

FINAL

**LEBANON CITY COUNCIL
MINUTES**

Wednesday, September 15, 2021, 7:00 p.m.

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

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

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Finance Director Vicki Lee, HR Director Gloria Leskiewicz, Human Services Director Lynne Goodwin

1. **CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Councilor Wilkie led the Council in the Pledge.
3. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
4. **OPEN TO PUBLIC:** Councilor Wilkie requested the Council discuss how to better encourage and educate people about the importance of wearing face masks and getting vaccinated at the end of the meeting.
5. **RECOGNITIONS:**
 - A. **Resolution in Honor and Memory of Terri Dudley**

RESOLUTION IN HONOR AND MEMORY OF TERRI DUDLEY

WHEREAS Terri Dudley served as a member of the City Council from 1991 to 2001; 2004 to 2006; and again from 2007 to 2009; serving as Mayor in 1997 and 1998; and

WHEREAS Terri Dudley served the City of Lebanon as a member of at least 15 different boards/committees/commissions between 1982 and 2009; and

WHEREAS Terri Dudley served the State of New Hampshire and the City of Lebanon as a State Representative from 1999 to 2005; and

WHEREAS Terri Dudley was the recipient of Lebanon's Citizen of the Year award in 1994; and

WHEREAS Terri Dudley served as a board member for organizations to include the Alice Peck Day Memorial Hospital Board of Trustees, United Way of the Upper Valley, Grafton County Senior Citizen Council, and LISTEN Center; and

WHEREAS Terri Dudley was the first woman president of the Lebanon Rotary, and the first woman president of the Lebanon Chamber of Commerce, serving for 20 years as a Chamber board member; and

WHEREAS Terri Dudley’s many contributions and years of representation and service to the citizens of the City of Lebanon and State of New Hampshire were evident with the dedication of a bridge in her name in 2009 that physically and symbolically connects Lebanon and West Lebanon – one of Terri’s lifetime goals.

NOW, THEREFORE BE IT RESOLVED, that the Lebanon City Council on behalf of the citizens of Lebanon extend their sincere appreciation and gratitude to the family of Terri Dudley in honor of her lifetime service to the Lebanon community and the State of New Hampshire as a whole.

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

Dated this 15th day of September 2021.

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

Terri Dudley’s family accepted the Resolution in her honor.

Councilor Liot Hill arrived at 7:10 PM.

6. ACCEPTANCE OF MINUTES: September 1, 2021 (Regular Meeting)

Amendments: Page 14, Lines 7- 8: Delete “~~Back in May/June one of 8 the criteria was when 1 in 50 cases, on a rolling 14 day average, was below 100K population~~” and change to read: “ Back in May/June one of the 8 criteria was when the number of new cases was below 50 per 100K population on a rolling 14 day average.

Councilor Heistad MOVED to approve the September 1, 2021 minutes as amended and presented in the September 15, 2021 City Council agenda packet.

Seconded by Assistant Mayor Below.

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

7. APPOINTMENTS:

- **Zoning Board of Adjustment, David Newlove (Regular Member)**

Councilor Whittlesey put forth the NOMINATION of David Newlove as a Regular Member of the Zoning Board of Adjustment.

Seconded by Councilor Liot Hill.

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

- **Board of Cemetery Trustees, Caitlyn Hauke (Reappointment as At-Large Representative)**

Councilor Whittlesey put forth the NOMINATION of Caitlyn Hauke for Reappointment as At-Large Representative to the Board of Cemetery Trustees.

Seconded by Councilor Heistad.

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

8. PUBLIC HEARING ITEMS:

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.

Deputy City Manager Paula Maville reviewed the amendment to Ordinance #18.

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 second was September 1, 2021. The Council was asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

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

ACTION:

1. PRESENTATION:

Councilor Winny MOVED, that the Lebanon City Council acknowledges the third 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 as referenced in table show in red on page 46 of 248 of the City Council agenda packet.

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**

2. RESOLUTION:

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council amends 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.

Seconded by Councilor Wilkie.

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

9. OLD BUSINESS

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

Included in agenda packet: NH RSA 33:8-a, Procedure for Authorizing Bonds or Notes in Excess of \$100,000 (**Page 50**)

The City Council reviewed the proposal to purchase this property at its meeting on July 21, 2021, and subsequently scheduled a public hearing to receive public input regarding a possible supplemental appropriation and bond issuance in the amount of Seven Hundred Seventy-Five Thousand Dollars (\$775,000) for the purchase. Administration brought the proposal forward to the City Council for the purpose of purchasing property for the relocation of the West Lebanon Fire Station. When the Council acted to schedule the public hearing, they did so specifically by removing the reference to the relocation of the fire station, focusing attention at the public hearing on the purchase of the land for a yet to be decided potential future use.

Mayor McNamara noted that while this is not a Public Hearing, the Council would be accepting the public comments on this issue. He, along with other Councilors, have received a lot of comments from the public. The following people came forth:

Mr. Donald Hemenway (Lebanon resident): He spoke about his reasons against the purchase of 38 Main Street, West Lebanon, noting the City should set a goal of how they will reduce taxes for seniors so they can stay in their homes.

Councilor Liot Hill did not support the purchase of 38 Main Street noting the overwhelming feedback the Council received from residents who thought this was not a good idea for the City to pursue at this time for a variety of reasons such as: the residential nature of the neighborhood; the purchase of land without first having a very specific purpose in mind; and, the need for the City to look at other properties and locations that would be more suitable for a fire station.

Assistant Mayor Below concurred with Councilor Hill's remarks and felt there was not a compelling case for the City to purchase this property at this time, noting there are active, potential (property) alternatives for a fire station.

Councilor Whittlesey did not support the purchase of this property. The City's residents have clearly shown they are not interested, noting the Council has heard, over their last couple of meetings, about the City's debt load. While he initially agreed this would be a good investment, the City has a laundry list of other investment opportunities for West Lebanon.

Councilor Wilkie did not support the purchase of 38 Main Street. While he initially agreed this would be a great opportunity for the City, he would like to see more affordable housing and noted the overwhelming majority of the public did not believe 38 Maple Street is suitable for City use.

Councilor Sykes did not support the purchase of 38 Maple Street. The City should be taking a far more active role in trying to provide workforce housing and taking an active role in supporting our public safety personnel and their needs. They are important and we need to be mindful of that.

Councilor Winny did not support this purchase. He thanked the various residents of Ward 1 who reached out to him. He found their comments helpful, and it is always nice to know what the people he is representing want.

Councilor Heistad did not support the purchase of 38 Maple Street. He concurred with the thoughts expressed by other Councilors and noted the debt load the City is carrying is significant and the Council needs to do whatever it can to manage this in a less assertive way for the residents of Lebanon. He would like to see West Lebanon invest in recreation facilities or other programs, such as workforce housing.

Mayor McNamara did not support purchasing this property at this point in time. He concurred with what the Councilors have expressed and did not feel 38 Maple Street was an appropriate site for a fire station. The City does have other options that we will continue to look at.

Mayor McNamara, after hearing the comments from Councilors, felt there was no support from the Council in making a motion but offered the opportunity to any Councilors who might be willing to do so.

ACTION:

No Councilor came forth to make a Motion authorizing the appropriation and bond issuance for the purchase of 38 Main Street, West Lebanon. MOTION FAILED (0-8).

B. Presentation of second reading to amend Ordinance No. 18, Salary Plan, Article III, C. Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent Association (NEPBA).

Included in agenda packet:

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) (**Page 56**)

Deputy City Manager Paula Maville gave an overview of the second reading to amend Ordinance #18: Salary Plan - Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent Association (NEPBA).

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 first presentation was recognized by the Council on September 1, 2021. The Council is now asked to recognize the second of three presentations to amend the Ordinance. The third presentation will follow on October 6, along with a public hearing to adopt the amendments as proposed.

ACTION:

1. ACKNOWLEDGE SECOND PRESENTATION:

Councilor Sykes MOVED, that the Lebanon City Council acknowledges the second 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 as referenced on page 55 of the City Council agenda packet.

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

Seconded by Assistant Mayor Below.

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

C. Review and adoption of City Council Policy CC-107, Debt Management.

Included in agenda packet:

1. Proposed revised Council Policy CC-107 Debt Management (***Pages 59-65***)
2. Existing Debt Policy, 99-02-C (***Pages 66-93***)
3. City debt statistics (***Page 94***)
4. PowerPoint Presentation – Debt Management Policy (***Pages 95-117***)
5. Examples of Debt Policies from Nashua, Keene, Concord, and Dover
6. GFOA Guidance regarding debt management (***Pages 118-126***)

City Manager Shaun Mulholland began review of proposed City Council Policy CC-107, Debt Management, at the August 18, 2021, City Council meeting. Review continued on September 1, 2021,

with an overview of debt management principles for the City's enterprise funds. Review will be recapped during this meeting, at the close of which, Council will be asked to consider adopting the policy as proposed.

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 currently 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.

Assistant Mayor Below noted this is a complex issue and it is clear that our existing Debt Management Policy is quite dated. The proposed policy is well crafted and the Council should move ahead with the adoption of this policy.

Mayor McNamara concurred with Assistant Mayor Below and noted the existing Debt Management Policy predates the CSO Program, which is not relevant at this point. The proposed draft policy is a prudent way to keep the City's debt under control by only doing new projects when existing debt is retired.

Councilor Whittlesey suggested revisiting the Debt Management Policy in a year, before the budget process begins, to see how it is working.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council adopts City Council Policy CC-107, Debt Management, as presented in the September 15, 2021, City Council Agenda packet, to be effective upon passage.

Seconded by Councilor Whittlesey.

Assistant Mayor Below proposed two minor amendments to the Debt Management Policy, noting he and City Manager Shaun Mulholland reviewed these amendments, which were incorporated into the document, but the version presented in the agenda packet does not include these amendments.

Assistant Mayor Below MOVED to amend the MOTION as presented in the agenda packet with the following two minor changes:

- 1. 4.1 Debt Limits: Legal Restrictions: (page 60 of the Council packet.) modify the first sentence to read: "Debt legally permitted to be issued by the City is typically General Obligation Debt, supported by the full-faith-and-credit of the City."**
- 2. Under 4.1.1. subparagraph 3, to read "New projects or portions of 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 pay for the debt service payments no included in that ceiling."**

Seconded by Councilor Liot Hill.

Assistant Mayor Below spoke to his motion noting the following:

#1. The word **typically** was added because Municipal Revenue Bonds are not General Obligation Debt. Municipal Revenue Bonds are only backed by the facility that is producing revenue. **Typically**, we have used General Obligation Debt for the landfill or water/sewer enterprise accounts, but we could actually use Revenue on debt for the facility that was financed, which would then be collateral.

#2. Just clarifies that if a project is going to pay for itself (i.e., energy efficiency savings), we would not have to count that against the debt limit. It also corrects the word dept. to debt.

****The Vote to Amended the MOTION was approved (8-0).***

For the benefit of those who were not present at the other discussions, Councilor Liot Hill gave a brief summarization of how the proposed Draft Debt Management Policy came to be, noting this is a result of

the City's high debt load (due to the combined storm water/sewer separation CSO project mandated by the Federal Government), which created a burden for the City's taxpayers. What we are doing is establishing the debt load for the City moving forward and will only be taking on as much debt as we are retiring.

City Manager Shaun Mulholland wanted to make clear the City will only be borrowing as much money as it is retiring so the debt load stays level. However, with the General Fund, while we will still be retiring debt, the City's debt load is allowed to grow according to the CPI (Consumer Price Index). For the water fund, it is critically important to note we were looking at a 37% increase in water rates that would have allowed funding for a generation of significant projects (\$25M) the City has, and this cost does not even include a new well.

He wanted to make sure everyone understands the City is now looking at a 5% increase in water rates (with a ceiling of 8%) in Debt Service plus a potential increase in the CPI. What this means is :

1. The City will not be able to afford drilling a new well (for water) unless funds come from some other source. We will have to maintain the one water source the City has on the Mascoma River.
2. The City may not be able to meet all the needs of the \$25M Water Improvements Plan so we will continue to have water main breaks and the issues that go along with that.

What the City is doing here is setting limits on how much it can afford to spend, but some things are not going to get done. He also spoke about the City's infrastructure compared to other cities/towns, and the status of the Sewer/Solid Waste facilities.

****The Vote on the Main Motion as amended was approved (8-0).***

10. NEW BUSINESS

A. Presentation and Adoption of Lebanon Community Power Aggregation Plan

Included in the agenda packet: September 15, 2021 Lebanon Community Power proposed Electric Aggregation Plan (***Pages 127-183***)

Assistant Mayor Below came forth and summarized the Lebanon Community Power Aggregation Plan.

Purpose of this Electric Aggregation Plan

On October 5, 2016, the Lebanon City Council voted unanimously to designate LEAC, the Lebanon Energy Advisory Committee, as the City's Electric Aggregation Committee pursuant to RSA 53-E and tasked LEAC to prepare this Electric Aggregation Plan, which sets forth Lebanon's policy goals for our Community Power program, summarizes program governance and implementation processes, and commits Lebanon Community Power to comply with applicable statutes and regulations in terms of:

- Providing universal access, reliability, and equitable treatment of all classes of customers subject to any differences arising from varying opportunities, tariffs, and arrangements between different electric distribution utilities in their respective franchise territories; and
- Meeting, at a minimum, the basic environmental and service standards established by the Public Utilities Commission and other applicable agencies and laws and rules concerning the provision of service under Community Power.

This plan does not otherwise commit Lebanon to any defined course of action, including participation in the Coalition for the purposes of launching the program, and does not impose any financial commitment on the City.

The City Council retains the power to contract for all required program services and electricity supplies, to set rates, and to pursue related projects independently of the Coalition.

Approval Process for Lebanon Community Power

This Electric Aggregation Plan was developed by LEAC with due input from the public, as required under RSA 53-E. Public hearings were held on July 15, 2021 and August 18, 2021.

LEAC has determined that this Electric Aggregation Plan satisfies applicable statutory requirements and is in the best, long-term interest of the City and its residents, businesses, and other ratepayers. At its August 19, 2021 meeting LEAC voted unanimously to recommend the City Council adopt the Plan, with minor updating edits, including the recommended logo for Lebanon Community Power, updating the list of other jurisdictions where the governing body has voted to join the Community Power Coalition, an added paragraph on p. 23 providing clarifying details on how group net metering may be handled, and adding the last two paragraphs on p. XXIII, completing the description of the City’s public planning process.

Adoption of this Plan by the City Council, by majority approval of those present and voting, establishes Lebanon Community Power as an approved aggregation with statutory authorities defined under RSA 53-E:3 (to be exercised with due oversight and local governance, as described herein), and authorizes the City Council to arrange and contract for the necessary professional services and power supplies to launch Lebanon Community Power.

The Council discussed who the Board members would be; how they would be appointed, and what their responsibilities would be. They also praised the many years of hard work that Assistant Mayor Below and LEAC have done on this project.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby approves the Lebanon Community Power Electric Aggregation Plan as presented (pages 129-18) in the September 15, 2021 City Council agenda packet.

Seconded by Councilor Whittlesey.

Before a vote on the Motion was taken, Assistant Mayor Below reviewed/read the Lebanon Community Power objectives/goals as listed below: (Complete details can be found on pages 147-147, agenda packet).

1. **Save Customers Money:** Lebanon Community Power will only launch if it can initially offer a rate lower than the default energy service rate offered by Liberty Utilities, and its long-term stability depends on maintaining rate options competitive with Liberty’s default service rate.
2. **Provide Green Power.**
3. **Plan for Rate Stability.**
4. **Consumer Protections & Public Advocacy:** Including the legislature and the Public Utilities

Commission on matters pertaining to Community Power, ratepayer protection, local energy generation and resiliency of the grid.

5. Assist Customers to Lower Total Energy Costs.

6. Promote Renewable Energy.

7. Develop Energy Resilience: By encouraging local energy production, local storage strategies, and developing microgrids to supply critical facilities.

8. Regional Collaborations.

9. Grid Modernization.

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

B. Authorization for City Manager to sign the Joint Powers Agreement with the Community Power Coalition of New Hampshire

Included in the agenda packet:

1. Joint Powers Agreement, Community Power Coalition of New Hampshire, August 25, 2021 (**Pages 185-239**)
2. August 2, 2021 memorandum from Assistant Mayor Below on behalf of the CPCNH Organizing Group

At its February 3, 2021 meeting, the City Council adopted the following motion on an 8-0 vote:

ACTION: Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into an intermunicipal agreement known as the “Joint Powers Agreement” under the provisions of New Hampshire RSA 53-A to create the Community Power Coalition of New Hampshire (CPCNH) for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to RSA 53-E, as well as related statutory authorities.

BE IT FURTHER MOVED, that the Mayor, in consultation with the City Manager, is authorized to appoint a City representative and an alternate to the CPCNH Membership and Board of Directors.
Seconded by Councilor Heistad.

Since that time, after numerous reviews of the Joint Power Agreement (JPA) by various attorneys and others, a few housekeeping items and somewhat more substantive lack of clarity of conflicting provisions have been brought forth. A thorough review was made and proposed edits were suggested, in consultation with Attorney Michael Postar of the law firm DWGP. Over the course of August, a consensus was reached among representative of the municipalities that have voted to enter into the JPA to proceed with adopting the revisions, prior to final execution of the JPA. On August 25, 2021, the revised version was sent to the Attorney General’s Office for their approval for conformity with New Hampshire law in accordance with RSA 53-A:3, V.

Included in the agenda packet:

1. Revised version of the JPA, preceded by slides that highlight and index key points.
2. Memo dated 8/2/21 from Assistant Mayor Below on behalf of the ad hoc organizing group explaining the proposed changes.

For legal clarity, the Council was asked to approve the City entering into the revised version of the JPA.

ACTION:

Councilor Winny MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into an intermunicipal agreement known as the “Joint Powers Agreement” (JPA) under the

provisions of RSA 53-E to create the Community Power Coalition of New Hampshire (CPCNH) for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to RSA 53-E, as well as related statutory authorities, referencing the revised version of the JPA as it appears in the September 15, 2021 City Council agenda packet.

Seconded by Councilor Sykes.

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

C. Appointment of City representative and alternate representative to the Community Power Coalition of New Hampshire

Included in the agenda packet:

1. Clifton S. Below, Assistant Mayor, NSF Biographical Sketch (**Pages 241- 242**)
2. Thomas Gregory Ames, III, Vice Chair of Lebanon Energy Advisory Committee, NSF Biographical Sketch. (**Pages 243-244**)

At its February 3, 2021 meeting, the City Council acted to authorize the Mayor to make appointments of the City's representative and alternate to the Community Power Coalition of New Hampshire, in consultation with the City Manager. The Joint Power Agreement (JPA) calls for the governing body (the City Council) to make the appointments. While a vote to delegate that authority may be legally acceptable, out of an abundance of caution it would be better for the Council to vote to make such appointments.

The Mayor, after consulting with the City Manager and Assistant Mayor recommends that Assistant Mayor Clifton Below be appointed to serve as the City's representative to the Community Power Coalition of New Hampshire (CPCNH) and Lebanon Energy Advisory Committee (LEAC) Vice Chair T. Gregory Ames, III be appointed to serve as the City's alternate representative. Bio sketches for each are attached. These were part of a National Science Foundation proposal related to Lebanon Community Power that was proposed by Professor Amro Farid at the Thayer School of Engineering at Dartmouth that the City was collaborating with. Unfortunately, the proposal was not selected for funding, but the bio sketches are useful.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby appoints Assistant Mayor Clifton Below to serve as the City's primary representative to the Community Power Coalition of New Hampshire and appoints Lebanon Energy Advisory Committee Vice Chair T. Gregory Ames, III to serve as the City's alternative representative.

BE IT FURTHER MOVED, that these appointments are effective until further action by the Council to rescind or replace with other appointees.

Seconded by Councilor Winny.

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

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

Included in the agenda packet: Ordinance 2021-07 (**Pages 246-248**)

On July 21, 2021, the City Council acted to create a commission to address the issues of diversity, equity, and inclusion in the City with the objective of educating and developing conversations in the community regarding these issues, specifically by:

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

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

Councilors Liot Hill and Wilkie have been working extensively on the details for Lebanon's first ever Diversity, Equity & Inclusion (DEI) Commission and requested the Council to consider the following suggestions:

- To date, there are seven (7) applicants.
- Add a provision for alternates in the Ordinance since this was not included in the original Ordinance when the DEI Commission was created. It is possible there may be other people who may still be interested.
- Since September 15, 2021 was the date announced as the deadline for the first round of applicants, the Council was asked to consider keeping applications open until the end of the month (September 2021) to see if there is additional interest.
- For DEI Commission interviews: have 2-3 City Councilors interview applicants to ensure we have the best representative candidates.
- While there is a standard interview form that Councilors typically use, it might be worth discussing some additional questions to augment that form.
- Since the City Manager has been having discussions with the National League of Cities (NLC), it might be worth him asking the NLC if they have some resources the Council/DEI Commission can use.

In response to Councilor Sykes question regarding whether or not a Public Hearing to amend the Ordinance needs to be set, Deputy City Manager Paula Maville noted we have to propose to amend Chapter 31 of the Ordinance to include alternates, and then set the Public Hearing. If this proposal is brought before the Council on October 6, 2021 for their approval, then the Public Hearing could be set for October 20, 2021.

The Council discussed and agreed the application process should proceed as follows:

- Applications (both as a regular member or alternate member of the DEI) will continue to be taken through the end of September 2021.

- Interviews: 2-3 Councilors will participate in the interview process using blocks of time (i.e., Saturday mornings). For candidates who are not able to meet during these blocks of time, Councilors will make themselves available at other times.
- All candidate interviews will be done by the end of October 2021 so the DEI Commission can be appointed at the 1st City Council meeting on November 3, 2021.
- The DEI Commission's first meeting should take place before the end of 2021, if possible.
- City Manager Mulholland will reach out to his colleagues at the NLC to see what resources they have that would be useful for the Council/DEI Commission. He will put together a packet of information for the Councilors who will be doing the interviews.
- It was suggested that no more than 2-3 Councilors be assigned for candidate interviews. Keeping the same Councilors during the interview process would be helpful.
- Councilors Wilkie and Liot Hill volunteered to be part of the DEI Commission interview process. The Mayor was also interested, but deferred to other Council members.
- Mayor McNamara will reach out to Councilor Zook to see if she might be available to do interviews as an alternate.
- At the October 6, 2021 City Council meeting, the Council will vote on amending the DEI Commission Ordinance.
- A Public Hearing will be scheduled on October 20, 2021 to amend the DEI Commission Ordinance.

At the request of Deputy City Manager Paula Maville, the Council's consensus was there should be up to four (4) public alternates and one (1) City Council alternate added to the DEI Commission.

ACTION:

No formal action took place. Topic was for discussion purposes only.

ADDED TOPIC: MASKING & VACCINATIONS

Councilor Wilkie requested the Council to consider what the City might be able to do to better promote mask wearing and vaccinations without relying on enforcement, which has been a challenge, a strain on our resources, and has not been particularly effective. He knows there has been a lot of discourse at the national level, especially by private businesses about mandating vaccinations or regular testing, but felt there are other methods the City should consider in order to encourage community masking/vaccinations as part of the Public Health response to the COVID Pandemic.

The Council discussed what could be used to further inform/educate the public on masking/vaccinations. Suggestions included putting messages on the City's bulletin boards; advertising the pop-up vaccination clinics being planned by Fire Chief Christopoulos, which includes the Lebanon Farmers' Markets; Partnering with Advance Transit to include billboard advertisements on their buses (i.e., Lebanon Loves You and that is why.....etc.); having businesses, who may be willing, hang signs; the need for the City to support frontline/essential workers and others who are having difficulties with enforcement; how having a campaign that creates multiple impressions for the public might be helpful; a new State Law (LRA) that is being discussed which would allow the prosecution of those who are committing abuses to frontline/essential workers; and, asking LISTEN if they would be willing to support/help the City promote this (campaign) since data shows lower income folks are not vaccinating at the rates other groups might be vaccinating at.

This topic will be discussed again at the Council's next meeting on October 6, 2021

11. CITY MANAGER REPORT:

Deputy City Manager Paula Maville updated the Council on the following:

- Tax Deeding on properties.
- Westboro Yard: Councilor Winny noted the contract has finally been approved.
- Councilor Liot Hill thanked the LFD & LPD for organizing the solemn and moving September 11th ceremony honoring the lives lost.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS:

- October 6, 2021: TOPIC: Masking/Vaccination Discussion
- Workforce Housing:
 - A. Accessory Dwellings
 - B. Loan Fund Update

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Heistad MOVED for adjournment.

Seconded by Councilor Winny.

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

The meeting was adjourned at 8:43 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary