



**LEBANON CITY COUNCIL
NOVEMBER 17, 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 Microsoft Teams](#) or call 929-229-5356 (access code: 675 013 50#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The November 17, 2021 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions

A. Resolution in Honor of Van Chesnut

6. Approval of Minutes

A. MOTION TO approve the minutes as presented in the November 17, 2021 agenda packet

7. Appointments

- A.
- Diversity, Equity and Inclusion, Nancy Graham (Regular Member)
 - Diversity, Equity and Inclusion, Tia Winter (Regular Member)
 - Diversity, Equity and Inclusion, Emily Walton (Regular Member)
 - Diversity, Equity and Inclusion, Bise Wood Eugene (Regular Member)
 - Diversity, Equity and Inclusion, Richard Ford Burley (Regular Member)
 - Diversity, Equity and Inclusion, Renee DePalo (Regular Member)
 - Diversity, Equity and Inclusion, Keiselim Montas (Regular Member)

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 Chief Innovation Officer, Grade 12; and to reclassify the position of Deputy Police Chief from a Grade 13 to a Grade 14.

9. Old Business: None

10. New Business

- A. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-11 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to authorize an 8.0% increase to the Water Service Rate and a 7.2% increase to the Sewer Service Rate.
- B. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-12 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to increase current miscellaneous water service fees, incorporate additional miscellaneous water service fees, amend provisions for Stormwater Permit application fees, and incorporate fees for Driveway Permits and Permits to construct within a Floodplain.
- C. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-13 to amend City Code Chapter 68, Fees, as follows:
 - Article II, Vehicle Registration Fees, §68-10, Exemption for Certain Veterans, to authorize waivers of local fees for Prisoners Of War, Purple Heart Recipients, and Pearl Harbor Survivors
 - Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in Ambulance Fees
- D. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.
- E. Discussion & Set Public Hearing for January 5, 2022: Ordinance #2021-15 to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules and Regulations, to amend Airport Landing Fees
- F. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-16 to amend City Code Chapter 46, Cemeteries to incorporate provisions for Natural Burials.
- G. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-17 to amend City Code Chapter 36, Building Construction to increase the fees for Commercial Building Permits; clarify fees for Demolition & Relocation Permits, and add a penalty for work without a permit.
- H. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-18 to amend City Code Chapter 97, Landfill Regulations, Appendix A, Fee Schedule
- I. Presentation of First Reading & Set Public Hearing for December 15, 2021: Amendments to Ordinance #18, Salary Plan as follows:
 - 1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General Wage Increase for 2022, to increase the wage and stipend pay scales for election positions, and to include the position of Substitute Custodian within the Temporary/Seasonal & Stipend Employees Pay Scale.
 - 2. Article III, Bargaining Unit Employees, Section A AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO to implement a 3% General Wage Increase

for 2022.

3. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) to implement a 3% General Wage Increase for 2022

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 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: Library Board of Trustees

Position: Alternate Member

Applicant:S. Noffke

Assigned Councilor: D.Wilkie

Assigned Date:11/08/2021

Board/Committee: UVLSRPC

Position: Regular Member

Applicant:D. Nash

Assigned Councilor J. Winny

Assigned Date:11/08/2021

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 is not considered all-inclusive.

DECEMBER 1, 2021

PUBLIC HEARING ITEMS:

- A. DISCONTINUANCE OF CLASS VI ROAD #43 - Public hearing for the purpose of receiving public input and taking action to discontinue Class VI Road #43, running from Poverty Lane to Route 4, Lebanon
- B. RECLASSIFICATION OF CLASS VI ROAD #7 - Public hearing for the purpose of receiving public input and taking action to reclassify Class VI Road #7 to a Class A Trail. The road is located off of LaPlante Road, Lebanon.
- C. ORDINANCE #2021-11 – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-11 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to authorize an 8% increase to the Water Service Rate and a 7.2% increase to the Sewer Service Rate.
- D. ORDINANCE #2021-12 - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-12 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of

Fees to increase current miscellaneous water service fees, incorporate additional miscellaneous water service fees, amend provisions for Stormwater Permit application fees, and incorporate fees for Driveway Permits and Permits to construct within a Floodplain.

E. ORDINANCE #2021-13 - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-12 to amend City Code Chapter 68, Fees, as follows:

1. Article II, Vehicle Registration Fees, §68-10, Exemption for Certain Veterans, to authorize waivers of local fees for Prisoners Of War, Purple Heart Recipients, and Pearl Harbor Survivors

2. Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in Ambulance Fees

F. ORDINANCE #2021-14 - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.

G. ORDINANCE #2021-15 – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-15 to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules and Regulations, to amend Airport Landing Fees

H. ORDINANCE #2021-16 – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance 2021-15 to amend City Code Chapter 46, Cemeteries to incorporate provisions for Natural Burials.

I. ORDINANCE #2021-17 – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-17 to amend City Code Chapter 36, Building Construction to increase the fees for Commercial Building Permits; clarify fees for Demolition & Relocation Permits; and add a penalty for work without a permit.

J. ORDINANCE #2021-18 – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-18 to amend City Code Chapter 97, Landfill Regulations, Appendix A, Fee Schedule

OLD BUSINESS:

A. Presentation of Second Reading: Amendment to Ordinance #18, Salary Plan implement Article II, Non-Affiliated and LPASE Employees Pay Scale to implement a 3% General Wage Increase for 2022; to increase the wage and stipend pay scales for election positions; and to include the position of Substitute Custodian within the Temporary/Seasonal & Stipend Employees Pay Scale.

NEW BUSINESS:

A. Discuss and approval lease agreement with SDC 49 Plainfield, LLC for lease of land within the Lebanon Airport Tech Park (TENTATIVE)

B. Review and Approval of amendments to Human Service Guidelines

WORK SESSION SCHEDULE – 2022 BUDGET REVIEW (All meetings begin at 5:30 pm)

Monday, November 29, 2021

Tuesday, November 30, 2021

DECEMBER 15, 2021

Public Hearing and Action to Adopt 2022 Municipal Budget

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

5. RECOGNITIONS:

- Resolution in honor of Van Chesnut

Included in this Section:

1. Resolution Honoring Van Chesnut



RESOLUTION

HONORING VAN CHESNUT

WHEREAS, the City of Lebanon and Advance Transit have shared a partnership for many years to bring essential, free public transportation to our community; and

WHEREAS, Van Chesnut has served as Advance Transit's Executive Director for 34 years; and

WHEREAS, Van's knowledge, understanding, and transportation management expertise have led to growth in ridership and continued success of Advance Transit with the best interest of the residents and visitors of the City of Lebanon in mind; and

WHEREAS, Van's leadership and persistence to look for more efficient and better ways for Advance Transit to operate has provided a positive contribution to the Upper Valley through improved air quality and reduction in traffic; and

WHEREAS, Van's instinct to fill a need for mobility for those that do not drive or have access to a vehicle or for those simply wishing to reduce their impact on the environment has resulted in a reliable and free form of public transportation that has provided countless residents of our region with access to jobs, school, shopping, medical services, recreation, and community agencies; and

WHEREAS, Van has left a lasting legacy and a positive impact on everyone who has had the opportunity to utilize the services of Advance Transit.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to Van Chesnut for his dedicated service and contributions to the community over the past 34 years.

Dated this 17th day of November 2021 at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On Behalf of the Lebanon City Council

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- November 2, 2021 (Budget Work Session)
- November 3, 2021 (3rd Quarter Board/Committee Reports Meeting)
- November 3, 2021 (Regular Meeting)

MOVED, to approve the minutes as presented in the November 17, 2021 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
BUDGET WORK SESSION
MINUTES**

Thursday, November 2, 2022, 5:30 PM

Council Chambers or

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

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, Executive Assistant Beth Beraldi, City Clerk Kristin Kenniston, Finance Director Vicki Lee, Library Director Sean Fleming, Outreach and Programming Librarian Celeste Pfeiffer, Director of Planning and Development David Brooks, Human Resources Director Gloria Leskiewicz, Human Services Director Lynne Goodwin, Advance Transit Executive Director Van Chesnut, Cyber Services Director Perry Eaton

Mayor McNamara called the meeting to order at 5:32 PM.

**1. Presentation by City Manager and Finance Director
A. Overview of the Proposed 2022 Annual Budget**

City Manager Shaun Mulholland began this session with a PowerPoint Presentation that covered the following topics:

- Public Policy and Resource Allocation (the master plan, sustainability principles, business plans, performance measurement, analysis and evaluation)
- Budget Objectives: Ensure the municipal tax rate for 2022 increases no more than 2.5%; meet the city's guiding principles and sustainability objectives; fund critical Capital Improvement Projects; maintain quality service levels to meet the public's expectations.
- Recap of the 2021 City Initiatives: Transparency initiative, energy efficiency/greenhouse gas reduction strategies, study new water source/sewer system infiltration reduction program, debt stabilization plan, finance software replacement program/related software transition.
- Review of the 2022 City Initiatives: Continue paperless and transparency initiatives, electronic payment process for landfill; continue developments of the various West Lebanon improvement projects/plans; create wastewater capital needs assessment similar to the water assessment plan; continue implementation of the Fixed Asset Management System; enhance energy efficiency and reduce energy usage: streetlight project, solar projects, LFGTE Project, building upgrades, etc.; enhance emergency management capability and response; review options for public safety software (to be a 2023 purchase).
- Opportunities: Federal funding for infrastructure projects and other initiatives; CSO-EPA Administrative Order accomplished; city economy is strong: top micropolitan area in the country out of 551 and in the top 10 places people are moving to in the country.
- Threats: Rapidly rising salary rates-highest in the state; interest rate increase = direct impact on interest rates for new debt incurred; shortage of workers and products (supply chain); rapidly rising consumer costs-fuel, electricity, food, and most other items; lack of childcare-capacity and

cost; housing costs continue to rise, limited inventory; climate change-public safety and infrastructure.

- Tax Rate Factors: Expenditures; revenues (other than property taxes); fund balance used to reduce tax rate; assessed valuation; overlay (offsets tax abatements); war service tax credits.
- How Resident Tax Dollars are Spent: School/state: (7%); municipal (37%); county (7%); school local (49%).
- Consumer Price Index & Tax Rate Change and Change in Municipal Rate charts on slides 11 & 12.
- Unassigned Fund Balance Policy: Maintain a range between 19% to 24% of current general fund expenditure budget; standard developed by the governmental account standards board (GASB); allow for adequate cash flow between tax billings; serves as a cash reserve for emergencies.
- Unassigned Fund Balance: Slides 14 & 15.
- Budget Overview Comparison for 2021 and 2022: To summarize: the proposed **total request for 2022 is \$68,022,600 (an increase of 9.1% from 2021)**. The 2022 operating budget without Capital Improvements increased by 2.27%; the 2022 General Fund Budget increased by 2.7%; the tax rate is projected to increase by 2.5%; 8% increase in water rates; 7.2% increase in sewer rates.
- Cost Drivers: Debt service increase of \$151,680; general wage increase of 3% (CPI was 4.6%. Social Security projected to be 5.9%); health insurance cost increase 5.6%; retirement rate increases 6.35%-25.87%; increase in overlay \$300,000.
- General Fund Budget Impacts: Wage increases \$1,094,400; retirement increase \$466,150; health insurance \$200,360; total \$1,760,910. The 2022 general fund budget represents an increase in spending of 2.7% equal to \$974,570. See slides 23-27 for related charts.

2. Review of 2022 City Budget:

A. City Manager (includes City Manager, City Council Operations, Legal, and Advance Transit).

- **City Manager: Requesting \$1,284,480 (an increase of 3.5% from the 2021 budget).**
- **City Council Operations:** Represents a 100% reduction in spending.
- **Legal:** No change from the 2021 budget.
- **Advance Transit:** No change from the 2021 budget.

B. Finance Department

- **Requesting \$5,391,890 (a decrease of \$276,240 or 4.9%)**

Ms. Vicki Lee introduced her department and staff. Sub-departments within the finance department include assessing, payroll, accounts payable, and utility billing.

C. Human Resources

- **Requesting \$350,060 (an increase of \$87,790 or 33.5%)**

City Manager, Mr. Shaun Mulholland, presented the creation of a full-time position to run background checks. Ms. Gloria Leskiewicz, HR Director, introduced her staff and reviewed the HR Budget to Council.

D. City Clerk

- **Anticipated Revenues: \$2,789,100 (an increase of \$86,220 or 3.2%)**
- **Requesting \$721,630 (an increase of \$79,120 or 12.3%)**

Ms. Kristin Kenniston, City Clerk, introduced herself and reiterated that the clerk's office has taken on the role of tax collecting and has added another position for that. For that reason, and 2022 having three elections, the wages are a bit higher than in past years.

1
2 **E. Library**

- 3 • **Requesting \$1,383,440 (an increase of \$123,480 or 9.8%)**
4
5

6 Library Director, Mr. Sean Fleming, reviewed the Lebanon Libraries proposed 2022 budget to the
7 Council. There will be a reopening celebration in the spring. Mr. Fleming noted the libraries met and
8 exceeded their \$300,000 fundraising goal.
9

10 Mr. Fleming introduced Celeste Pfeiffer who spoke about new outreach efforts and her position in
11 outreach and programming. Ms. Pfeiffer listed new partnerships that allow connections with the
12 community.
13

14 **F. Cyber Services**

15
16 Mr. Eaton introduced himself and staff and noted an increase in cyber-attacks, predominately phishing.
17 He recognized his staff for being diligent in catching and preventing those attacks. The budget includes
18 continued security enhancements, continued staff training, policy creation, system testing, installation of
19 Wi-Fi and Cisco WebEx, upgrades to Microsoft Office, movement of documents to OneDrive and
20 SharePoint. Overall increase is 20.9% mostly due to salary increases, network equipment such as PCs,
21 Firewalls, etc. There has also been an installation of fiber connections to assist in the movements to the
22 Cloud. Mr. Eaton further explained the usage of high funds because of expensive equipment.
23

24 **ADJOURNMENT:**

25
26 There was no motion, the meeting was adjourned at 6:54 pm.
27

28 Respectfully submitted,
29 Megan Mraz
30 Recording Secretary
31
32

DRAFT

**LEBANON CITY COUNCIL
3rd QUARTER BOARDS/COMMITTEE REPORTS
MINUTES**

Wednesday, November 3 2021, 6:00 p.m.

Council Chambers or

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, Jim Winny (arrived at 6:54 PM), and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, City Clerk Kristin Kenniston, GIS Coordinator Mark Goodwin

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

Planning Board Updates – Chair Bruce Garland

The PB has been working to update the regulations to make sure they are current and as straightforward as possible in order to simplify the process. Two examples are:

1. Our regulations used to have some items referring to fire. It became clear the PB was not competent in and would never be able to keep up with fire regulations, so this was outsourced to the Lebanon Fire Department. The LFD now has the responsibility to comment on each application and tell us if there are additional conditions that need to be applied on building permits, etc.
2. We have added a Minor Site Review Committee. The idea being to outsource this to a group (one from Fire, one from Public Works, and one from Police) for small projects. The hope is that this will make the process a lot cheaper and quicker for people.

Needless to say, when we finalized these new regulations, we had some pushback from developers. He tried to impress on them that we were not trying to increase the burden, but rather do the opposite.

Arts & Culture Commission Updates – Chair Jessica Giordani

- The Arts & Culture Commission has reviewed and approved two applications from the public to install public art throughout the City. One was from a local sculpture that was installed at the west end of the mall, and another one was from a local abstract artist whose theme is “A Return Nature,” who placed a series of canvasses along the Rail Trail corridor.
- There has been progress on the long-term project for installing poetry on sidewalks in the City and they have been working with a consultant from St. Paul, Minnesota, and coordinating with the Department of Public Works to get the poetry installed. The Commission has also collaborated with City librarians to help select the poetry for our initial installations.
- Lite Up Leb.
- Soofa signs have been installed.
- Banners that will be installed around Colburn Park and Downtown West Lebanon will be going to the printer this week.
- They have been consulting with the Kilton Library regarding a project installed in the Teen Room.

- Tunnel Art will be unveiled on December 4th, time TBD.

Pedestrian/Bicyclist Advisory Committee Updates – Chair Colin Smith

- Two members of the Pedestrian/Bicyclist Advisory Committee will be serving on the new City Multi-Mobile Plan, which is a project being led by the Upper Valley Lake Sunapee Regional Planning Commission.
- They have been participating in the NH DOT's Rte. 120 Project (Hanover St./Rte. 120). The main drive of this is the interstate project to deal with congestion there.
- They have been reviewing the long list of projects the consultants have developed over the last couple of meetings and have made recommendations for a couple of the intersections that are part of the project such as at the intersection at Etna Road and Rte. 120 where there is currently no crosswalk, and the section at Hanover St./Rte. 120 to look at safe crossings for pedestrians and bicyclists.
- The crossing and path off Rte. 4, close to the Middle School and to the Rail Trail, has been completed.
- The Shepard Trail, going from the Rail Trail to the swimming pool, will be completed.
- The Committee continues to work on communications with the public and are working on safety notices for winter that will be placed in LebNews.

Conservation Commission Updates – Vice Chair Sarah Riley

- The Conservation Commission has had one permit review where they looked at the Lahaye multi-use path and the wetland impact along that road.
- Chair Oidtmann has also been involved with the NH DOT Rte. 120 project looking at the wetland impacts, opportunities for wildlife passage, and the use of vegetation instead of brick traffic islands.
- The Commission worked with Rotary in the cleanup of the Mascoma River.
- The Commission is getting ready to finalize their Open Space Plan.
- This past quarter has been devoted to looking at City conservation properties in more depth. This included deep dives into Baker's Crossing; Mascoma; Chambers Memorial Reserve along the Connecticut River; The Alana Coal Conservation area; the east Wilder boat launch; and the Goodwin Conservation area.
- In September/October they looked at the Goodwin Conservation area and are now involved in building a new replacement bridge across Great Brook at the site of the old bridge.
- An ecologically sensitive area in the City, which is the Floodplain Forest by the Wastewater Treatment Facility boat launch. The DPW has blocked off access to vehicles on a portion of this property at the confluence of the Mascoma River/Connecticut River to prevent further damage to this area.

Class 6 Roads Advisory Committee – Councilor Heistad

Councilor Heistad noted the difficulties this Committee is having on getting their recommendations for various roads on the Council's agenda, noting there is one road that goes back to the 1980's where no action by the Council has been taken. None of the roads the Committee has reviewed in the last two years have been acted on by the Council. The Committee decided they should not go forward with any more recommendations until we can see movement by the Council going forward. They have also been working on signage but cannot complete this project until we know the Council will be acting on those.

Mayor McNamara was uncertain why they would not be getting on the Council's agenda and the City Manager will follow-up with the Chair.

The Committee has 7 more roads to go, but the challenge is trying to address property owners' concerns of land that abuts the City rights-of-way while also trying to maintain the rights-of-way that the City owns. Often, the property owner is not aware there is right-of-way across their property or that they abut a City right-of-way.

Economic Development Commission Updates – Councilor Liot Hill presented updates in the absence of Chair Bill Dunn

- They have been examining employer retention and growth practices with the Upper Valley Business Alliance and learning from them about what their challenges are and how the City can better help them with retention and growth.
- They will be working with the Downtown TIF Advisory Board starting in the new year to revisit the concepts that were brought forward for the redevelopment of the back parking areas. The drawings done are now 6-years old and the idea is to get together with the TIF Board to get a sense of where we stand now and if this initiative is worth pursuing.
- The former Lebanon Village Market property has been purchased and the new owner is talking about doing a mixed use redevelopment of that site. A presentation was given to them by the new owner/developer.
- There was discussion about the Fire Station and whether there is potential to move to a consolidated Fire Station that could free up the current Fire Station in Lebanon for redevelopment.
- Looking at more ways to promote Soofa sign use to benefit local businesses.
- With relation to Downtown West Lebanon, a lot of people have said they would like to see Main Street improved so they have been looking into opportunities to provide a mini-grant program which would encourage building owners to make improvements that would have a beautification impact on Main Street.

Diversity, Equity, Inclusion Commission (DEI): Councilor Liot Hill

- Councilors Zook, Wilkie and Liot Hill interviewed 8 people. They will be recommending that all 8 be appointed by the Council. This will be a dynamic group and each person brings an interesting background and perspectives.
- The first meeting of the DEI Commission will be taking place around the beginning of 2022.

Downtown TIF Advisory Committee – Councilor Sykes

Councilor Sykes did not have a full report, but noted that over the last quarter funds have actually gone into this account. They are looking forward to the collaboration with the Economic Development Commission.

Lebanon Energy Advisory Committee (LEAC) – Assistant Mayor Below

- The Lebanon Community Power Plan has been adopted.
- Board members of The Community Power Coalition of NH Incorporated, and their credentials, was announced.
- Several members of LEAC have been participating in online workshops with a group from Connecticut who have been working with municipalities and communities on different aspects of electric vehicles and the implications involved.

- Started working on preplanning of the Climate Action Plan and have been reviewing other communities adopted action plans.
- One interesting topic that came up is that maybe a Climate Action Plan should be developed separately from an update to the Energy Chapter of the Master Plan.
- They will be looking at updating Building Codes to the most recent version, which would involve enabling new building techniques that are sometimes more cost effective and energy efficient.

Assistant Mayor Below explained there is an International Building Code and the State of NH has only got around to at least one version of this code. He noted that municipalities can adopt the more recent versions of the code but not the codes that are less stringent than those adopted by the State of NH and explained the differences between the two.

Councilor Liot Hill suggested the Economic Development Commission and LEAC should meet together to discuss the impacts Building Codes and Regulations have on the cost of development in (Lebanon) in order make a joint recommendation to the Council.

Councilor Winny arrived at 6:54 PM.

Heritage Commission – Councilor Wilkie gave updates due to the absence of the Chair.

- Three (3) new members have been added to the Commission.
- Discussed using 3D Cameras for Dana House that could be used for educational purposes.
- They have received the final report for the certified local government report for the Historic District Expansion and have accepted that report that included a few new buildings that have now met the threshold for inclusion.
- They have also begun issuing Landmark Designation Properties.
- They have begun discussions about what they can do next year, including adding a new Historic District.

The meeting was adjourned at 6:56 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
MINUTES,
REGULAR SESSION
Wednesday, November 3, 2021, 7:00 p.m.
Council Chambers, or**

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, Jim Winny and Karen Zook

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, City Manager Executive Assistant Beth Beraldi, Director of Planning & Development David Brooks, GIS Coordinator Mark Goodwin, Digital Media Officer Melanie McDonough

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

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

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

4. OPEN TO PUBLIC: Councilor Liot Hill thanked the Lebanon Recreation & Parks & the Lebanon Fire Departments for putting on the Halloween festivities.

5. RECOGNITIONS:

A. Lester Perreault Resolution

**RESOLUTION IN HONOR OF
LESTER PERREAULT**

WHEREAS, the Lebanon City Council recognizes the importance of community volunteers and wishes to encourage an environment in which volunteers can flourish; and

WHEREAS, Lester Perreault has volunteered his time, energy, and resources to picking up trash and mowing approximately three miles of grass areas along Bank Street and Heater Road, as well as trimming and mowing 2 miles along the Northern Rail Trail; and

WHEREAS, Mr. Perreault has removed extensive vines, poison ivy, and overgrowth along a 420-foot fence on Bank Street, replacing the overgrowth with 440 bulbs and mulch running the full length; and

WHEREAS, Mr. Perreault plans to plant approximately 30 rosebushes along the fence line in Spring of 2022; and

WHEREAS, Mr. Perreault has cleared another fence on Bank Street Extension near Riverdale Parkway, as well as one on Heater Road; and

1
2 **WHEREAS**, Mr. Perreault’s work has been acknowledged with many thank yous and compliments, with
3 one person writing a letter to the City Manager’s Office stating, “I work in town, and run on my lunch
4 hour and (he) has cleaned and cut back and keeps the sides of the sidewalk mowed... so now two people
5 can walk side by side...;” and
6

7 **WHEREAS**, Mr. Perreault is motivated by the simple satisfaction of making Lebanon a better place to
8 live.
9

10 **NOW THEREFORE BE IT RESOLVED** that we, the Lebanon City Council, do hereby express our
11 sincere gratitude to the hard work and selfless dedication of Lester Perreault to the beautification of our
12 City.
13

14 **NOW THEREFORE, BE IT FURTHER RESOLVED**, that this Resolution be written upon the
15 minutes of the Lebanon City Council meeting and a copy be presented to Lester Perreault.
16

17 Dated this 3rd day of November 2021, at Lebanon, New Hampshire.
18

19 **Timothy J. McNamara, Mayor**
20 *on behalf of the Lebanon City Council*
21

22 **B. Native American Heritage Month Proclamation:**
23

24 Mayor McNamara acknowledged his colleague Art Hanchett, who is a member of the Abenaki Tribe.
25 They have worked together for a couple of years and have talked about his heritage. It is for him and for
26 the other members of the Abenaki Tribe, who have continuously worked here in the Upper Valley for
27 literally thousands of years to be recognized.
28

29 **PROCLAMATION**
30 **NATIVE AMERICAN HERITAGE MONTH – NOVEMBER 2021**
31

32 **WHEREAS**, November 2021 is recognized nationally as Native American Heritage Month to celebrate
33 and honor indigenous peoples and their diverse and rich cultures, histories and traditions; and
34

35 **WHEREAS**, the Abenaki people have inhabited what is now New Hampshire and Vermont for over
36 10,000 years, and the Abenaki people are active members of the community today; and
37

38 **WHEREAS**, the indigenous peoples of our region and the entire country have endured centuries of
39 discrimination and mistreatment, but have persevered and maintained their culture in the face of these
40 challenges; and
41

42 **WHEREAS**, The City of Lebanon desires to recognize both the historical importance of indigenous
43 people in the region and our current residents of indigenous heritage; and
44

45 **WHEREAS**, The City of Lebanon values the importance of accurate historical memory and its critical
46 role in building and sustaining a diverse, welcoming and informed community, and
47

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

3
4 **THEREFORE, BE IT NOW RESOLVED**, that the City of Lebanon proclaims November 2021 to be
5 Native American Heritage Month and encourages every resident to recognize the importance of
6 indigenous people in our history and as fellow citizens today.

7
8 Proclaimed this 3rd Day of November in the year 2021.

9
10 **Timothy J. McNamara Mayor, City of Lebanon**

11
12 Councilor Liot Hill requested the Council consider reopening the Open to the Public portion of this
13 meeting because there were a number of people present in the audience who wanted to make comments
14 about the City Budget. Those comments would have been in order during the Open to the Public portion
15 of the meeting, which already took place. Since we do not have an agenda item for the budget in this
16 meeting, she thought it would be unfortunate for people who have clearly come tonight to share their
17 comments to miss out on that opportunity.

18
19 The Council had no objections and the Open to the Public portion of this meeting was reopened. The
20 following came forth to express their comments:

21
22 **Wendy Rogers (Ward 1)**: She spoke about her complaints against the Lebanon Police Department and
23 explained her reasons for reducing the size, scope, power of the LPD, and decreasing the LPD's budget.

24
25 **Olivia Shin (Ward 2)**: She supports the Care Not Cops Campaign and spoke about her reasons for
26 reducing the LPD's budget.

27
28 **Andrew Fishback (Ward 3)**: He supports the Care Not Cops Campaign and spoke about his reasons for
29 allocating funds away from the LPD's budget.

30
31 **Helen Jarnagin (Ward 3)**: She supports the Care Not Cops Campaign and spoke about her reasons for
32 allocating funds away from the LPD's budget.

33
34 **Renee DePalo (Ward 2)**: She did not support the Care Not Cops Campaign and spoke about her reasons
35 why funding from the LPD's budget should not be reduced.

36
37 Councilor Liot Hill pointed out that on the City's website, there is a section on the budget and explained
38 the upcoming topics that will be discussed during the next 6-7 Work Sessions, noting these meetings will
39 start at 5:30 PM and will typically go to 8:00 PM. She also noted that on November 30th the Council will
40 wrap up their Work Sessions, and the Final Budget Hearing will be held on December 15th.

41
42 Mayor McNamara informed those in attendance that all Council members are available by email or by
43 phone to talk.

44
45 **6. ACCEPTANCE OF MINUTES:**

- 46 • October 20, 2021 City Council CIP Work Session
47 • October 20, 2021 (Regular Meeting)

Amendments: Page .22, Line 43 (agenda packet): Change “in conjunction with” to “shared communications the Fireside Inn, which has had a lot of Holiday”: Page 20, Line 24 (agenda packet) Change “ constructionist” to “construction manager”

Councilor Heistad MOVED to approve the October 20, 2021 CIP Work Session minutes and the October 20, 2021 Regular Session minutes as amended and presented in the November 3, 2021 City Council agenda packet.

Seconded by Councilor Liot Hill.

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

7. APPOINTMENTS:

- Conservation Commission, Sarah Riley (Reappointment Regular Member)

Assistant Mayor Below put forth the NOMINATION of Sarah Riley for Reappointment as a Regular Member to the Conservation Commission. Three year Term (10/21-10/24)

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

8. PUBLIC HEARING ITEMS:

- A. DISCONTINUANCE OF ROADWAYS** – A public hearing for the purpose of receiving public input and taking action on a request by Edwards Properties, LLC to discontinue portions of Little Heater Road and Edwards Street, as well as the entirety of Foch Avenue, Lebanon. These streets are Class V roadways that may be discontinued by action of the City Council in accordance with the provisions of NH RSA 231:43.

Included in the agenda packet:

1. September 23, 2021 Letter from James Donison, Director of Public Works re: Request to Discontinue Portions of Edwards Street, Little Heater Road and Foch Avenue **(pages 32-34).**
2. July 23, 2021 Letter from Advanced Geomatics & Design requesting the discontinuance portions of Edwards Street, Little Heater Road, and Foch Avenue **(pages 35-36).**
3. September 27, 2021 Letter and related documents from Attorney Schuster regarding the analysis of the legal status of Edwards Street, Little Heater Road, and Foch Avenue **(pages 37-53).**
4. September 30, 2021 Memo from Attorney Christine Fillmore re: Legal Status of Edwards Street, Little Heater Road & Foch Avenue **(page 54).**
5. NH RSA Chapter 231 Transportation; Sections 231:43 – 231:52 (Discontinuance of Class IV, V and VI Highways) **(pages 55-58)**

Attorney Barry Schuster and Johanna Cicotte, Manager of Edwards Properties came before the Council representing the request above. Please refer to the documents above for detailed information.

On July 23, 2021, the City received a request from Advanced Geomatics & Design on behalf of Edwards Properties to discontinue portions of Edwards Street, Little Heater Road, and the entirety of Foch Avenue. Edwards Properties has purchased the properties abutting the sections of roadway they are requesting to be discontinued and intend to combine the various parcels into one lot.

Attorney Barry Schuster who represents Edwards Properties has submitted documentation and a legal analysis regarding the status of the roadways. Attorney Schuster’s conclusion is that the roads became public streets in the 1920’s pursuant to RSA 229:1; the land under the streets belongs to the abutting

property owner(s); and that the City has rights-of-way allowing the roadways. Attorney Christine Fillmore who represents the City concurs with this analysis.

If, after the public hearing, the Council decides to discontinue the roads as requested, the City Manager recommends an agreement between the City and Edwards Properties that would require Edwards Properties to construct appropriate hammer heads for turn around areas at the end of Edwards Street and Pershing Avenue, to install necessary signage; and to reserve all easements needed for City utilities, etc., at no cost to the City. The agreement should include financial assurances that the items in the agreement will be completed.

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

Ms. Amy Stebbins, owner of Aslan's Maintenance, spoke about her concerns regarding the placement of the turnaround, noting it would block her business driveway.

Mr. Edward Corley, who lives at 5 Edwards Street, spoke about his concerns with the boundary of the turnaround and suggested it should be pushed back at least 50 ft. so the supply trucks that service the building, as well as some of the equipment that occupies the business, can back into their property.

Attorney Schuster explained where the hammerhead turnaround would actually be, noting that where he is describing the turnaround to be is not noted on the map. The description of the turnaround is described in the DPW letter and would not interfere with their property.

City Manager Mulholland is to be added to condition #4 instead of the Director of Public Works. They will meet with Ms. Stebbins and Mr. Corley to show them the design plan.. If there is an issue, they will come back to get clarifications approved by the Council.

Hearing no comments from the public, the Public Hearing was closed.

ACTION:

Councilor Sykes MOVED, that the City of Lebanon hereby discontinues completely and relinquishes any right, title, or interest in the following segments of three City public streets:

1. Edwards Street from the corner of Foch Avenue to the boundary between Parcels 78-54 and 78-55;
2. All of the remainder of Foch Avenue; and
3. Little Heater Road south/west of Edwards Street.

BE IT FURTHER MOVED, that such discontinuances are conditional upon, and shall not take effect unless and until:

1. Edwards Properties, LLC enters a written agreement with the City to pay for and have performed all tasks included in the September 23, 2021 letter from the City's Director of Public Works to Dan Nash as representative of Edwards Properties, LLC;
2. Edwards Properties, LLC posts a performance bond to secure the full completion and payment for such obligations in an amount determined by the Director of Public Works and in a form acceptable to the City's attorney;
3. Edwards Properties, LLC conveys to the City full easement rights for the municipal utilities within such street areas as approved by the Director of Public Works and the City's attorney; and
4. All such tasks are completed to the satisfaction of the City Manager and the City Manager has informed the Council of this in writing.

1
2 ***Seconded by Councilor Winny.***

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

4
5 **B. AMEND ORDINANCE 2021-09 - A public hearing for the purpose of receiving public**
6 **input and taking action to amend the provisions and requirements contained in Ordinance**
7 **#2021-09, Face Masks**

8
9 Included in the agenda packet: Ordinance #2021-09, with proposed amendments.

10
11 Ordinance #2021-09, Face Masks, was adopted by the City Council on September 1, 2021, with an
12 effective date of September 4, 2021. Provisions within the ordinance require the wearing of a face
13 covering by members of the public when entering or queued to enter; remaining in or existing from, any
14 business, governmental, or non-profit owned premises, or utilizing any form of public transportation.

15 On October 12, 2021, the City Manager's Office was provided with an email exchange between the
16 Upper Valley Business Alliance and staff from the Fireside Inn regarding their loss of business due to the
17 mask mandate. The email was forwarded to the City Council the same day.

18
19 At the October 20 City Council meeting, the Council voted to schedule a public hearing to consider a
20 possible amendment to the Ordinance that would permit large, private indoor events/gatherings to take
21 place provided certain conditions are met.

22
23 City Manager Shaun Mulholland informed the Council that updates on COVID numbers will be given at
24 each meeting from now on. As of November 3, 2021, they are as follows below:

25
26 Total population listed in the census for the City of Lebanon: 14,282

27 Total number of 0-9 year old's: 1,411

28 Total 10-19 year old's: 950

29 Vaccination rates is 80% or 11,557 people

30 Second dose 74% or 10647 people

31 Ages 12-19 with at least one dose: 669

32 Ages 12-19 fully vaccinated: 505

33
34 Vaccination Clinics will be held for ages 5-11 in the next few weeks.

35 We are providing boosters to all public safety personnel starting next week (November 8-11, 2021)

36 The City has 18 active cases of COVID.

37 Cases in Lebanon schools is zero.

38 Grafton County's rate of active cases per 100K is 214.

39
40 Mayor McNamara noted that the number of new cases over the past 14 days, based on the number of
41 cases per 100K, is still hovering around 200 in the Upper Valley. In Sullivan County, its <1135, noting
42 last week it was around 800. Vaccinations do not seem to have moved the needle up much. He does not
43 look much at the PCR test rates anymore but does look at the number of active new cases per 100K.

44
45 Councilor Whittlesey added that we are actually in a pretty critical stage with the availability of hospital
46 beds, noting that in New Hampshire only 8.3% of staffed ICU beds are available, and only 12% of total
47 staffed hospital beds are available. The Upper Valley and the Southwest hospital group, which is Grafton

County all the way down to the State line (includes DHMC & Cheshire Medical Center), has 1.4% of ICU beds available, according to the State dashboard, and only 8.7% of total staffed hospital beds are available. The health system of NH, and its ability to care for intense patients, is stretched thin.

Mayor McNamara noted the amendment to the Ordinance is intended to address situations like the Fireside Inn's to offer events. He read the proposed amendment changes starting at Paragraph 2, Page 1 of the existing Mask Ordinance, with the changes listed in red as follows

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.
- **Property owners holding private events are permitted to exempt participants from wearing face masks under the limited circumstances as detailed below:**
 - Private events are gatherings of persons such as employees of a company or other organization where the general public is not permitted to participate for a one- time special event such as a holiday party.
 - The entity hosting the event requires participants to be fully vaccinated. Participants who are not fully vaccinated or their vaccination status is unknown are required to wear a face mask as otherwise prescribed in this ordinance.
 - Participants shall not have symptoms consistent with COVID-19.
 - The person or entity responsible for sponsoring the event is responsible for ensuring the provisions of this ordinance are complied with.
 - Operators of venues allowing private events to occur must make the organizers of those events aware of the requirements of this ordinance. Further, any employees or volunteers serving food or drink must wear a face mask whether vaccinated or not.

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

Dr. Matt Hall (Ward 3 & Vice Chair of Lebanon's Planning Board): For him, amending the ordinance brings up a broader question which is: What is the plan for the City with the Mask Ordinance and what is the goal we are trying to reach? This is important as we think about where the virus is and where it's heading because he felt the reality is that COVID is not going away, it's not going to be eradicated, it's just going to be here: It's endemic. We are likely going to have to live with the virus for years and years and perhaps for the rest of our lives. He further spoke about the vaccination rates in the City and his experience with the Planning Board, noting it's hard to enforce unenforceable rules, or to keep an unenforceable rule for an extended period of time without saying what the goal is. Lastly, he spoke about the urgency to return to normal and gave his reasons about the problems the pandemic has caused (i.e., the supply chain issues; staffing problems at all levels of business, mental health problems, etc.).

1
2 **Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**
3

4 Assistant Mayor Below supported the modification of the Mask Ordinance. The goal now is to not have
5 hospitals at/near capacity levels. The Upper Valley Health Region has had the lowest rate of infections in
6 the whole State, but we are not as low as we have been in the past. It certainly has not hurt us to have the
7 Mask Ordinance in place and further explained his reasonings.
8

9 Mayor McNamara supported the modification of the Mask Ordinance as written. Back in June, he was
10 relying on information from the NH Medical Society criteria of 50 new cases per 100K population over
11 the last 14 days. We were there when the Ordinance was rescinded. We are not there now and he was
12 uncertain if the City would get there again. His biggest concern now is the lack of hospital beds.
13

14 Councilor Heistad was impressed with how many people were wearing masks inside/outside Walmart and
15 felt a lot of people understand what the effect of wearing a mask is.
16

17 Mayor McNamara also noted he observed how many people were wearing masks in drugstores, grocery
18 stores and Home Depot.
19

20 Councilor Whittlesey spoke about his concern with the amendment noting there is no emphasis on
21 enforcement and felt the venues allowing these gathering should be responsible for compliance. He was
22 also concerned about employees being terminated if they did not feel comfortable working at these types
23 of events without wearing a mask. He was informed by the City Manager that the City has no authority
24 over these types of terminations - this is a Labor Law decision.
25

26 Councilor Liot Hill supported keeping the Mask Ordinance in place for now, and was also impressed with
27 the public's compliance of wearing face masks. She spoke about the value of having the Mask Ordinance
28 in place; vaccination rates for children; and spoke about her reasons for keeping the Mask Ordinance in
29 place for the next few months to see what the new normal may be.
30

31 Councilor Wilkie supported the amendment to the Mask Ordinance and spoke about his reasons. He also
32 has observed the level of mask wearing in the community, but also spoke about the areas where there is
33 noncompliance, noting some people who come to Lebanon/West Lebanon are not aware of the City's
34 Mask Ordinance.
35

36 Councilor Zook supported keeping the Mask Ordinance in place and felt the amendment might be an
37 incentive for people to get vaccinated.
38

39 Councilor Sykes supported keeping the Mask Ordinance in place, but gave his reasons why he was
40 reluctant in supporting the proposed amendment.
41

42 Councilor Winny supported keeping the Mask Ordinance in place as is and revisit it in the future. He
43 spoke about the reasons for his concerns with the amendment and how people might get around it, giving
44 examples.
45

46 The Council continued their discussion regarding the availability of hospital beds and how most of the
47 hospital bed occupancy is due to those who have not been vaccinated; fear and concern over what may be

1 coming down the road, as we have seen spikes in COVID cases in 2020 around the holidays; concerns for
2 those who cannot get vaccinated (i.e., those who are immunocompromised); and, the possibility of adding
3 a Place of Assembly Permit that would include a maximum occupancy level (i.e., # of people per sq. ft.)
4 to the proposed amendment.

5
6 Councilor Heistad spoke about his reluctance to support the proposed amendment change but supported
7 keeping the Mask Ordinance in place.

8
9 Councilor Sykes spoke about the differences between the Department of Health and Human Service in
10 New Hampshire and Vermont in getting vaccinations out to the public. The advice from the NH DHHS
11 regarding the vaccination of children was striking in that they did not offer concrete advice. He also felt
12 weakening Lebanon's Mask Ordinance was premature and felt that, at this time, he could not vote for the
13 proposed amendment.

14
15 **ACTION:**

16 ***Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts the amendments to***
17 ***Ordinance 2021-09, Face Masks, as presented in the November 3, 2021 City Council Agenda***
18 ***Packet.***

19 ***Seconded by Councilor Liot Hill.***

20
21 The Council further discussed adding language about "Places of Assembly" into the amendment, but no
22 amended Motion was given to add this to the Mask Ordinance.

23
24 ****The Vote on the MOTION (as written in the agenda packet and provided below) was approved (5-4).***

25
26 **ORDINANCE 2021-09 FACE MASKS**

27 **Adopted September 1, 2021**

28 **Amended November 3, 2021**

29
30 **FOR THE PURPOSE OF** reducing the spread of the SARS-Co-V-2 (COVID-19) virus and all of its
31 current variants, and potentially reducing the need for hospitalization and the number of fatalities, the
32 City of Lebanon ordains as follows:

33
34 **WHEREAS,** a primary function of municipal government is the health and safety of those persons
35 residing within or entering into it; and

36
37 **WHEREAS,** the provisions of RSA 47:17, XV provide authority to city councils to adopt By- Laws
38 and Ordinances for the well-being of their cities. Further, RSA 147:1 allows towns to make
39 regulations for the public health and safety of the people and RSA 47:12 vests the authority of
40 towns to make such public health regulations to city councils; and

41
42 **WHEREAS, COVID-19** is a viral infection that has the ability to be spread from person to person very
43 easily through respiratory droplets, including:

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

1 **And,**

2
3 **WHEREAS,** viruses constantly change through mutation and new variants of a virus emerge as the virus
4 continues to spread and infect; and

5
6 **WHEREAS,** the Delta Variant of COVID-19 has emerged as the predominant strain of the virus in the
7 Nation, and has been found to be more infectious and faster spreading with the ability to cause more than
8 twice as many infections as earlier strains of the virus; and

9
10 **WHEREAS,** more than 94 percent of counties in the Nation are experiencing a substantial or high level
11 of community transmission of COVID-19; and all 10 counties in New Hampshire are experiencing a
12 substantial or high level of community transmission; and

13
14 **WHEREAS,** it is clinically established that the best means of slowing the spread of a virus, other than
15 vaccinations, is through minimizing close personal contact with individuals in a public environment,
16 covering one's mouth and nose by wearing a face covering, and utilizing frequent and proper hand
17 washing; and

18
19 **WHEREAS,** face coverings are most likely to reduce the spread of COVID-19 when they are widely
20 used by people in public settings, particularly when combined with social/physical distancing and other
21 sanitary measures such as washing hands or utilizing hand sanitizer; and

22
23 **WHEREAS,** the CDC is recommending that, due to the high level of spread and how contagious the
24 Delta Variant is proving to be, even amongst those fully vaccinated, all persons wear a face covering in
25 indoor public environments regardless of their vaccination status in areas of substantial or high
26 transmission, which currently includes all of New Hampshire.

27
28 **NOW, THEREFORE** the Lebanon City Council adopts the following Emergency Public Health
29 regulations:

30 1. Members of the public entering or queued to enter; remaining in or exiting from, any business,
31 governmental, or non-profit owned premises, or utilizing any form of public transportation must wear a
32 face covering as described in paragraph 2 below.

- 33 – Policies regarding face coverings in governmental buildings within the geographical boundaries of
34 the City of Lebanon adopted by the governmental entity having jurisdiction over such buildings
35 are hereby recognized by this ordinance and shall control in such buildings.
- 36 – Property owners shall have the authority to regulate the requirement to wear masks by any person,
37 while on the premises of their property, by allowing persons to temporarily remove their masks
38 while remaining on the premises when it is practical or becomes necessary to do so based upon the
39 requirements of the services provided.
- 40 – **Property owners holding private events are permitted to exempt participants from wearing**
41 **face masks under the limited circumstances as detailed below:**
- 42 • **Private events are gatherings of persons such as employees of a company or other**
43 **organization where the general public is not permitted to participate for a one- time special**
44 **event such as a holiday party.**
- 45 • **The entity hosting the event requires participants to be fully vaccinated. Participants who**
46 **are not fully vaccinated or their vaccination status is unknown are required to wear a face**
47 **mask as otherwise prescribed in this ordinance.**

- Participants shall not have symptoms consistent with COVID-19.
- The person or entity responsible for sponsoring the event is responsible for ensuring the provisions of this ordinance are complied with.
- Operators of venues allowing private events to occur must make the organizers of those events aware of the requirements of this ordinance. Further, any employees or volunteers serving food or drink must wear a face mask whether vaccinated or not.

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~~ November 4, 2021.

1 **9. OLD BUSINESS**

- 2 A. Presentation of Second Reading to amend Ordinance #18 Salary Plan, Article II, Non-
3 Affiliated & LPASE Employees, Section A – Regular Fulltime and Part-time Benefit Eligible
4 Positions to add the position of Chief Innovation Officer, Grade 12; and to reclassify the
5 position of Deputy Police Chief from a Grade 13 to a Grade 14.
6

7 Included in agenda packet: Ordinance #18, Salary Plan
8

9 **ADDING THE POSITION OF CHIEF INNOVATION OFFICER, GRADE 12**

10
11 Technological innovation is a means to lower operational costs by increasing the effectiveness of
12 operational functions. Finding and implementing correct technological solutions can create efficiencies
13 that drive change and allow the City to take the best advantage of limited resources and limited funding.
14 This a senior management level position requiring the authority to coordinate between departments. The
15 position needs to be at the level necessary to help drive change.
16

17 To better position the City for future opportunities, City Manager Mulholland is recommending a new
18 position of Chief Innovation Officer, proposed as a Grade 12. Duties of the position include but are not
19 limited to:

- 20 • Developing and a strategic innovation portfolio that acts as a roadmap to drive meaningful,
21 long-term change to spur more efficient delivery of service.
22 • Promoting, modeling, and advancing the value and influence innovation can offer.
23 • Evaluating and balancing risk/reward for innovation and organizational objectives, and
24 ensuring innovation provides value to city staff and customers.
25 • Monitoring and evaluating the progress of planned improvements to ensure expected
26 benefits are achieved.
27

28 This position will also encompass the responsibilities of the Digital Media Officer (full-time, Grade 9
29 position). The current Digital Media Officer (DMO) will move into the role of Chief Innovation
30 Officer. The position of DMO will remain in the salary plan but will not be filled.
31

32 City Manager Shaun Mulholland lauded Ms. Melanie McDonough's experience and enthusiasm to
33 assume this responsibility moving forward.
34

35 **RECLASSIFYING THE POSITION OF DEPUTY POLICE CHIEF**

36
37 The reclassification of the Deputy Police Chief position from a Grade 13 to a Grade 14 is due to the
38 outcome of the independent Market Analysis Survey performed earlier this year regarding police officer,
39 corporal, and sergeant positions. The adjustment addresses pay compression between the Captain and the
40 Deputy Chief and maintains fairness and equity in the hierarchy of the upper-level management positions
41 at the Police Department.
42

43 ***Process to Amend Ordinance No. 18***

44
45 The Council was asked to begin the process of amending Ordinance #18 Salary Plan, Article II, Non-
46 Affiliated & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible
47 Positions to add the position of Chief Innovation Officer, Grade 12; and to reclassify the position of
48 Deputy Police Chief from a Grade 13 to a Grade 14.
49

50 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 Council on October 20, 2021. The Council was asked to recognize the second of three presentations to amend the Ordinance. The third presentation will follow on November 17, along with a public hearing to adopt the amendments as proposed.

ACTION:

ACKNOWLEDGE SECOND PRESENTATION:

Councilor Winny MOVED, that the Lebanon City Council acknowledges the second of three presentations 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 Chief Innovation Officer, Grade 12; and to reclassify the position of Deputy Police Chief from a Grade 13 to a Grade 14 as shown in the table on page 66 of the Council packet)

Changes to the compensation and classification schedules are shown red below

12	Wastewater Treatment Superintendent**	\$35.60	\$48.05	-	-
	Water Treatment Superintendent**	-	-	-	-
	Chief Innovation Officer		\$1,424.00		\$1,922.00
	City Assessor**	-	-	-	-
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-1424.0023	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	\$1,509.21		\$2,037.39
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works	-	\$1599.77		\$2,159.70
	Chief Assessor	-	-	-	-
	Deputy Police Chief				
	Library Director	-	-	-	-

Seconded by Councilor Whittlesey.

****The Vote on the MOTION was approved (8-0). One Councilor was not present for this vote.***

1
2 **10. NEW BUSINESS**

3 **A. Request by Anagnost Investments and The Braverman Company re: Waiver of fees and**
4 **Accommodations to Assist with the Development of Workforce Housing at 392 & 402 Mount**
5 **Support Road, Lebanon**
6

7 Included in the agenda packet: October 21, 2021 Memo from Anagnost Investments & The Braverman
8 Company re: Waiver of Fees and Accommodations to Assist with the Development of Affordable
9 Housing. (*Pages 69-70*)
10

11 On October 21st, the City received a formal request from Anagnost Investments & The Braverman
12 Company asking the City Council to consider waiving some of the applicable fees associated with a
13 proposed affordable / workforce housing development at 392 and 402 Mt. Support Road.
14

15 In conjunction with the developers' request, the Planning & Development and Public Works Departments
16 have calculated the estimated fees that would apply to the project based on the gross and net square
17 footage, unit sizes, and unit and bedroom count, which were derived from conceptual floor plans and
18 information provided by the developers. A summary of the estimated fees is as follows:
19

20 Planning Related Fees:

21 Planning Board Site Plan Review Fee: \$17,605.32
22 Building Permit Fee: \$286,765.50
23 Impact Fees: \$517,583.06
24 Special Assessment District Charges: \$58,166.04
25 Third-Party Inspections: \$25,000.00
26 \$905,119.92

27 Public Works Related Fees:

28 Mt. Support Rd. Benefit Assessment District Fee: \$13,651.20
29

30 Sewer Permitting Fees:

31 Application Fees: \$20,550.00
32 Sewer Development Fee: \$216,432.00
33

34 Water Fees:

35 Application Fee: \$30.00
36 Water Investment Fee: \$17,701.71
37 Water Development Fee: \$18,298.29
38 Water Inspection Fee: \$30.00
39 Water Meter Fee: (owner supplied) \$0.00
40 Excavation Permit Fee: \$5,000.00
41 Driveway Permit Fee: \$0.00
42 Stormwater Permit Fee: (if applicable) \$250.00
43 \$291,943.20

44 **Total Estimated Development Fees: \$1,197,063.12**
45

46 Following the City Council's discussion of the request on November 3rd, and depending upon its
47 outcome, the Planning & Development Department is prepared to work with the City Manager's Office to
48 draft policy language and guidance for this request and similar requests in the future.

1
2 In addition to requesting a waiver of some of the proposed development fees for the project, the
3 developers have asked that Mt. Support Road be considered for inclusion in any Housing Opportunity
4 Zones that may be created as a result of HB 154, which was approved and signed into law on June 18,
5 2021. As discussed during the Housing Workshop on July 19th, HB 154 created new provisions within
6 the Community Revitalization Tax Relief Incentive Program (RSA 79-E) enabling communities to
7 designate new Housing Opportunity Zones and to provide temporary tax relief for new affordable housing
8 projects within those zones. The Planning & Development Department already anticipates preparing draft
9 language for the Council's consideration relative to the Housing Opportunity Zones, which do not take
10 effect until April 1, 2022.

11
12 Planning & Development Director David Brooks and applicants Mr. Ken Braverman (Mount Support
13 Development LLC) and Mr. Dick Anagnost (Mount Support Development LLC) came forth representing
14 their development proposal.

15
16 Mr. Brooks noted this development proposal will come before the Planning Board on November 8, 2021.
17 The developers have indicated they would like to propose a 100% affordable housing project but it will
18 involve subsidies from a variety of sources, including the NH Housing Finance and others. (Please see
19 the October 21, 2021 detailed memo to the Lebanon City Council from Anagnost Investments & The
20 Braverman Company (pages 69-70, agenda packet).

21
22 Mr. Dick Anagnost, Mount Support Development LLC, reviewed his credentials with the Council and
23 spoke about building 204 residential units on Mt. Support Road that will be used for Workforce/
24 Affordable Housing. They respectfully requested the City of Lebanon's participation with some of the
25 gaps they will be facing in financing this project moving forward. Due to the geography of Lebanon, we
26 are restricted to rents that are 60% of the median income, which puts us roughly at about 50%-60% of the
27 market rate in order to qualify for workforce housing. He spoke about his experience in developing 153
28 units in Nashua, noting that Nashua allowed them to take advantage of 79-E program. Also, according to
29 the City's development fee schedule, this affordable housing project would need to pay \$1,197,063 in
30 municipal fees prior to the completion of construction (including Planning Board Fees, Building Permit
31 Fees, Impact Fees, Special Assessment District Fees, and third party inspection fees).

32
33 To help address these challenges, we would like to request that the City Council consider the following
34 request aimed to support the development of the Mount Support Affordable/Workforce Housing, or
35 whatever the City feels that they may be able to accommodate us with:

- 36
37 • Waiver of Site Plan Review Fee (\$17,605);
38 • Waiver of Building Permit Fee (\$286,765);
39 • Waiver of Impacts Fees (\$517,583);
40 • Waiver of Special Assessment District (\$58,166)
41 • Waiver of Third-Party Inspections and Fees
42

43 In response to Mayor McNamara's question regarding the length of the land use tax restriction, Mr.
44 Anagnost said it would be 30 years.

45
46 The Council questioned how this development would be monitored and Mr. Brooks stated the way
47 Nashua does this is strictly a case-by-case basis. They meet with the developer, and then create either a

1 Memorandum of Understanding (MOU) or a Development agreement that lays out the terms to be
2 associated with each party to the agreement. In the examples he has seen, they require monitoring reports
3 in terms of which units are subject to the restrictions; what the applicable lands are; and how those
4 compare and comply with the requirements.

5
6 Mr. Anagnost noted that since the NH Housing & Finance will be involved, and most likely HUD, they
7 will be required to provide audited annual reports and inspections at least 2-3 time a year for compliance.
8 If the development is out of compliance a report, then goes to the IRS. These reports could easily be
9 submitted to the City of Lebanon to ensure compliance and further described what is involved with
10 compliance. Mr. Brooks added Nashua relied heavily on the NH Housing Finance's expertise, their
11 understanding of performance, and all of their regulations/requirements.

12
13 The Council discussed which fees the Council has/does not have the authority to waive, with Mr. Brooks
14 stating that in order for the Council to waive impact fees, it would require an amendment to the Zoning
15 Ordinance; how the Planning Board would be able to waive fees for certain projects; how the City can
16 waive the sewer and other impact fees; and how subsidizing developers to build affordable housing is not
17 something the City has done in the past.

18
19 Mr. Brooks explained the negotiations between the developer and the City of Nashua, with Mr. Anagnost
20 adding that the developer profits is fixed at +/-6%. Mr. Brooks will share Nashua's MOU and examples
21 of the developer agreement with the Council.

22
23 The Council also discussed how the City should be cautious and thoughtful about what the unintentional
24 consequences might be; while Mr. Brooks listed \$1.197M, the memo stated the developers were asking
25 for \$880K; how, with the increase in sewer costs, subsidizing \$216K in sewer development fees would
26 be too much for the City's taxpayers; uncertainty if this was the right way to engage in affordable
27 housing; how Nashua has a larger taxpayer base than Lebanon does so Nashua's subsidies can be spread
28 out over a larger population; while \$990 for rent seems reasonable, will this be the high end for a one-
29 bedroom unit after the upcoming 220 units are built; the need to have regional help with
30 affordable/workforce housing; the potential rise in school fees due to an increasing City population; how
31 31% of individuals income is at or below \$25K, and for those making \$15 hour their income is \$31K, so
32 affordable rent should be around \$780; how Lebanon has created the developments, which has created
33 the problems we face now; potentially creating/pursuing a Lebanon Housing Committee; the potential
34 creation of a Regional Workforce/Affordable Housing Committee to tackle housing problems in the area;
35 how more people work in Lebanon than live here, and not everyone who works in Lebanon needs to live
36 here; potentially developing a royalty-based repayment structure; the need for the Council to be open to
37 projects; the crippling burden of the property tax scheme that has been created in State of NH; and, the
38 need to develop set strategies to address the housing problem.

39
40 City Manager Mulholland requested the Council develop a formal application process for these types of
41 applications.

42
43 Mayor McNamara requested that Staff present a Draft (Workforce/Affordable Housing) Policy to the
44 Council at the beginning of 2022 for their review.

45
46 **ACTION**

47 *No motion was offered. Discussions will continue in 2022.*

1
2 **B. Discussion & set public hearing for December 1, 2021: Discontinuance of Class VI Road**
3 **#43, running from Poverty Lane to Route 4, Lebanon**
4

5 Included in the agenda packet: *(Pages 72-114)*

- 6 1. October 25, 2021 Memo from Mark Goodwin, GIS Coordinator/Planner re: Recommendation from the
7 Lebanon Class VI Road Advisory Committee
8 – Road Segment #43 (Poverty Lane to Miracle Mile) with the following attachments:
9 – Map of Historic Right-of-Way #43 (Printed 10/21/2021)
10 – January 7, 2021 Meeting Minutes
11 – Class VI Road Advisory Committee
12 – 1985-1986 Historical Records
13 – Council's review of request to Discontinue Right-of-Way
14

15 At its January 7, 2021 meeting, the Class VI Roads Advisory Committee completed its review of the
16 status of Class VI Road #43 (Poverty Lane to Miracle Mile) and subsequently passed a motion
17 recommending that the City Council discontinue it completely, relinquishing any right, title, or future
18 interest in the road. The Council is asked to schedule a public hearing for December 1, 2021, to receive
19 public input and take action on the recommendation by the Class VI Roads Advisory Committee.
20

21 **ACTION:**

22 *Assistant Mayor Below MOVED*, that the Lebanon City Council hereby schedules a public hearing
23 for Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall, and
24 Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on
25 a request by the Class VI Roads Advisory Committee to discontinue in its entirety and relinquish
26 any right, title, or future interest in Class VI Road #43, located between Poverty Lane and the
27 Miracle Mile, Lebanon.

28 *Seconded by Councilor Whittlesey.*

29 **The Vote on the MOTION was approved (9-0).*
30

31 **C. Discussion & Set Public Hearing for December 1, 2021: Reclassification of Class VI Road**
32 **#7 to a Class A Municipal Trail. The road is located off of LaPlante Road, Lebanon.**
33

34 Included in the agenda packet: *(Pages 115-125)*

- 35 October 25, 2021 Memo from Mark Goodwin, GIS Coordinator/Planner re: Recommendation from the
36 Lebanon Class VI Road Advisory Committee
37 – Road Segment #7 (LaPlante Road) with the following attachments:
38 – Map of Historic Right-of-Way #7 (Printed 10/27/2021)
39 – March 12, 2015 Meeting Minutes – Class VI Road Advisory Committee
40 – January 7, 2021 Meeting Minutes
41 – Class VI Road Advisory Committee
42

43 At its January 7, 2021 meeting, the Class VI Roads Advisory Committee completed its review of the
44 status of Class VI Road #7 (extension of LaPlante Road) and subsequently passed a motion
45 recommending that the City Council reclassify the road to a Class A Municipal Trail.
46

47 Due to the location of the existing right-of-way, the Class VI Roads Advisory Committee is also
48 recommending that the Council act to relocate the right-of-way to the west side of an existing stone wall

(property boundary) so the course travels across an existing City-owned parcel (identified as Tax Map 109, Lot 39) rather than through a private parcel (109-40). Please see attached map for location details.

The Council was asked to schedule a public hearing for December 1, 2021, to receive public input and take action on the recommendation by the Class VI Roads Advisory Committee.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on a recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #7 (extension of LaPlante Road, Lebanon), to a Class A Municipal Trail.

Seconded by Councilor Heistad.

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

11. CITY MANAGER REPORT: NONE

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

ACTION:

Councilor Winny MOVED for adjournment.

Seconded by Councilor Heistad.

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

The meeting was adjourned at 9:48 PM.

Respectfully submitted,

Dona E. Gibson, Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Diversity, Equity and Inclusion, Nancy Graham (Regular Member)
- Diversity, Equity and Inclusion, Tia Winter (Regular Member)
- Diversity, Equity and Inclusion, Emily Walton (Regular Member)
- Diversity, Equity and Inclusion, Bise Wood Eugene (Regular Member)
- Diversity, Equity and Inclusion, Richard Ford Burley (Regular Member)
- Diversity, Equity and Inclusion, Renee DePalo (Regular Member)
- Diversity, Equity and Inclusion, Keiselim Montas (Regular Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated November 8, 2021

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: November 8, 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.*

Diversity, Equity and Inclusion

Interviews were completed by Councilors Hill, Wilkie and Zook. According to the establishment of this committee, members will be appointed by the City Council and their terms shall be staggered for periods of two years. The terms have been staggered based on the order in which the applications were received; the first four received will be appointed for two-year terms and the remaining three will be appointed for one-year terms.

- **Nancy Graham**– Appointment as regular member for a two-year term.
Term (11/21-11/23)
- **Tia Winter**– Appointment as regular member for a two-year term.
Term (11/21-11/23)
- **Emily Walton**– Appointment as regular member for a two-year term.
Term (11/21-11/23)
- **Bise Wood Eugene**– Appointment as regular member for a two-year term.
Term (11/21-11/23)
- **Richard Ford Burley**– Appointment as regular member for a one-year term.
Term (11/21-11/22)
- **Renee DePalo**– Appointment as regular member for a one-year term.
Term (11/21-11/22)
- **Keiselim Montas**– Appointment as regular member for a one-year term.
Term (11/21-11/22)

From: [Jenna Drouin](#) on behalf of [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5303 for Board Member Application
Date: Monday, August 16, 2021 7:59:16 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, August 13, 2021 1:16 PM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5303 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	Nancy
Last Name	Graham
Physical Address	76 Dogwood Circle
City	West Lebanon
State	NH
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	4257656921

Work Number	<i>Field not completed.</i>
Email Address	nancygraham806@gmail.com
How long have you resided in Lebanon?	3 years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I believe my background lends itself well to the Diversity, Equity and Inclusion committee. I taught and lived in Alaska in Native Villages and was a special education administrator in a multi-cultural district in Southern California. I believe it is important to give back to your community to make it a better place for all.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have worked and lived in many cross cultural situations. As a Special Education Administrator it was my goal to include as many special needs children in regular ed as possible. Living in an Eskimo village gave me unique insights into a different cultural as well as modifying and changing any preconceived opinions. We must come to understand others and accept differences as it will make our city a better place for everyone.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [Jenna Drouin](#) on behalf of [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5306 for Board Member Application
Date: Monday, August 16, 2021 7:59:19 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, August 13, 2021 10:44 PM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5306 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	Tia
Last Name	Winter
Physical Address	50 Winona Circle
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	8022990207

Work Number	<i>Field not completed.</i>
Email Address	winter.tia@gmail.com
How long have you resided in Lebanon?	10 years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	To help support the establishment of a successful diversity, equity, and inclusion board.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have a masters in social work. I currently work part-time in mental health, and remain focused on helping the community's vulnerable and/or underrepresented populations. Being a self-employed individual would provide schedule flexibility.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [Jenna Drouin](#) on behalf of [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5307 for Board Member Application
Date: Monday, August 16, 2021 7:59:50 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, August 14, 2021 6:53 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5307 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	Emily
Last Name	Walton
Physical Address	4 Allen St.
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	603-443-2630

Work Number	<i>Field not completed.</i>
Email Address	emily.c.walton@dartmouth.edu
How long have you resided in Lebanon?	9 years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am very invested in ensuring Lebanon is an inclusive and equitable city as we grow. I am white, my husband is Filipino American, and our two daughters are multiracial. When we moved to Lebanon in 2012, we noticed that public events we attended were predominantly white, our children have experienced microaggressions and stereotypes in school related to their race, and my husband has encountered overt racism among his colleagues and acquaintances. Over our 9 years living here, we have seen racial change happening in our community. I want to work toward reducing barriers between people of different races so that we can understand our common humanity and build an equitable community in Lebanon going forward.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am an Associate Professor of Sociology at Dartmouth who specializes in racial equity. I teach on the subject and have been doing research on racial equity in our community for a few years. You can see my research profile and also a number of op-eds I've written recently here: https://sociology.dartmouth.edu/people/emily-walton I want to apply what I have learned and work toward positive change by partnering with the city government. Earlier this year, I initiated an intervention called Humans of the Upper Valley, in which I share stories of local residents to demonstrate the diversity in our midst and also the things that tie us together as humans. You can check out the Facebook page here: https://www.facebook.com/Humans-of-the-Upper-Valley-100258208870456/
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5320 for Board Member Application
Date: Thursday, August 19, 2021 7:37:23 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, August 18, 2021 2:58 PM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5320 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	Bise Wood
Last Name	Eugene
Physical Address	42 Spring St
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	3473587173

Work Number	<i>Field not completed.</i>
Email Address	bisewood@listencs.org
How long have you resided in Lebanon?	5 Years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	N/A
Why would you like to serve?	As someone who deeply cares about the welfare and wellbeing of every human being regardless of race, sexual orientation, political view, religious, and group affiliation. I would like to be part of the discussion to voice my concerns and suggestion for a more equitable society.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am a resident of the city of Lebanon, and I am a social worker. In my capacity, I work with the general population including single dads, single mothers, people from different status, ethnic group, and background, more so low income families. I see and understand some of the challenges that our city residents face first hand. Also, as an informed black man, father, and husband, I can see things in a perspective that differs from your experience. If you have any questions or need additional information, please let me know.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: [EXTERNAL]Online Form Submission #5355 for Board Member Application
Date: Thursday, September 2, 2021 10:57:26 AM

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	Richard
Last Name	Ford Burley
Physical Address	140 Bank St. Ext.
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6036670194
Work Number	<i>Field not completed.</i>
Email Address	richardfordburley@gmail.com
How long have you resided in Lebanon?	2 years

(Section Break)

Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	Over the last two years I have found Lebanon to be a warm and welcoming place for my family to settle down in. I would like to serve in part to repay that warm welcome and in part to help ensure that others—especially those from marginalized communities—feel the same level of welcome that I have.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Over the last ten years, I have gone from a temporary foreign worker to a foreign student to a lawful permanent resident. As I continue on my path toward citizenship, I feel that my experiences in the process have given me a small window of insight into the real challenges and barriers to access faced by immigrants to this country. If I, as a white, male-presenting person faced challenges on my journey, I can only imagine what immigrants of color must face, and so I would like to ask for the opportunity to do all I can to help break down those barriers to access, and to do my part to help create a more just and equitable world.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: [EXTERNAL]Online Form Submission #5389 for Board Member Application
Date: Wednesday, September 15, 2021 6:17:25 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	Renee
Last Name	DePalo
Physical Address	125 Renihan Meadows
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6033722835
Work Number	<i>Field not completed.</i>
Email Address	reneedepalo@ymail.com
How long have you resided in Lebanon?	2 years

(Section Break)

Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I believe I bring a unique view to this endeavor and I have resided in this area long enough to know many of the issues facing stakeholders.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I currently work with the underserved population who suffer from addiction, criminality and the mental health population. I have built positive working relationships with the local police department, schools, community mental health agencies and much more. I believe as a woman and of a minority background I can bring a different perspective to this committee.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

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

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5400 for Board Member Application
Date: Monday, September 20, 2021 7:34:16 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, September 17, 2021 9:56 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5400 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	Keiselim (Keysi)
Last Name	Montás
Physical Address	214 Hardy Hill Road
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	603-727-9011

Work Number	603-646-3976
Email Address	Keiselim.A.Montas@Gmail.com
How long have you resided in Lebanon?	13 years.
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I hope to be able to learn and also share some of my back ground and experiences in the hope of making our city a welcoming place where all have a equal access and opportunity to thrive.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	My personal experience as a person born in a different country who came to the US as a teenager without speaking English, and who went on to become part of fabric on this nation, while maintaining language, cultural and family connections the the country of birth, allows be (in most cases) an understanding and a simultaneous multiple perspective to culture, systems, and access to services.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

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

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

8. PUBLIC HEARING:

**8.A –AMEND ORDINANCE #18, SALARY PLAN TO ADD
POSITION OF CHIEF INNOVATION OFFICER, GRADE 12; AND RECLASSIFY
POSITION OF DEPUTY POLICE CHIEF FROM A GRADE 13 TO A GRADE 14**

BACKGROUND

ADDING THE POSITION OF CHIEF INNOVATION OFFICER, GRADE 12

Technological innovation is a means to lower operational costs by increasing the effectiveness of operational functions. Finding and implementing correct technological solutions can create efficiencies that drive change and allow the City to take the best advantage of limited resources and limited funding. This a senior management level position requiring the authority to coordinate between departments. The position needs to be at the level necessary to help drive change.

To better position the City for future opportunities, City Manager Mulholland is recommending a new position of Chief Innovation Officer, proposed as a Grade 12. Duties of the position include but are not limited to:

- Developing and a strategic innovation portfolio that acts as a roadmap to drive meaningful, long-term change to spur more efficient delivery of service.
- Promoting, modeling, and advancing the value and influence innovation can offer.
- Evaluating and balancing risk/reward for innovation and organizational objectives, and ensuring innovation provides value to city staff and customers.
- Monitoring and evaluating the progress of planned improvements to ensure expected benefits are achieved.

This position will also encompass the responsibilities of the Digital Media Officer (full-time, Grade 9 position). The current Digital Media Officer (DMO) will move into the role of Chief Innovation Officer. The position of DMO will remain in the salary plan but will not be filled.

RECLASSIFYING THE POSITION OF DEPUTY POLICE CHIEF

The reclassification of the Deputy Police Chief position from a Grade 13 to a Grade 14 is due to the outcome of the independent Market Analysis Survey performed earlier this year regarding police officer, corporal, and sergeant positions. The adjustment addresses pay compression between the Captain and the Deputy Chief and maintains fairness and equity in the hierarchy of the upper-level management positions at the Police Department.

Gloria Leskiewicz, Human Resources Director, will be present to discuss the proposed amendment and answer any questions the Council may have.

The Council is asked to finalize the process of amending Ordinance #18 to add the position of Chief Innovation Officer, Grade 12; and to reclassify the position of Deputy Police Chief from a Grade 13 to a Grade 14. 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 Council on October 20, 2021; the second was November 3, 2021. The Council is asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

ACTION

The following motion is offered for consideration:

MOVED, that the Lebanon City Council acknowledges the third of three presentations 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 Chief Innovation Officer, Grade 12; and to reclassify the position of Deputy Police Chief from a Grade 13 to a Grade 14.

*Changes to the compensation and classification schedules are shown **red** below.*

12	Wastewater Treatment Superintendent**	\$35.60	\$48.05	-	-
	Water Treatment Superintendent**	-	-	-	-
	Chief Innovation Officer			\$1,424.00	\$1,922.00
	City Assessor**	-	-		
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-1424.0023	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,509.21	\$2,037.39
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works	-	-	\$1599.77	\$2,159.70
	Chief Assessor	-	-	-	-
	Deputy Police Chief				
	Library Director	-	-	-	-

November 8, 2021



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING**
Wednesday, November 17, 2021 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)

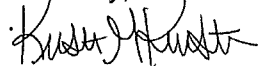
The Lebanon City Council will hold a public hearing on November 17, 2021, beginning at 7:00pm for the following:

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 Chief Innovation Officer, Grade 12; and to reclassify the position of Deputy Police Chief from a Grade 13 to a Grade 14.

The November 17, 2021 City Council agenda packet and documents pertaining to the above-described public hearing will be available on the City's website beginning November 12, 2021: [LebanonNH.gov/Agendas](https://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](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.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 6, 2021.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

10. NEW BUSINESS:

**10.A – DISCUSSION AND SET PUBLIC HEARING FOR DECEMBER 1, 2021:
ORDINANCE 2021-11 TO AMEND CITY CODE CHAPTER 68, FEES, ARTICLE III,
MISCELLANEOUS FEES, §68-15, ENUMERATION OF FEES TO AUTHORIZE
AN 8.0% INCREASE TO THE WATER SERVICE RATE AND
A 7.2% INCREASE TO THE SEWER SERVICE RATE**

BACKGROUND

An increase of 8.0% to the Water Service Rate (base user rate and minimum charge) and 7.2% to the Sewer Service Rate (base user rates, minimum charge and residential flat rate), effective January 1, 2022, is being requested.

The proposed increases are in-line with projections offered by Raftelis as part of the 2018 Water and Sewer Rate Study and are suggested in order to provide current and future resources to absorb projected operations and maintenance and debt service expenses in both enterprise funds.

ACTION

Should the Council wish to move forward with proposed Ordinance #2021-11, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-11 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to authorize an 8.0% increase to the water service rate and a 7.2% increase to the sewer service rate.

Included in this Section:

1. Proposed Ordinance #2021-11

CITY OF LEBANON
ORDINANCE #2021-11

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 increase water and sewer service rates.

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 changes to water and sewer rates:

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

§68-15 B(1) Water service rates:

§68-15 B(1)(a) Per 100 cubic feet:

- [1] Single-family residential: 0 to 1,200 cubic feet: ~~\$3.49~~ \$3.77
- [2] Single-family residential: greater than 1,200 cubic feet: ~~\$6.98~~ \$7.54
- [3] Non-residential and non-single-family residential: ~~\$5.24~~ \$5.66

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

- [1] 5/8-inch: ~~\$18.32~~ \$19.79
- [2] 3/4-inch: ~~\$58.55~~ \$63.23
- [3] One-inch: ~~\$87.06~~ \$94.02
- [4] 1.5-inch: ~~\$153.10~~ \$165.35
- [5] Two-inch: ~~\$253.59~~ \$273.88
- [6] Three-inch: ~~\$652.72~~ \$704.94
- [7] Four-inch: ~~\$2,532.70~~ \$2,735.32
- [8] Six-inch: ~~\$4,829.10~~ \$5,215.43
- [9] Eight-inch: ~~\$9,277.99~~ \$10,020.23

§68-15 B(7) Sewer service rates:

§68-15 B(7)(a) Fixed charge per quarter:

- [1] 5/8-inch: ~~\$27.61~~ \$29.60
- [2] 3/4-inch: ~~\$88.27~~ \$94.63

- [3] One-inch: ~~\$131.26~~ \$140.71
- [4] 1.5-inch: ~~\$230.83~~ \$247.45
- [5] Two-inch: ~~\$382.36~~ \$409.89
- [6] Three-inch: ~~\$984.15~~ \$1,055.01
- [7] Four-inch: ~~\$3,818.73~~ \$4,093.68
- [8] Six-inch: ~~\$7,281.21~~ \$7,805.46
- [9] Eight-inch: ~~\$13,989.12~~ \$14,996.34

§68-15 B(7)(b) Per 100 cubic feet of metered water usage: ~~\$10.43~~ \$11.18

§68-15 B(7)(c) Flat rate (limited to consumers who are not provided water service or a meter for computing flow):

- [1] Residential: ~~\$340.65~~ \$365.18 per quarter.
- [2] Commercial: estimated flow to be computed by the Department of Public Works based on facility use and occupancy at the rate contained in Subsection **B(7)(b)** above.

§68-15 B(10) Town of Enfield Sewer Rental Rate

§68-15 B(10)(a) ~~\$12.57~~ \$13.48 per 100 cubic feet.

§68-15 B(10)(b) New or expanded sewer users within the Town of Enfield are subject to the Sewer Development Charge at the same rate charged to sewer users within the City of Lebanon.

Section 3. 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 5. Effective Date

This Ordinance shall become effective January 1, 2022.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

10. NEW BUSINESS:

**10.B – DISCUSSION & SET PUBLIC HEARING FOR DECEMBER 1, 2021:
ORDINANCE 2021-12 TO AMEND CITY CODE CHAPTER 68, FEES, ARTICLE III,
MISCELLANEOUS FEES, §68-15, ENUMERATION OF FEES**

BACKGROUND

As part of the annual review of current fees for services, the Department of Public Works is recommending fee increases for a number of miscellaneous water and sewer service fees along with the fee structure for Stormwater Permit applications.

Ordinance #2021-12 also amends Chapter 68 to include a section for Driveway Permits and Construction within a Floodplain.

ACTION

Should the Council wish to move forward with proposed Ordinance #2021-12, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-12 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to increase current miscellaneous water service fees, incorporate additional miscellaneous water service fees, amend provisions for Stormwater Permit application fees, and incorporate fees for Driveway Permits and Permit to construct within a Floodplain.

Included in this Section:

1. Proposed Ordinance #2021-12

**CITY OF LEBANON
ORDINANCE #2021-12**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees.

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 §68-15, Enumeration of Fees, as follows:

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

(5) Water meter cost schedule:

- (a) 5/8-inch meter: \$323. (purchased and installed by City into pre-plumbed fittings)
- (b) 3/4-inch meter: \$379. (purchased and installed by City into pre-plumbed fittings)
- (c) One-inch meter: \$434. (purchased and installed by City into pre-plumbed fittings)
- (d) Greater-than-one-inch meter: Meter purchase and installation are the responsibility of the consumer, per City specifications, i.e., Neptune Meter and compatible with City's automatic meter reading system.

Section 2:

The Code of the City of Lebanon is hereby amended to revise §68-15, Enumeration of Fees, (6) Miscellaneous water service fees, to amend current fees and to add new subsections "(m)" through "(u)" as follows:

(6) Miscellaneous water service fees:

- (a) Water service connection deposit: The Finance Director may require a deposit for new accounts or for consumers who have a history of late payment in accordance with Chapter 123, Public Utilities, §123-10, Connection deposit.
- (b) Meter test when requested by consumer: \$110 when meter is determined to be accurate; no charge when meter is determined to be accounting for extra water. inaccurate.
- (c) Meter installation or replacement when requested by consumer: \$60 service fee, plus actual cost of replacement meter.
- (d) Damaged/frozen meter: \$60 service fee, plus actual cost of repair/replacement of meter.
- (e) Meter tampering charge: \$60 \$1,000, plus a tampering penalty as described in Chapter 182, Water Service, §182-25, Charges in case of meter tampering/fraudulent use of water.

- (f) Out-of-cycle meter reading/billing: ~~\$0~~\$50 during normal working hours, or \$140 during nonworking hours.
- (g) Discontinuance and/or restoration of service fee (turn-on/turn-off service): ~~\$0~~ \$50 during normal working hours, or \$140 during nonworking hours.
- (h) Supplemental meter: ~~\$30~~ \$50 per quarter for reading and billing, and a one-time charge for the installation of a meter based on the water meter cost schedule, §68-15B(5).
- (i) Backflow prevention device testing: ~~\$66.80~~\$67 per test.
- (j) New service main tap/inspection fee per inspection visit:
 - [1] Water main: ~~\$30~~\$50.
 - [2] Service line: ~~\$30~~\$50.
- (k) Renewed service line inspection: ~~\$30~~\$50.
- (l) Water permit application fee to make connection:
 - [1] Residential: ~~\$20~~\$50.
 - [2] Commercial: ~~\$30~~\$100.
- (m) Hydrant test fee: \$250 for the first hour, \$150 per hour after the first hour. Charge will be rounded to the next full hour. Estimated water use is included in the hourly fees.
- (n) Temporary water setup fee: \$100 plus non-residential and non-single-family residential cost of cubic foot usage as described in Chapter 68-15(B)(1)(a)[3].
- (o) Dechlorinating of new water line: \$100
- (p) Chlorination and Pressure test of new water line: \$100
- (q) Remark of previously marked Dig Safe lines \$250. This includes all City infrastructure projects and is the responsibility of the Contractor and cannot be back charged to the City.
- (r) Replacement of damaged or missing meter register or transponder: \$50 plus cost of meter register or transponder.
- (s) Seasonal use meters: \$50 per install and \$50 for removal and water shutoff.
- (t) No shows to appointments: \$50
- (u) Bulk water to fill a tank: Non-residential and non-single-family residential cost of cubic foot usage as described in Chapter 68-15(B)(1)(a)[3] plus \$100 service fee per fill or \$150 service fee per fill after normal business hours.

Section 3:

The Code of the City of Lebanon is hereby amended to revise §68-15, Enumeration of Fees, C. Stormwater Permit Application Fee, as follows:

C. Stormwater permit application fee.

(1) The fee for a stormwater permit application shall be \$250 for new or modified connections, which includes up to 2 visits for inspection services.

(2) For existing connections, the stormwater permit application fee may be waived by the City Manager for good cause shown.

(3) The fee for additional inspections is \$50 per visit during regular business hours and \$140 per visit outside of regular business hours.

Section 4:

The Code of the City of Lebanon is hereby amended to revise §68-15, Enumeration of Fees, by adding new Section F “Driveway Permit Fee” as follows:

F. Driveway permit application fee.

The fee for a driveway permit application shall be \$75, which includes two (2) site inspections (one before and one after construction). A charge of \$75 will be assessed for each additional inspection.

Section 5:

The Code of the City of Lebanon is hereby amended to revise §68-15, Enumeration of Fees, by adding new Section G “Fees for Construction in a Floodplain” as follows:

G. Construction within a floodplain.

The fee for a permit to construct within a floodplain shall be \$250 plus a service fee of \$75 per hour for any inspections.

Section 6: 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 7: Effective Date

This ordinance shall become effective January 1, 2022.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

10. NEW BUSINESS:

**10.C – DISCUSSION AND SET PUBLIC HEARING FOR DECEMBER 1, 2021:
ORDINANCE #2021-13 TO AMEND CITY CODE CHAPTER 68, FEES
TO AUTHORIZE WAIVING LOCAL FEES OF VEHICLE REGISTRATIONS FOR
PRISONERS OF WAR, PURPLE HEART RECIPIENTS AND PEARL HARBOR
SURVIVORS AND TO AUTHORIZE AN INCREASE IN AMBULANCE FEES**

BACKGROUND

As proposed, Ordinance #2021-13 would amend City Code Chapter 68, Fees, to authorize waiving local fees of vehicle registrations for Prisoners of War, Purple Heart Recipients and Pearl Harbor Survivors; and to authorize an increase in ambulance fees which were last increased in 2018.

WAIVER OF VEHICLE REGISTRATIONS FOR CERTAIN VETERANS

In 2019, State legislation was passed enabling local municipalities to have the option to provide exemptions from paying local motor vehicle registration fees for certain veterans. The legislation provided for the inclusion of new wars and conflicts and expanded the situations where a veteran can qualify for the exemptions. The exemption can only be applied to one vehicle.

Currently, the only veterans who can claim exemption from motor vehicle fees are Disabled Veterans. These veterans must be deemed by the Veterans Administration to be totally and permanently disabled due to a service-related injury; they must also have been honorably discharged. By adopting this ordinance, we can provide exemptions to former Prisoners of War, recipients of Purple Heart Medals and Pearl Harbor survivors.

AMBULANCE FEES

Ambulance Fees were last updated in 2018. After a comprehensive review of existing fees and a comparison to other communities, Fire Chief Christopoulos is proposing an 8.7% increase which is based on the Consumer Price Index cumulative increase over a three-year period. Please see attached memo from Chief Christopoulos for more details.

ACTION

Should the Council wish to move forward with proposed Ordinance #2021-13, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-13 to amend City Code Chapter 68, Fees, Article II, Vehicle Registration Fees, §68-10, to authorize waiving local fees of vehicle registrations for Prisoners of War, Purple Heart Recipients and Pearl Harbor Survivors; and Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in ambulance fees.

Included in this Section:

1. Proposed Ordinance #2021-13
2. October 27, 2021 Memo from Fire Chief Christopoulos re: Ambulance Billing, with the following attachments:
 - Lebanon NH Fire Department Summary of Proposed Ambulance Fee Increases
 - July 2021 EMS Transport Rate Comparison
3. NH Statutes pertaining to motor vehicle registration for veterans (RSAs 72:28, 261:157-a, 261:86)

**CITY OF LEBANON
ORDINANCE #2021-13**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article II Vehicle Registration Fees by amending §68-10; and Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees.

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 by deleting and repealing §68-10, Exemption for Certain Veterans, of Chapter 68, Fees.

Section 2:

The Code of the City of Lebanon is hereby amended by adding new §68-10, Exemption for Certain Veterans, of Chapter 68, Fees, to read as follows:

§68-10 Exemption for Certain Veterans

In accordance with RSA 261:157-a, and any amendments thereto, qualifying veterans shall, upon provision of satisfactory proof of these circumstances to the City Clerk, be exempt from paying the fee to be charged for a permit to register one motor vehicle owned by such person.

Qualifications:

1. Veteran is a former Prisoner of War and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28 V, including those serving in military operations in Iraq and Afghanistan, and who was honorably discharged.
2. Veteran was awarded the Purple Heart medal and was honorably discharged or is still on active duty.
3. Veteran survived Pearl Harbor and was honorably discharged.

Section 3:

The Code of the City of Lebanon is hereby amended to revise §68-15, Enumeration of Fees, for the purpose of increasing ambulance fees as follows:

E. Ambulance fees shall be as follows:

- (1) Basic Life Support, resident: ~~\$531.16.~~ \$577.37
- (2) Basic Life Support, nonresident: ~~\$591.78.~~ \$643.26
- (3) Advanced Life Support 1, resident: ~~\$977.27.~~ \$1,062.29
- (4) Advanced Life Support 1, nonresident: ~~\$1,049.42.~~ \$1,140.72
- (5) Advanced Life Support 2, resident: ~~\$1,467.10.~~ \$1,594.74
- (6) Advanced Life Support 2, nonresident: ~~\$1,571.25.~~ \$1,707.95

- (7) Specialty Care Transport: ~~\$1,917.~~ ~~\$2,083.78~~
- (8) Mileage: ~~\$12.77.~~ ~~\$13.88~~
- (9) Co-pay Waiver, resident: ~~\$100.~~ ~~\$108.70~~
- (10) Advanced Life Support, no transport: ~~\$450.~~ ~~\$489.15~~

Section 4: 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 5: Effective Date

This ordinance shall become effective January 1, 2022.



MEMORANDUM

Date: October 27, 2021

To: Shaun Mulholland, City Manager

CC: Paula Maville, Deputy City Manager

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

Reference: Ambulance Billing

Ambulance billing rates have not changed since 2018. I would propose to increase our billing rates across the board by 8.7%, which is the cumulative CPI for 2019-2022. I have attached 2 documents; one is an ambulance billing rate comparison conducted this past July. Even with the proposed changes we would still be below the average low for most of the billing categories. The second document is a summary of the proposed rate changes in comparison to our existing rates.

Please let me know when you have time to discuss.

November 2021 - Lebanon Fire Department Summary of Proposed Ambulance Fee Increases - To be effective January 1, 2022

	<u>Current Rate</u>	<u>Proposed Rate</u>
Basic Life Support, Resident	\$531.16	\$577.37
Basic Life support, Nonresident	\$591.78	\$643.26
Advanced Life Support 1, Resident	\$977.27	\$1,062.29
Advanced Life Support 1, Nonresident	\$1,049.42	\$1,140.72
Advanced Life Support 2, Resident	\$1,467.10	\$1,594.74
Advanced Life Support 2, Nonresident	\$1,571.25	\$1,707.95
Specialty Care Transport	\$1,917.00	\$2,083.78
Mileage	\$12.77	\$13.88
Co-pay Waiver, Resident	\$100.00	\$108.70
Advanced Life Support, no transport	\$450.00	\$489.15

EMS Transport Rate Comparison July 2021

Charge	Average	Average High	Derry 2019	Derry 2021 Resident	Derry 2021 Non-Resident (+20%)	Concord	Laconia	Hooksett Fire	Salem
BLS-Non Emerg			\$800.00	\$1,000.00	\$1,200.00	\$895.48	\$950.00	\$871.46	N/A
BLS Emerg	\$1,038.34	\$1,650.00	\$800.00	\$1,000.00	\$1,200.00	\$895.48	\$950.00	\$871.46	\$1,313.12
ALS1	\$1,456.49	\$2,358.00	\$1,495.00	\$1,539.85	\$1,847.82	\$1,312.19	\$1,130.00	\$1,133.43	\$1,775.63
ALS2	\$2,138.44	\$2,420.00	\$2,094.00	\$2,261.52	\$2,713.82	\$1,913.74	\$1,635.00	\$1,640.48	\$2,666.06
SCT	\$2,557.14	\$3,571.00	\$2,322.00	\$2,600.64	\$3,120.77	N/A	\$1,950.00	N/A	N/A
ALS Treat/Release	\$331.80	\$4,094.00	\$300.00	\$330.00	\$396.00	\$153.00	\$100.00	N/A	N/A
Mileage	\$27.32	\$50.00	\$35.00	\$36.75	\$36.75	\$14.00	\$18.00	\$18.42	\$40.00
Bariatric Transport			N/A	N/A	N/A	N/A	N/A	\$400.00	N/A
Assist the Invalid/Lift Assist			\$100.00	\$110.00	N/A	N/A	\$100 after 3	N/A	N/A
Paramedic Intercept			N/A	N/A	N/A	\$549.00	N/A	\$549.00	N/A
Oxygen			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
IV Therapy			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Expandable supplies			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Defibrillation			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Cardiac Monitor			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Adv. Airway			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Immobilization			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base

Charge	Average	Average High	Windham	Hampton	Exeter	Bedford	Keene	Hanover
BLS-Non Emerg			\$1,553.00	\$544.77	\$486.00	\$1,245.52	\$860.00	\$900.00
BLS Emerg	\$1,038.34	\$1,650.00	\$1,533.00	\$544.77	\$508.00	\$1,245.52	\$1,376.00	\$900.00
ALS1	\$1,456.49	\$2,358.00	\$2,420.00	\$968.99	\$603.00	\$1,991.22	\$1,634.00	\$900.00
ALS2	\$2,138.44	\$2,420.00	\$3,571.00	\$1,591.23	\$873.00	\$3,073.46	\$2,366.00	\$1,300.00
SCT	\$2,557.14	\$3,571.00	\$4,094.00	\$1,742.35	\$961.00	\$3,391.49	\$2,797.00	\$1,300.00
ALS Treat/Release	\$331.80	\$4,094.00	N/A	N/A	N/A	N/A	\$506.00	\$150.00
Mileage	\$27.32	\$50.00	\$37.31	\$10.67	\$10.50	\$40.00	\$27.00	\$20.00
Bariatric Transport			N/A	N/A	N/A	N/A	N/A	N/A
Assist the Invalid/Lift Assist			N/A	N/A	N/A	N/A	N/A	N/A
Paramedic Intercept			N/A	N/A	N/A	N/A	Incl. in Base	\$350.00
Oxygen			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
IV Therapy			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Expandable supplies			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Defibrillation			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Cardiac Monitor			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Adv. Airway			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Immobilization			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base

EMS Transport Rate Comparison July 2021 (cont.)

Charge	Average	Average High	Lebanon Resident - 2018	Lebanon Non- Resident - 2018	Lebanon Resident - 2022	Lebanon Non- Resident - 2022	Lebaon % increase
BLS-Non Emerg			\$531.16	\$591.78	\$577.37	\$643.26	8.70%
BLS Emerg	\$1,038.34	\$1,650.00	\$531.16	\$591.78	\$577.37	\$643.26	8.70%
ALS1	\$1,456.49	\$2,358.00	\$977.27	\$1,049.42	\$1,062.29	\$1,140.72	8.70%
ALS2	\$2,138.44	\$2,420.00	\$1,467.10	\$1,571.25	\$1,594.74	\$1,707.95	8.70%
SCT	\$2,557.14	\$3,571.00	\$1,917.00	\$1,917.00	\$2,083.78	\$2,083.78	8.70%
ALS Treat/Release	\$331.80	\$4,094.00	\$450.00	\$450.00	\$489.15	\$489.15	8.70%
Mileage	\$27.32	\$50.00	\$12.77	\$12.77	\$13.88	\$13.88	8.70%
Bariatric Transport			N/A	N/A	N/A	N/A	N/A
Assist the Invalid/Lift Assist			N/A	N/A	N/A	N/A	N/A
Paramedic Intercept			\$600.00	\$600.00	\$650.00	\$650.00	8.70%
Oxygen			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	N/A
IV Therapy			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	N/A
Expandable supplies			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	N/A
Defibrillation			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	N/A
Cardiac Monitor			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	N/A
Adv. Airway			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	N/A
Immobilization			Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	N/A

TITLE V TAXATION

CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Property Taxes

Section 72:28

72:28 Standard and Optional Veterans' Tax Credit. –

I. The standard veterans' tax credit shall be \$50.

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to \$750. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

(a) Every resident of this state who served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this subparagraph;

(b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and

(c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

(a) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;

(b) "World War II" between December 7, 1941 and December 31, 1946;

(c) "Korean Conflict" between June 25, 1950 and January 31, 1955;

(d) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;

(e) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal;

(f) "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law; and

(g) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

Source. 1871, 13:1. GL 54:2. PS 56:4. 1907, 95:1. 1919, 54:1. 1921, 12:3; 103:1. 1923, 68:2. PL 60:26. 1941, 157:1. RL 73:29. 1943, 174:1. 1944, 4:1. 1947, 240:1, par. 29. 1949, 167:1. 1951, 132:1. RSA 72:28. 1955, 289:1. 1963, 49:1; 118:1; 324:1. 1967, 35:1, 2; 219:1, 2. 1971, 303:1. 1975, 282:1. 1976, 42:1, 2. 1977, 61:1. 1979, 288:2. 1981, 215:1. 1989, 64:1; 270:1. 1991, 70:3-6. 1992, 70:3. 1993, 73:3, 10; 262:1. 2003, 299:2. 2005, 126:1, eff. April 1, 2006. 2013, 254:2, eff. July 24, 2013. 2016, 217:9, eff. Aug. 8, 2016. 2018, 148:1, eff. Apr. 1, 2018.

TITLE XXI MOTOR VEHICLES

CHAPTER 261 CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

Municipal Permits for Registration

Section 261:157-a

261:157-a Local Option; Exemption for Certain Other Veterans. –

The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who:

- I. Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28, V, including those serving in military operations in Iraq and Afghanistan, and who was honorably discharged, provided that such person has furnished the city or town clerk with satisfactory proof of these circumstances; or
- II. Was awarded the Purple Heart medal and who was honorably discharged or is still on active duty, provided that such person has furnished the city or town clerk with satisfactory proof of these circumstances; or
- III. Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the city or town clerk with satisfactory proof of these circumstances.

Source. 1985, 419:1. 2003, 299:21, eff. April 1, 2003. 2019, 279:2, eff. Sept. 17, 2019.

TITLE XXI

MOTOR VEHICLES

CHAPTER 261

CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

Number Plates

Section 261:86

261:86 Special Number Plates for Certain Veterans. –

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a veteran, who may be listed as the first or second owner on the certificate of title or certificate of registration, who:

(a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service-connected disability. The special number plates shall incorporate the international accessibility symbol. The permanently and totally disabled veteran, in lieu of the special number plates described in this subparagraph, may opt to receive without charge one set of the special number plates for veterans described in RSA 261:87-b, but in such case shall not be entitled to free parking privileges that are reserved for plates with the international accessibility symbol.

(b) Has been determined by the veterans administration to be suffering from total blindness as a result of a service-connected disability.

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28, V or while serving in military operations in Iraq or Afghanistan, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries. For purposes of this subparagraph, "prisoner of war" shall include a person who was captured and incarcerated while serving in military operations in Iraq or Afghanistan whether or not he or she was formerly designated as a "prisoner of war" by the United States Department of Defense.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided that such person has furnished the director with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be issued upon payment of the regular registration fee. The plates shall be transferable upon death to the surviving spouse of the Pearl Harbor survivor. The surviving spouse shall be entitled to the plate as long as he or she lives,

unless he or she remarries.

II. The initial set of plates furnished pursuant to subparagraphs I(a)-I(e) shall be issued without charge. An additional set of plates shall be issued to a person who qualifies for the special plates upon payment of the state and municipal permit fees for issuance of number plates. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-I(e) shall not be entitled to free parking privileges for disabled veterans. A person who qualifies for special plates pursuant to subparagraph I(a), I(c), I(d), or I(e) may be issued an additional plate for a motorcycle.

Source. 1949, 143:1. RSA 260:17. 1971, 242:1. 1973, 320:5. 1974, 45:18. 1981, 146:1. 1987, 108:1. 1995, 46:1, 2; 119:1. 1999, 291:1. 2002, 66:1; 262:2. 2003, 298:3; 299:20. 2008, 122:1; 355:1. 2009, 322:1, 2. 2010, 309:4. 2013, 102:1, eff. Jan. 1, 2014; 178:1, eff. Aug. 31, 2013. 2016, 279:2, eff. July 1, 2017. 2017, 41:1, eff. Jan. 1, 2018; 119:1, 2, eff. Jan. 1, 2018. 2019, 162:1, eff. Sept. 7, 2019.

AGENDA

LEBANON CITY COUNCIL

NOVEMBER 17, 2021

10. NEW BUSINESS:

10. D – SET PUBLIC HEARING FOR DECEMBER 1, 2021: ORDINANCE #2021-14 TO AMEND CITY CODE CHAPTER 180, WARDS

BACKGROUND

In accordance with City Charter §C419:4, Wards Defined, every ten years upon the completion of the US Census, the City Council shall review the ward boundaries and adjust them to comply with a Constitutional requirement to equalize populations. The accepted standard deviation of population amongst the wards is 5% or less. According to the 2020 US Census, there is a deviation of more than 8% between Wards 2 and 3. Ward 1 remains in compliance, so no changes are required.

At the March 13, 2012, Municipal Election, voters approved a Charter amendment which adjusted the ward lines at that time and granted the authority to the City Council for future ward line changes via the ordinance process. The City Clerk's role within this process is to make a recommendation to the City Council for the proposed boundary lines of Lebanon's three wards. The ultimate decision belongs to the City Council.

If adopted as proposed, Ordinance 2021-14 will reduce the deviation to less than 2% amongst all three Wards. The proposal suggests the following adjustments and amendments:

- Adjusting boundary lines between Wards 2 and 3 to reduce current deviation; and
- Amend language to allow currently elected officials (City Councilors and Election officials) to complete their existing terms should the boundary line adjustments place them in a new ward.

In 2012, the language regarding elected officials and their terms was included in the charter revision; however, it only applied to the 2012 amendment. This ordinance will allow for this caveat to be carried forward for all future adjustments to the ward boundaries without creating immediate vacancies in those elected offices.

ACTION

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for December 1, 2021, beginning at 7:00p.m. in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on Ordinance #2021-14, to amend City Code Chapter 180, Wards, to adjust ward boundaries as required by City Charter Section 419:4 and to clarify that Councilors and Ward officers currently in office who are affected by the ward boundary adjustments shall be permitted to complete the remainder of their current term.

Included in this Section:

1. Ordinance #2021-14 Chapter 180, Wards

2. November 4, 2021 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2021-14 Ward Boundaries
3. Existing Chapter 180, Wards
4. Map of Current Ward Boundaries (2012)
5. Map of Proposed Ward Boundaries
6. Detailed Maps of Proposed Changes (2021)

**CITY OF LEBANON
ORDINANCE #2021-14**

AN ORDINANCE TO AMEND Chapter 180, Wards, of the Code of the City of Lebanon, by amending §180-2, Amendments to boundaries; §180-4, Ward 2; and §180-5, Ward 3.

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

Section 1:

The Code of the City of Lebanon is hereby amended by adding the following language to the end of existing Chapter 180, Wards, Section 180-2, Amendments to boundaries:

§180-2, Amendments to boundaries

Notwithstanding any changes in the ward boundaries, the City and Ward officers serving in office, or elected to office, at the time of passage of any amendment to this ordinance, shall continue in said offices until the end of the terms for which they were elected.

Section 2:

The Code of the City of Lebanon is hereby amended by repealing and replacing in their entirety Sections 180-4, Ward 2; and 180-5, Ward 3, for the purpose of adjusting boundary lines to equalize populations of the three wards in response to the 2020 US Census, to read as follows:

§180-4, Ward 2

Shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Plainfield line at the intersection of Meriden Road (NH Route 120) traveling northwesterly along the center line of Meriden Road (NH Route 120) until it intersects with LaPlante Road; thence northly along the center line of LaPlante Road until it intersects with Prospect Street; thence westerly along the center line of Prospect Street until it intersects with Elm Street; thence northly along said center line of Elm Street to the center line of Bank Street; thence westerly along said center line of Bank Street to East Park Street; thence southerly along said East Park Street to South Park Street; thence westerly along South Park Street to center line of Hanover Street; thence northerly along the center line of Hanover Street to the centerline of I-89; thence continuing northerly along Hanover Street Extension to the intersection of the stream from Densmore Pond; thence continuing northerly along said stream to Densmore Pond; thence northerly along the eastern shoreline of said pond to stream off northern end of pond; thence along said stream to where it intersects with Mt. Support Road; thence northerly along Mt. Support Road center line until the intersection of Rt 120; thence northerly along center line to the Lebanon-Hanover boundary; thence northwesterly along said boundary to where it meets eastern boundary of Ward 1; thence southerly along the boundary of Ward 1 to the Lebanon-Plainfield town line; thence southeasterly along town line to the point of beginning.

§180-5, Ward 3

Shall consist of all that land in said City of Lebanon northwest of the Lebanon-Plainfield town line beginning at the center line of Meriden Road (Route 120) and traveling southeasterly along the Lebanon-Plainfield town line; thence traveling northeasterly along the Lebanon-Enfield town line; thence northwesterly along the Lebanon-Hanover town line until it meets the northeast boundary of Ward 2; thence southerly along the easterly boundary of Ward 2 to the point of beginning.

Section 3: 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 4: Effective Date

This ordinance shall become effective upon passage.



C. Christine Fillmore
Admitted in NH

603.792.7417
cfillmore@dwmlaw.com

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Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

November 4, 2021

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

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: **11/08/2021**

DS

**RE: Ordinance #2021-14 Ward Boundaries
Ch. 180**

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2021-14, Ward Boundaries, which your office forwarded to me on October 26, 2021 and as subsequently revised based upon communication with me. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 180 of the City Code by adjusting ward boundaries to equalize populations of the three wards in response to the 2020 US Census as required by § 419-4 of the City's Charter and to clarify that any current Councilors and Ward officers affected by the adjustments will remain in office until the end of their current term.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

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

Sincerely,

C. Christine Fillmore

Chapter 180. Wards

[HISTORY; Adopted by the City Council of the City of Lebanon 9-7-2016 by Ord. No. 2016-04, effective 9-7-2016. Amendments noted where applicable.]

§ 180-1. Wards defined.

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

§ 180-2. Amendments to boundaries.

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

§ 180-3. Ward 1.

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

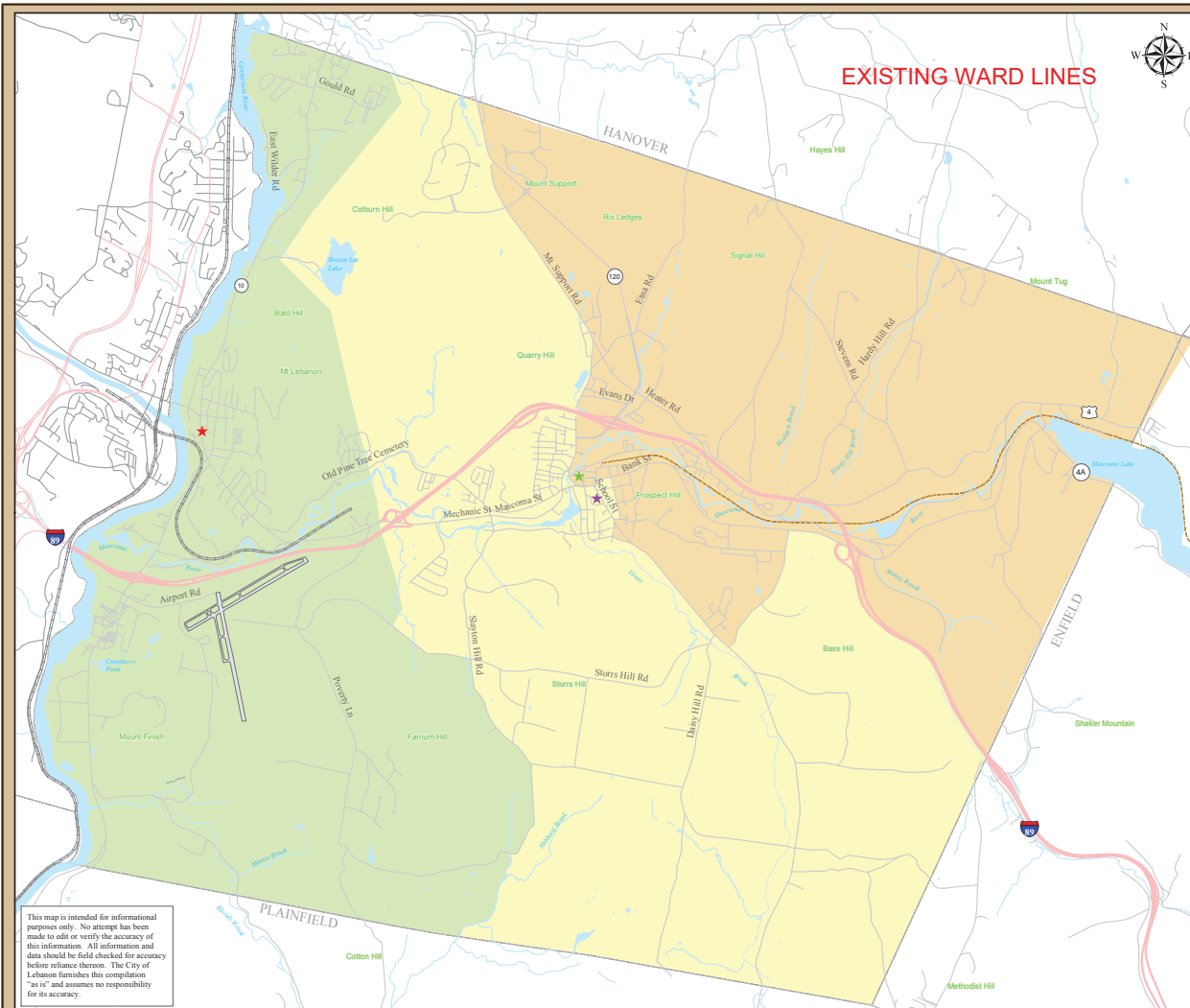
§ 180-4. Ward 2.

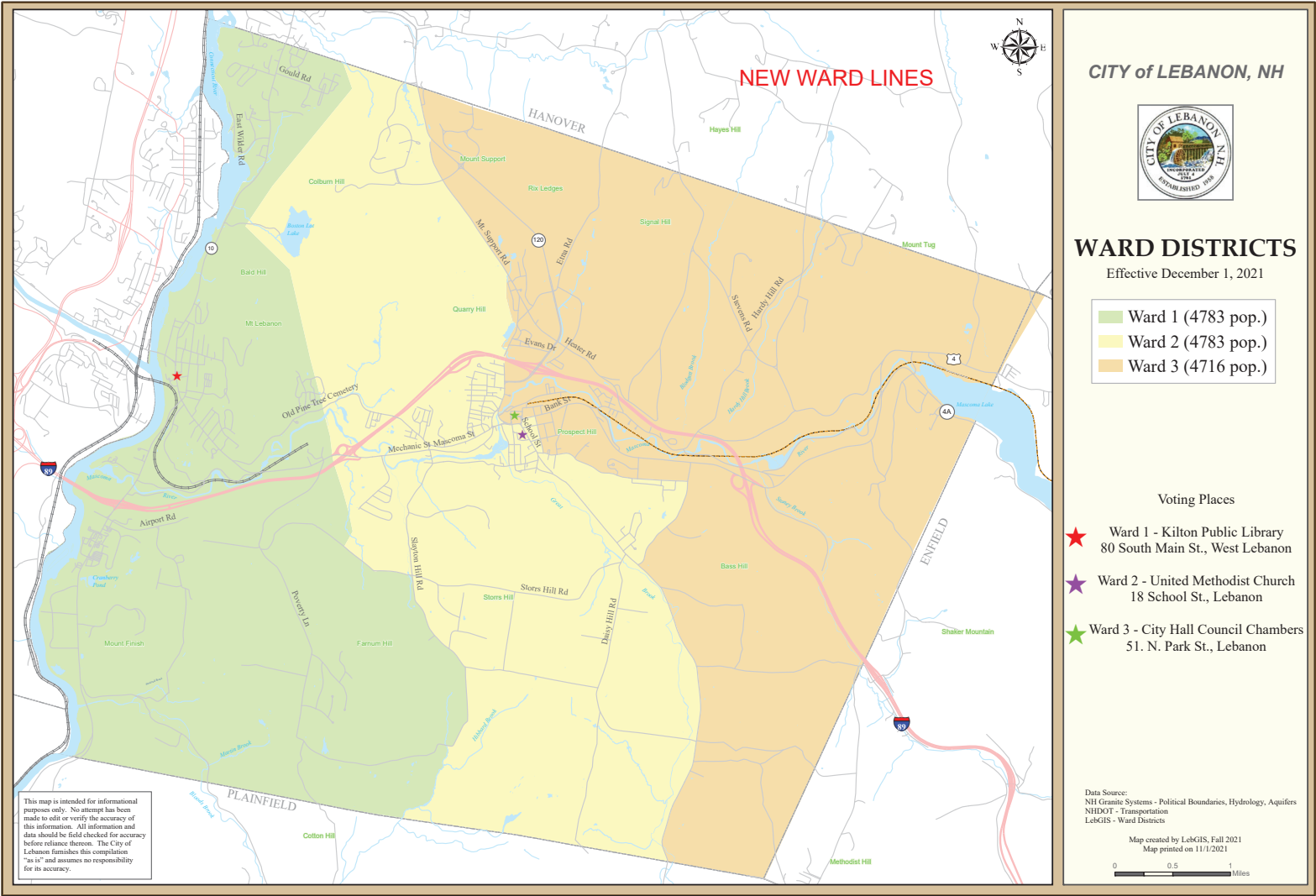
Ward 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway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

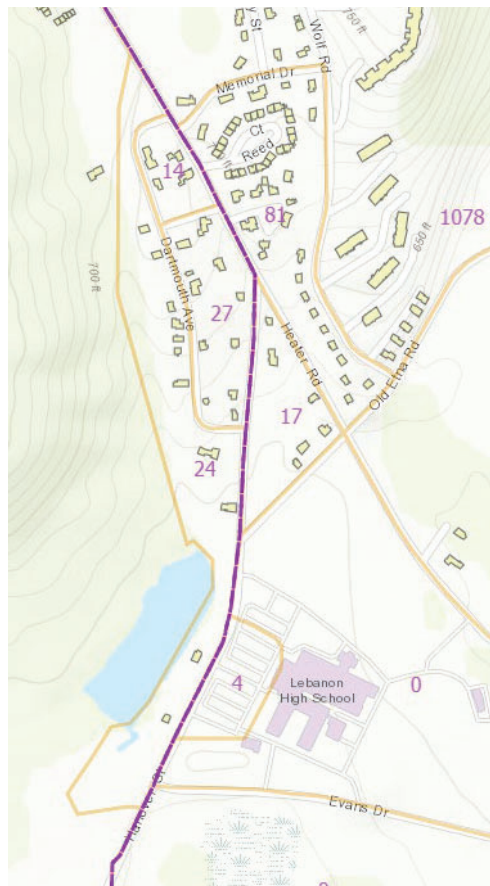
along the center line of Hanover Street to the center line of I-89; thence continuing northerly along Hanover Street Extension to the intersection of Heater Road, thence northerly along Mt. Support Road until the intersection of Route 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

§ 180-5. Ward 3.

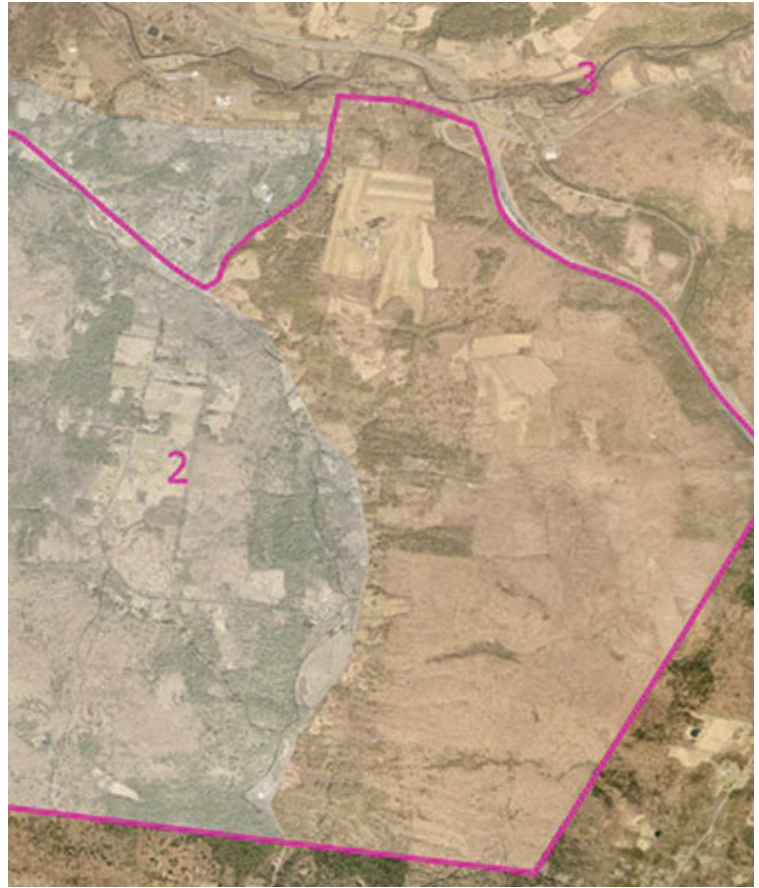
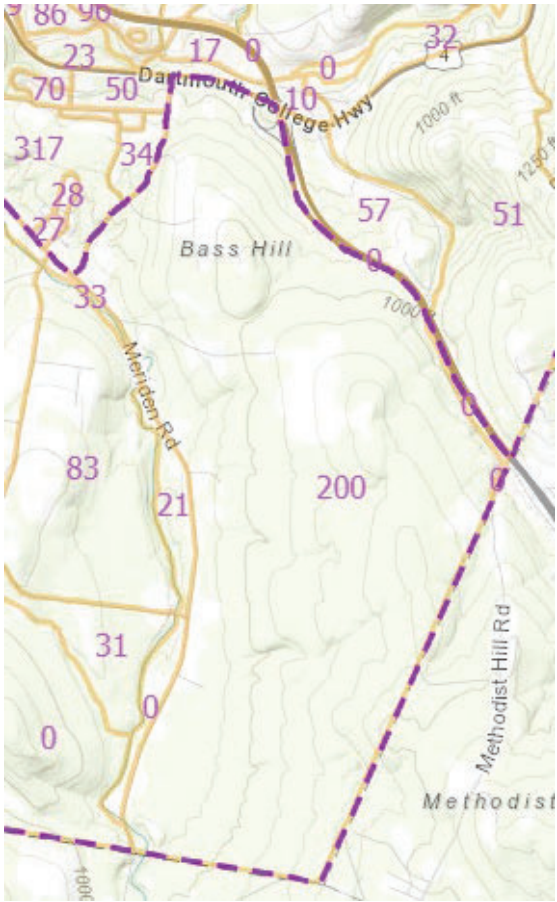
Ward 3 shall consist of all that land in said City of Lebanon north of the Lebanon-Enfield town line beginning at the center line of Interstate 89; thence northerly along said Lebanon-Enfield boundary to the Lebanon-Hanover town line; thence westerly along said line until it meets the northeast boundary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







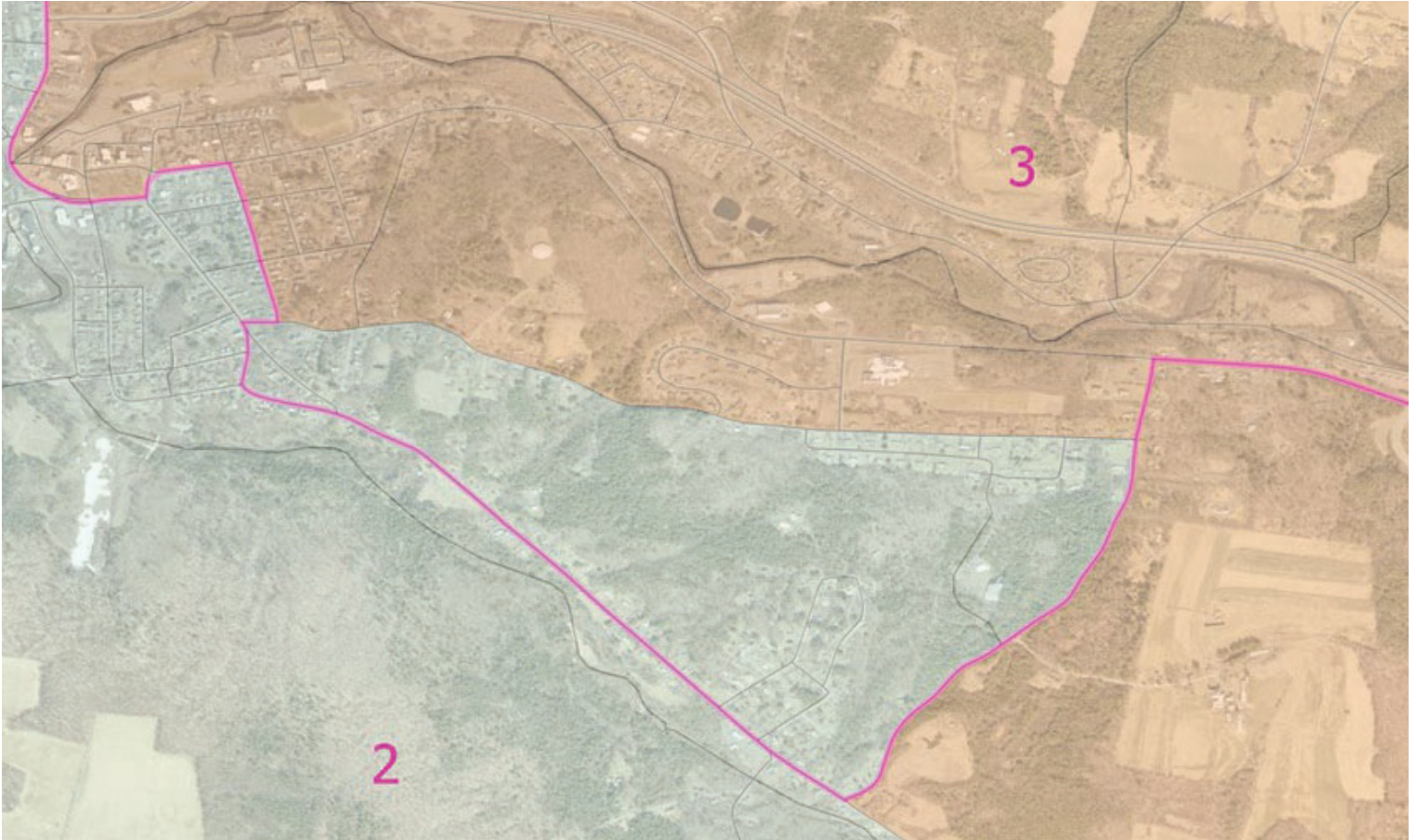
Detail of Section 1: Ward 2 to Ward 3



Detail of Section 2: Ward 2 to Ward 3



Detail of Section 3: Ward 3 to Ward 2



Detail of Section 3: Ward 3 to Ward 2

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

10. NEW BUSINESS:

**10.E – DISCUSSION AND SET PUBLIC HEARING FOR JANUARY 5, 2022:
ORDINANCE #2021-15 TO AMEND CITY CODE CHAPTER 8, SECTION 8.4,
AIRPORT RULES AND REGULATIONS, TO AMEND AIRPORT LANDING FEES**

BACKGROUND

Landing fees at the Lebanon Municipal Airport were last adjusted in 2019, along with an update of the Rules & Regulations and Minimum Standards. A comparison of the existing landing fees and the landing fees adjusted by the CPI-U Northeast was completed and the recommended adjustments to the existing landing fees is shown in Ordinance 2021-15. The airport will continue to monitor the CPI-U and existing fees to request adjustments as necessary.

ACTION

The Council is requested to consider the following motion:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 5, 2022, beginning at 7:00 pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on Ordinance #2021-15 to amend City Code Chapter 8, Section 8.4, Airport Rules and Regulations, to amend Airport Landing Fees.

Included in this Section:

1. Proposed Ordinance #2021-15

**CITY OF LEBANON
ORDINANCE #2021-15**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations.

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

Section 1:

Part 5, Fees, of the Lebanon Municipal Airport Rules and Regulations, Section 1.A.1 regarding Aircraft Landing Fees is hereby amended to change the fees for Aircraft Landings as follows:

Section 1 - Fees

A. Aircraft Landing Fees

1. The Airport Manager is authorized to collect Landing Fees for Non-based Aircraft utilizing the Airport, which are as follows:

- Single Engine / Commercial N/A
- \$12: Light Twin-Engine
- \$12: Piston Helicopter
- \$18: Turbine Helicopters
- \$30: Turboprops < 9,001 pounds weight
- \$60: Turboprops 9,001- 27,000 pounds weight (SE)
- \$60: Turboprops 9,001- 27,000 pounds weight (ME)
- ~~\$100~~ \$105: Turboprops > 27,000 pounds weight
- \$60: Very Light Jets (VLJs)
- ~~\$150~~ \$155: Jets 9,001 - 27,000 pounds weight
- ~~\$175~~ \$180: Jets 27,000 - 60,000 pounds weight
- ~~\$200~~ \$205: Jets >60,000 pounds weight
- ~~\$250~~ \$260: Jets (Airline Category)

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 January 1, 2022.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

10. NEW BUSINESS:

**10.F – DISCUSSION & SET PUBLIC HEARING FOR DECEMBER 1, 2021:
ORDINANCE 2021-16 TO AMEND CITY CODE CHAPTER 46, CEMETERIES**

BACKGROUND

At its June 16, 2021 meeting, the City Council directed the City Manager to develop regulations to permit natural burials in one or more City cemeteries for review and recommendation by the Board of Cemetery Trustees, and to have their recommendations back to the Council by October 2021.

An ordinance to amend Chapter 46 of the City Code was drafted and presented to the Board of Cemetery Trustees for review. At its October 12, 2021 meeting, the Board of Cemetery Trustees voted to recommend that the City Council adopt Ordinance 2021-16 with the condition that natural burials only be permitted within the Old Pine Tree Cemetery for the first two years.

The Council is asked to set a public hearing for December 1, 2021 to consider the adoption of Ordinance 2021-16.

ACTION

Should the Council wish to move forward with proposed Ordinance #2021-16, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-16 to amend City Code Chapter 46, Cemeteries, to incorporate provisions for Natural Burials.

Included in this Section:

1. Proposed Ordinance #2021-16

ORDINANCE 2021-16

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, to establish regulations for Natural Burials.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by deleting and repealing §46-7, Burials, of Chapter 46, Cemeteries.

Section 2.

The Code of the City of Lebanon is hereby amended by adding a new section, to replace §46-7 hereinabove repealed, to be §46-7, Burials, to read as follows:

§ 46-7. Burials.

A. GENERAL CONDITIONS:

- (1) Condition for burial. No burial, including a cremation burial, shall take place without first obtaining a burial permit from the City Clerk or State Registrar where the death occurred. All conditions of laws and ordinances must be complied with, including the payment of any back charges, security of perpetual care, and/or maintenance and preservation, or purchase of any lot(s).
- (2) Holiday burials. Holidays formally recognized by the City of Lebanon include the following:

*New Year's Day
Martin Luther King, Jr./Civil Rights Day
Presidents' Day
*Memorial Day
*Independence Day
*Labor Day
Columbus Day
Veterans' Day
*Thanksgiving Day
Day after Thanksgiving
*Christmas Day

*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works.

Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Columbus Day, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.

- (3) Errors in Grave Location. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Department of Public Works in writing or can be taken verbally over the phone. Orders from funeral directors shall be construed as orders from owners.
- (4) No movement or upgrading of monuments, and no opening or shifting of location of any grave or its placement on a lot shall occur without approval of the City, and all relevant provisions of this §46-7 shall apply to such activities.
- (5) Preparation of grave. The digging of graves and replacement of excavated materials, other than those for natural burials as outlined in Section B below, shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works.
- (6) Ceremonial materials, if used, and lowering of remains shall be the responsibility of the funeral director or other responsible party.
- (7) Permanent Outside Containers. For burials other than natural burials as outlined in Section B below, remains for all interments, cremation or full, shall be enclosed in a permanent outside container which shall be provided by the owner of the lot or his agent, and installed under the supervision of the Cemetery Sexton or his/her designee. The following are considered permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.
- (8) Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. In case circumstances are such that burial cannot be made, temporary interment shall be in the cemetery tomb.
- (9) Entombments in City Tomb. Entombment is only available for remains that have been embalmed and are to be buried in a permanent outside container. No entombment shall take place without notification of the Department of Public Works. Entombment will be made until such time that burial is arranged. No entombment shall be accepted prior to November 1st of any year. All human remains must be removed from the City Tomb no later than the following June 15th.
- (10) Burial of indigents. In the case of single grave lots for the burial of indigents, the city will provide space and maintenance of a section for such. However, no above ground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance Special Revenue Fund.

B. NATURAL BURIALS:

“Natural” or “Green” burial promotes the decomposition of the body with minimal impact to the environment. The deceased are buried without the use of embalming fluids, permanent outside containers, or modern caskets. It is understood that people choose natural burials for a host of different reasons. In the spirit of natural burials, gravesites are not to be maintained by the City of Lebanon.

All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless policies and procedures are inconsistent with this section or with the purpose and intent of natural burials, in which case this section will govern.

- (1) Residential Restriction. Natural burials are restricted to persons who were residents of the City of Lebanon at time of death.
- (2) Permitted Location. Natural burials are permitted in Old Pine Tree Cemetery and in Section "F" of the West Lebanon Cemetery.
- (3) Burial Process:
 - (a) All burials and services must be overseen by the Cemetery Sexton or his/her designee.
 - (b) Remains will be buried without the use of a permanent outside container.
 - (c) Human remains must be contained within a rigid casket, coffin, or biodegradable burial container and should have minimal use of nails, staples, glue, or other fasteners. External finishes of casket or container must not include latex or metallic products. Use of any oil-based finish must be plant-based. Upon ordering of grave opening and service, next of kin, designated agent or his/her designee will be required to sign an acknowledgement that the casket, coffin, or container meets all requirements stated herein.
 - (d) At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works. If upon review, there is a question of the cause of death being related to a contagious or potentially hazardous virus or disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office. Should it be determined that the cause of death could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease, a natural burial will not be permitted.
 - (e) Prior to burial, next of kin, designated agent, or other responsible party must sign and submit a release of liability and waiver form to include responsibility for all attendees of services.
 - (f) The digging of graves, lowering of remains, and replacing excavated material are the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee. Graves may be dug by hand or dug with approved excavation equipment. If excavation equipment is to be used, a burial permit will be required along with proof of liability insurance to cover any damages that may be incurred during use.
 - (g) Natural burials require the bottom of the outside coffin, casket, or burial container to be at a depth of five (5) feet below the natural surface of the ground with a minimum of three (3) feet previously excavated material on top of the coffin, casket, or burial container to the natural surface of the ground. All material must be compacted, and an additional eighteen (18) inches of topsoil be mounded above the natural surface of the ground to accommodate for settling. Depth will be verified by the Cemetery Sexton or his/her designee.

C. BURIAL AND ENTOMBMENT RATES:

FULL BURIALS	
Weekday during operating business hours	\$450
Weekday after operating business hours	\$450 plus \$100 per hour after operating business hours
Weekend	\$700
Holiday (as permitted in 46-7.A.2 above)	\$875

CREMATION BURIALS	
Weekday during operating business hours	\$200
Weekday after operating business hours	\$200 plus \$100 per hour after operating business hours
Weekend	\$350
Holiday (as permitted in 46-7.A.2 above)	\$450

NATURAL BURIALS	
Weekday during operating business hours	\$450
Weekday after operating business hours	\$450 plus \$100 per hour after operating business hours
Weekend	\$700
Holiday (as permitted in 46-7.A.2 above)	\$875

INFANT BURIALS	
Weekday during operating business hours	\$175
Weekday after operating business hours	\$175 plus \$100 per hour after operating business hours
Weekend or Holiday	\$350

ENTOMBMENTS	
Any period of time between November 1 st and June 30 th	\$500

Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.

All receipts from burial fees, as set forth in C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this Chapter.

Section 3.

The Code of the City of Lebanon, Section 46-5 is hereby amended as follows:

1. To amend 46-5.C.2 to read as follows:

The Board of Cemetery Trustees may recommend to the Council the designation of areas in any cemetery, as space permits, to be laid out exclusively for cremation burials or natural burials, and applicable dimensional requirements therefore.

2. To add new sub-paragraph “(4)” to Section 46-5.D, Lot size established, to read as follows:

(4) Natural Burial Lots: Six feet by 11 feet or 66 square feet.

Section 4.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(3)” to Section 46-6.C, Purchase procedure, to read as follows:

- (3) Natural Burial Lots may be selected and purchased as provided in paragraph (1) above. All attempts will be made to bury individuals within their chosen grave lots; however, location of actual burial is subject to change if an existing grave or graves must be traversed with excavation equipment required to dig a new grave. Lot purchases shall require the completion of a cemetery application as provided in paragraph (1) above and are contingent upon acceptance by the purchaser of the potential need to bury the individual in a different lot than the one selected.

Section 5.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(5)” to Section 46-6.F, Charge of lots, to read as follows:

- (5) Each natural burial grave: \$900 (Grave lot \$450; Cemetery Maintenance Special Revenue Fund \$450)

Section 6.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(4)” to Section 46-8.B, to read as follows:

- (4) Lots within designated natural burial sections of any municipal cemetery will not be mowed or trimmed of grass, raked, cleaned, or graded, either by the City or any other party. The City will, however, perform vegetative maintenance to prevent reforestation of Natural Burial sections on as needed basis.

Section 7.

The Code of the City of Lebanon is hereby amended to redesignate the existing paragraph “(B)” as paragraph “(C)” and to add new paragraph “(B)” to Section 46-9, Monumentation, to read as follows:

B. In areas designated for natural burials, a single flat stone may be placed at the foot of the plot as a marker. The stone must be level with the ground and may not exceed twelve (12) inches by twenty-four (24) inches. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran's grave.

Section 8. 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 jurisdictions, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

Section 9. Effective Date.

This ordinance shall become effective _____.

AGENDA

LEBANON CITY COUNCIL

NOVEMBER 17, 2021

10. NEW BUSINESS:

10.G – ORDINANCE #2021-17: AMENDMENTS TO CITY CODE CHAPTER 36,

BUILDING CONSTRUCTION, SECTION 36-3, BUILDING PERMIT FEES

BACKGROUND:

Chapter 36 of the Lebanon City Code addresses Building Construction within the City, including setting forth the fee schedule for Building Permits. City Code Chapter 36 was last amended on January 6, 2016.

The Planning & Development Department has recently conducted a review of the City's Building Permit Fees in comparison with some other communities across the state, particularly those that may be experiencing comparable levels of development to Lebanon. Specifically, the Department reviewed the City's fees against those of Portsmouth, Nashua, Keene, Claremont, Concord, and Londonderry.

The fee comparisons were made using hypothetical residential and commercial projects, which were based on recent permit applications filed in Lebanon, as described below:

- Single-family residential permit application for a 2,283 sqft. house with a 1,239 sqft. basement and a construction cost of \$286,350.00.
- Retail commercial permit application for a 19,050 sqft. building with a construction cost of \$1,800,000.00.

The results of the comparisons are summarized in the attachment, but it is noted that most of the other sampled communities base at least a portion of their fees on a detailed analysis of the project plans. For example, some communities charge separate fees based on the number of switches and outlets, the length of piping or duct work, the number of sinks and toilets, etc. Other communities charge a fee based on the cost of the mechanical, electrical, and plumbing contract work. As a result, the building permit fees for the other communities would likely be somewhat higher than calculated based on the hypothetical scenario.

In summary, Lebanon was approximately at the average for the residential permit fees, but was slightly below the average of the other communities for the commercial permit, again not including the applicable per-fixture or per-contract costs. Raising the City's commercial building permit fee from \$7.00/\$1000 of estimated project cost to \$7.50/\$1000 would put the City closer to the approximate average of the communities studied. The effect of such a change in commercial building permit fees would be to add approximately \$945.00 (from \$13,346 to \$14,291) to the commercial permit fee or about 0.053% to the overall project cost for the hypothetical scenario.

The Planning & Development Department also recommends that the City Council amend the fee schedule to clarify the applicable fees for demolishing an existing building or structure or relocating an existing building or structure from one lot to another. Although building relocations are relatively uncommon, clearly establishing the basis of the fee will assist applicants and Department staff when these infrequent applications are submitted.

In addition, the Department recommends that the City Council consider including penalties for situations when work requiring a building permit is commenced or completed prior to the issuance of such permits to serve as a deterrent. In evaluating the comparable communities listed above, it was noted that many of them impose additional fees as authorized by the ICC Codes for work commencing before permit issuance. In some instances, communities double the permit fee for any such occurrence, while other communities start with a written warning for the first offense and use a sliding scale for subsequent offenses. The Planning Department is recommending a twenty-five percent (25%) fee increase for the first occurrence, a fifty percent (50%) fee increase for the second occurrence, and a one hundred percent (100%) fee increase for the third and subsequent occurrences.

RECOMMENDATION/RATIONALE:

If the City Council decides to move forward with proposed Ordinance #2021-17, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 1st, beginning at 7:00pm in the Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving input and taking action on Proposed Ordinance #2021-17, to amend the Code of the City of Lebanon, Chapter 36, Building Construction, Section 36-3, Building Permit Fees.

BACKUP INFORMATION:

1. Proposed Ordinance 2021-17
2. Summary of Building Permit Fee Comparison

CITY OF LEBANON

ORDINANCE #2021-17

AN ORDINANCE TO AMEND Chapter 36, BUILDING CONSTRUCTION, of the Code of the City of Lebanon, in order to update Section 36-3, Building Permit Fees, by amending the existing language, as follows:

SECTION 1:

Article I, General Provisions, Section 36-3, Building Permit Fees, of the Code of the City of Lebanon is hereby amended as follows:

Article I. General Provisions

Section 36-3 Building permit fees.

- A. Base building permit fees for residential (detached) one- and two-family construction and renovation shall be calculated based on the total cost of construction and renovation as follows ~~for residential (detached) one- and two-family construction and renovation~~:
- (1) Zero dollars to \$500: \$30.
 - (2) Five hundred one dollars to \$1,000: \$35.
 - (3) One thousand one dollars to \$3,000: \$55.
 - (4) Three thousand one dollars to \$5,000: \$75.
 - (5) Over \$5,000: \$75 plus ~~6/10 of 1%~~ \$6.00 per \$1000, or part thereof, of the total cost of alterations, ~~or construction~~, relocation, or demolition (rounded to the nearest whole dollar).
- B. Base building permit fees for multi-family residential (including attached units), commercial and industrial construction and renovation shall be calculated based on the total cost of construction and renovation as follows ~~for multifamily residential (including attached units), commercial and industrial construction and renovation~~:
- (1) Zero dollars to \$500: \$35.
 - (2) Five hundred one dollars to \$1,000: \$60.
 - (3) One thousand one dollars to \$3,000: \$80.
 - (4) Three thousand one dollars to \$5,000: \$110.
 - (5) Over \$5,000: \$110 plus ~~7/10 of 1%~~ \$7.50 per \$1000, or part thereof, of the total cost of alterations, ~~or construction~~, relocation, or demolition (rounded to the nearest whole dollar).
- C. A 5% charge shall be applied against the base building permit fee for Fire Department and Department of Public Works review and inspection.
- D. The term "total cost," as used in this section, is subject to the approval of the Building Inspector and means the reasonable value of all services, labor, materials, and equipment necessary for the prosecution and completion of the structure ready for occupancy. It shall include the value of all structural, electrical, mechanical, plumbing, life safety, and fire protection work and equipment, all interior finishes, all normal site preparation, excavation and backfill directly related to the building. On-site utilities (water and wastewater) shall not be included in the total cost of construction. In the case of an

application to demolish an existing building or structure, the “total cost” shall include the cost for the demolition of the building or structure and the disposal of the demolition materials. In the case of an application to relocate an existing building or structure from one lot to another, the “total cost” shall include the cost of moving the building or structure, the cost of the new foundation(s), and the value of all electrical, mechanical, plumbing, life safety and fire protection work necessary to put the building or structure into a usable condition in its new location.

E. If work requiring a residential or commercial building permit under this Chapter is commenced or completed prior to the issuance of such permit(s), the applicable building permit fee shall be increased by twenty-five percent (25%) for a company’s or individual’s first such occurrence, by fifty percent (50%) for the second occurrence, and by one hundred percent (100%) for any subsequent occurrence.

E.F. Refund of fee. Any request for a refund shall be made in writing to the Building Inspector. In no case shall a refund be made for a request submitted later than one year after the date of issuance of the permit, nor shall the amount exceed 50% of the original fee paid. After such a refund has been paid, no work shall be permitted until a new application has been made and a new permit has been issued.

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 January 1, 2022.

The following is information regarding the City of Lebanon Building Permit Fee Schedule, as set forth in Chapter 36: Building Construction, of the City Code. Changes to Chapter 36 are approved by the City Council. The current Building Permit Fee Schedule was last adjusted in January 2016, and prior to that, had not been adjusted since August 2005.

Lebanon uses a sliding scale for construction costs less than \$5,000.00 in value, and a percentage of the total cost of construction for all other permits. The City's fee structure is currently calculated at \$6.00 per \$1,000 for residential, and \$7.00 per \$1,000 for multi-family, commercial and industrial.

BUILDING PERMIT FEE SCHEDULE

ALL PERMIT FEES ARE DUE UPON SUBMISSION OF PERMIT APPLICATION

For residential (detached) one and two family construction and renovation

<u>Cost of construction</u>	<u>Fee</u>	<u>Permit fee</u>
\$0 to \$500:	\$30.	with the 5% \$31.00
\$501 to \$1,000:	\$35.	with the 5% \$37.00
\$1,001 to \$3,000:	\$55.	with the 5% \$58.00
\$3,001 to \$5,000:	\$75.	with the 5% \$79.00

Over \$5,000: \$75 plus 6/10 of 1% of the total cost of alterations or construction *(see example calculation below)
(rounded to the nearest whole dollar)

For multi-family, commercial and industrial construction and renovation

<u>Cost of construction</u>	<u>Fee</u>	<u>Permit fee</u>
\$0 to \$500:	\$35.	with the 5% \$37.00
\$501 to \$1,000:	\$60.	with the 5% \$63.00
\$1,001 to \$3,000:	\$80.	with the 5% \$84.00
\$3,001 to \$5,000:	\$110.	with the 5% \$115.00

Over \$5,000: \$110 plus 7/10 of 1% of the total cost of alterations or construction*(see example calculation below)
(rounded to the nearest whole dollar)

Five percent (5%) shall be applied against all permit fees for Fire Department and Department of Public Works review and inspections.

The term "total cost" as used in this section, is subject to the approval of the Code Official and means the reasonable value of all services, labor, materials, and equipment necessary for the prosecution and completion of the structure ready for occupancy. It shall include the value of all structural, electrical, mechanical, plumbing, life safety and fire protection work and equipment, all interior finishes, all normal site preparation, excavation and backfill directly related to the building. On-site utilities (water and wastewater systems) shall not be included in the total cost of construction.

Examples on calculating permit fees

<u>Residential</u>	<u>Commercial</u>
10,000.00 (cost of construction)	10,000.00 (cost of construction)
<u>x.006</u>	<u>x.007</u>
60.00	70.00
<u>+75.00</u>	<u>+110.00</u>
135.00	180.00
<u>X 5%</u>	<u>X5%</u>
6.75	9.00
<u>+135.00</u>	<u>+180.00</u>
\$142.00 Permit fee due (rounded to nearest dollar)	\$189.00 Permit fee due (rounded to nearest dollar)

Adopted by city council on 1/6/16

For comparison purposes, permit fee calculations from various New Hampshire communities are depicted in the tables below. (A more detailed summary and/or the community's fee schedule can be provided.) Some communities use a per-square-foot calculation or a fee based on the estimated cost of construction, as Lebanon does. Some communities issue separate permits for each portion of a project, e.g. structural, mechanical, electrical, plumbing, etc. Also, in many communities, the permit fees for these separate project components are based on the cost of the system to be installed or calculated on the number of devices or fixtures proposed.

This building permit fee comparison is based on the following hypothetical development projects, which are derived from actual applications in the City of Lebanon.

Residential: New Construction 2,283 SF building (w/ 1,239 SF basement), \$286,350 construction cost

COMMUNITY	RESIDENTIAL PERMIT FEE	CALCULATION
LEBANON	\$1,883.00	\$75 + \$6.00/\$1000 const. cost + 5%
PORTSMOUTH	\$2,204.00 (+)	\$100 + \$7.00/\$1000 const. cost + separate elect. and mech/plumb permits (per fixture, min. \$50)
NASHUA	\$1,074.00 (+)	\$50 + \$0.18/SF + 240 P&Z + separate M/E/P (per fixture, min. \$50)
KEENE	\$2,391.00 (-)	\$100 + \$8.00/\$1000 const. cost (reductions possible)
CLAREMONT	\$853.00	\$0.15/SF + separate M/E/P (flat rates)
CONCORD	\$2,585.00 (+)	\$30 + \$7.60/\$1000 const. cost + \$.10/SF + separate M/E/P (per fixture, min. \$50)
LONDONDERRY	\$1,878.00 (+)	\$25 + \$6.00/\$1000 const. cost + \$50 elect/plumb (ea) + \$35 mech/gas (per fixture)

The average Residential single-family home building permit fee for the hypothetical application is +/- \$1,831; Lebanon is roughly at the average.

Commercial: New Construction 19,050 SF building (on slab), \$1,800,000 construction cost

COMMUNITY	COMMERCIAL PERMIT FEE	CALCULATION
LEBANON	\$13,346.00	\$110 + \$7.00/\$1000 const cost + 5%
PORTSMOUTH	\$19,203.00 (+)	\$100 + \$10/\$1000 const. cost + separate elect. and mech/plumb permits (per contract) + \$.05/SF protected area fire sprinkler/alarm
NASHUA	\$7,193.00 (+)	\$50 + 0.28/SF + 25% of BP fee + \$325 + separate M/E/P (per fixture, min. \$50)
KEENE	\$18,100.00 (-)	\$100 + \$10/\$1000 const. cost (but with reductions possible)
CLAREMONT	\$10,958.00 (+)	\$.15/SF + \$50 + separate M/E/P permit fees based on contract cost
CONCORD	\$16,155.00 (+)	\$30 + \$7.60/\$1000 const. cost + \$.10/SF + separate M/E/P (per fixture, min. \$50) + \$360 Life Safety + min. \$30 Fire Prevention (per fixture)
LONDONDERRY	\$11,150.00 (+)	\$25 + \$6.00/\$1000 const. cost + \$125 elect/plumb (ea) + \$75 mech/gas (per fixture)

The average Commercial building permit fee for the hypothetical application is +/- \$13,793 not counting applicable per-fixture or per-contract charges; Lebanon is below the average.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

10. NEW BUSINESS:

**10.H – DISCUSSION & SET PUBLIC HEARING FOR DECEMBER 1, 2021:
ORDINANCE #2021-18 TO AMEND CITY CODE CHAPTER 97, LANDFILL
REGULATIONS, APPENDIX A, FEE SCHEDULE**

BACKGROUND

Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from now repealed Chapter 143 (Solid Waste) and to include a fee schedule for disposal of refuse and recycling of certain materials. The fee schedule is to be reviewed annually for possible updates based on current market rates.

Attached please find the fee schedule proposed to be effective January 1, 2022.

ACTION

Should the Council decide to move forward with Ordinance 2021-18 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 1, 2021, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-18, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, Appendix A, Fee Schedule.

Included in this Section:

1. Proposed Ordinance #2021-18

**CITY OF LEBANON
ORDINANCE #2021-18**

AN ORDINANCE TO AMEND Chapter 97, Landfill Regulations of the Code of the City of Lebanon, Appendix A, Fee Schedule.

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

Section 1.

The Code of the City of Lebanon, Chapter 97, Landfill Regulations, Appendix A, Fee Schedule, is amended as follows:

Item	Fee
MSW – Commercial	\$75.75/ton \$76.50/ton
MSW – Residential	\$1.50/household bag \$3/contractor bag \$15 per punch card
Minimum Load – Scale Use (200lbs)	MSW - \$10.00 (6 punches) C&D - \$15.00 (10 punches) Bulky - \$12.00 (8 punches)
Construction and demolition debris – commercial NOTE: This does not include mixed aggregates	\$150/ton
Construction and demolition debris – residential	1 punch = 20 lbs of C&D 1 card = 200 lbs of C&D
Mattresses	\$9 per item (6 punches) \$120/ton (oversized bulky waste rate)
Furniture	\$9 per item (6 punches) \$120/ton
Tires	\$7.50/tire (5 punches) \$175/ton
Yard trimmings and brush	\$15/ton for loads larger than 2 cubic yards
Bulk loads of glass, asphalt, brick and concrete and mixed aggregate	\$30/ton
Electronic waste – monitors and TVs	\$21/item (14 punches) \$0.30/lb on CRTs larger than 27"
Electronic waste – solar panels	\$30/ panel
Electronic devices – DVD, VCR, stereo, etc.	\$9/item (6 punches)
Freon-containing devices	\$21/unit (14 punches)
Fluorescent bulbs	\$0.15/ft.
Compact fluorescent lamps (CFLs)	\$0.60/each
Cover materials	\$12 \$15/ton
Food waste	\$50/ton
Food scraps – household	1 punch card (10 punches) until June 30 ½ punch card (5 punches) July 1 and after
Pressurized cylinders – fire extinguishers and propane tanks	\$12/tank
Small pressurized tanks	\$1.50/each
Equipment Assist	\$50

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 jurisdictions, such decisions 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 January 1, 2022.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 17, 2021**

10. NEW BUSINESS:

**10.I – PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR
DECEMBER 15, 2021: AMENDMENTS TO ORDINANCE NO. 18, SALARY PLAN**

BACKGROUND

The Council is asked to take action to amend Ordinance #18, Salary Plan, as follows:

1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General Wage Increase for 2022, to increase the wage and stipend pay scales for election positions, and to include the position of Substitute Custodian within the Temporary/Seasonal & Stipend Employees Pay Scale;
2. Article III, Bargaining Unit Employees, Section A AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO to implement a 3% General Wage Increase for 2022; and
3. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) to implement a 3% General Wage Increase for 2022

ARTICLE II, NON-AFFILIATED EMPLOYEES

The City Manager is responsible for maintaining the City's Compensation and Classification Plan. Within Ordinance No. 18, compensation for exempt (salaried) and non-exempt (hourly) non-affiliated employees is expressed as a minimum and maximum grade range – hourly for non-exempt employees and weekly for exempt (salaried) employees. Movement within ranges is through annual general wage and merit adjustments applicable for employees not at the top of their wage range. To be useful, it is imperative that compensation and classification systems be kept current. This is achieved primarily by revising compensation ranges through regular general wage adjustments and by systematically reviewing all positions on a regular basis both relative to a meaningful sampling of the labor market and internally relative to other positions.

The increase in the New England Urban CPI for the period of June 2020 – June 2021 was 4.6%. The City Council is asked to take action to implement a 3% General Wage Increase (rates shown in the chart below) for non-affiliated (non-union) employees as part of the 2022 City Budget, which is scheduled for adoption on December 15, 2021. GWI is to be effective the first pay period of 2022.

As part of the amendments proposed to the salary plan, administration is proposing that election positions receive a wage increase above the 3% GWI. Current hourly rates for election positions range from \$10.15/hour to \$12.69/hour depending on the position. Proposed rates range from \$14.22/hour to \$20.60/hour. This is to retain the experienced citizens of the community and to attract new community citizens to assist in the election process. Stipend rates are also proposed to change from the current rate of \$155-\$255/day to flat rates of \$195.70/day for Supervisors of the Checklist and \$231.00 for the "Chair" Supervisors of the Checklist.

A Substitute Custodian position for the Kilton Library has also been added to the Season/Temporary & Stipend Employees pay scale.

COLLECTIVE BARGAINING UNITS

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.

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. With known cost factors being disclosed for the life of the contract, collective bargaining agreements are considered "Sanbornized".

ARTICLE II, LPASE

The City and Lebanon Professional, Administrative, and Salaried Employees (LPASE) have reached a tentative three-year (2022 - 2024) labor agreement.

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 \$83,000. In year two (2023), LPASE members will forgo merit increases, but costs will include up to a 3% GWI. Costs for year three (2024) will include up to a 3% GWI plus merit increases for all eligible staff.

Corresponding wage 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.

ARTICLE III, SECTION A, AFSCME

The City and the American Federal State, County and Municipal (AFSCME) have reached a tentative three-year (2022 - 2024) labor agreement.

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 \$79,000. In year two (2023), AFSCME members will forgo step increases, but costs will include up to a 3% GWI. Costs for year three (2024) will include up to a 3% GWI plus step increases for all eligible staff.

Corresponding wage 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.

ARTICLE III, SECTION C, LPBA/NEPBA

A successor collective bargaining agreement (CBA) with the Lebanon Police Benevolent Association for the period of January 1, 2022 – December 31, 2024 was ratified by the City Council on October 6, 2021. The CBA provided for a 3% GWI in 2022 based on the June 2020-June 2021 CPI.

Gloria Leskiewicz, Human Resources Director, will be present to discuss the proposed amendments and answer any questions the Council may have.

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 November 17, 2021, and to schedule a public hearing for December 15, 2021, to amend the Ordinance. The second and third presentations will follow on December 1, and December 15, respectively.

ACTION

The Council is asked to recognize the first of three presentations and to schedule a public hearing as follows:

1. ACKNOWLEDGE FIRST PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, as follows:

- 1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General Wage Increase for 2022, to increase the wage and stipend pay scales for election positions, and to include the position of Substitute Custodian within the Temporary/Seasonal & Stipend Employees Pay Scale;***
- 2. Article III, Bargaining Unit Employees, Section A AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO to implement a 3% General Wage Increase for 2022; and***
- 3. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) to implement a 3% General Wage Increase for 2022***

The following pay plan shall be in effect the first pay period of 2022.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2022 SALARY & GRADES TO INCLUDE THE 3%					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern II	\$17.27	\$23.32	-	-
2	Custodian	\$18.31	24.71	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$19.41	\$26.20	-	-
	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$20.58	\$27.78	-	-
5		\$21.81	\$29.43	-	-
6	-	\$23.11	\$31.20	-	-
7	Administrative Assistant	\$24.49	\$33.42		
	Administrative Secretary			-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant	\$25.97	35.06	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,038.81	\$1,402.50
	Young Adult Librarian	-	-	-	-
9	Code Health Inspector**	\$28.56	\$38.55	-	-
	Executive Assistant	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Children's Librarian			\$1,142.48	\$1,542.28
	Associate Planner**	-	-		
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
10	Assistant City Engineer**	\$31.42	\$42.42	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Community Nurse				
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**				
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,220.14	\$1,696.80

11	Technical Advisor I	\$34.60	\$46.70	-	-
	Administrative Services Manager**	-	-	\$1,384.00	1,868.01
	Airport Operations Supervisor**	-	-	-	-
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
12	Wastewater Treatment Superintendent**	\$36.67	\$49.49	-	-
	Water Treatment Superintendent**	-	-	-	-
	Chief Innovation Officer			\$1,466.80	\$1,979.66
	City Assessor**	-	-	-	-
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,554.49	\$2,098.51
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works			\$1647.76	\$2,224.49
	Chief Assessor	-	-	-	-
	Deputy Police Chief	-	-	-	-
15	Cyber Services Director	-	-	\$1,746.72	\$2,357.88
16	Technical Advisor II	\$46.28	\$62.48		
	Chief of Police	-	-	\$1,851.34	\$2,499.20
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Deputy City Manager	-	-	-	-

**Denotes LPASE Employees for which the January 1, 2022 GWI shall be based on the NE Urban CIP for June 2020 – June 2021, but in no case shall be less than one percent (1.0%) nor greater than three percent (3%).

B. SEASONAL/TEMPORARY& STIPEND EMPLOYEES

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
*Ballot Clerk		\$14.42
*Election Assistant		\$14.42
*Supervisors of the Checklist		\$14.42
*Moderator		\$20.60
*Ward Clerk		\$20.60
ELECTION DAY STIPEND		
*Chair Supervisor of the Checklist		\$231.00
*Supervisor of the Checklist		\$195.70
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$11.59	\$29.40
PARK AND RECREATION POSITIONS		
Front Desk Attendants – Pool	\$10.45	\$15.71
Lifeguards	\$10.45	\$18.03
Head/Lead Counselors	\$13.60	\$16.73
Head & WSI Lifeguards	\$12.55	\$18.80
Head Front Desk Attendant - Pool	\$12.55	\$15.97
Outdoor Adventurer - Educator	\$13.07	\$16.73
Softball Coordinator	\$13.07	\$16.73
Camp Director	\$13.60	\$20.60
Day Camp Counselors	\$10.45	\$15.71
Arts & Craft Director	\$13.60	\$17.51
Farmers Market Coordinator	\$14.64	\$18.82
Market Assistant	\$12.55	\$15.69
Tennis Instructor	\$15.69	\$19.87
Stomp & Romp	\$15.69	\$19.87
Asst. Pool Director	\$15.69	\$21.63
Pool Director	\$16.73	\$24.72
ARTS, PARKS AND RECREATION STIPEND POSITIONS: Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$211.15	\$736.45
LIBRARY POSITIONS		
Circulation Substitutes		\$13.81
Custodian Substitutes (New)		\$16.42
Reference Librarian Substitutes		\$23.33
PUBLIC WORK POSITIONS		
Engineering Clerk	\$11.51	\$14.64
GIS Clerk - (or Intern)	\$15.69	\$17.78
Seasonal Laborers – Summer & Fall DPW, Parks & Rec.& Airport	\$16.73	\$21.14
CDL Seasonal Drivers	\$23.49	\$51.50
PLANNING POSITIONS		
Park Ranger	\$15.69	\$17.78
POLICE DEPARTMENT POSITIONS		
Crossing Guard		\$17.03
Communications Specialist	\$24.49	\$33.42
Police Administrative Aide	\$20.91	\$24.05
Parking Control Officer	\$20.91	\$24.05
*Police Officers	\$27.87	\$36.84

CITY CLERK POSITIONS		
Assistant City Clerks (Part-Time/Temp. <20)	\$24.11	\$32.56
Recording Secretary	\$22.47	\$24.57
Recording Secretary Coordinator	\$23.50	\$25.09
SHARED POSITION		
General Intern I	\$13.60	\$17.25

*Denotes Wages Increased Above 3%

ARTICLE III, BARGAINING UNIT EMPLOYEES

A. AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO - Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and AFSCME (American Federation of State, County and Municipal Employees) Local #1348/Council 93 AFL-CIO, (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2022 through the last pay period of 2022, as provided in that agreement, and as placed on file in the office of the City Clerk.

AFSCME POSITIONS	
GRADE	POSITION(s)
1	Laborer
2	Utility Operator Trainee
3	Operator; Recycling Attendant; Construction Utility Operator I; Meter/Backflow Technician; Scale Technician
4	Light Equipment Operator; Airport Maintenance Technician;
5	Heavy Equipment Operator; Utilities Operator I; Airport Maintenance Specialist; Maintainer (Cemetery Crew Leader); Utilities Operator I;
6	Mechanic; Water Treatment Plant Operator; Wastewater Treatment Plant Operator;
7	Laboratory Technician/ Utilities Plant Operator; Airport Maintenance Foreman; Parks & Grounds Crew Foreman; Utilities Maintenance Mechanic; Engineering Technician;
8	Electrician; Foreman;
9	Chief of Quality Assurance

AFSCME LOCAL 1348 - 2022 SALARY GRADES							3% GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Grade</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>
1	17.83	18.38	18.94	19.48	20.04	20.61	21.14
2	19.22	19.82	20.44	21.03	21.64	22.23	22.81
3	20.72	21.39	22.06	22.72	23.39	24.03	24.71
4	22.39	23.12	23.83	24.57	25.28	26.01	26.76
5	24.23	25.04	25.82	26.60	27.39	28.18	29.00
6	26.28	27.11	27.96	28.80	29.67	30.52	31.40
7	28.44	29.37	30.29	31.24	32.17	33.09	34.04
8	30.79	31.82	32.83	33.86	34.84	35.89	36.95
9	32.37	33.45	34.55	35.63	36.73	37.80	38.92

The January 1, 2022 GWI shall be based on the NE Urban CIP for June 2020 – June 2021, but in no case shall be less than one percent (1.0%) nor greater than three percent (3%).

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, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2022 through the last pay period of 2022, as provided in that agreement, and as placed on file in the office of the City Clerk.

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

The January 1, 2022 GWI shall be based on the NE Urban CIP for June 2020 – June 2021, but in no case shall be less than one percent (1.0%) nor greater than three percent (3%).

2. SCHEDULE PUBLIC HEARING:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 15, 2021, beginning at 7:00pm, 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, as follows:

- 1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General Wage Increase for 2022, to increase the wage and stipend pay scales for election positions, and to include the position of Substitute Custodian within the Temporary/Seasonal & Stipend Employees Pay Scale;***
- 2. Article III, Bargaining Unit Employees, Section A AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO to implement a 3% General Wage Increase for 2022; and***
- 3. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) to implement a 3% General Wage Increase for 2022***