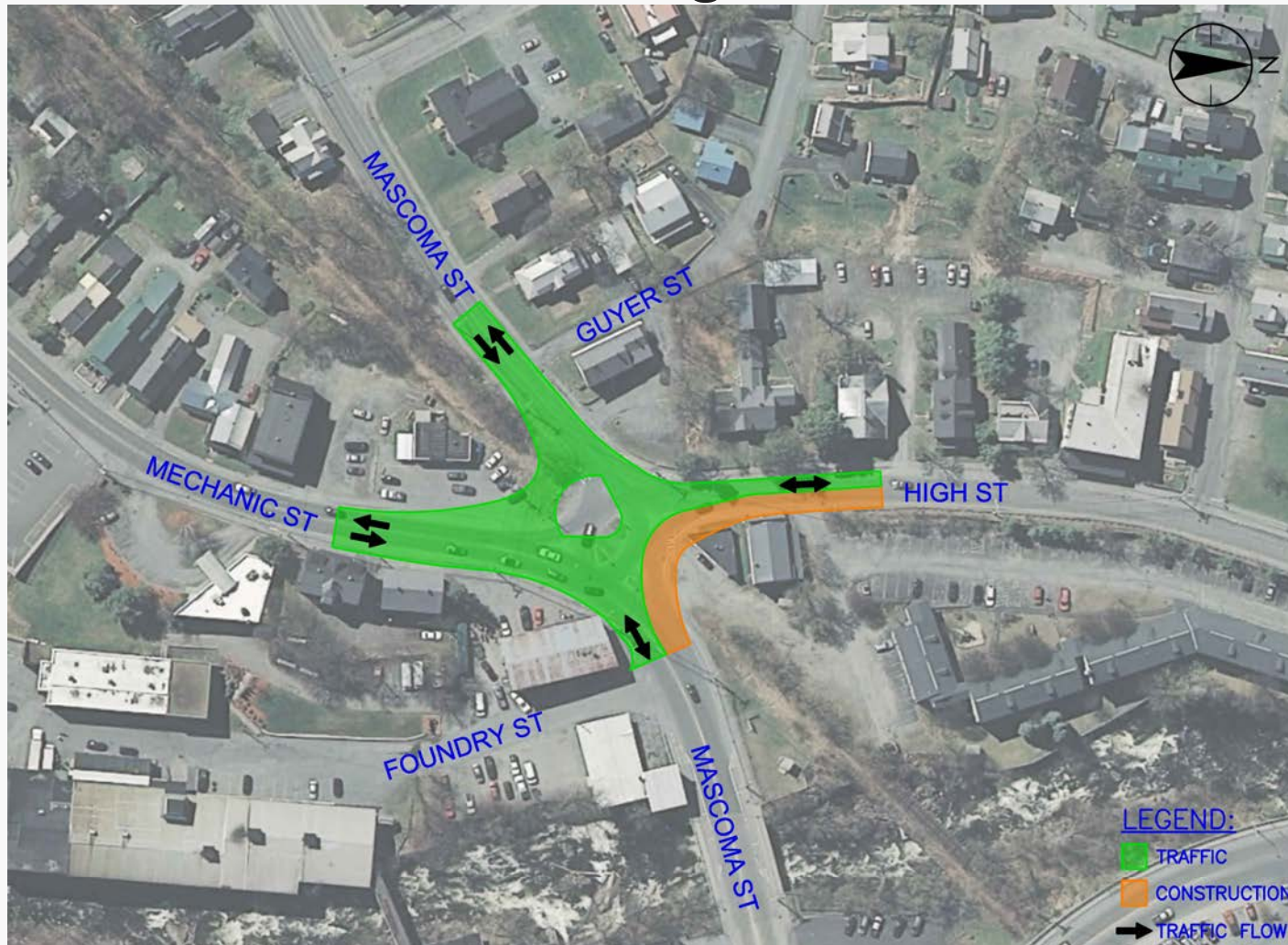
Potential Detour Routes



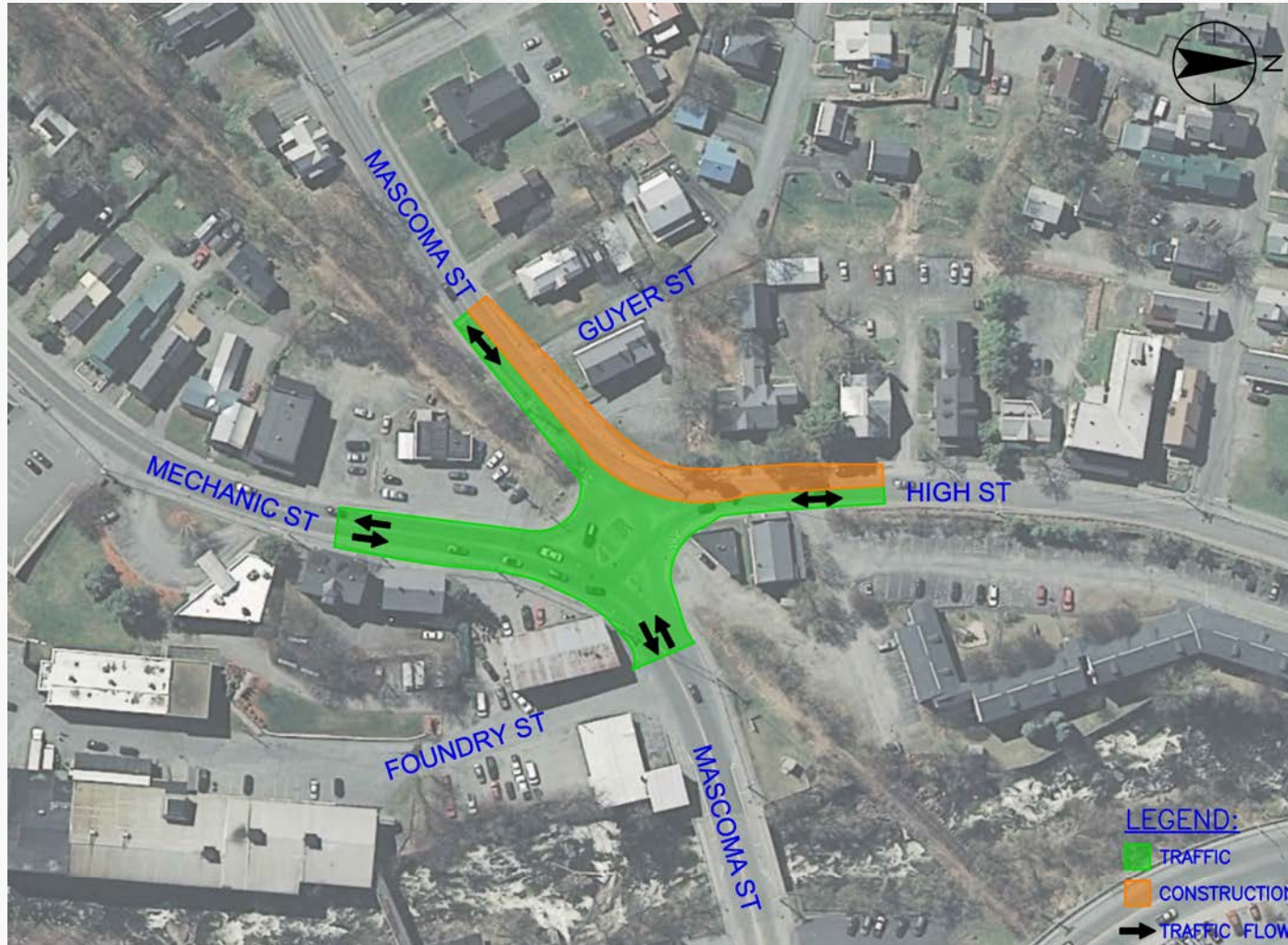
Construction Phasing



Construction Phasing



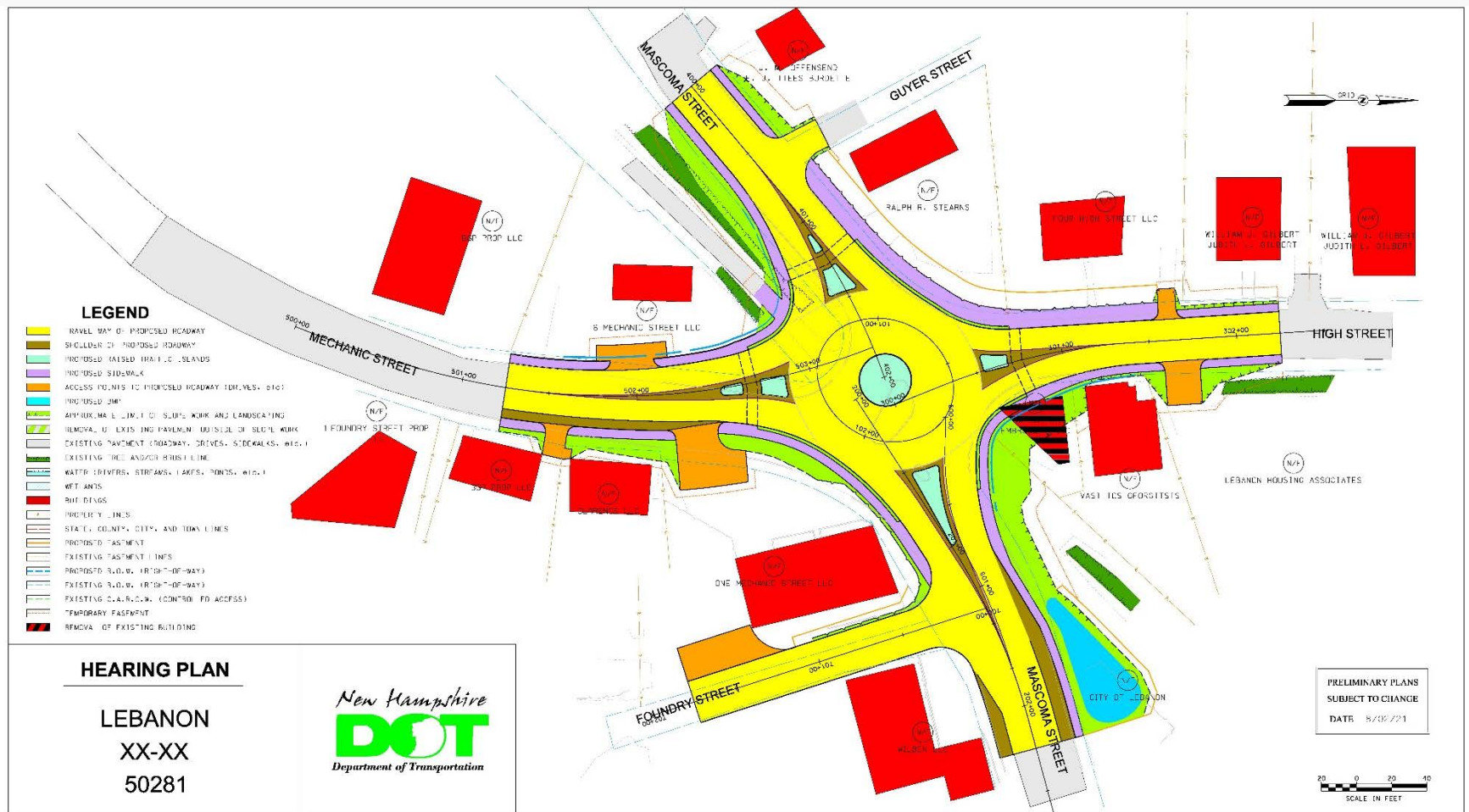
Construction Phasing



Construction Phasing



Final Condition



Schedule

- Preliminary Design & NEPA, Including Public Hearing:
 - Summer/Fall 2021
- ROW Process
 - End of 2021 to End of 2022 (Most variable element)
- Final Design/Permitting/Develop Bid Documents
 - January 2022 – January 2023
- Bidding and Construction
 - Bid Process – January/February 2023
 - Contractor NTP – Spring 2023
 - Construction – 2023 (Final paving in 2024)

Project Costs

	2023 – Estimate
Construction Cost (Includes 10% contingency)	\$2,400,000
Final Design and Permitting	\$300,000
Construction Phase Engineering	\$230,000
ROW	\$1,000,000
Project TOTAL	\$3,930,000
Non-Participating TOTAL	\$1,499,136
Participating Total	\$2,430,864

QUESTIONS?



**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

10. NEW BUSINESS:

**10.C – PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR
OCTOBER 6, 2021: AMENDMENT TO ORDINANCE #18, SALARY PLAN, ARTICLE
III, C. LEBANON POLICE BENEVOLENT ASSOCIATION (LBPA)/NEW ENGLAND
POLICE BENEVOLENT ASSOCIATION (NEPBA)**

BACKGROUND

The City Council is not directly responsible for the negotiation of collective bargaining agreements; it is the City policy making body and the legislative body with authority to raise and appropriate tax revenues to fund labor agreements. Under the City Manager form of government, the City Manager is responsible for administering the affairs of the City, including the appointment of employees and the negotiation of labor agreements. The City Manager's statutory obligation is to bargain in "good faith." In the collective bargaining context, "good faith" negotiation "... involves meeting at reasonable times and places to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession." Failure to bargain in good faith constitutes an unfair labor practice.

The City and the Lebanon Police Benevolent Association (LPBA) / New England Police Benevolent Association (NEPBA) have reached a tentative three-year (2022 - 2024) labor agreement.

Negotiations with LPBA/NEPBA included the provision of an independent Salary Market Analysis for positions to include Patrol Officers, Corporals, and Sergeants. Municipal Resources Incorporated (MRI) was contracted to perform the study which compared the salaries for ten (10) cities and towns that are comparable to the City of Lebanon. Results of the study showed that Lebanon is paying well below the market for these three positions. To bring salaries to a competitive level in the market and increase recruitment/retention of police personnel, management is proposing to raise wages over a two-year cycle (2021 and 2022). Action in 2021 will bring positions to the 25th percentile with costs totaling \$34,000. There will be no need for supplemental funding to cover these costs as vacancies and retirements in the PD will allow the 2021 budget to absorb the additional burden. Proposed increases in 2022 will bring positions to the 50th percentile with costs totaling \$96,000. Funding for the increases will be included in the City Manager's proposed 2022 municipal budget.

State law requires that only cost items be submitted to the City Council for approval. Cost item means any benefit acquired through collective bargaining whose implementation requires an appropriation by the legislative body of the public employer (City of Lebanon) with which negotiations are being conducted. Cost items shall be submitted within 30 days to the City Council for approval. Within 30 days of the receipt of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or part of the entire agreement. Please see attached memo from City Manager Mulholland for a summary of cost items associated with the tentative labor agreement.

Legislative bodies may only raise and appropriate funds for the current fiscal year. Many collective bargaining agreements cover several fiscal years. The New Hampshire Supreme Court held (Appeal of Sanborn Regional School Board) that a public employer was not bound by a collective bargaining agreement where the legislative body, when approving and funding the cost items in the current year of the labor agreement, were not warned of the cost of the successive years.

According to the tentative three-year labor agreement, annual General Wage Increases (GWI's) for the life of the contract will be based on the % change in the Northeast Urban CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 4.6% increase in the CPI as of June 2021, the GWI for 2022 will be 3%. The estimated wage and statutory benefit costs for 2022 is \$96,000. Costs for years two (2023) and three (2024) will include up to a 3% GWI in 2023 (no step increases) and up to a 3% GWI in 2024 with step increases for all eligible staff.

LEBANON POLICE BENEVOLENT ASSOCIATION - 2022 SALARY GRADES							
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$27.87	\$29.49	\$30.51	\$32.02	\$33.63	\$35.33	\$36.84
Corporal	\$37.90						
Sergeant	\$37.90	\$38.70	\$39.69	\$40.71	\$41.70	\$42.69	\$43.74

Corresponding schedules for the subsequent two-years are not provided as the GWI for 2023 and 2024 will not be known until July of those years.

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

The Council is asked to recognize the first of three presentations on September 1, and to schedule a public hearing for October 6, 2021, to amend the Ordinance. The second and third presentations will follow on September 15, and October 6, respectively.

ACTION

The Council is requested to consider the following motions:

1. PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) by replacing the current (2021) wage scale with the following:

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) – Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and the LPBA/NEPBA (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering all remaining pay periods in 2021 following adoption by the City Council as provided in that agreement, and as placed on file in the office of the City Clerk.

LEBANON POLICE BENEVOLENT ASSOCIATION – 2021 REVISED SALARY THROUGH THE LAST PAY PERIOD OF 2021.

	<u>Minimum</u>						<u>Maximum</u>
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$26.86	\$28.20	\$29.17	\$30.38	\$31.62	\$32.93	\$34.08
Corporal	\$36.60						
Sergeant	\$36.60	\$37.32	\$38.03	\$38.76	\$39.49	\$40.20	\$41.22

2. SCHEDULE PUBLIC HEARING:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 6, 2021, beginning at 7:00 pm, Council Chambers, City Hall, Lebanon, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) by replacing the current (2021) wage scale with that approved as part of the tentative collective bargaining agreement to be effective from January 1, 2022 to December 31, 2024.

Included in this section:

1. Excerpt of Ordinance No. 18, Salary Plan, as adopted December 16, 2020 – Article III, Bargaining Unit Employees, Section C, 2021 Wage Scale for Lebanon Police Benevolent Association (LPBA) / New England Police Benevolent Association (NEPBA)

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) - Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and the Lebanon Police Benevolent Association/New England Police Benevolent Association (effective January 1, 2019 to December 31, 2021) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2021 through the last pay period of 2021, as provided in that agreement, and as placed on file in the office of the City Clerk. (Last Amended 12/19/18).

LEBANON POLICE BENEVOLENT ASSOCIATION - 2020 SALARY GRADES							1.5% GWI
<u>Minimum</u>							<u>Maximum</u>
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$26.86	\$27.77	\$28.72	\$29.67	\$30.59	\$31.56	\$32.39
Corporal	\$33.10	\$33.56	\$34.04	\$34.51	\$34.98	\$35.46	\$35.90
Sergeant	\$36.60	\$37.07	\$37.53	\$38.00	\$38.49	\$38.95	\$39.37

The January 1, 2021 GWI shall be based on the NE Urban CIP for June 2019 – June 2020, but in no case shall be less than one and one-half percent (1.5%) nor greater than three percent (3%).

This resolution shall be effective upon passage.

This amendment was adopted by the City Council on December 16, 2020 and is hereby authenticated by the undersigned as required by Section C419:22 of the City Charter.

CITY OF LEBANON

DocuSigned by:

 By: E08A405F81504ED
 Timothy J. McNamara, Mayor

DocuSigned by:

 By: 73ADF3C8E5594A7
 Kristin M. Kenniston, City Clerk

Effective Date: December 16, 2020

First Presentation: November 18, 2020

Second Presentation: December 2, 2020

Third Presentation: December 16, 2020

Date of Publication of notice of Public Hearing: December 5, 2020

Date of Public Hearing: December 16, 2020

Date of notice of adoption and effective date: December 29, 2020

Date of recording of the ordinance by the City Clerk: December 29, 2020

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

10. NEW BUSINESS:

**10.D – AUTHORIZATION FOR TRANSFER OF UNSPENT BOND PROCEEDS
FROM THE HILLCREST INFRASTRUCTURE PROJECT TO
THE KIMBALL STREET INFRASTRUCTURE PROJECT**

BACKGROUND

The purpose of this agenda item is to request the City Council approve transferring unspent bond proceeds in the amount of \$40,000 from the Hillcrest Infrastructure Project to the Kimball Street Infrastructure Project. These monies are to bring documents up to federal guidelines and complete an environmental review, as well as the NHDES coordination for plan review in advance of the beginning of the project (slated for funding as part of the 2022-2027 Capital Improvement Program).

ACTION

The following resolution is offered for Council consideration:

RESOLUTION

FOR THE PURPOSE OF authorizing the transfer of unspent bond proceeds from the Hillcrest Infrastructure Project to the Kimball Street Infrastructure Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that New Hampshire RSA 33:3-A of the Municipal Finance Act provides that if after notes or bonds have been issued and no expenditure of the proceeds has been made for the purpose or purposes for which the debt was incurred, or if a balance remains after the completion of the project or projects for which the debt was authorized, a city, by vote of 2/3 of the city council may authorize the expenditure of the sum or sums on hand, including any premiums received, for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time at any time which said sum or any portion thereof remains available; provided, however, that if the sum obtained by issuance of bonds or notes, as aforesaid, or any balance thereof, including any premium, is not appropriated as aforesaid, then the same shall be used to pay the principal of the loan as it matures.

NOW THEREFORE BE IT FURTHER RESOLVED, that appropriation authority, and associated funding derived from the issuance of bonds, is authorized to be transferred as follows:

Project	Bond Issue/Dated	Unspent Bond Proceeds BEFORE Transfer as of 8/1/2021	Appropriation & Funded Transfer	Unspent Bond Proceeds AFTER Transfer	Project Useful Life
<u>FROM</u>					
Hillcrest Infrastructure Project	NHMBB20B/07/14/20	\$653,383.23	\$ (40,000.00)	\$613,383.23	20 years
<u>TO</u>					
Kimball Infrastructure Project	Unissued	\$0	\$40,000	\$40,000	20 years

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

10. NEW BUSINESS:

**10.E – CLARIFICATION OF AUTHORIZATION TO CREATE A
TECHNICAL REVIEW COMMITTEE**

BACKGROUND

On August 4, 2010, the City Council adopted a resolution pursuant to RSA 674:43, III, authorizing the Planning Board to delegate its power to review minor site plans to an administrative technical review committee. RSA 674:43, III, provides that:

The local legislative body of a municipality may by ordinance or resolution authorize the Planning Board to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the Planning Board from the Departments of Public Works, Engineering, Community Development, Planning, or other similar departments in the municipality. The local legislative body may further stipulate that the committee members be residents of the municipality. This special site review committee may have final authority to approve or disapprove site plans reviewed by it, unless the local legislative body deems that final approval shall rest with the Planning Board, provided that the decision of the committee may be appealed to the full Planning Board so long as notice of appeal is filed within 20 days of the committee's decision.

Efforts by the Planning Board and Planning Department to create a technical review committee pursuant to the Council's authorization were not previously finalized but have remained an important goal for the Department. Last year, the Planning Board, through its Development Regulations Subcommittee, revived the effort to create a technical review committee as part of its overall effort to clarify the development regulations and streamline the review process for smaller-scale projects.

Throughout the past year, the Planning Board, working through staff, prepared draft amendments to the Site Plan Review Regulations to (1) identify activities that will qualify for minor site plan review, and (2) to establish application and administrative procedures for the review of minor site plans by what is now proposed to be called the "Minor Site Review Committee". The Planning Board has scheduled a public hearing on the final draft amendments for Tuesday, September 13, 2021.

In reviewing the final draft of the amendments, however, the City's legal counsel noted that the City Council's 2010 resolution is somewhat ambiguous as to precisely what the Council had authorized. The 2010 authorization provides as follows:

FOR THE PURPOSE OF authorizing the Lebanon Planning Board to delegate its site review powers and duties in regard to minor site plans to an Administrative Technical Review Committee.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, in accordance with NH RSA 674:43.III, hereby authorizes the Lebanon Planning Board to delegate its site review powers and duties in regard to minor site plans to a

committee of technically qualified administrators, the members of which are to be selected by the Planning Board.

BE IT FURTHER RESOLVED, that the final approval of such minor site plans lie with the Planning Board, and that any decision made by the Committee, may, within 20 days of the decision, be appealed to the Planning Board for reconsideration.

The City's attorney noted that the third clause, beginning "Be It Further Resolved", is confusing as to whether the City Council's intent was to allow the Minor Site Review Committee to make final determinations on applications reviewed by it or whether that final approval power remained with the full Planning Board.

ACTION

It is City staff's recommendation that the Minor Site Review Committee should have final authority to approve or disapprove site plans reviewed by it, subject to any appeal to the full Planning Board within 20 days of such decisions. Therefore, Planning Department staff request that the City Council clarify its prior authorization enabling the Planning Board to delegate its site review powers and duties in regard to minor site plans and offer the following revised resolution for the Council's consideration:

RESOLUTION

FOR THE PURPOSE OF authorizing the Lebanon Planning Board to delegate its site review powers and duties in regard to minor site plans to an administrative technical review committee.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, in accordance with NH RSA 674:43.III, hereby authorizes the Lebanon Planning Board to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators (the Minor Site Review Committee), the members of which are to be selected by the Planning Board.

BE IT FURTHER RESOLVED, that the Minor Site Review Committee shall have final authority to approve or disapprove site plans reviewed by it, provided that the decision of the committee may be appealed to the full Planning Board so long as notice of appeal is filed within 20 days of the committee's decision.

Included in this Section:

1. City Council meeting minutes of August 4, 2010 (excerpt)

Shawn Donovan and Rob Hitchcock of SVE Associates represented the property owner. He said they have approval to change two lots into five, and one will be purchased by FedEx. They are upgrading the sewer system and the private roads to City standards. All improvements will be paid for by The Westmoreland Company. Councilor Wood said the Council should pass this. He said the Council still does not have enough information about the capacity of the City's infrastructure. Councilor Cormen said she supports the motion. There is an ongoing question about cumulative activity, but this application has a lot less impact on the city than others for its size.

**The motion passed 8-0.*

- C. Discussion & Action: Authorization for the Planning Board to delegate its site review powers and duties, for review of minor site plans in accordance with NH RSA 674:43, to an Administrative Technical Review Committee (to be established).

Denise MacLeod moved passage of the following resolution:

RESOLUTION

FOR THE PURPOSE OF authorizing the Lebanon Planning Board to delegate its site review powers and duties in regard to minor site plans to an Administrative Technical Review Committee.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, in accordance with NH RSA 674:43.III, hereby authorizes the Lebanon Planning Board to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators, the members of which are to be selected by the Planning Board.

BE IT FURTHER RESOLVED, that the final approval of such minor site plans lie with the Planning Board, and that any decision made by the Committee, may, within 20 days of the decision, be appealed to the Planning Board for reconsideration.

Seconded by Karen Liot Hill.

Councilor Wood asked if this action can be revoked. Mr. Niemczyk said he thinks it can, but he will check. Councilor Wood said the Upper Valley Land Trust supports this. Councilor Cormen said she supports the motion, although it is not the small items that are holding up the Planning Board. Councilor MacLeod said the statute allows the Council to require members of the committee to live in Lebanon. Councilor Hill said some staff members who might be members do not live in Lebanon. Membership on the committee should be based on expertise. Councilor Wood asked if there is authorization for this committee to handle minor subdivisions. Mr. Niemczyk said he could not find any. The committee may be able to do boundary line adjustments.

Councilor Prentiss said she supports the motion. Councilor Hill agreed and suggested asking the NH Municipal Association to support a change in legislation allowing the committee to handle minor subdivisions.

**The motion passed 8-0.*

The order of the agenda was changed without objection.

E. Public Safety Committee Recommendations re: Criteria for Request to install Stop/Yield Signs, Crosswalks, and Speed Tables.

Mr. Lavalla said the Public Safety Committee has discussed how they can review requests for speed tables, crosswalks and traffic calming, toward developing a more objective set of guidelines. He said he reviewed a number of different guidelines and developed a draft. He said guidelines for installing stop signs are already in the Manual on Uniform Traffic Control Devices.

Assistant Mayor Pauls said the proposed guidelines provide clarity, although there may be a lot of unique situations that require exceptions. Councilor Wood said he regrets that there is no mention of raised crosswalks, as they are always visible. Mr. Lavalla said the guidelines do not preclude them. Councilor Cormen asked if the Public Safety Committee has reviewed the guidelines. Councilor Prentiss said she and Councilor MacLeod have worked with staff on these and fully support them. She said the volume of requests has increased, and the guidelines provide predictability.

Councilor Cormen asked about the “engineering study” mentioned on page 143 of the packet. She asked how much that would cost and whether that establishes a precedent to spend money. Mr. Lavalla said a lot of that can be done in-house. Councilor Bronner asked if speed tables are okay with the Fire Department. Chief

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 1, 2021**

10. NEW BUSINESS:

10.F – DISCUSSION OF POTENTIAL USE OF NARCAN BY POLICE STAFF

BACKGROUND

This agenda request was submitted by Councilor Sykes in response to the opiate overdoses and fatality that occurred in the City in July.

ACTION

No motion is offered for consideration as action (if necessary) will be determined at the meeting.

Included in this Section:

1. August 5, 2021 Agenda Request – City Policy Referencing Narcan Use by the Police Department (Submitted by Councilor Sykes)
2. Lebanon Police Department Incident Response Times (January 2021 – July 2021)
3. Lebanon Police Department Operational Procedure OP-127, Naloxone
4. August 23, 2021 Memo from Fire Chief Chris Christopoulos re: 2020 and 2021 Year-to-Date Overdose Data

LEBANON CITY COUNCIL
AGENDA REQUEST FORM



1. Councilor Name: George Sykes

2. Preferred Date of Council Meeting to Consider Item: Within the next few meetings

Please keep in mind that if this request is for an agenda item and is not urgent in nature, a future date is preferable in order to allow proper time to prepare materials. See Council Rules § A191-7. Agenda, last amended 4-20-2011.

3. Is there a deadline associated with this item, if so, what is it:
NO

4. Name of agenda topic item:

CITY POLICY REF TO NARCAN USE BY LPD

5. Reason for topic item:

THERE HAVE BEEN SEVERAL OVERDOSES
IN THE CITY RECENTLY INCLUDING A FATAL
EVENT

6. Specific questions related to topic item:

1. WHAT OTHER CITY POLICE DEPTS HAVE PROGRAMS FOR NARCAN USE
2. WHAT IS THE CITY'S POLICY LPD
3. IF NONE, WHAT STEPS NEED TO BE TAKEN TO IMPLEMENT A POLICY
4. SURVIVABILITY DATA REF TO IT'S USE
5. AVERAGE RESPONSE TIMES FOR LPD FOR EMERGENCY CALLS.
6. AVERAGE RESPONSE TIMES FOR LFD FOR EMERGENCY CALLS

7. Proposed or possible action, motion, goal, and/or code or policy amendment:

**DIRECT THE CITY MANAGER TO DEVELOP AND
IMPLEMENT A POLICY FOR THE USE OF NARCAN
BY THE LEBANON POLICE DEPARTMENT**

8. Supporting documentation requested re: topic item:

9. Other:

Lebanon Police Department
Response Time Analysis Dispatch to Arrival at Scene for 2021 vs 2021

Page: 1

Date Range: Thru
 Selected Personnel: All
 Selected Duty: All
 Selected Post: All

January	February	March	April	May	June	July	August	September	October	November	December
2021											
< 1 Minute 29 40.3	Total: 22 38.6	252 47.5% 41 53.2	29 50.9	33 40.7	40 51.3	58 53.2					
1 Minute 6 8.3	Total: 3 5.3	29 5.5% 2 2.6	3 5.3	4 4.9	9 11.5	2 1.8					
2 Minutes 7 9.7	Total: 4 7.0	43 8.1% 8 10.4	6 10.5	5 6.2	7 9.0	6 5.5					
3 Minutes 8 11.1	Total: 3 5.3	42 7.9% 8 10.4	4 7.0	8 9.9	1 1.3	10 9.2					
4 Minutes 5 6.9	Total: 5 8.8	40 7.5% 4 5.2	3 5.3	10 12.3	6 7.7	7 6.4					
5 Minutes 3 4.2	Total: 5 8.8	36 6.8% 6 7.8	2 3.5	6 7.4	5 6.4	9 8.3					
6 Minutes 2 2.8	Total: 3 5.3	24 4.5% 3 3.9	4 7.0	5 6.2	1 1.3	6 5.5					
7 Minutes 3 4.2	Total: 3 5.3	18 3.4% 1 1.3	1 1.8	3 3.7	1 1.3	6 5.5					
8 Minutes 2 2.8	Total: 2 3.5	10 1.9% 3 3.9		3 3.7							
9 Minutes 1 1.4	Total: 2 3.5	9 1.7%	3 5.3	1 1.2	1 1.3	1 0.9					
10 Minutes 2 2.8	Total:	5 0.9%		1 1.2	2 2.6						
11 Minutes	Total: 2 3.5	5 0.9%	1 1.8	1 1.2	1 1.3						
12 Minutes	Total: 1 1.8	5 0.9%		1 1.2	3 3.8						
13 Minutes 2 2.8	Total: 1 1.8	3 0.6%									
14 Minutes 1 1.4	Total:	3 0.6%			1 1.3	1 0.9					
15 Minutes	Total:	1 0.2%				1 0.9					
16 Minutes	Total:	1 0.2% 1 1.3									

Lebanon Police Department
Response Time Analysis Dispatch to Arrival at Scene for 2021 vs 2021

Page: 2

Date Range: Thru
 Selected Personnel: All
 Selected Duty: All
 Selected Post: All

January	February	March	April	May	June	July	August	September	October	November	December
18 Minutes	Total: 1 1.8	1 0.2%									
21 Minutes	Total:	1 0.2%				1 0.9					
22 Minutes	Total:	1 0.2%				1 0.9					
35 Minutes	Total:	1 0.2%	1 1.8								
1 Hour 26 Min 1 1.4	Total:	1 0.2%									
Grand Total: 531 72 13.6	57 10.7	77 14.5	57 10.7	81 15.3	78 14.7	109 20.5	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0

Lebanon Police Department
Response Time Analysis Dispatch to Arrival at Scene for 2021 vs 2021

Page: 3

Date Range: Thru
 Selected Personnel: All
 Selected Duty: All
 Selected Post: All

January	February	March	April	May	June	July	August	September	October	November	December
2021											
< 1 Minute 29 40.3	Total: 22 38.6	252 47.5% 41 53.2	29 50.9	33 40.7	40 51.3	58 53.2					
1 Minute 6 8.3	Total: 3 5.3	29 5.5% 2 2.6	3 5.3	4 4.9	9 11.5	2 1.8					
2 Minutes 7 9.7	Total: 4 7.0	43 8.1% 8 10.4	6 10.5	5 6.2	7 9.0	6 5.5					
3 Minutes 8 11.1	Total: 3 5.3	42 7.9% 8 10.4	4 7.0	8 9.9	1 1.3	10 9.2					
4 Minutes 5 6.9	Total: 5 8.8	40 7.5% 4 5.2	3 5.3	10 12.3	6 7.7	7 6.4					
5 Minutes 3 4.2	Total: 5 8.8	36 6.8% 6 7.8	2 3.5	6 7.4	5 6.4	9 8.3					
6 Minutes 2 2.8	Total: 3 5.3	24 4.5% 3 3.9	4 7.0	5 6.2	1 1.3	6 5.5					
7 Minutes 3 4.2	Total: 3 5.3	18 3.4% 1 1.3	1 1.8	3 3.7	1 1.3	6 5.5					
8 Minutes 2 2.8	Total: 2 3.5	10 1.9% 3 3.9		3 3.7							
9 Minutes 1 1.4	Total: 2 3.5	9 1.7%	3 5.3	1 1.2	1 1.3	1 0.9					
10 Minutes 2 2.8	Total:	5 0.9%		1 1.2	2 2.6						
11 Minutes 2 3.5	Total: 2 3.5	5 0.9%	1 1.8	1 1.2	1 1.3						
12 Minutes 1 1.8	Total: 1 1.8	5 0.9%		1 1.2	3 3.8						
13 Minutes 2 2.8	Total: 1 1.8	3 0.6%									
14 Minutes 1 1.4	Total:	3 0.6%			1 1.3	1 0.9					
15 Minutes	Total:	1 0.2%				1 0.9					
16 Minutes	Total:	1 0.2% 1 1.3									

Lebanon Police Department
Response Time Analysis Dispatch to Arrival at Scene for 2021 vs 2021

Page: 4

Date Range: Thru
 Selected Personnel: All
 Selected Duty: All
 Selected Post: All

January	February	March	April	May	June	July	August	September	October	November	December
18 Minutes	Total: 1 1.8	1 0.2%									
21 Minutes	Total:	1 0.2%				1 0.9					
22 Minutes	Total:	1 0.2%				1 0.9					
35 Minutes	Total:	1 0.2%	1 1.8								
1 Hour 26 Min 1 1.4	Total:	1 0.2%									
Grand Total: 531 72 13.6	57 10.7	77 14.5	57 10.7	81 15.3	78 14.7	109 20.5	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0



LEBANON POLICE DEPARTMENT
36 Poverty Lane, Lebanon, NH 03766

Effective Date May 24, 2016

Number **OP-127**

Title **Naloxone**

PURPOSE: To establish guidelines and regulations governing utilization of Naloxone (Narcan) used by Lebanon Police Department at the Station. The objective is to treat and reduce the injury and fatality from opiate overdoses that may occur at the Lebanon Police Department.

Opiate overdose is the leading cause of accidental death in New Hampshire. Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone as found in OxyContin®, Percocet® and Percodan®, and hydrocodone as found in Vicodin®.

Naloxone, commonly known by the brand-name Narcan®, is an opioid antagonist which means it displaces the opioid from receptors in the brain and can therefore reverse an opiate overdose. It is a scheduled drug, but it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opiate overdose, it will do no harm. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray.

To reduce the number of fatalities which can result from opiate overdoses, the Lebanon Police Department will train officers in the proper pre-hospital administration of nasal Naloxone. In order to implement a safe and responsible nasal Naloxone plan, the department will establish and maintain a professional affiliation with the Lebanon Fire Department who will provide medical oversight over its use and administration. The Lebanon Fire Department is a licensed EMS provider in the state of New Hampshire.

Naloxone will be stored at LPD within the Detective Division for the treatment of drug overdose victims within the Police Department. The goal of the responding trained officer shall be to provide immediate assistance via the use of Naloxone where appropriate, to provide any treatment commensurate with their training as first responders and to assist other EMS personnel on scene.

DEFINITIONS:

Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce [sleep](#). Police officers often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet® and Percodan®) and hydrocodone (Vicodin®).

Naloxone: Naloxone is an opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan®.

PROCEDURE:

- A. When an officer of the Lebanon Police Department has made a determination that there is a person suffering from an opiate overdose, the responding officer should administer two milligrams of Naloxone to the patient by way of the nasal passages. One milligram should be administered to each nostril.

The following steps should be taken:

1. Officers shall use universal precautions.
2. Officers should conduct a medical assessment of the patient as learned in the training provided by LFD.
3. If the officer makes a determination that there has been an opiate overdose, the Naloxone kit should be utilized.
4. The officer shall use the nasal mist adapter that is pre-attached to the Naloxone to administer a one milligram intra-nasal dose of Naloxone to each nostril for a complete dosage of two milligrams. Officers should be aware that a rapid reversal of an opiate overdose may cause projectile vomiting by the patient and/or violent behavior.
5. The patient should continue to be observed and treated as the situation dictates.
6. The treating officer shall inform incoming EMS about the treatment and condition of the patient, and shall not relinquish care of the patient until relieved by a person with a higher level of training.

B. Reporting

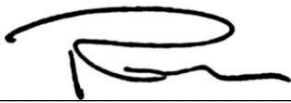
1. A complete offense report of the event shall be completed by the treating officer, or the primary responding officer, prior to the end of his shift. Lebanon EMS will be called for every incident where a Lebanon Officer administers Narcan. Lebanon EMS will be responsible for filing a report (TEMSIS).

C. Training

1. Officers shall receive a standard two hour training course administered by the Lebanon Fire Department prior to being allowed to use Naloxone. The Department shall provide refresher training every two years.

This Policy is to be used in conjunction with all relevant existing Departmental Procedures, Policies, Rules and Regulations.

Approved By:



Chief Richard R. Mello

This directive is for departmental use only and does not apply in any criminal or civil proceeding. Department policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting. See also RSA 516:36. This Procedural Regulation is to be used in conjunction with all relevant existing Departmental Policies, Rules and Regulations.



MEMORANDUM

Date: August 23, 2021

To: Shaun Mulholland, City Manager

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

Reference: 2020 and 2021 YTD Overdose Data

Who can administer Naloxone (Narcan)

EMT-Basic or Law Enforcement – 2mg intranasally or 4mg via a commercially prepared nasal spray. (LFD carries the 2mg prefilled syringe). Can be repeated every 5 -10 minutes to a maximum of 10mg.

Advanced EMT and Paramedic – in addition to the above 0.4 to 2mg via Intravenous (IV) repeated every 3-5 minutes to a maximum of 10mg or 0.4 to 2mg via Intramuscular (IM) repeated every 5-10 minutes to a maximum of 10mg.

Training Requirements

EMT-Basic – must complete 1st responder rollout including practical evaluation.

Advanced EMT or Paramedic – training is included in their scope of practice.

Law Enforcement – CPR, First Aid Training and Narcan rollout including practical evaluation (without CPR = 3-4 hours of training.

As of this date there are a limited number of Lebanon police officers with the training and a single dose of Narcan in the police station.

Narcan Costs

Narcan is typically provided free by DHMC for the ambulances. Additional doses for law enforcement would need to be purchased at \$7.50 per mg. Narcan has a shelf life of 36-months and must be stored between 68°F and 77°F.

MEMORANDUM

Run Data

The following information is provided related to EMS calls with suspected overdoses of prescription or illicit drugs for 2020 and 2021 YTD.

2020

Total suspected overdoses = 42

Total suspected overdoses related to opiates – 22

Suspected Overdose related deaths = 1

Total Patients who received Narcan = 21

Total Patients who received initial dose of Narcan from a bystander = 3

Total Average dose of Narcan administered = 4.59 mg

Average EMS Response time = 4:13 minutes

2021 as of August 23rd.

Total suspected overdoses = 35

Total suspected overdoses related to opiates – 18

Suspected Overdose related deaths = 3

Total Patients who received Narcan = 17

Total Patients who received initial dose of Narcan from a bystander = 1

Total Average dose of Narcan administered = 5.4 mg

Average EMS Response time = 2:31 minutes

Notes:

In all 4 suspected overdose deaths bystander CPR was initiated prior to the Fire Department arrival and Narcan would not have been administered unless the patient was resuscitated.

In 2021, there were at 2 suspected overdose deaths in which no resuscitative measures were initiated.

With more potent opiates, we are administering higher doses of Narcan – YTD of the 18 suspected opiate related calls, 8 have required 6 or greater mg.

Overdoses related to Xanax, Cocaine, Methamphetamine and THC have increased over the last 2-years.

With our new station alerting and pre-notification system for all EMS calls our turnout and response times have been greatly reduced over the last 2 years.

MEMORANDUM

Please let me know if you have any questions.