



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

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 573 816 745#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The December 1, 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: None

6. Approval of Minutes

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

7. Appointments

- A. Library Board of Trustees, Scout Noffke (Alternate Member)
Upper Valley Lake Sunapee Regional Planning Commission, Dan Nash
(Reappointment as Lebanon Representative)

8. 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 (Miracle Mile), Lebanon.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- B. RECLASSIFICATION OF CLASS VI ROAD #7 - Public hearing for the purpose of receiving public input and taking action to reclassify Class VI Road #7 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.
 - i. Presentation:

- ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- C. ORDINANCE #2021-11 – 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- D. ORDINANCE #2021-12 - 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- E. ORDINANCE #2021-13 - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-13 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
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- F. ORDINANCE #2021-16 – Public hearing 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:

- iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - G. 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - H. 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
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 9. **Old Business**
 - A. Presentation of Second Reading: Amendment to Ordinance #18, Salary Plan, Article II, Non-Affiliated and LPASE Employees and Article III, Bargaining Unit Employees, Section A (AFSCME) 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.
 - B. ORDINANCE #2021-14 – Set Public Hearing for January 12, 2022: 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.
- 10. **New Business: None**
- 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.

Lebanon City Council Agenda
December 1, 2021

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Arts & Culture Commission
Position: Regular Member
Applicant: B. Van Vliet
Assigned Councilor K. Zook
Assigned Date: 11/22/2021

Board/Committee: Board of Cemetery Trustees
Position: Regular Member
Applicant: F. Hanchett
Assigned Councilor G. Sykes
Assigned Date: 11/22/2021

Board/Committee: Diversion, Equity & Inclusion Commission
Position: Alternate Member
Applicant: S. Whitecloud
Assigned Councilors D. Wilkie, K. Zook, K. Hill
Assigned Date: 11/09/2021

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 15, 2021

Public Hearing and Action to Adopt 2022 Municipal Budget

JANUARY 5, 2022

PUBLIC HEARING ITEM:

A. 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

NEW BUSINESS:

- A. Review and Adoption of 2022 Annual Calendar
- B. Appointment of 2022 Chair and Vice-Chair for Economic Development Commission
- C. Discuss and approve lease agreement with SDC 49 Plainfield, LLC for lease of land within the Lebanon Airport Tech Park (TENTATIVE)
- D. Review of Proposed Zoning Amendments for Council Adoption and those to be placed on the 2022 Municipal Ballot (Public Hearing to be held January 19, 2022)
- E. Three Tomatoes 5-year license agreement (Placement of Outdoor Seating Tent on Court Street)

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

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- November 9, 2021 (Budget Work Session)
- November 10, 2021 (Budget Work Session)
- November 15, 2021 (Budget Work Session)
- November 17, 2021 (Regular Meeting)

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

DRAFT

**LEBANON CITY COUNCIL
BUDGET WORK SESSION**

Thursday, November 9, 2021, 5:30 p.m.

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

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk/Tax Collector Kristin Kenniston, Finance Director Vicki Lee, Director of Public Works Jim Donison, Assistant Director of Public Works Everett Hammond, Assistant Director of Public Works Jay Cairelli, Solid Waste Manager Marc Morgan, and DPW Administrative Services Manager Kelly Crate

Mayor McNamara called the meeting to order at 5:30 p.m.

All Councilors who were present for this Work Session are listed above.

City Manager Mulholland announced this is not a Public Hearing but rather a work session for the Council to review DPW's proposed budget for 2022. However, the public is encouraged to listen in. There will be opportunities for public comments in the upcoming weeks.

1. Review of 2022 City Budget – Question and Answer Session with City Departments

A. Public Works

- **Overall DPW : Requesting \$4,904,000.00 (an increase of 8.01% or \$364,000.00 from the 2021 budget)** (slide 40 of the 2022 DPW Budget presentation).
 - **Approximately 2/3 of the total budget increase, or \$223,390.00, in Wages & Benefits, including a new Fleet Mechanic and P/T Admin/Finance Asst.**
- **Proposed DPW Fleet Maintenance for all City Departments, including Fire, Police, and RAP.**
 - **Total overall savings of \$65,000.00, for bringing contracted work in-house. Total cost of this proposal is approximately \$100,000.00, allowing for a 3rd Fleet Mechanic and additional person to snowplow** (slide 39 of the 2022 DPW Budget presentation).
- **2022 Roadway Improvements Plan: Requesting \$525,000.00. If additional end of the year funds are available, DPW will have additional contracts ready to award** (slide 43 of the 2022 DPW budget presentation).
- **2022 Solid Waste Fund Budget: Requesting \$4,046,450.00 (a decrease of 10.1% or \$-452,380.00 from the 2021 budget)** (slide 60 of the 2022 DPW budget presentation).

There was discussion regarding technology to further increase the compaction ratio. Mr. Marc Morgan stated that the DPW will be examining certain options, such as a bale fill operator in 2022.

Mr. Morgan explained that the state of solid waste in New England is currently volatile. An enormous amount of disposal capacity has been lost in Massachusetts, leading to increased tipping fees in New Hampshire. The DPW continues to work on this delicate balance.

- **2022 Water Treatment and Distribution Budget: Requesting \$4,141,290.00 (an increase of 11.2% or \$417,000.00 from the 2021 budget)** (slide 74 of the 2022 DPW budget presentation).

In response to a question from Councilor Liot Hill, Mr. Cairelli explained that the DPW will look into other potential water sources, such as the Mascoma Watershed, during the CIP process. Test drillings have shown this to be a potential location that could replace the water treatment plant in its entirety, if necessary.

- **2022 Wastewater Treatment and Collection Budget: Requesting \$7,264,330.00 (an increase of 1.9% or \$135,349.00 from the 2021 budget)** (slide 95 of the 2022 DPW budget presentation).

There was discussion about the increase in rates for the Hanover sewer charge. Mr. Cairelli stated that the DPW will compile information about the historical rate increases for this item. It is believed that there is still more of a benefit to send this to Hanover than create a sewer system to pump into Lebanon's system.

Mr. Cairelli explained that there is a contract with an engineering firm to look at slope stabilization along Mill Road. The line near Baker's Crossing, other than the break, is in good condition and there is nothing to indicate that the line is corroded. Plans are being put together for how to replace the line, and one of these might be to put it under the Mascoma River, but more analysis is needed.

In response to a question from Councilor Liot Hill, Mr. Cairelli explained that the flow metering is moved methodically during the seasons.

There was discussion regarding impact fees. City Manager Mulholland explained that impact fees are used for capital expenses to allow for growth. There are not many ways that impact fees would come into play for the DPW operating budget.

In response to a question from Councilor Liot Hill, Mr. Morgan stated that the legislative study committee that he is part of comes from a bill passed last year to evaluate the current solid waste services and plan for the future of solid waste disposal.

There was discussion regarding the City's stormwater infrastructure and climate change/resiliency. City Manager Mulholland noted that the City has significantly upgraded its stormwater standards. The City has more ditches than it can possibly manage with current staffing. There is not a current map of the entire ditch system for the City, but it is on the radar to complete in the future. Councilor Liot Hill stated that she believes a map of the entire system and management plan is important.

It was noted that the City is moving towards using liquid magnesium chloride for road treatment in the winter. This should prevent ice buildup and reduce the amount of salt on roadways.

There will be opportunity for the public to comment on the budget at the City Council meeting on December 15, 2021.

ADJOURNMENT:

The meeting was adjourned at 6:58 PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
MINUTES, BUDGET WORK SESSION
Council Chambers or
Remote Via Microsoft Teams
LebanonNH.gov/Live
Wednesday, November 10th, 2021
5:30 PM**

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/Tax Collector Kristin Kenniston, Assistant City Clerk Jenna Drouin, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Recreation, Arts & Parks Director Paul Coats, Recreation Coordinator Kristine Flythe, Human Services Director Lynne Goodwin, Recreation, Arts & Parks Department Meagan Henry

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

2. REVIEW OF 2022 CITY BUDGET-QUESTION AND ANSWER SESSION WITH CITY DEPARTMENTS: Full budget can be found at:
<https://lebanonnh.gov/1556/2022-Proposed-City-Budget>

A. Recreation, Arts & Parks – Paul Coats, Director (Note: complete line items can be found on pages 2-5, City Council agenda packet, and starts on page 102 of the Budget).

Requesting: \$1,109,220 – an increase of \$254,230 (29.77%) over the 2021 Budget

Mr. Coats reviewed the Recreation, Arts & Parks Budget with the Council and spoke about specific line item changes in the budget which included:

- Purchased Services: (\$3K) Restoration of funds for public concerts and events at Colburn Park.
- Supplies: Restoration of items to the programs that were cut from last year's budget. There will be holiday lights this year due to a very generous team of donors. December 4th will be our Holiday Celebration, tree lighting ceremony, and the public art reveal for the tunnel.
- Labor & Sports supplies: \$4K increase will go towards aging soccer & and field hockey goals that cannot be welded back together anymore.
- Wages/Camp/Pool: No increases. Funds are just being restored.
- Maintenance Division: Is mainly related to the salary of a new hire.

The Council discussed whether or not TIF funds could be used for the Farmers' Market to increase program expenditures, and while City Manager Shaun Mulholland said they could be, he suggested TIF Funds should be used strategically for fiscal improvements and for operating expenses; having a City

Council table at the Farmers' Market and adding one in West Lebanon; adding a small amount of funds to the budget to start up a Farmers' Market in West Lebanon; having an event for Fire Prevention Week; having an Open House on Halloween; looking for opportunities to encourage people to visit the AVA Gallery, Opera House, and other areas throughout the City; adding educational programming at the Farmers' Market.

Mr. Coats was in favor of having educational booths at the Farmers' Market to attract a broader diversity of people into the City. However, he would want to study the idea of introducing another market in the Upper Valley. He thought the holiday period is more of a blank spot in our calendar, noting we have tried winter markets in the past and they have consistently not been successful for a large variety of reasons, noting that when the City has a Community Center this may change.

Mr. Coats spoke about the development on Mt. Support Road/Rte. 120 and suggested a small park facility that offers a playground, pavilion, and limited open space where people could kick a ball, etc. would be a good idea. He and the City Manager have talked about this and are beginning to have conversations with DHMC about trading land.

Mayor McNamara said the jewel in that area is Dartmouth's Landmark property (30 +/- miles of mountain biking/hiking trails) and was uncertain if we need to replicate the parks as much as we need to energize this type of activity.

B. Outside Recreation Services – Paul Coats/Stefanie Valley-Lebanon Outing Club

Mr. Coats noted that the Lebanon Youth Hockey Association and Youth Baseball Association offers some of the activities that Lebanon Recreation does not offer and spoke about all the programs provided by the Outing Club, noting they operate and maintain the Storr's Hill Ski area. They would like to build outdoor access to restrooms, doing a building upgrade (will be applying for grants to do this). He also spoke about their rising costs for insurance; rising energy costs to operate the ski area; and increased costs to providing activities. The City's level of support for the Outing Club has been maintained at a constant level but they are asking for an increase to help them keep afloat in their operational expenses.

In response to Councilor Sykes question regarding whether or not the City is setting aside funds to help the Outing Club maintain the ski jumps, Councilor Heistad said this needs to be looked at as maintenance is a problem. The 20 meter (now 25 meter) ski jump was built in 1947, and it is hopeful we will be able to find enough funding so it can be redone next year. For the Heistad Hill, we are looking at bigger jumps and only 50 meter hills that can be used for training. The 10 meter hill is the beginner hill.

Mr. Coats noted there is a replacement plan for the 25 meter ski jump which is estimated at around \$100K. Our assistance with the Outing Club is only to help them with grant writing, which they are pursuing. We are not looking, at this time, to propose a CIP (Cost Improvement Proposal).

While Councilor Liot Hill supported the 2022 proposed budget increase, she was not in favor of the Hanover High School Ski Team doing joint training with Lebanon, noting it significantly compromises our students ability to train effectively.

Ms. Stefanie Valley (Vice President of the Outing Club) came forth and noted that Hanover will not be training in Lebanon this season. She also spoke about the negotiations/talks with the ORDA (Olympic Regional Development Authority) out of Lake Placid and will be working with them regarding summer jumping at Storr's Hill. ORDA is considering about \$300K worth of landing hill plastic. Renovations are being planned in the future to use that landing plastic combined with a Federal Grant, so the jumps will have summer capacity. She also spoke about the increased costs of insurance (increased by \$5K this year), and the need to have one full-time staff member to support the ski area's operations in order to keep up with the volunteer documentation requirements and State regulations. Councilor Heistad added the bulk of the work on the ski area is done by volunteers who provide over 400 hours each week.

City Manager Mulholland noted that all the lights on Storr's Hill will be switched to LEDs and the funds are available in the Capital Budget.

		2021 APPROVED BUDGET	2022 PROPOSED BUDGET	\$ CHANGE VS. 2021 BUDGET	% CHANGE VS 2021 BUDGET	
REQUESTED OUTSIDE ORGANIZATIONS Total		28,980	28,980	50,230	21,250	73.3%
Account Number	Description					
	LEBANON OUTING CLUB	23,750	23,750	45,000	21,250	89.5%
	GREATER LEBANON YOUTH HOCKEY ASSOCIATION	3,730	3,730	3,730	0	0.0%
	LEBANON YOUTH BASEBALL	1,500	1,500	1,500	0	0.0%

C: Human Services – Director Lynn Goodwin (pages 6-7 of agenda packet and starts on page 92 of Budget)

Total Requested: \$554,900, which is <\$84,700 or -13.2% from the 2021 budget (includes Contracted Services/Outside Human Services)

Ms. Goodwin noted there are not significant changes to the Human Services Budget this year, but did note the staff has seen some turnover in 2021 and are currently without an Assistant Human Services Director, so there is a decrease in requested funds for the PT wages for next year.

Other changes are minor, so overall the administration of the office is only up by .03%. In terms of Direct Assistance for residents of Lebanon, last year we put \$20K into the budget with hopes that the Haven would be able to put a low barrier shelter this fall, but this did not happen. There is not going to be a seasonal shelter this year due to the pandemic and having to house people in close proximity to each other. The Haven had hoped to partner with a provider to provide a seasonal shelter, but they had some neighborhood pushback. The alternative this year will be to try and provide some supplemental motel assistance that the Haven will administer during off hours and weekends. So, instead of the \$20K that we hoped would go into operational expenses for a low barrier shelter, \$10K has been put into the budget to reimburse the Haven for motel expenses they provide on behalf of Lebanon residents when our office is closed. The only other increase is in Direct Assistance for Other Purchased Services, noting the cost of cremations have increased by at least 10%, and there seems to be more cremations.

Ms. Goodwin responded to the Council's questions regarding the following:

- Direct Services: In terms of unemployment benefits, the surplus of benefits that some folks were getting did end, but there is still a significant amount of rental assistance out there. The State dashboard has not been updated since October 3rd, and that juncture of about \$50M of \$200M had been spent and we have now been told that about \$63M has been spent. In the State of NH, everyone's request for assistance is down because everyone is being referred for these Federal Funds which can be used through 2025 if not exhausted by the end of 2022. In 2022, she does not see a need for Direct Assistance in her budget.
- Utility Assistance: There is \$200M through the NH Emergency Rental Assistance Program that can also be used for utilities, including water/sewer. There was also a change in criteria that limited assistance to those affected by COVID, but has now been broadened to anyone who suffered a hardship during COVID. Her office will certainly help people navigate the program and noted they can also apply for electric/phone service through providers in the area.
- Homeowner Assistance: Her office is also a resource for homeowners seeking assistance but noted anyone seeking homeowner assistance help will have a lien placed on their home. The Homeowner Assistance fund is being setup this month.
- Salary for new hire: Ms. Goodwin felt the salary range for a new Human Services Assistant is fair and she felt the amount budgeted is adequate as an hourly rate, which is midway in the salary range.
- Most need for Lebanon residents: Right now, most of the calls are for emergency shelter and trying to find housing is so dire. There is a shortage of affordable housing and when hearing from clients, the bar has been moved so high that some landlords are telling applicants that they need to present an income, which means their rent would be over 30% of their income requirement for assistance. Some landlords that used to rent to our lower income clients no longer are.
- Food: We are so fortunate with the Food Shelters and LISTEN that there has not been a great need for food. In the past, some of the food budget would be used through gift cards, and those special gift cards can no longer be purchased. However, the Co-Op has graciously donated gift cards which does not come out of her food budget.

The Council discussed if the City could provide the emergency shelter funds directly to those who are in need of housing as opposed to going through a third party, or having folks go to a motel, in order to achieve greater cost efficiency; the fact that Human Services has never seen emergency shelter housing like this in the past, where even motel rooms were not available during the last week of August through the 1st two weeks in October; how Human Services does provide direct motel assistance and the City has spent significant amounts in motel assistance; how LISTEN has been a resource to them in providing emergency shelter; how, currently, the Haven is pursuing expanding a low barrier shelter on their existing campus in White River Junction, VT.; and, if there is consideration to build a low barrier shelter in Lebanon (there is interest, but the Haven is focusing their energy on expanding on their campus).

D: Outside Human Services – Deputy City Manager Paula Maville

Requesting (included in total for Human Services): \$264,580, which is < \$77,250 or -22.6% from the 2021 budget.

As part of the City Manager's 2022 proposed budget, there are eleven (11) Human Services agencies that are being recommended for funding. Everything that was requested (in table) is being proposed for funding in the amounts requested, with the exception of Tri County CAP, Inc. The reason for that is due to the adoption of the Welcoming Lebanon Ordinance which requires that an acknowledgement be signed by all agents of the City. Tri County CAP felt they are unable to sign the acknowledgement because they primarily get funds through the Federal Government and did not want to be in conflict with the policies of the Federal Government and lose their potential funding from them. As a consequence, the City is unable to provide the funding they requested.

In looking at the table of all Outside Agencies (above), there is a reduction in the amount of funding from 2021 in the amount of \$77,250 (-22.6%), which is representative of the fact that \$75K is moving to the Fire Department's budget in support of the Community Nursing Program. The actual reduction is \$2,250, which is the difference between what is not being provided to Tri County CAP, and increases for two of our existing agencies, which are the HIV/HIC Resource Center and West Central Behavioral Health.

There is a recommendation to fund a new agency and a program, Valley Court Diversion Program. While they are not a traditional Human Service Agency, they do provide a cost savings to the City through their relationship with the Prosecution Division of the Police Department. They deal with both juvenile and adult cases at the violation, misdemeanor, and felony levels. As of the date of their application, they have completed the diversion program for 28 Lebanon residents, thereby avoiding most law enforcement and court expenses. When this program is successful, the time and money it takes to bring a case to trial can start to be virtually eliminated.

In response to Councilor Sykes question, Ms. Maville concurred this request is due because they have not received funding from the County.

Ms. Ellen Wicklum of Valley Court Diversion Programs noted that Councilor Sykes was correct, and they have not received all the funding they had been receiving over the past +/-10 years, so this is part of the reason they are searching for other funders. There is also a probation transformation coming up in NH, that begins January 1, 2022, for Lebanon Court and this is anticipated to vastly increase the caseloads. She noted the pandemic has upended their funding as well, and spoke about the United Way turning their funding to food and shelter.

In response to Councilor Liot Hill's question regarding where the City stands with West Central Behavioral Health, City Manager Mulholland noted their challenge is they are struggling to hire people to fill the shifts, noting all the other regions are having the same problem.

David Crandall (Twin Pines) noted there will not be any changes for this year. They have approximately 360 Lebanon residents and have a couple of projects in the pipeline with St. Paul's and The Haven. These projects will provide about 18 units of affordable housing. There are also about 3-4 projects in the Upper Valley they are hoping will happen in the near future. At Summer Park in Hanover, there is a project for senior residents and Phase II (18 units) should be completed by the end of November. The funding they receive from Lebanon goes for supportive services for Lebanon residents for funding. Parker Street has 18 units that was completed in 2018 and is for the homeless; however, there is a waiting list.

Ms. Goodwin responded to Councilor Liot Hill's question regarding the voucher program noting that: 1) There are not enough units available. 2) There are not enough units that fall within the fair market rent standard, noting that vouchers have a maximum allowed rent and any increase over that amount of rent will be passed onto the tenants, which would make their rent unaffordable because it would be above their 30% of income. She also noted a lot of folks cannot find a unit because of the price of rents.

Councilor Liot Hill suggested that funds be added to the Human Services Budget this year to augment Section 8 vouchers for those who are struggling and spoke about how the City could provide the additional funding that might be required. Ms. Goodwin noted this would be worth looking into, but noted finding housing is still the problem.

7. ADJOURNMENT:

The meeting was adjourned at 7:04 PM.

Respectfully submitted,
Dona E. Gibson

DRAFT

**LEBANON CITY COUNCIL
BUDGET WORK SESSION
Monday, November 15, 2021 at 5:30 PM
CITY HALL – COUNCIL CHAMBERS or
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

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

MEMBERS ABSENT Karen Zook

STAFF PRESENT Shaun Mulholland (City Manager), David Brooks (Director Planning and Development), Phillip Roberts (Police Chief), Chris Christopoulos (Fire Chief and Emergency Management Director)

The work session began at 5:30 PM.

1. Meeting Access

This is not a regular Council session; it is a workshop for the departments to present their budgets. The actual Public Hearing for the budget will be in Council Chambers on December 15, 2021. The Airport presentation on the agenda will not occur tonight.

2. Review of 2022 City Budget – Question & Answer Session with City Departments

**A. Planning & Development (pages 2-4, November 15, 2021, agenda packet)
Requesting \$1,142,110 an increase of \$62,390 or 5.6% from the 2021 budget**

Director David Brooks gave an overview of the sections of his department budget to benefit new members' understanding what is covered by the line items. The overall change is 5.8%. It is all nondiscretionary items including wages, benefits, and contractual obligations. Without taking those items into consideration, the budget goes down by about \$3,000. Community development functions include the Director's budget and the administrative offices including the wages, salaries, benefits, and advertising for the office. Also, the Planning Department and staff, the GIS Coordinator and the Regional Planning office are included. It also covers Conservation, dues and memberships, mileage, and development. He discussed the percentages of the budget breakdown. The codes administration and enforcement budget are changing by about 5.4%. The Regional Planning is the biggest change this year because of the GWI change for the RPC, as well as the change in the census. It went up almost 11%. Most of the operating budget and discretionary spending are remaining flat. They continue to work with the GIS Enterprise system. There will be a conversion to a new management system, BS&A, for community development to track the building permit process.

Councilor Below asked about the increase in retirement expenses. It will be an increase for two years. It is based on the rates from the State that are based on the State's investments. The State's retirement system is still in the red. The mileage is not necessarily increasing. Originally it was all lumped into travel and now it is separated out to keep track of greenhouse gas. It covers the inspectors' daily travel around the City. The inspectors do not travel much. Councilor Whittlesey asked about the retirement system. The new rate applies to the employer fees only, which are prescribed by the State and are not optional.

1
2 **B. Police** (pages 5-8, November 15, 2021, agenda packet)

3 **Requesting \$6,893,010 an increase of \$672,890 or 10.8% from the 2021 budget**

4
5 Chief Phillip Roberts discussed the proposed 10.8% increase that is coming from wages, retirement, and
6 gasoline. Otherwise, things are remaining status quo. Councilor Below asked about the variations in the
7 cost of workers' compensation. In general, it is based on the occupation and the rates come from the
8 insurance company and vary disproportionately. Councilor Winny asked how the percentages of wage
9 increases varied. It was based on wage studies by occupation that were done for police and fire. Some of
10 the positions were off market by a substantial amount and therefore some positions needed to be adjusted
11 at higher percentages. Mayor McNamara asked about cybercrime. Chief Roberts said it has been
12 increasing and he has been able to reduce that budget by having some of that work done during regular
13 time instead of overtime which decreased the separate budget line under cybercrime. There are no new
14 positions. Historically, there are 2 empty positions in a year, but right now there are no applicants across
15 the State. In addition, if a person is hired, it takes a year to get them on the street and working within the
16 system. There was extra overtime this past year due to vacancies and officers being out sick for extended
17 periods of time.

18
19 This summer the police department began partnering with West Central and their Mobile Crisis Unit.
20 That work is funded by a grant, but there are not enough people to work in the community agencies and
21 the Unit is unable to do as much work as they would like to do. The Chief does not see any recurring
22 issues from homelessness in this community. Councilor Hill asked about the training that is done on a
23 standard and annual basis. The Chief hopes to do more training and development when things are back to
24 normal. As of now they are only meeting the state mandates for training. There is a huge list of required
25 training, and the entire force must complete all the training to maintain their certification. The police
26 officers wear body cameras and the school police officer position is not grant funded.

27
28 Councilor Hill joined the meeting at 5:51 PM in person.

29
30 **C. Fire** (pages 9-12, November 15, 2021, agenda packet)

31 **Requesting \$4,602,030 an increase of \$267,040 or 6.2% from the 2021 budget**

32
33 Chief Chris Christopoulos highlighted his proposed budget which is up 6.2%. Station management
34 software is going to be replaced for \$38,000 this year. Overtime is up \$50,000. As staff gain in rank,
35 their salaries increase and that must be accounted for in benefits as well. Training overtime is up \$18,000
36 due to a high number of the paramedic recertifications this year and staff training development is the
37 actual cost for the staff training program. In 2021, the retirement contribution rate was 30.09% of wages
38 in the first half of the year, and the last half of the year is 32.9%. That will remain the same higher rate
39 for the entire next year. Gasoline is increased and calls are going up. There were over 300 calls this year
40 so far. The other major change is to absorb the salaries of the part time community nurses. It will be a
41 little over \$78,000 which will be offset with a contribution from the DHMC pilot program of \$75,000.
42 With the new program, there will be two nurses each working 20 hours a week and that will expand their
43 outreach through collaboration with the mobile integrated paramedic. There will be new ambulance rates
44 coming in the next budget, which have not been raised since 2018 and this will help keep up with
45 expenses. The fire department serves 3 other towns with ambulance agreements, and the contracts have
46 been renegotiated with an 8% increase based on what it costs to run EMS. This will help revenues. The
47 only salary increases in the budget are the step increases on salaries. There are no staff shortages and
48 there are no current openings. The candidate pool is very shallow, but the new hires are great.

1 There is nothing planned for the new fire station. They are reviewing options and locations for both.
2 They are in the very early stages of finding locations for the new fire stations. In light of that, some
3 drainage work is needed at Station 1. Station 2 may have some heating plant issues. Right now, it is
4 difficult to find contractors. There is some concern about the air quality in both stations, and they are
5 checking on the air movement to determine if there are any major concerns in either building. Firefighter
6 protective clothing is replaced on a rotating basis.

7
8 They are hoping to replace an ambulance out of capital funds and a fire truck may need replacing in a
9 couple of years. They keep an eye on their equipment and apply for grants when there are opportunities
10 to make improvements without increasing taxes. There are no big increases in calls to any one area. As
11 Highway 120 corridor traffic increases there may be more calls. There does not seem to be any trends in
12 any areas. There were over 500 calls for lift assists in homes, picking someone up and putting them back
13 in a chair. That need should decrease with the new MIH Program. The health programs they are doing
14 are going to greatly benefit the community. Once the data has been compiled it is hoped those programs
15 will expand in future years.

16
17 The work with vaccinations has been decreasing compared to when covid vaccinations were first getting
18 started. They believe the need to assist will continue to decline. They do participate in some area clinics
19 when asked. The State reimburses the cost of off duty staff to provide vaccinations.

20
21 **D. Airport (pages 13-15), November 15, 2021, agenda packet)**

22 **Requesting \$1,479,310 an increase of \$121,060 or 8.9% from the 2021 budget**

23
24 This presentation was postponed until a later date.

25
26 City of Lebanon 2022 Operating Budget found at: <https://lebanonnh.gov/1556>

27
28 **The meeting was adjourned at 6:23 PM.**

29
30 Respectfully submitted
31 Linda Billings
32 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, November 17, 2021, 7:00 p.m.
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk/Tax Collector Kristin Kenniston, Public Works Director Jim Donison, City Engineer Christina Hall, Finance Director Vicki Lee, Planning & Development Director David Brooks, Fire Chief/Emergency Management Director Chris Christopoulos, HR Director Gloria Leskiewicz, Solid Waste Manager Marc Morgan, DPW Administrative Services Manager Kelly Crate, Digital Media Officer Melanie McDonough

-
- 1 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 PM
 - 2
 - 3
 - 4 **2. PLEDGE OF ALLEGIANCE:** Councilor Winny led the Council in the pledge
 - 5
 - 6 **3. PUBLIC FORUM ANNOUNCEMENT BY THE MAYOR:** Mayor McNamara made the
 - 7 public forum announcement
 - 8
 - 9 **4. OPEN TO PUBLIC:** Councilor Liot Hill thanked VFW Post 22 and the Lebanon High School
 - 10 Band for their participation and help with the Veterans' Day Parade. She also congratulated LFD
 - 11 Chief Chris Christopoulos, who was recently recognized as Firefighter of the Year by the North
 - 12 Country Public Safety Professionals.
 - 13
 - 14 **5. RECOGNITIONS:**
 - 15
 - Resolution in Honor of Van Chesnut
 - 16

**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

1 **WHEREAS**, Van's instinct to fill a need for mobility for those that do not drive or have access to a
2 vehicle or for those simply wishing to reduce their impact on the environment has resulted in a reliable
3 and free form of public transportation that has provided countless residents of our region with access to
4 jobs, school, shopping, medical services, recreation, and community agencies; and
5

6 **WHEREAS**, Van has left a lasting legacy and a positive impact on everyone who has had the opportunity
7 to utilize the services of Advance Transit.
8

9 **NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of
10 Lebanon, extends its sincere appreciation to Van Chesnut for his dedicated service and contributions to
11 the community over the past 34 years.
12

13 Dated this 17th day of November 2021 at Lebanon, New Hampshire.
14

15 Timothy J. McNamara, Mayor
16 *On Behalf of the Lebanon City Council*
17

18 **6. ACCEPTANCE OF MINUTES:**

- 19
 - November 2, 2021 (Budget Work Session)
 - November 3, 2021 (3rd Quarter Board/Committee Reports)
 - November 3, 2021 (Regular Meeting)
22

23 **Councilor Heistad MOVED** to approve the November 2, 2021 (Budget Work Session), the November 3,
24 2021 (3rd Quarter Board/Committee Reports), and the November 3, 2021 (Regular Meeting) minutes
25 as written and presented in the November 17, 2021 City Council agenda packet.
26

27 **Seconded by Councilor Liot Hill.**

28 ***The Vote on the Motion was approved (9-0).**
29

30 **7. APPOINTMENTS:**

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

36 **Councilor Wilkie MOVED that the Lebanon City Council APPOINT the seven (7) candidates as listed**
37 **on page 34 of the November 17, 2021 City Council agenda packet as follows:**

- 38
 - Nancy Graham (Regular Member) for a two-year term (11/21-11/23)
 - Tia Winter (Regular Member) for a two-year term (11/21-11/23)
 - Emily Walton (Regular Member) for a two-year term (11/21-11/23)
 - Bise Wood Eugene (Regular Member) for a two-year term (11/21-11/23)
 - Richard Ford Burley as regular member for a one-year term (11/21-11/22)
 - Renee DePalo as regular member for a one-year term (11/21-11/22)
 - Keiselim Montas as regular member for a one-year term (11/21-11/22)
44

45 **Seconded by Councilor Heistad.**
46

47 Councilor Liot Hill noted there was no particular reason that someone was assigned to a two-year term vs.
48 a one-year term. This was simply done randomly to allow for staggered reappointments.
49

50 ***The Vote on all NOMINATIONS were unanimously approved (9-0).**

1
2
3 **8. PUBLIC HEARING ITEMS:**

4 **A. AMEND ORDINANCE 18, SALARY PLAN:** Public hearing for the purpose of receiving
5 public input and taking action to amend Ordinance #18 Salary Plan, Article II, Non- Affiliated
6 & LPASE Employees, Section A – Regular Full-time and Part-time Benefit Eligible Positions
7 to add the position of Chief Innovation Officer, Grade 12; and to reclassify the position of
8 Deputy Police Chief from a Grade 13 to a Grade 14.
9

10 Included in the agenda packet: Ordinance 18, Salary Plan
11

12 **RECLASSIFYING THE POSITION OF DEPUTY POLICE CHIEF**
13

14 The reclassification of the Deputy Police Chief position from a Grade 13 to a Grade 14 is due to the
15 outcome of the independent Market Analysis Survey performed earlier this year regarding police officer,
16 corporal, and sergeant positions. The adjustment addresses pay compression between the Captain and the
17 Deputy Chief and maintains fairness and equity in the hierarchy of the upper-level management positions
18 at the Police Department.
19

20 The Council is asked to finalize the process of amending Ordinance #18 to add the position of Chief
21 Innovation Officer, Grade 12; and to reclassify the position of Deputy Police Chief from a Grade 13 to a
22 Grade 14. Amending Ordinance No. 18 requires three separate presentations (see City Charter
23 subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-
24 thirds (2/3) of all members of the City Council – six (6) members - to adopt.
25

26 **ADDING THE POSITION OF CHIEF INNOVATION OFFICER, GRADE 12**
27

28 Technological innovation is a means to lower operational costs by increasing the effectiveness of
29 operational functions. Finding and implementing correct technological solutions can create efficiencies
30 that drive change and allow the City to take the best advantage of limited resources and limited funding.
31 This is a senior management level position requiring the authority to coordinate between departments. The
32 position needs to be at the level necessary to help drive change.
33

34 To better position the City for future opportunities, City Manager Mulholland is recommending a new
35 position of Chief Innovation Officer, proposed as a Grade 12. Duties of the position include but are not
36 limited to:
37

- 38 • Developing and a strategic innovation portfolio that acts as a roadmap to drive meaningful,
39 long-term change to spur more efficient delivery of service.
- 40 • Promoting, modeling, and advancing the value and influence innovation can offer.
- 41 • Evaluating and balancing risk/reward for innovation and organizational objectives, and
42 ensuring innovation provides value to city staff and customers.
- 43 • Monitoring and evaluating the progress of planned improvements to ensure expected
44 benefits are achieved.
45

46 This position will also encompass the responsibilities of the Digital Media Officer (full-time, Grade 9
47 position). The current Digital Media Officer (DMO) will move into the role of Chief Innovation Officer.
48 The position of DMO will remain in the salary plan but will not be filled.
49

50 The first presentation was recognized by Council on October 20, 2021; the second was November 3,

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

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

ACTION:

***Councilor Winny 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 as presented page 51 of 110 in the City Council’s November 17, 2021 agenda 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 (9-0).***

9. OLD BUSINESS: (None)

1
2 **10. NEW BUSINESS:**
3

4 Mayor McNamara noted the Council will not actually be talking about the items that are scheduled to
5 have a Public Hearing set. These discussions will take place at the time of the Public Hearing.
6

- 7 **A.** Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-11 to amend City
8 Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to
9 authorize an 8.0% increase to the Water Service Rate and a 7.2% increase to the Sewer
10 Service Rate.
11

12 Included in the agenda packet: Proposed Ordinance #2021-11 (*pages 54-55, City Council agenda*
13 *packet*)
14

15 An increase of 8.0% to the Water Service Rate (base user rate and minimum charge) and 7.2% to the
16 Sewer Service Rate (base user rates minimum charge, and residential flat rate), effective January 1,
17 2022, is being requested. These have been discussed in previous City Council meetings.
18

19 The proposed increases are in-line with projections offered by Raftelis as part of the 2018 Water and
20 Sewer Rate Study and are suggested in order to provide current and future resources to absorb projected
21 operations and maintenance and debt service expenses in both enterprise funds.
22

23 **ACTION:**

24 *Assistant City Manager Below MOVED*, that the Lebanon City Council hereby schedules a public
25 hearing for Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City
26 Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking
27 action on proposed Ordinance #2021-11 to amend City Code Chapter 68, Fees, Article III,
28 Miscellaneous Fees, §68-15, Enumeration of Fees to authorize an 8.0% increase to the water
29 service rate and a 7.2% increase to the sewer service rate.
30

31 *Seconded by Councilor Wilkie.*

32 **The Vote on the MOTION was approved (9-0).*
33

- 34 **B.** Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-12 to amend City
35 Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to
36 increase current miscellaneous water service fees, incorporate additional miscellaneous water
37 service fees, amend provisions for Stormwater Permit application fees, and incorporate fees for
38 Driveway Permits and Permits to construct within a Floodplain.

39 Included in the agenda packet: Proposed Ordinance #2021-12 (*Pages 57-59, City Council agenda*
40 *packet*).
41

42 As part of the annual review of current fees for services, the Department of Public Works is
43 recommending fee increases for a number of miscellaneous water and sewer service fees along with the
44 fee structure for Stormwater Permit applications.
45

46 Ordinance #2021-12 also amends Chapter 68 to include a section for Driveway Permits and
47 Construction within a Floodplain.
48

49 **ACTION:**

50 *Councilor Sykes MOVED*, that the Lebanon City Council hereby schedules a public hearing for
51 Wednesday, December 1, 2021, beginning at 7:00 pm, in Council Chambers, City Hall, and

1 Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on
2 proposed Ordinance #2021-12 to amend City Code Chapter 68, Fees, Article III, Miscellaneous
3 Fees, §68-15, Enumeration of Fees to increase current miscellaneous water service fees,
4 incorporate additional miscellaneous water service fees, amend provisions for Stormwater Permit
5 application fees, and incorporate fees for Driveway Permits and Permit to construct within a
6 Floodplain.

7 *Seconded by Councilor Liot Hill.*

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

10 C. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-13 to amend City
11 Code Chapter 68, Fees, as follows:

- 12 1. Article II, Vehicle Registration Fees, §68-10, Exemption for Certain Veterans, to authorize
13 waivers of local fees for Prisoners Of War, Purple Heart Recipients, and Pearl Harbor
14 Survivors.
- 15 2. Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in
16 Ambulance Fees
17

18 Included in the agenda packet:

- 19 1. Proposed Ordinance #2021-13 (*Pages 62-63, City Council agenda packet*).
- 20 2. October 27, 2021 Memo from Fire Chief Christopoulos re: Ambulance Billing, with the following
21 attachments: – Lebanon NH Fire Department Summary of Proposed Ambulance Fee Increases – July
22 2021 EMS Transport Rate Comparison (*pages 64-67, agenda packet*).
- 23 3. NH Statutes pertaining to motor vehicle registration for veterans (RSAs 72:28, 261:157-a, 261:86)
24 (*Pages 68-71, agenda packet*).
- 25

26 As proposed, Ordinance #2021-13 would amend City Code Chapter 68, Fees, to authorize waiving local
27 fees of vehicle registrations for Prisoners of War, Purple Heart Recipients and Pearl Harbor Survivors;
28 and to authorize an increase in ambulance fees which were last increased in 2018.
29

30 **WAIVER OF VEHICLE REGISTRATIONS FOR CERTAIN VETERANS**

31
32 City Clerk Kristin Kenniston came forth to review the Waiver of Vehicle Registrations for certain
33 veterans.
34

35 In 2019, State legislation was passed enabling local municipalities to have the option to provide
36 exemptions from paying local motor vehicle registration fees for certain veterans. The legislation
37 provided for the inclusion of new wars and conflicts and expanded the situations where a veteran can
38 qualify for the exemptions. The exemption can only be applied to one vehicle.
39

40 Currently, the only veterans who can claim exemption from motor vehicle fees are Disabled Veterans.
41 These veterans must be deemed by the Veterans Administration to be totally and permanently disabled
42 due to a service-related injury; they must also have been honorably discharged. By adopting this
43 ordinance, we can provide exemptions to former Prisoners of War, recipients of Purple Heart Medals and
44 Pearl Harbor survivors and thank them for their service by waiving local/state fees on one vehicle.
45

46 **AMBULANCE FEES**

47
48 Fire Chief/Emergency Management Director Chris Christopoulos noted they typically try to update their
49 fees every three (3) years. Ambulance Fees were last updated in 2018. After a comprehensive review of
50 existing fees and a comparison to other communities, Fire Chief Christopoulos is proposing an 8.7%
51 increase which is based on the Consumer Price Index cumulative increase over a three-year period. Please

1 refer to Chief Christopoulos' memo (pages 64-71, agenda packet) for more details.

2
3 **ACTION:**

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

11 ***Seconded by Councilor Wilkie.***

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

- 13
14 **D.** Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-14 to amend City
15 Code Chapter 180, Wards, to redefine Ward lines to comply with a constitutional requirement
16 to equalize populations amongst Wards.

17
18 Included in the agenda packet:

- 19 1. Ordinance #2021-14 Chapter 180, Wards (***Pages 74-75***)
20 2. November 4, 2021 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2021-14 Ward
21 Boundaries (***Page 76***)
22 3. Existing Chapter 180, Wards (***Pages 77- 78***)
23 4. Map of Current Ward Boundaries (2012) 5. Map of Proposed Ward Boundaries (***Page 79***)
24 6. Detailed Maps of Proposed Changes (2021) (***Pages 80-84, agenda packet***)

25
26 **BACKGROUND**

27 In accordance with City Charter §C419:4, Wards Defined, every ten years upon the completion of the
28 US Census, the City Council shall review the Ward boundaries and adjust them to comply with a
29 Constitutional requirement to equalize populations. The accepted standard deviation of population
30 amongst the Wards is 5% or less. As we are adjusting our Ward lines, we have to make sure that the
31 Ward lines are following easily identifiable physical features (i.e., roads, rail roads, or national bodies of
32 water, etc.) The lines also have to follow census blocks. According to the 2020 US Census, there is a
33 deviation of more than 8% between Wards 2 and 3. Ward 1 remains in compliance, so no changes are
34 required.

35
36 At the March 13, 2012, Municipal Election, voters approved a Charter amendment which adjusted the
37 Ward lines at that time and granted the authority to the City Council for future Ward line changes via the
38 ordinance process. The City Clerk's role within this process is to make a recommendation to the City
39 Council for the proposed boundary lines of Lebanon's three Wards. The ultimate decision belongs to the
40 City Council.

41
42 If adopted as proposed, Ordinance 2021-14 will reduce the deviation to less than 2% amongst all three
43 Wards. The proposal suggests the following adjustments and amendments:

- 44
 - 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
- 46 complete their existing terms should the boundary line adjustments place them in a new Ward.

47
48 In 2012, the language regarding elected officials and their terms was included in the charter revision;
49 however, it only applied to the 2012 amendment. This ordinance will allow for this caveat to be carried
50 forward for all future adjustments to the Ward boundaries without creating immediate vacancies in those

1 elected offices.

2
3 City Manager Shaun Mulholland explained this is always a very political subject, especially at the
4 national/state levels regarding where these boundary lines are drawn for elected positions. At the City
5 level, this is an administrative process, and we do not take into consideration which Councilors live
6 where and how that may affect their status. It is simply an exercise of looking at and making sure that
7 the right numbers of populations are in the right Wards of the City. In some communities across the
8 country, there has been a lot of discussion about how this has changed from an administrative process
9 into a very nasty, political process. Lebanon does not have a history of this type of behavior, but there
10 has been a lot of comments made to City Staff, and a lot of influence pedaling that we do not take into
11 consideration (when making Ward line changes). We have a process that we follow and how it affects
12 individual Councilors or neighborhoods is not the issue: it's dividing the proposed Ward lines up so we
13 have the right number of populations in the right place. The ultimate decision on the Ward lines will be
14 made by the Council.

15
16 City Clerk Kristin Kenniston reviewed and gave a presentation regarding the changes to the City of
17 Lebanon's Ward lines to comply with a constitutional requirement to equalize populations amongst
18 Wards, noting this is done every 10 years. (Note: Parts of her presentation below supplement what was
19 provided on pages 79-84 of the agenda packet and pertains to the proposed changes to the City's Ward
20 lines.)

Ordinance 2021-14 , Chapter 180 Wards

No changes to Ward 1. (§180-3, Ward 1)

Proposed change to Ward 2 boundary line. (§180-4, Ward 2)

Proposed change to Ward 3 boundary line. (§180-5, Ward 3)

Revised to include language allowing elected officials to continue serving out their term until it expires. (§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.”

Requirements of Adjusting Ward Lines

Required by City Charter and State and Federal Laws within every Census period

Based on 2020 Federal Census Data

Ward lines to follow easily identifiable physical features

Lines to follow census blocks

Acceptable standard deviation in population is 5% or less

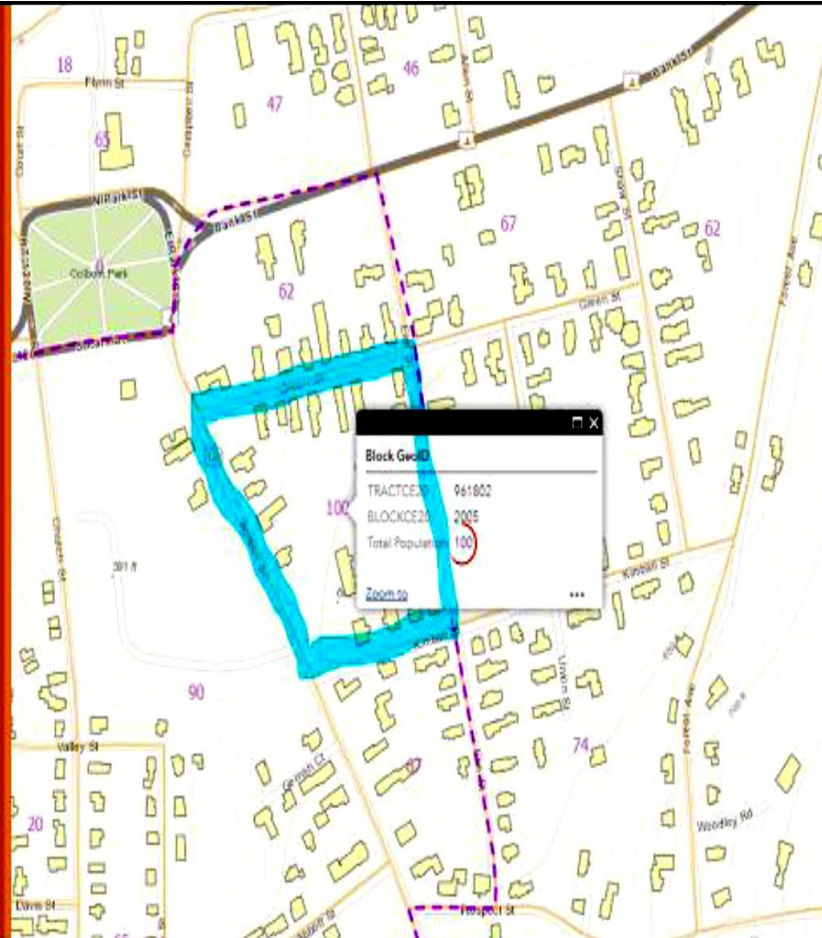
Block Data

Areas of the city are broken into Blocks by the US Census Bureau.

When adjusting the ward lines, we cannot split the blocks. We must use the whole block.

Some areas along the existing boundary lines are "neat and orderly" blocks.

Most other areas are not as straightforward and sometimes even contain additional blocks within a larger block.



2020 US Census Data for Lebanon

Lebanon's Population is
14,282

Population within existing Ward boundaries:

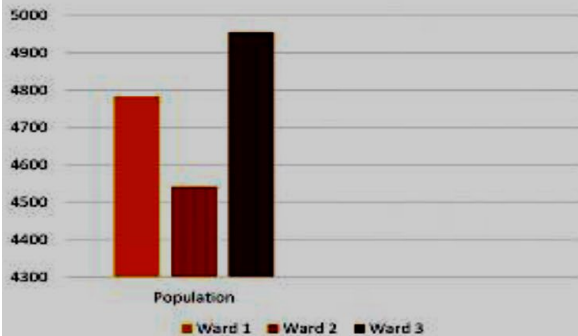
- Ward 1: 4,783
- Ward 2: 4,543
- Ward 3: 4,956

Deviations Between Wards:

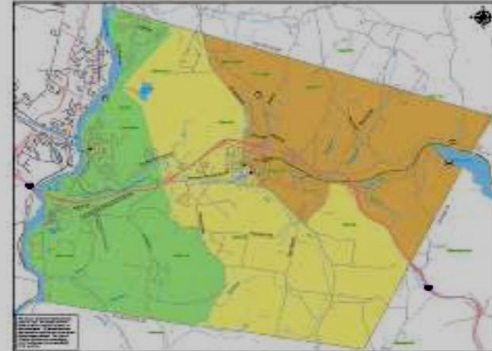
- Wards 1 & 2: 5.02%
- Wards 2 & 3: 8.33%
- Wards 1 & 3: 3.50%

Current Ward Lines and Population

CURRENT WARD POPULATION



CURRENT WARD LINES



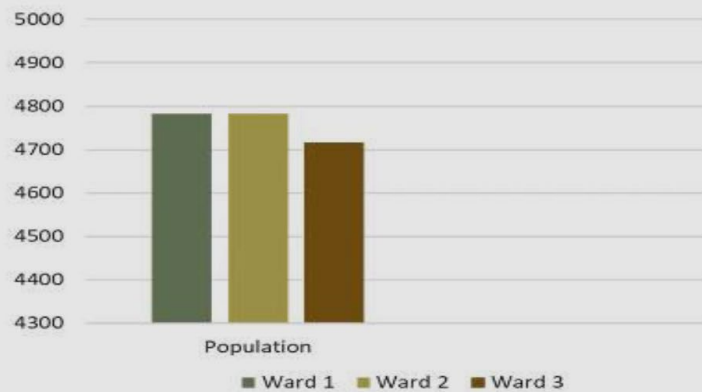
Because we must follow Census Blocks, it is inevitable that people will be moved amongst both Wards 2 and 3 to equalize the population.

265 People To Move From Ward 2 to Ward 3.

505 People to Move From Ward 3 to Ward 2.

New Ward Populations Will Be
Ward 1: 4783
Ward 2: 4783
Ward 3: 4719

Proposal For New Ward Lines



Change in Population Based on Proposal

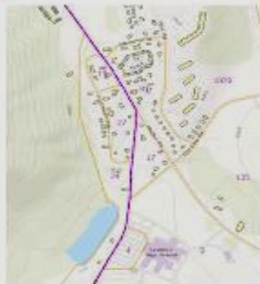


Section 1

65 People Moving from Ward 2 to Ward 3

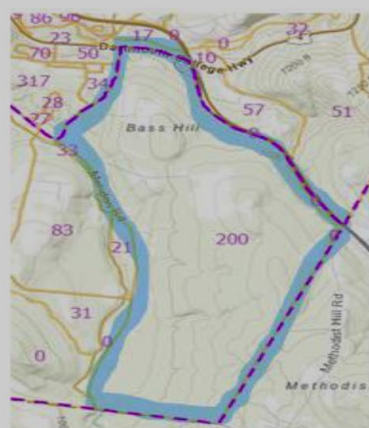
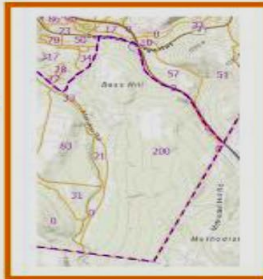
Street Ranges Moving From Ward 2 to Ward 3:

- Dartmouth Ave (All)
- *Hanover St (EVEN) 174-304



Section 2

MOVING 200 PEOPLE FROM WARD 2 TO WARD 3



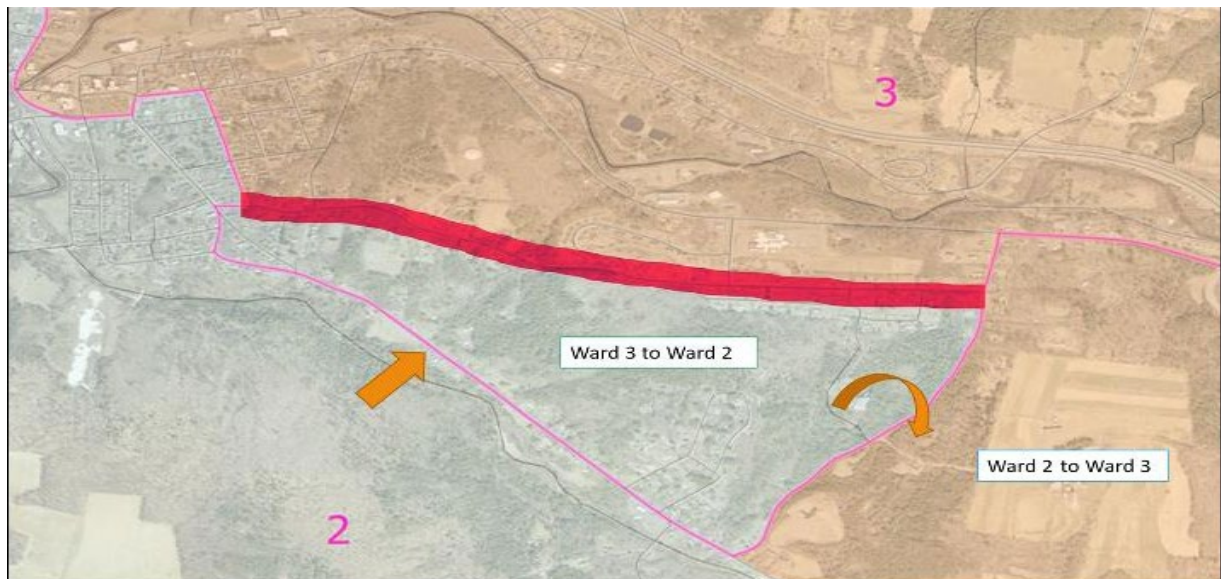
Full Streets Moving From Ward 2 to Ward 3

Barden Hill Road
Churchill Way
Merry Lane
Patch Road
Walhowdon Way



Section 3:

505 People from
Ward 3 to Ward 2



Street Ranges Moving From Ward 3 to 2

Follensbee Ave
Garnet Street
Grandview Ave
Gray Street
Hillcrest Drive
Kinne Street
Laro Street

Ledge Lane
Melrose Street
Messenger Street
Perley Ave
Rita Street
Skylark Road
Woodland Drive

Streets Split Between Wards 2 and 3

Dartmouth College Highway: No longer Split. All Ward 3.

Laplante Road: Remains split.

- (ODD) 3-97 will move to Ward 3
- (EVEN) 2-12 will remain in Ward 3
- (EVEN) 20-104 will move to Ward 2

Meriden Road: Remains split, but most of this road will now be in Ward 2.

- (ODD) 263-523 will move to Ward 3
- (EVEN) 160-552 will remain in Ward 2
- (ODD) 159-261 will move to Ward 2

School Street: No longer split. All Ward 2.

Prospect Street: Remains split.

- (ODD) 7-159 will remain in Ward 3
- (EVEN) All will move to Ward 2
- (ODD) 3-5 will remain in Ward 2

After Approval: The Voters

187 Voters Moved from Ward 2 to Ward 3.

328 Voters Moved from Ward 3 to Ward 2.

Voters will be notified of the change.

Voters will not be required to re-register to vote.
The change occurs automatically.

City Councilors and Election Officials affected by this
change will be able to finish their existing terms.

1 In response to Councilor Liot Hill's question regarding how many voters were changing Wards, City
2 Clerk Kenniston said there were 187 out of Ward 2, and 328 out of Ward 3, noting the numbers given
3 previously in her presentation were population numbers and not voters. She was able to come up with 3
4 difference scenarios, but the one presented was by far the best and explained the criteria she used for
5 making these changes. Currently, the block data is not available on the City's website but she will work
6 with the City Manager and Mark Goodwin to make it available to the public and will forward the data to
7 the Council.

8
9 The Council discussed the need to take more time to study the proposed Ward line changes and make the
10 data available to the residents of Lebanon for their review, as this will affect them for the next 10 years;
11 the reasons why the State of NH is holding off on their deadlines, with City Manager Mulholland noting
12 the State's process is off schedule; their reasons both for/against setting a Public Hearing on December 1,
13 2021, and if a Public Hearing is not held on December 1, when one could be scheduled.

14
15 City Clerk Kenniston noted the Council can take all the time they need to review the proposed changes,
16 but wanted them to be cognizant that the March elections filing requirements begin in late January and if
17 the Council cannot complete their review before the filing period opens, it would probably be more
18 prudent to wait until after March. She also noted there is a State primary that comes up in September and
19 absentee ballots need to be sent out in July, noting these are sent out by Ward. At the request of the
20 Council, she will reach out to other cities to see what their process is regarding changing Ward lines.
21

1 **ACTION:**

2 *No Action was taken on scheduling the Public Hearing for December 1st and no other date was*
3 *recommended. The Council will wait for City Staff to get back to them regarding setting a Public*
4 *Hearing on another date.*

- 5
6 **E.** Discussion & Set Public Hearing for January 5, 2022: Ordinance #2021-15 to amend City
7 Code Chapter 8, Airport Operations, §8-4, Airport Rules and Regulations, to amend Airport
8 Landing Fees
9

10 Included in the agenda packet: Proposed Ordinance #2021-15 (Pages 86).

11 Landing fees at the Lebanon Municipal Airport were last adjusted in 2019, along with an update of the
12 Rules & Regulations and Minimum Standards. A comparison of the existing landing fees and the landing
13 fees adjusted by the CPI-U Northeast was completed and the recommended adjustments to the existing
14 landing fees is shown in Ordinance 2021-15. The airport will continue to monitor the CPI-U and existing
15 fees to request adjustments, as necessary.
16

17 **ACTION:**

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

23 ***Seconded by Councilor Winny.***

24 ****The Vote on the MOTION was approved (9-0).***
25

- 26 **F.** Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-16 to amend City
27 Code Chapter 46, Cemeteries to incorporate provisions for Natural Burials.
28

29 Included in the agenda packet: Proposed Ordinance #2021-16 (***Pages 88-93***)
30

31 At its June 16, 2021 meeting, the City Council directed the City Manager to develop regulations to permit
32 natural burials in one or more City cemeteries for review and recommendation by the Board of Cemetery
33 Trustees, and to have their recommendations back to the Council by October 2021.
34

35 An ordinance to amend Chapter 46 of the City Code was drafted and presented to the Board of Cemetery
36 Trustees for review. At its October 12, 2021 meeting, the Board of Cemetery Trustees voted to
37 recommend that the City Council adopt Ordinance 2021-16 with the condition that natural burials only be
38 permitted within the Old Pine Tree Cemetery for the first two years.
39

40 The Council was asked to set a public hearing for December 1, 2021 to consider the adoption of
41 Ordinance 2021-16.
42

43 Ms. Sarah Riley came forth and spoke about her concerns about how the public can communicate,
44 discuss, or make comments, about items in the agenda. She felt it was important to allow comments
45 throughout the setting of a Public Hearing, noting that when public comments are only taken at a public
46 hearing, it can get compressed into a meeting with maybe ten other Public Hearings and the Council may
47 not have enough time to absorb the public's comments.
48

49 Mayor McNamara explained there is not a lot of discussion from the public when the Council is setting a
50 Public Hearing, noting that is why we set the Public Hearing. For instance, there is an item on the agenda
51 tonight which relates to natural burials, but the item is to actually set a Public Hearing so it can be

discussed. Whether it would be appropriate to discuss that in the public comment section Open to the Public, being that natural burials are technically not on the agenda for discussion, is interesting but thought the Public Hearing is the appropriate time for discussion. It is always appropriate for citizens to reach out to their Councilors in advance of a meeting, if they know there is going to be some upcoming discussion on a topic of their interest, whether it is a Public Hearing or not. If we get into a Public Hearing, whether it is one Public Hearing or ten that night, and if the Council feels there has not been an adequate public vetting, or if more time is required (for public comments), the Public Hearing can be continued to another meeting, noting this has been done in the past for controversial issues. When you are going to set a Public Hearing, using the public comment period (Open to the Public) to discuss a topic is not the right time.

City Manager Mulholland added that there is a reason we have this process. The Public Hearing is advertised two weeks in advance of the date and (the advertisement) notes what is going to be discussed. At the Public Hearing, a presentation will be given. This gives a two week period for individuals to take the opportunity to speak to their Councilors.

Councilor Liot Hill felt Ms. Riley's point was fair and suggested it might be nice to sometimes break up our Public Hearing process where a presentation was given first and then set a Public Hearing so people have had a chance to digest the information.

Deputy City Manager Paula Maville added that if a Public Hearing is held, and there are substantial changes that would be recommended to an Ordinance as presented, the Council is not permitted to act. The Ordinance has to be rewritten and readvertised for a second Public Hearing, noted that depending on the substance of the changes to an Ordinance, a legal opinion is required and the legal opinion could change depending on the change(s) being made. The public can comment and make suggestions, but they will not be enacted.

City Manager Mulholland wanted to be crystal clear that the legislative body can make whatever changes they choose to after a Public Hearing. The Council's practice has been if substantial changes are made, another Public Hearing is scheduled, but this is not required.

ACTION:

Councilor Winny 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.

Seconded by Councilor Liot Hill.

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

- 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.

Included in the agenda packet: **(Pages 96-99)**

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

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.

1
2 The Planning & Development Department has recently conducted a review of the City's Building Permit
3 Fees in comparison with some other communities across the state, particularly those that may be
4 experiencing comparable levels of development to Lebanon. Specifically, the Department reviewed the
5 City's fees against those of Portsmouth, Nashua, Keene, Claremont, Concord, and Londonderry.
6

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

- 9 • Single-family residential permit application for a 2,283 sq. ft. house with a 1,239 sq. ft. basement
10 and a construction cost of \$286,350.00.
- 11 • Retail commercial permit application for a 19,050 sq. ft. building with a construction cost of
12 \$1,800,000.00.
13

14 The results of the comparisons are summarized in the attachment, but it is noted that most of the other
15 sampled communities base at least a portion of their fees on a detailed analysis of the project plans. For
16 example, some communities charge separate fees based on the number of switches and outlets, the
17 length of piping or duct work, the number of sinks and toilets, etc. Other communities charge a fee based
18 on the cost of the mechanical, electrical, and plumbing contract work. As a result, the building permit
19 fees for the other communities would likely be somewhat higher than calculated based on the
20 hypothetical scenario.
21

22 In summary, Lebanon was approximately at the average for the residential permit fees, but was slightly
23 below the average of the other communities for the commercial permit, again not including the
24 applicable per-fixture or per-contract costs. Raising the City's commercial building permit fee from
25 \$7.00/\$1000 of estimated project cost to \$7.50/\$1000 would put the City closer to the approximate
26 average of the communities studied. The effect of such a change in commercial building permit fees
27 would be to add approximately \$945.00 (from \$13,346 to \$14,291) to the commercial permit fee or
28 about 0.053% to the overall project cost for the hypothetical scenario.
29

30 The Planning & Development Department also recommends that the City Council amend the fee
31 schedule to clarify the applicable fees for demolishing an existing building or structure or relocating an
32 existing building or structure from one lot to another. Although building relocations are relatively
33 uncommon, clearly establishing the basis of the fee will assist applicants and Department staff when
34 these infrequent applications are submitted.
35

36 In addition, the Department recommends that the City Council consider including penalties for situations
37 when work requiring a building permit is commenced or completed prior to the issuance of such permits
38 to serve as a deterrent. In evaluating the comparable communities listed above, it was noted that many of
39 them impose additional fees as authorized by the ICC Codes for work commencing before permit
40 issuance. In some instances, communities double the permit fee for any such occurrence, while other
41 communities start with a written warning for the first offense and use a sliding scale for subsequent
42 offenses. The Planning Department is recommending a twenty-five percent (25%) fee increase for the
43 first occurrence, a fifty percent (50%) fee increase for the second occurrence, and a one hundred percent
44 (100%) fee increase for the third and subsequent occurrences
45

46 In response to Councilor Liot Hill's question, Planning & Development Director David Brooks explained
47 when the penalty fee would be applied, noting they are proposing a sliding scale for the first occurrence
48 and the fee would be applied to the property owner. Penalties are enabled within the ICC Codes, but the
49 penalty fee is not meant to be a revenue generator, it is meant to be a deterrent. The point of the building
50 codes is for safety, public safety, the property owner, and for the contractors.
51

1 **ACTION:**

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

7 **Seconded by Councilor Whittlesey.**

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

10 **H. Discussion & Set Public Hearing for December 1, 2021: Ordinance #2021-18 to amend City**
11 **Code Chapter 97, Landfill Regulations, Appendix A, Fee Schedule**

12
13 Included in the agenda packet:

14 1. Proposed Ordinance #2021-18 (**Pages 101-102**)

15 2. Attached please find the fee schedule proposed to be effective January 1, 2022.
16

17 Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from now
18 repealed Chapter 143 (Solid Waste) and to include a fee schedule for disposal of refuse and recycling of
19 certain materials. The fee schedule is to be reviewed annually for possible updates based on current
20 market rates.
21

22 **ACTION:**

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

28 **Seconded by Councilor Winny.**

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

31 **I. Presentation of First Reading & Set Public Hearing for December 15, 2021: Amendments**
32 **to Ordinance #18, Salary Plan as follows:**

- 33 1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General Wage
34 Increase for 2022, to increase the wage and stipend pay scales for election positions, and to
35 include the position of Substitute Custodian within the Temporary/Seasonal & Stipend
36 Employees Pay Scale.
37 2. Article III, Bargaining Unit Employees, Section A AFSCME LOCAL #1348/COUNCIL 93
38 AFL-CIO to implement a 3% General Wage Increase for 2022.
39 3. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association
40 (LPBA)/New England Police Benevolent Association (NEPBA) to implement a 3% General
41 Wage Increase for 2022
42

43 Included in the agenda packet: Ordinance #18, Salary Plan

44
45 City Manager Shaun Mulholland reviewed the proposed amendments.
46

47 **Recusals from discussion/vote are listed below:**

48 **Councilor Whittlesey: His wife is a City employee**

49 **Councilor Heistad: His wife is a City employee.**

50 **Councilor Zook: She is a paid election officer.**
51

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

1 bargaining agreements cover several fiscal years. The New Hampshire Supreme Court held (Appeal of
2 Sanborn Regional School Board) that a public employer was not bound by a collective bargaining
3 agreement where the legislative body, when approving and funding the cost items in the current year of
4 the labor agreement, were not warned of the cost of the successive years. With known cost factors being
5 disclosed for the life of the contract, collective bargaining agreements are considered “Sanbornized”.
6

7 **ARTICLE II, LPASE**

8
9 The City and Lebanon Professional, Administrative, and Salaried Employees (LPASE) have reached a
10 tentative three-year (2022 - 2024) labor agreement.

11
12 According to the tentative three-year labor agreement, annual General Wage Increases (GWI's) for the
13 life of the contract will be based on the % change in the Northeast Urban CPI for June from 12 months
14 prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 4.6% increase in
15 the CPI as of June 2021, the GWI for 2022 will be 3%. The estimated wage and statutory benefit costs for
16 2022 is \$83,000. In year two (2023), LPASE members will forgo merit increases, but costs will include
17 up to a 3% GWI. Costs for year three (2024) will include up to a 3% GWI plus merit increases for all
18 eligible staff.

19
20 Corresponding wage schedules for the subsequent two-years are not provided as the GWI for 2023 and
21 2024 will not be known until July of those years.

22 **ARTICLE III, SECTION A, AFSCME**

23
24 The City and the American Federal State, County and Municipal (AFSCME) have reached a tentative
25 three-year (2022 - 2024) labor agreement.

26
27 According to the tentative three-year labor agreement, annual General Wage Increases (GWI's) for the
28 life of the contract will be based on the % change in the Northeast Urban CPI for June from 12 months
29 prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 4.6% increase in
30 the CPI as of June 2021, the GWI for 2022 will be 3%. The estimated wage and statutory benefit costs for
31 2022 is \$79,000. In year two (2023), AFSCME members will forgo step increases, but costs will include
32 up to a 3% GWI. Costs for year three (2024) will include up to a 3% GWI plus step increases for all
33 eligible staff.

34
35 Corresponding wage schedules for the subsequent two-years are not provided as the GWI for 2023 and
36 2024 will not be known until July of those years.

37 **ARTICLE III, SECTION C, LPBA/NEPBA**

38
39 A successor collective bargaining agreement (CBA) with the Lebanon Police Benevolent Association for
40 the period of January 1, 2022 – December 31, 2024 was ratified by the City Council on October 6, 2021.
41 The CBA provided for a 3% GWI in 2022 based on the June 2020/June 2021 CPI.

42
43 Gloria Leskiewicz, Human Resources Director, will be present to discuss the proposed amendments and
44 answer any questions the Council may have.

45 Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22,
46 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all
47 members of the City Council – six (6) members - to adopt.

48
49 The Council was asked to recognize the first of three presentations on November 17, 2021, and to
50
51

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:

1. ACKNOWLEDGE FIRST PRESENTATION:

Councilor Winny 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%					
<u>Grade</u>	<u>Position Title</u>	<u>Hourly</u>		<u>Weekly</u>	
		<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
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

1

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%).

1
2 **2. SCHEDULE PUBLIC HEARING:**

3 *Councilor Winny FURTHER MOVED*, that the Lebanon City Council hereby schedules a public
4 hearing for Wednesday, December 15, 2021, beginning at 7:00pm, Council Chambers, City Hall,
5 Lebanon, and Remote via City's Virtual Platform, for the purpose of receiving public input and
6 taking action to amend Ordinance No. 18, Salary Plan, as follows:
7

- 8 1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General
9 Wage Increase for 2022, to increase the wage and stipend pay scales for election
10 positions, and to include the position of Substitute Custodian within the
11 Temporary/Seasonal & Stipend Employees Pay Scale;
12 2. Article III, Bargaining Unit Employees, Section A AFSCME LOCAL #1348/COUNCIL
13 93 AFL-CIO to implement a 3% General Wage Increase for 2022; and
14 3. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent
15 Association (LPBA)/New England Police Benevolent Association (NEPBA) to implement
16 a 3% General Wage Increase for 2022
17

18 *Seconded by Assistant Mayor Below.*

19 *Recused: Councilors Whittlesey, Heistad and Zook*

20 **The Vote on the MOTION was approved (6-0-3).*
21

22 **Councilors Whittlesey, Heistad and Zook returned as regular members of the City Council.**
23

24 **11. CITY MANAGER REPORT:**

25 City Manager Mulholland gave the following updates:

- 26 • Procurement Process: This is being totally digitized and will be transparent through the OpenGov
27 software program and will significantly streamline the City's process. He explained how the
28 program works. Melanie McDonough, newly added Chief Innovation Officer, will be leading
29 this initiative. A more formal presentation will be given to the Council as they get closer to the
30 process.
31 • Good News: The EPA agreed the City has complied with the CSO Administrative Order.
32 • Childcare for the City/Region Working Group. This is a crisis that will require bold action. The
33 next step is to go into working groups to develop plans. Employers talked about the dependent
34 care FSA and will be providing this for the first time (\$2,500K – max is \$5K matching amounts
35 that will be provided to an employee for childcare). Will be working with staff who are planning
36 to have a family and how we might be able to keep them engaged and working with us.
37 • City Workforce: Spoke about the City's aging workforce and the need to attract and hire younger
38 employees.
39 • 20 Spencer Street update.
40 • Housing: City Staff is developing a framework for the Council to have a discussion on how to
41 make a Housing Policy. The Council will be provided options from the data City Staff has been
42 working on. He suggesting a retreat-type meeting. More to come on this.
43

44 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES REPORT:**

- 45 • Councilor Liot Hill noted the Municipal Association's Advocate of the Year was awarded to the
46 13 Mayors of the Cities of NH. Mayor McNamara led this Mayor's group meeting. Mayor
47 McNamara stated that since this group has been so successful, monthly Mayor meetings will
48 continue.
49 • Assistant Mayor Below spoke about the presentation he and a panel gave at the Municipal
50 Associations Conference regarding the Community Power Coalition's model work on sustainable

1 electrical power.
2

3 **13. FUTURE AGENDA ITEMS: NONE**
4

5 **14. NON-PUBLIC SESSION: NONE**
6

7 **15. ADJOURNMENT:**

8 **ACTION:**

9 *Councilor Liot Hill MOVED for adjournment.*

10 *Seconded by Councilor Whittlesey.*

11 **The Vote on the MOTION was unanimously approved (9-0)*
12

13 **The meeting was adjourned at 9:22 PM.**
14

15 Respectfully submitted,

16 Dona E. Gibson, Recording Secretary
17

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

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Library Board of Trustees, Scout Noffke (Alternate Member)
- Upper Valley Lake Sunapee Regional Planning Commission, Dan Nash
(Reappointment as Lebanon Representative)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated November 22, 2021

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: November 22, 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.*

Library Board of Trustees

- **Scout Noffke**– Appointment as an alternate member for a one-year term. Scout Noffke has been recommended by the Library Board of Trustees.
Interviewed By: Councilor Wilkie
Term: (12/21-12/22)

Upper Valley Lake Sunapee Regional Planning Commission

- **Dan Nash**– Reappointment as Lebanon Representative. No term length provided.
Interviewed By: Councilor Winny

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: [EXTERNAL]Online Form Submission #5313 for Board Member Application
Date: Tuesday, August 17, 2021 3:20:02 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	Scout
Last Name	Noffke
Physical Address	16 High St Apt 11
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	8594890810
Work Number	<i>Field not completed.</i>
Email Address	scoutnoffke@gmail.com
How long have you resided in Lebanon?	1.5 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?	Library Board of Trustees
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I would like to be more involved in my community outside of work and I am invested in public libraries.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am a Lebanon resident and work as a librarian. While I work in an academic library setting, I have firsthand experience working in public libraries and can bring that perspective. I am also invested (personally and professionally) in the long-term health of public library systems.
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.

Councilor Interview Report Form

Councilor Name: Devin R. Wilkie

Date of Interview: 16 Nov. 2021

Applicant Name: Scout Noffke

Board(s) to Which Applied: Library Board of Trustees

 Regular Seat

 X Alternate Seat

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

(If yes, indicate date of meeting.) Date: A couple months ago

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments: Scout and I met to discuss the Library Board. A relative newcomer to Lebanon, she is highly interested in doing her part to support the public library system and the community in which it operates. She brings experience working in public libraries, and would be a great addition to the Library Board. She has already discussed the position with the director and with other board members. I am pleased to recommend her for this position.

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

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

Support the library system and address concerns from within (employees) and around (patrons) the library.

2) Are you familiar with the meeting dates and time commitments of this Board/Committee?
Would you be available for additional meetings, site visits, or other official events when necessary?

Yes.

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Louisville – worked in public sector library, and wants to continue involvement in this capacity.

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

Already doing so in a professional capacity. Yes, continued interest.

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

No.

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

Budgetary limitations – finding and maintaining balance between the people who work in the library and the people they serve.

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

Professional development opportunities.

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

Successful navigation of this challenging time; reopen the Lebanon location.

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL]Online Form Submission #5368 for Board Member Application
Date: Wednesday, September 8, 2021 12:42:36 PM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 8, 2021 9:17 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL]Online Form Submission #5368 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	daniel
Last Name	nash
Physical Address	387 poverty lane
City	Lebanon
State	NH
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6034486023

Work Number	6034486295
Email Address	advancedgeomatrics@comcast.net
How long have you resided in Lebanon?	40 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Other (please fill in blank)
Other Committee	UVLSRPC
Why would you like to serve?	I would like to continue to serve on this board to further the regional interests and well being of our community.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have been a member for some time and am familiar with the procedures and practices of this commission. As a civil engineer, i have expertise in some of the major issues that confront the commission.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

Councilor Interview Report Form

Councilor Name: Jim Winny

Date of Interview: 11/22/21

Applicant Name: Dan Nash

Board(s) to Which Applied: Upper Valley Lake Sunapee Regional Planning Commission

☒ Regular Seat

☐ Alternate Seat

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

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

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments: Mr. Nash has been involved with the RPC and various City boards for many years and he is experienced and knowledgeable. He has been a good advocate for Lebanon and will continue to be so.

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

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

Take care of regional needs, cooperation with other communities and supporting the city's goals with our neighbors

2) Are you familiar with the meeting dates and time commitments of this Board/Committee?
Would you be available for additional meetings, site visits, or other official events when necessary?

Yes, Mr. Nash is currently a member and has been for several years

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Yes, Mr. Nash is an engineer and has served on many city boards related to planning and zoning

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

Yes

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

No, Mr. Nash has not ha to recuse himself, but is willing to if needed

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

COVID 19, keeping the project pipeline moving

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

The housing study, potential federal funding for regional projects as part of the infrastructure bill, transportation

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

Work with Transportation Research Board and the 10 year plan

AGENDA

LEBANON CITY COUNCIL

DECEMBER 1, 2021

8. PUBLIC HEARING ITEMS:

8.A – DISCONTINUANCE OF CLASS VI ROAD #43

A public hearing for the purpose of receiving public input and taking action on a request by the Class VI Roads Advisory Committee to discontinue in its entirety and relinquish any right, title, or future interest in Class VI Road #43, located between Poverty Lane and the Miracle Mile, Lebanon.

The City Council scheduled this public hearing at their November 3, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 13, 2021 in accordance with City Code and State Law. Certified notices were sent to all abutters on November 15, 2021, in advance of the minimum 14-day notice requirement provided in NH RSA 231:43.

BACKGROUND

At its January 7, 2021 meeting, the Class VI Roads Advisory Committee completed its review of the status of Class VI Road #43 (Poverty Lane to Miracle Mile) and subsequently passed a motion recommending that the City Council discontinue it completely, relinquishing any right, title, or future interest in the road.

ACTION

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

MOVED, that the Lebanon City Council hereby discontinues completely, in its entirety, and relinquishes any right, title, or future interest in the section of unnamed Class VI Road #43 between mapped coordinates (X)817915 – (Y)412263 (Poverty Lane) and (X)818150 – (Y)414595 (Miracle Mile) as shown on the Historic Right-of-Way #43 Right-of-Way Discontinuance Map depicting Coordinate System NAD 1983 NH State Plane FIPS 2800, printed October 21, 2021, and included in the December 1, 2021, City Council agenda packet.

Included in this Section:

1. October 25, 2021 Memo from Mark Goodwin, GIS Coordinator/Planner re: Recommendation from the Lebanon Class VI Road Advisory Committee – Road Segment #43 (Poverty Lane to Miracle Mile) with the following attachments:
 - Map of Historic Right-of-Way #43 (Printed 10/21/2021)
 - January 7, 2021 Meeting Minutes – Class VI Road Advisory Committee
 - 1985-1986 Historical Records – Council's review of request to Discontinue Right-of-Way
2. Notice of Public Hearing as Published in the November 13, 2021 Edition of the *Valley News*



CITY OF LEBANON ~ PLANNING OFFICE

MEMORANDUM

TO: Honorable Mayor & City Council,
City Manager, S. Mulholland; Deputy City Manager P. Maville

FROM: Planning Department
Mark Goodwin, GIS Coordinator/Planner

RE: Recommendation from the Lebanon Class 6 Road Advisory Committee -
Road Segment #43 (Poverty Ln to the Miracle Mile):

DATE: October 25, 2021

I. Background

Prior to the re-alignment of the northern section of Poverty Lane, the historic course traveled a direct northern orientation, essentially traveling down across the present Lebanon Airport to where it connected with the Miracle Mile (Route 4) roadway. The right of way is depicted on several historic maps, with said evidence supporting the assertion that this was and remains a public right-of-way. The Class Six (C6) Road Committee reviewed the prescriptive evidence, both the current use and condition, as well as potential future uses, and generated a recommendation for the City Council to discontinue right-of-way #43.

The City Council deliberated a recommendation to discontinue this same roadway in 1985, opting to seek input from the City Attorney, prior to taking any action. The C6 Committee was not presented any information indicating that the proposal was ever returned to the City Council, and therefore it remains a public right-of-way.

II. RECCOMENDATION / ACTION:

The Council is requested to consider the following proposed motion:

Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommends to the City Council that they hereby discontinue completely, in its entirety, and relinquish any right, title or interest in all portions of unnamed Class VI Road #43 (off Old Kings Highway and Poverty Lane) traveling from Poverty Lane in a west/northwesterly direction to Interstate 89.
Seconded by Ms. Monroe.

BACKUP INFORMATION:

(Road #43)

Minutes of 1985 (City Council)

Minutes of January 7, 2021 (Class 6)

2021.10.21-Road43-DiscontinuanceMap

Power to Discontinue. –

I. Any class IV, V or VI highway, or any portion thereof, in a town may be discontinued by vote of a town; provided, however, that:

(a) Any highway to public waters, or portion of such highway, laid out by a commission appointed by the governor and council, shall not be discontinued except with the consent of the governor and council.

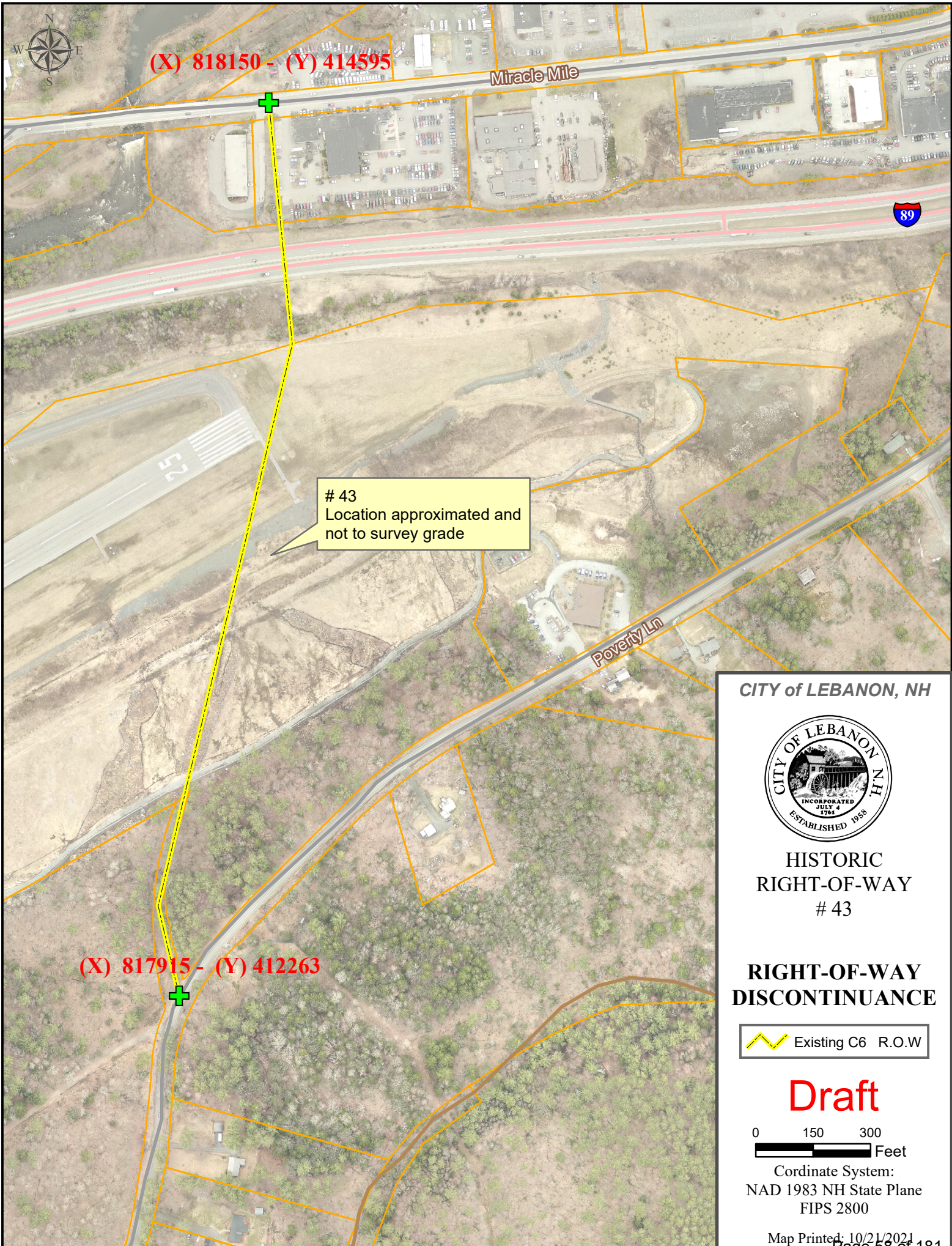
(b) Any class V highway established to provide a property owner or property owners with highway access to their property because of a taking under RSA 230:14 shall not be discontinued except by written consent by such property owner or property owners.

II. Written notice shall be given to all owners of property abutting such highway, at least 14 days prior to the vote of the town.

III. No owner of land shall, without the owner's written consent, be deprived of access over such highway, at such owner's own risk.

For your information RSA 231:48 sets out an individual's right to appeal your decision.

231:48 Appeal from Discontinuance; Damages. – Any person or other town aggrieved by the vote of a town to discontinue any highway, or discontinue any highway as an open highway and made subject to gates and bars, may appeal therefrom to the superior court for the county in which such highway is situate by petition within 6 months after the town has voted such discontinuance and not thereafter. Whenever any such petition is filed in the superior court the clerk shall issue an order of notice, with a copy of the petition, returnable at the next return day of court or at any special return day ordered by the court, and the petitioner shall cause a certified copy of the same to be given to or left at the places of abode of one of the selectmen and the town clerk of each town in which the highway proposed to be discontinued is located, and give notice to the owners of land abutting on such highway in the same manner as required of selectmen in laying out highways, at least 14 days before such return day, and such other notice as the court shall order. Any person or town so notified may become a party to the proceedings by entering an appearance in such proceedings with the clerk of the superior court; and no person or town so notified shall after being so notified institute any additional appeal from the vote to discontinue such highway. Except as above provided, like proceedings shall be had on such petition as in the case of appeals in the laying out of class IV, V and VI highways, and if the county commissioners report for such discontinuance they shall assess the damages sustained by any person within the town in which the highway has been discontinued.



CITY of LEBANON, NH



HISTORIC
RIGHT-OF-WAY
43

**RIGHT-OF-WAY
DISCONTINUANCE**

 Existing C6 R.O.W

Draft

0 150 300
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Coordinate System:
NAD 1983 NH State Plane
FIPS 2800

Map Printed: 10/21/2021

FINAL

**CLASS VI ROADS ADVISORY COMMITTEE
REGULAR MEETING AGENDA
Remote via Microsoft Teams
LebanonNH.gov/Live
Thursday, January 7th, 2021
6:30 PM**

MEMBERS PRESENT: Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Colin Smith, Marc Coleman

MEMBERS ABSENT: None

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER: Chair Stephen Wood called the meeting to order at 6:31 PM

- Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A “Right to Know” requirements. A Roll Call of Commission Members who participated remotely are listed above.
- Mr. Goodwin explained that he has created an e-mail list and would be sending out pertinent information to anyone who is interested in the Class VI Roads Advisory meetings. If you would like to be added to the list or know someone who may be interested, please let Mr. Goodwin know.

2. APPROVAL OF MINUTES: December 3rd, 2020

Mr. Heistad MOVED to approve the December 3rd, 2020 Minutes as presented in the January 7th, 2021 agenda packet as amended.

Seconded by Ms. Monroe.

Amendments:

Page 3, Line 24 Add “rather” after the word “sooner”

Page 3, Line 36 Add “about” after “continued”

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

** The Vote on the MOTION was approved (6-0).*

3. OTHER BUSINESS:

Mr. Heistad MOVED to change the meeting agenda’s order and move Other Business to Number 3 on the agenda.

Seconded by Ms. Monroe.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

*** The Vote on the MOTION was approved (6-0).**

Discussion was had among the Advisory Board about previous Motions that had been made by the Class VI Roads Advisory Board and forwarded to the City Council.

Mr. Heistad MOVED to reconsider the Barden Hill Motion.

Seconded by Ms. Monroe.

Discussion was had among the Class VI Roads Advisory Board.

Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommend that the Lebanon City Council reclassify Barden Hill Road, a class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(1), extending from the intersection of Barden Hill Road and Downer Road, easterly over the top of Methodist Hill to the Methodist Hill Road near Exit 16 on Interstate 89, referencing Draft Map dated 7th of January 2021. The Committee further recommends that Barden Hill Road be subject to the following public trail use restrictions: Permitted means of travel shall be a) by foot, skis, snowshoes, and horses, b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the conditions of the trail warrant their use, and c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate to warrant their use. Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access to uses of their land as set forth in RSA 231-A:1(1). The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Seconded by Ms. Hirai.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

*** The Vote on the MOTION was approved (6-0).**

4. STUDY ITEMS: Overview of remaining right-of-way subject to review and recommendation:

Mr. Goodwin went over the 4 categories of Class VI Roads that were left for the Advisory Board to go over. There were 1 or 2 Roads that the Advisory Board decided on in the past with the recommendation being to discontinue those Roads. The City Council had not acted on those recommendations yet. There were about ½ dozen Roads that the Board recommended making into Class A Trails that the City Council had not acted on yet. There was another ½ dozen Roads that the Advisory Board motioned to recommend keeping as Class VI Roads. The recommendation to the City council was to affirm that decision. The last category had 4 or 5 Roads that still needed a recommendation made to the City Council.

Mr. Goodwin and the Board went over Road #42 and #43 that had been recommended for discontinuance in the past.

Mr. Heistad MOVED to recommend to City Council to discontinue Road #43. The Class VI Roads Advisory Board will re-look at Road #42 before making a recommendation on it.

Seconded by Ms. Monroe.

Discussion was had among the Board members on Road #42. It was decided that the Motion to the City Council should make no reference to Road #42, just Road #43.

Mr. Heistad MOVED to amend that the Class VI Roads Advisory Committee recommends to the City Council that they hereby discontinue completely, in its entirety, and relinquish any right, title or interest in all portions of unnamed Class VI Road #43 (off Old Kings Highway and Poverty Lane) traveling from Poverty Lane in a west/northwesterly direction to Interstate 89.

Seconded by Ms. Monroe.

Roll Call Vote:

Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

*** The Vote on the MOTION passed (6-0).**

The next category for discussion was the recommendation of Class VI Roads being moved to Class A Trails. Mr. Goodwin brought up Road #7 to discuss first. The Board members discussed the past recommendation on the Road. The Board agreed to leave the recommendation for Road #7 to go from a Class VI Road to a Class A Trail and to have the Trail moved over onto City owned property.

The next road discussed was Baker Lane. Chair Wood recused himself from the discussion on Baker Lane. Mr. Smith took over as Chair for the discussion. Mr. Heistad would like to see the Lane turned into a Class A Trail. Ms. Monroe remembered walking the Lane years ago and said that it ended up in someone's backyard and did not feel comfortable walking on the Lane as it reached that point.

Mr. Ron Bailey clarified details of Baker Lane. He explained that the Lane came up into a large, open field. The Townsend family mows that field. The Lane ends at a corral on Storrs Hill Road.

Ms. Monroe felt uncomfortable with the Trail going through so close to the home on the property. She would like to see signs go up to try to keep people out of the home's yard. Discussion continued among the Board members about Baker Lane.

Mr. Robert Townsend lives in the house that is near the Lane. He explained that they tried to fix up the Lane a long time ago. He can not remember any vehicles ever going along that Lane. He said that his family has never stopped anyone from walking along that Lane. A decision was made to re-visit the recommendation on Baker Lane at another meeting.

The next Road discussed was Road #28 which was a segment of Old King's Highway which connected the end of Storrs Hill Road with Farnum Hill Road. The decision in the past was to change the Road to a Class A Trail. The Board discussed the Road. Mr. Bailey described the path of the Road.

Mr. Heistad MOVED to extend the meeting by 15 minutes.
Seconded by Ms. Monroe.

Roll Call Vote:

Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Colin Smith all voting Yea.
None voted Nay.

*** The Vote on the MOTION passed (6-0).**

The Board decided that the original recommendation that the Board made to change Road #28 from a Class VI Road to a Class A Trail should stand as is.

Chair Stephen Wood returned to the Committee.

The last Road that the Board went over was Road #57. It is located in the northeast corner of Lebanon. Mr. Heistad believed that the Road should become a Class A Trail. Mr. Ron Bailey explained the Enfield and Lebanon sections of the Road.

Ms. Heistad MOVED to extend the meeting 15 minutes.
Seconded by Ms. Hirai.

Roll Call Vote:

Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Colin Smith all voting Yea.
None voted Nay.

*** The Vote on the MOTION passed (6-0).**

The Board decided to leave the recommendation to the City Council to change the Road from a Class VI Road to a Class A Trail.

5. FUTURE AGENDA ITEMS: Review 7 Class VI Roads to see if the Board would like to recommend to City Council that they stay Class VI Roads.

6. ADJOURNMENT:

A MOTION was made by Ms. Monroe to adjourn the meeting at 8:29 PM.
The MOTION was seconded by Ms. Hirai.

Roll Call Vote:

Colin Smith, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Stephen Wood, all voting Yea.
None voted Nay.

*** The Vote on the MOTION was approved (6-0).**

Respectfully submitted,

Barbara Higgins
Recording Secretary

Oct 16 Council Meeting

Discontinuance of Roads

Poverty Lane (Begins 201

Dan: Notice on the sketch there is a small piece of land known as Old Poverty Lane, in between the Laware Residence and Flanders and Patch. Both those properties are at the end of the New Bridge.

We currently plow that road which is essentially a private driveway. That road went out of use when the Airport was put in. I think there might have been a trail back there to some property that is now part of the interstate, but it is of absolutely no public benefit and I recommend that we discontinue maintenance of that road. With the extra roads that we are taking on, this would save us about 15 minutes on one of our plow runs and the plow runs run between 4 to 6 hours.

Frank Mastro; Question: Planning Board was or has approved a new use for one of the lots.

Dan: Yes

Mastro: If we abandon it, wouldn't it be abandoned by splitting the property 50/50.

Dan: Right now I don't propose to abandon the property. I only propose to discontinue maintenance. That's two step. First is to discontinue maintenance and the next is to give up the property.

Mastro: Because I understand that if this is not done correctly, there may not be access into that piece of property.

Dan: What I would do is I would propose that we discontinue maintenance of that road which would be a private drive and that if the two property owners decided that they needed that property they could petition the City Council at a later date. And we could work out the details at that point and time.

Mastro: On the other hand, if we give it up it's taxable. Not much, but taxable.

Dan: We could consider it. My main concern right off is to save/shave some of the time off one of the plow runs.

Mastro: Yes

Jones: Approximately how wide is that?

Dan: I think it's somewhere between 18 and 20 feet of pavement. It's about a 150 right of way. It wasn't shown on the tax map.

Jones: Are there a number of others out there?

Dan: Yes. I've got a list of 14 or 15. Some of them are really touchy so I am bringing them in one at a time and we'll see what happens.

Girouard: So what we're doing tonight is asking for Dan to have it reviewed by the Attorney and request a public hearing.

Jones: Right, that's the way I hear it. Sandy?

Sandy: I just want to say is someone living in that house now. Is that house being use?

Dan: Yes, but it is being sold. J & D Auto Parts is going to put their parts store in that site. It is going to be two commercial enterprises.

Sandy: So if it is going to swap hands, I guess that would be a good time to do it.

Patti: Are you talking about discontinuing maintenance from Route 4 all the way in? I have a little (bind) on the and I was wondering..... I thought you were just talking about the back part of it.

Dan: Right now the end of the line would be the end of the pavement.

Jones: Oh.

Dan: We only maintain it that far. The rest of it is grass.

Patti: Have you talked with any of the landowners?

Dan answers: Yes, I've talked with Paul Jordan and I've also talked with Tom Thayer. Neither have objected to what we have proposed. J & D Auto did object to having the right of way torn up at this time because they would loose access to Route 4 if

that property was split. They would have a very difficult time accessing the property.

Patti: So they will still use that as an access?

Dan: It's a class 6 highway

Patti: As long as the City still maintains (fades out.)

Jones: Right now we will just have to have it reviewed by the Attorney and then by the City Council??

Dan: Right now I am just proposing that we discontinue maintenance which will save us some money.

Jones: Council's pleasure to go ahead with submitting that for review and public hearing.

Feno: So moved.

Jones: Do we need a motion on that? To submit it to the attorney for review.

Mastro: To set a public hearing.

Jones: Well, we don't know how long that will take. Will there be enough time between now and the next meeting to have that reviewed?

Dan: I wouldn't guarantee it. Getting a legal review and getting everything to the attorney is unpredictable as far as turn around time.

Jones: Can't make it out.

Dan: What I want to do with Larry is set up a procedure for these types of discontinuances to see whether or not maybe a public hearing isn't required. I would think where it affects property owners it probably is. First of all we get a standardized procedure of what we have to go through, also check with Larry to make sure it is legal and there are no problems with what we intend to do.

Mastro: The first meeting in December.

Alan: Are we going to do both of those at that meeting.

Jones: Do you want to discuss the other discontinuance before we get a full motion on the floor.

Dan: On the other one, when the interstate went through, there were certain parcels of access rights to Route 10 were bought from. And Francis Fields as you can see owns parcel 59. She has a significant amount of frontage along what is known as Stoney Brook Road and right now her access to that road is along what is indicated as a private drive. To the best of our recollection there was never any road that was constructed with private funds and I think that at some point and time for convenience the plow truck drivers drove down there and turned around in her driveway, then came back down Stoney Brook Road. I don't think there was ever any action on the part of the Council to take that over for maintenance. We have no deeds no dedications for that to be a public way, and I recommend that we discontinue maintenance of that private drive and put some type of a turn around on Stoney Brook Road where it belongs. I think that when Larry looks at this he may come back with an immediate decision to discontinue maintenance (234 fades right out) card file?

Jones: Accept the motion (not clear again) do you want to state the motion again Feno that you started before.

Patti: My question is, is this the only access to that property there is right now?

Dan: It is the only vehicular access that has been constructed. There are other possible means of access. It has a legal right of way through lot 58 which is owned by the Ross'.

Patti: How long is that driveway.

Dan: Probably 600 feet long. 400 to 600 feet long.

Patti: What you're proposing then is to discontinue using that driveway as a turn around for trucks and to construct another turn around for trucks. What would the cost of that be?

Dan: It wouldn't be very expensive, it would just be some gravel.

Patti: Who owns lot 56?

Dan: That I don't know.

Patti: How would you construct a right of way

Dan: There is enough room for a right of way

Patti: How wide is the right of way to Stoney Brook Road?

Dan: I think its 66 feet. It used to be a state highway

Patti: Too muffled - Something regarding would Franics Field

Dan: that would be a possibility. We have continually spending money to patch the road, put in culverts, grade it, and plow it and so on.

Patti: Have you talked with Franics Field about this?

Dan: Yes

Patti: What came of that?

Dan: Of course she would like to see it continued to be maintained by the City.

Patti: Totally maintain it or to plow it?

Dan: Well, to plow it efficiently during the winter time it has to be maintained in the summer as well. If it has pot holes and divots it has to be cleaned up so it can be plowed in the winter.

Feno: About ready?

Jones: Yes

Feno: I move that the City Engineer be authorized to submit to the City Attorney a proposal to eliminate maintenance on Old Poverty Lane and Stoney Brook Road as presented at this meeting. And with an attempt to have a public hearing set for our Meeting on December 4 in both cases.

Jones: Is there a second?

Mastro: Second.

Jones: Any discussion on the motion.

Sanderson: The only thing I'd like to add on to that, I don't know if he said that or not, he may have, I think the parties involved should be notified. By telephone or something. So they'll know its coming.

Feno: It has to be by registerd letter doesn't it?

Dan: I propose that this be sent by certified letter before I ask the council to take any further action.

Jones: Any other comments or questions? All those in favor. Any opposed. Motioned carried and I declare a ten minute recess.

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could process 90 cars per hour. He added that this is a small intersection and at a larger one 400 cars per day could be anticipated. He also stated that the traffic impact at this location would be almost zero.

Mr. Monica then stated that if this proposal is contingent on the City Council accepting the street he wouldn't vote for it.

A representative of Hannah's Auto Car Wash was in the audience with Mr. Bardorf. The representative explained that the 112 cars per day figure was arrived at by his company who has conducted many surveys and that their approximations are usually within 10%.

Mr. Adams then said that the Board did right years ago in setting aside a right-of-way for future development. He added that he didn't like the cul-de-sac either, but would vote for it.

With no further discussion on the motion, the vote was 6 in favor and 2 opposed (Mr. Monica and Mr. Knight).

D. PAUL JORDAN - SITE PLAN REVIEW

Mr. McWilliams explained to the Board that in the initial plan Old Poverty Lane was used as a landscaped area. He said he then asked Mr. Jordan to prepare a plan showing the landscaping within the actual property bounds.

Mr. Nash then said he that he feels Mr. Jordan should go with the original plan and use the area known as Old Poverty Lane for landscaping. He added the fire lane could be eliminated since the building will be sprinklered.

Attorney Baker then said that plan #52685 (without the fire lane) is the one Mr. Nash is suggesting the Board approve. Chr. Pease agreed that the first plan is a better one. The location of the building and landscaping is better. Chr. Pease then suggested that the approval be conditioned on the City Council discontinuing maintenance of Old Poverty Lane.

Mr. McWilliams then said that the access to Route 4 should be improved to achieve a sight distance of 300 feet to the west of Route 4, design to be approved by City Engineer.

Mr. Knight then asked if it would make more sense for the City to sell the land rather than just turn it over to Mr. Jordan. Mr. Nash replied that it is up to the City Council. If they want to sell it they can, or continue to maintain it. It's up to the City Council to deed it. Mr. Nash added that the Planning Board can

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recommend to the City Council what they think would be best.

Chr. Pease then asked Mr. Nash if the road is discontinued would it then revert to landowners on both sides. Mr. Nash said he would have to check it out with the City Attorney.

Chr. Pease then suggested that they approve the request based on the first plan and let the City Council look into it. Either discontinue it or make it a Class VI road.

Mr. Brown then moved to accept the request of Paul E. Jordan for site plan review of proposed auto parts store, Route 4, Lebanon, NH, in the HC zone. Plan drawn by K.A. LeClair Associates, Inc., dated 7/31/85, project #52685, with the following conditions:

1. Elimination of fire lane at the south, west and north sides.
2. Trees to be 3 inch caliper.
3. East side of drive to be curbed.
4. Access to Route 4 to be improved to obtain a sight distance of 300 feet to the west.

The motion was seconded by Mr. Monica. The vote on the motion was unanimous in favor.

4. REQUEST FOR ANNEXATION OF LAND;

A. GERARD CHALOUX - LABOMBARD ROAD, LEBANON, NH, IND ZONE.

Attorney Barry Schuster was present as well as Mr. Chaloux. Attorney Schuster explained to the Board that the land in question was originally three lots. A1 and A2 - first lot, 1B and 1C - second lot and 2D and 2E - third lot. The lot sizes as they appear on the plat were then reviewed by the Board.

Chr. Pease then said that the issue now is how to deal with the potential future road. He said he felt the way to do it is if the Board accepts the annexation, have it amended to show general location of bypass road thru it. It would be built when someone came in to develop lots 1 and 2. The Board would have the right to do that under the site plan process. Mr. Nash then said that he didn't believe there are three lots. Lot 3 was transferred in violation of State law, also creating a parcel of land not on publicly dedicated street. He said the best thing for the City to do is to get this right-of-way thru this land now. If we give Mr. Chaloux his 4 lot subdivision he will give us the land.

Mr. Goodrich then said that the original agreement was that Mr.

8/29/85

Chr. Pease explained to the audience that the first two public hearings listed on the agenda are for the same project. The first item is minor subdivision and the second is site plan review. Chr. Pease asked that both requests be addressed at the same time.

Rick Bardorf representing Four Seasons Auto Wash and Morgan Goodrich of T&M Surveys were present. Mr. Goodrich explained that part of the proposal is a two lot subdivision which was deemed a minor subdivision by the Planning Board at its last meeting. He then pointed out the details of the subdivision plan per the presented plat.

In addressing the site plan, Mr. Goodrich explained that the proposed car wash would be located on Lot A of the proposed subdivision. He explained that the developer proposes to build a new road with a cul-de-sac at the end to serve both lots in the proposed subdivision. He then explained the other site details as they appear on the plan. He pointed out that landscaping meets the criteria in the Zoning Ordinance to the letter. He estimated traffic at 112 cars per day, and said they would have a 3 lane traffic flow. He also said they would like to widen the access and that City Engineer, Dan Nash agreed to this if they reduce the curbing (westerly side of lot). He said they would also narrow the island a little bit (creating more room to get in and out) and they may also reduce the wash lanes from 12 feet to 10 feet and eliminate the drive through on the north side and keep the area grassed instead.

Chr. Pease asked for questions or comments from the audience. With no comments or questions, Chr. Pease declared the public hearing closed at 7:41PM.

Public Hearing

C. PAUL E. JORDAN-REQUEST FOR SITE PLAN REVIEW

Paul Jordan and Attorney William Baker were present. Attorney Baker explained that the building would be erected westerly of Flanders & Patch Auto Dealership on Route 4 and that the land is currently owned by Lloyd Laware. He explained that Mr. Jordan would be erecting a (one story) J&D Auto Parts Store on the lot. He then pointed out the other site details as they appear on the plan.

Chr. Pease asked for comments or questions from the audience. Mr. Tom Thayer, representing Flanders & Patch asked if the current driveway is considered to be City property (Old Poverty Lane Road) and if the land is wide enough to accept the building if Mr. Jordan cannot use this so-called City land as a driveway. He said he was concerned about visibility exiting onto Route 4.

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Mr. Nash then explained that he had asked Mr. Jordan to look into a mutual access point with his neighbors (Flanders & Patch), but which apparently didn't work out. Mr. Jordan already has an access point and can't be denied one, but we can make it as safe as possible. The area known as Old Poverty Lane Road has been used by the Laware's, the current owners of the land for sometime. Mr. Nash told the Board he would recommend to the City Council that the road be officially discontinued as not to have the City maintain what is now a private drive.

With no further questions or comments from the audience. Chr. Pease declared the public hearing closed at 7:47PM.

3. ACTION ON PUBLIC HEARING ITEMS:

A. WOLF RUN SUBDIVISION-PRELIMINARY REVIEW MAJOR SUBDIVISION (ACTION CONTINUED FROM JULY 29, 1985)

Mr. Brown stepped down from the Board for this request (reason stated in minutes of July 29, 1985 meeting).

Chr. Pease then explained that the public hearing on this item has been closed, but abutters to this project have asked to present a written statement to the Board.

Mr. Ted Fantel, Bixby Street, then read a prepared statement to the Board (see attached).

Attorney Lawrence Kelly and Enrique Darer were present on behalf of V.G.M. Group the developer of this subdivision. Attorney Kelly explained that they would like to address some of the concerns raised by the Upper Valley Lake Sunapee Council in a report the Council has prepared for this subdivision requested by the Board at the sketch plan review stage. He went on to say that he didn't believe there was anything in the report which would be grounds for a denial of this request. He pointed out that this report was a large undertaking which tried to review other proposed projects as well, not just Wolf Run. He said they were afraid that impacts of other projects will cause the Board to take those impacts and deny this request. He stated that the scope of this report is beyond Planning Board considerations. When acting on a subdivision application the first and second scopes of the report (density and suitability of land) would be appropriate only if the Board were recommending changes to the Zoning Map and Zoning Ordinance. Per the Ordinance, residential one zone finds land appropriate for high density use. If Wolf Run is denied on these first two scopes of UVLSC Report the Board would be setting up new zoning. He said this report is based on



City of Lebanon

MEMO

TO: PLANNING BOARD

DATE: 8/21/85

FROM: Ken McWilliams, City Planner *K.M.*

SUBJECT: Paul Jordan - Site Plan Review

LOCATION: Southeast of Route 4 and Mascoma River

The east 50 feet of the site plan submitted is existing public right-of-way known as Old Poverty Lane. With the site plan submitted, the applicant is proposing to use this right-of-way for driveway and maneuvering area for the parking space and landscaping. I have indicated to Mr. Jordan that these functions need to be provided within his site unless he first pursues vacation of the right-of-way and thereby adds all or part of the vacated right-of-way to his property. Mr. Jordan indicated he would work with his Consulting Engineer to revise the site plan to accommodate those functions within the site.

Mr. Jordan indicated his signage would consist of the following:

1. A free standing 30 foot high (not 40') sign with a 96 square foot face, and;
2. A sign attached to the building with a maximum area of 50 square feet.

Again, Mr. Jordan is in the process of revising the site plan to address the concerns identified and anticipates presenting the revised site plan to the Planning Board Monday evening.

The Staff will make every effort to review the revised plan before consideration by the Planning Board Monday evening.

ch

*This was a part of the
Agenda for the Planning
Board's meeting of August
26, 1985. AE*

3'9" high

300' 3'9" high

measure forward for stop line
8'

Albert J. Cirone, Jr.

23 Bank Street Lebanon, New Hampshire 03766

(603) 448-1330

May 27, 1986

Laurence F. Gardner, Esq.
P.O. Box 583
1 Maple Street
Hanover, NH 03755

Re: City of Lebanon v. Paul E. Jordan
File No. 2-2-86-1

Dear Larry:

Enclosed is a letter from Ken LeClair verifying that Paul has well over 300 feet of sight distance where the driver is 8 feet and 10 feet from the traveled way of Route 4. These measurements verify our position that Mr. Jordan has met the 300 foot sight distance requirement.

The sprinkler system was inspected last Friday and Chief Lariviere indicated that it passed inspection. Attached is a May 23rd Memo from Joe Lariviere.

I assume the City will now discontinue the Injunction Petition. Please confirm.

Sincerely,

Albert J. Cirone, Jr.

AJC/mg

Enc:

cc: Ken McWilliams
Daniel A. Nash

Kenneth A. LeClair Assoc. Inc.

REGISTERED PROFESSIONAL ENGINEERS
VERMONT AND NEW HAMPSHIRE

GREAT HOLLOW ROAD

P.O. BOX 614, HANOVER, N.H. 03755

TEL. 643-3511

CONSULTING ENGINEERS & LAND SURVEYORS

May 26, 1986

Mr. Paul Jordon
J & D Auto Parts
Interchange Drive
West Lebanon, N.H. 03784

Dear Paul:

At your request we have measured sight distances along Route 4 from various points where cars would be exiting your new store. The distances measured at these various points were measured from a transit that was set 3.75 feet above the pavement, as it existed on May 26, 1986, to a maximum distance in which a second object, also 3.75 feet in height, could be seen.

<u>Position of Transit</u>	<u>Sight Dist. to Painted White Line @ T.W.</u>	<u>Sight Dist. to Center of Travel Lane</u>
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8 ft. from T.W.	235 ft.	404 ft.
10 ft. from T.W.	198 ft.	324 ft.
15 ft. from T.W.	174 ft.	243 ft.
20 ft. from T.W.	160 ft.	211 ft.
(Note: Could see thru guard rail to approx. 244 ft.)		
25 ft. from T.W.	154 ft.	192 ft.
(Note: Could see thru guard rail to approx. 303 ft.)		
30 ft. from T.W.	150 ft.	181 ft.
(Note: Could see thru guard rail to approx. 333 ft.)		
35 ft. from T.W.	148 ft.	175 ft.
(Note: Could see thru guard rail to approx. 410 ft.)		
40 ft. from T.W.	146 ft.	171 ft.
(Note: Could see thru guard rail to approx. 500 ft.)		

If you have any further questions, would you please contact us.

Sincerely,


Kenneth A. LeClair, P.E.

KAL/ab



City of Lebanon

MEMO

TO: Ken McWilliams, City Planner.
FROM: Joe Lariviere, Fire Chief
SUBJECT: J & D Auto - Certificate of Occupancy

DATE: 05/23/86

Please be advised that all requirements of the Fire Department, before issuance of a Certificate of Occupancy, have been satisfied by the applicant.

Questions

1. Why was the Site Plan sent to the Planning Board without comments?
It was. See attached memo from Ken McWilliams?

2. Why wasn't the Council told about J + D's need for a resolution of the road question?

It was. See the attached minutes of the October 16, 1985 Council Meeting (verbatim transcript).

3. How wide is the Right of Way?
49.5 feet. See the two attached plans from the Registry of Deeds.

4. How can trees be planted under a power line? The City Planner some time ago requested that low-growing trees be substituted for the Norway Spruce that were originally planned.

5. Did the City Administration know that two businesses were planned for the building?

Yes

Driveway Permit

issued pursuant to the Site Plan -
300' right distance

The Site Plan

1. Parking - 4000 square feet of retail space requires 14 parking spaces. These have been provided. Parking for storage space is based upon number of employees. A change to retail use would require the applicant to go to the Planning Board for Site Plan Review.
2. Building Coverage and Setbacks - These are ~~0~~ within legal limits.
3. Slopes - Excess fill material has been placed upon the West slope. It should be stabilized.
4. Sign - The 30' freestanding sign is not where it was shown on the Site Plan.
5. Sight Distance - In my opinion, removal of some of the bridge railing will guarantee 300' of visibility.
6. The Driveway and Curb - These have been built according to the Site Plan.

OLD POVERTY LANE
OPTIONS FOR CONSIDERATION

1. TAKE NO ACTION

- Problems:
- A. J&D would fail to meet setbacks and would have maneuvering space in the City Right of Way.
 - B. The City would have to continue maintenance and would continue to have liability.

2. DISCONTINUE SUBJECT TO GATES AND BARS

- Problems:
- A. Same as 1A above.
 - B. Future disputes between abutters because of the shared driveway.

3. DISCONTINUE AND DIVIDE DOWN THE CENTER OF THE RIGHT OF WAY

- A. Landscaping cannot be accomplished on J&D's land.
- B. J&D's exit onto US4 would be destroyed.
- C. Flanders and Patch would be given J&D's curb and some pavement.
- D. Maneuvering room would be diminished for J&D.

4. DISCONTINUE AND DIVIDE AT THE CURBLINE

- Problems:
- A. Same as 3A above.

RECOMMENDED SOLUTION - 4

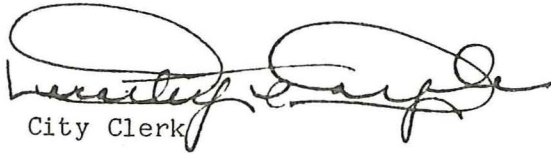
ADVANTAGES:

- A. Ownership is settled, and each abutter receives half of the Right of Way.
- B. J&D's setbacks are met.
- C. J&D's access to US4 is wide enough.
- D. The City gives up maintenance and liability.
- E. The City gains taxable property.

*Family changed sheetrock specs?
Admin Bd. told Jordan landscaping
would not have to go
to ZBA?*

November 27, 1985

A public hearing will be held before the Lebanon City Council on Wednesday, December 4, 1985, at 7:25 p.m. in Lower City Hall, for the purpose of discussing discontinuing maintenance of portions of Old Poverty Lane and Stoney Brook Drive.


City Clerk

**NOTICE OF PUBLIC HEARING
CITY OF LEBANON, N.H.**

A public hearing will be held before the Lebanon City Council on **Wednesday, December 4, 1985 at 7:25 p.m. in Lower City Hall**, to discuss discontinuing maintenance (plowing, etc.) of portions of Old Poverty Lane (opposite Flanders & Patch) and Stoney Brook Drive (a private drive leading to the Francis Field residence).

Per order of the Lebanon City Council.

s/Dorothy J. Doyle
City Clerk

Notice of public hearing was published in the VALLEY NEWS, a newspaper of general circulation in the City of Lebanon, on November 26, 1985

PUBLIC HEARING

A public hearing was held before the Lebanon City Council on Wednesday, December 4, 1985, in Lower City Hall, for the purpose of discussing discontinuing maintenance (plowing, etc.) of portions of Old Poverty Lane (opposite Flanders & Patch) and Stoney Brook Drive (a private drive leading to the F. Field residence).

Notice of public hearing was published in the VALLEY NEWS, a newspaper of general circulation in the City of Lebanon, on November 26, 1985. Certified letters were also sent to abutters notifying them of the hearing.

Public hearing called to order at 7:25 p.m. by the Mayor. Eight members of the Council, the City Manager, City Engineer Daniel Nash, members of the Press and 16 interested residents were present. (Councilor Monica was absent.)

Mrs. Francis Field, a resident of the Stoney Brook Road and owner of Lot #59 as shown on Tax Map #8, opposed discontinuing maintenance of a portion of the Stoney Brook Road. She indicated that prior to purchasing the property she was assured by people in City Hall that it was a City roadway and would continue to be maintained by the City, the main reason being that the City owned the right to reopen that section of a Class VI Highway that passes by her house to service Lot #64, which is currently landlocked. She said with those assurances, they had purchased the property, and during the period of owning it the City had maintained the roadway.

She said she was surprised that the City Engineer was saying that the right-of-way was not owned by the City, when there were maps indicating otherwise, as well as his comment that a "private drive" sign was posted, which was only to make people aware that that particular location was an appropriate place to make a turn-around.

She urged the Council to reconsider its intent to discontinue maintenance. She indicated that if the Council should take such action it would leave her property landlocked and would not only reduce her property value a great deal, but the City would also lose a considerable amount of tax revenue.

Mr. Mitchell Ross, a resident of Stoney Brook Road and the owner of Lot #58 as shown on Tax Map #8, agreed with Mrs. Field. He did note that the roadway had been maintained for over a twenty year period, which would mean that the City had acquired ownership. He noted that that portion of the roadway was rebuilt in 1964 at the time Interstate 89 was constructed. He also noted that when purchasing the property they were assured by the surveyor and the attorney who researched the deed that it was a City maintained road and would continue to be.

Mayor Hogan asked Mrs. Field and Mr. Ross if their lawyers had completed title searches. Ross and Field indicated that that was the case. Ross also indicated that his deed stated that the road was separate and not included as part of the property.

Councilor Mastro asked if any other access was available to the Field

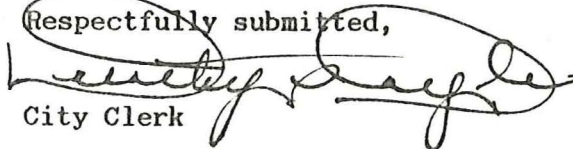
property. Mrs. Field indicated that an access road could possibly be constructed, but it would be very long, and she wasn't even certain that the topography of the land would be suitable for constructing a roadway.

Mrs. Field asked if the City had ever taken action to discontinue the roadway leading to the Patch property.

Mayor Hogan stated that the status of that section of the road would also have to be researched.

There being no further comments or questions dealing with the matter of discontinuing portions of the Stoney Brook Road and the Old Poverty Lane, the Mayor closed the hearing at 7:43 p.m.

Respectfully submitted,


City Clerk

LAW OFFICE OF
LAURENCE F. GARDNER

ONE MAPLE STREET

P. O. BOX 583

HANOVER, NEW HAMPSHIRE 03755-0583

LAURENCE F. GARDNER
(ADMITTED NEW HAMPSHIRE AND VERMONT)

DARRELL HOTCHKISS
(ADMITTED NEW HAMPSHIRE AND VERMONT)
H. BERNARD WAUGH, JR.

November 27, 1985

TELEPHONE
(603) 643-5700

Daniel A. Nash
City Engineer
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

Re: Discontinuance of Maintenance - Old Poverty Lane and
Private Drive off Stoney Brook Road
Our File No. 0439

Dear Dan:

This letter is in response to your letter to me of October 30, 1985, with regard to the above-entitled matter regarding two roads in the city.

You have proposed to the City Council to "discontinue maintenance" of Old Poverty Lane and of the private drive off Stoney Brook Road. It is my opinion that discontinuance of maintenance is not available as a means of reducing the city's obligations on these two roads.

The City Council has only two alternatives. First, the Council can discontinue one or both roads completely. This would result in the elimination of the highway easement and the land on which the discontinued highway had been located, would revert to the owners of record usually from the center line of the old right-of-way to the abutting landowners according to the frontage of each lot on the old discontinued road. Second, the Council can discontinue one or both roads subject to gates and bars. This means that the public highway would continue in existence and would be available for any use by the public, but the city would be under no obligation to repair or maintain the highway.

If the Council does vote for a complete discontinuance or a discontinuance subject to gates and bars, then any landowner aggrieved by the vote of the Council has two choices. (1) The landowner can appeal to the Superior Court and ask the Court to award damages suffered by the landowner as a result of the highway discontinuance. In effect, the measure of damages would be the value of the land prior to discontinuance and the value of the land after the discontinuance. Where the road is completely discontinued, a parcel of land which depended upon the prior public highway for access would be landlocked. RSA 231:49. (2) A landowner can appeal the action of the discontinuance to the Superior Court and the Court would then refer the matter to the County Commissioners. The Commissioners would either discontinue the road and award damages to

Daniel A. Nash
November 27, 1985
Page Two

the landowner, or determine that discontinuance is not in the public interest and reverse the action of the City Council. If the discontinuance action of the Council was reversed, there would be no damages. RSA 231:48.

When there has been no maintenance of a city highway for five successive years or more, then the city highway becomes a Class VI highway and the city is under no obligation to keep that highway repaired and maintained. If the city begins to repair and maintain the highway after a period of five years or more of non-maintenance, then the city again becomes liable to keep the highway repaired and maintained and the designation of the highway would change to Class V.

Public highways are created by one of the three following methods:

1. By a conveyance of the highway to the city and acceptance by the City Council. This is referred to as an offer of dedication.

2. The layout of a public highway by the City Council after public hearing. This is the method utilized in the late 1700s and early 1800s to create new highways. Recently highway layouts have been used where a town or city refuses to accept an offer of dedication, for example, in a subdivision where the roads have been built to town or city specifications.

3. Where a highway has been used by the public and repaired and maintained by the city for a period in excess of 20 years. The use of a private highway and the repair and maintenance of that private highway for a period of less than 20 years will not create a public highway.

These are the various alternatives available to the City Council with regard to these two roads. It may be that neither road was laid out as a public highway or dedicated as a public highway.

Attached are two suggested motions phrased in the alternative for consideration by the City Council.

If you have any questions, let me know.

Sincerely,



Laurence F. Gardner

LFG/pjl

enc.

cc: Alan H. Edmond

PROPOSED MOTION FOR DISCONTINUANCE OF OLD POVERTY LANE

MOVED: That pursuant to RSA Chapter 231, the highway known as Old Poverty Lane and as shown on Tax Map 17, extending from Mechanic Street Extension to Interstate 89, shall be discontinued/discontinued subject to gates and bars.

PROPOSED MOTION FOR DISCONTINUANCE OF DRIVE
OFF STONEY BROOK ROAD

MOVED: That pursuant to RSA Chapter 231, the highway known as the drive off Stoney Brook Road as shown on Tax Map 8, which extends from Brook Road across Lot 58 and terminates in a turn-around on Lot 59, shall be discontinued/discontinued subject to gates and bars.

DISCONTINUANCE OF MAINTENANCE - OLD POVERTY LANE AND A PORTION OF
STONEY BROOK ROAD

Certified letters, including Council agenda attachments, were sent to the following abutters on November 27, 1985:

OLD POVERTY LANE:

Tax Map 17 - Lot 7: Flanders & Patch
Miracle Mile
Lebanon, NH 03766

Tax Map 17 - Lot 8: Paul E. Jordan
Blueberry Hill
Lebanon, NH 03766

State of New Hampshire
c/o Department of Public Works
& Highways
P.O. Box 232
Lebanon, NH 03766

PORTION OF STONEY BROOK ROAD:

Tax Map 8 - Lot 58A: Mitchell & Cathy Ross
Star Route 3
Lebanon, NH 03766

Tax Map 8 - Lot 59: Frances Field
HC 63, Box 20D
Lebanon, NH 03766

State of New Hampshire
c/o Department of Public Works
& Highways
P.O. Box 232
Lebanon, NH 03766



City of Lebanon

MEMO

TO: Alan H. Edmond, City Manager
FROM: Daniel A. Nash, City Engineer *DAN*
SUBJECT: Discontinuance of Maintenance of Private Drive
off Stoney Brook Road .

DATE: 10/11/85

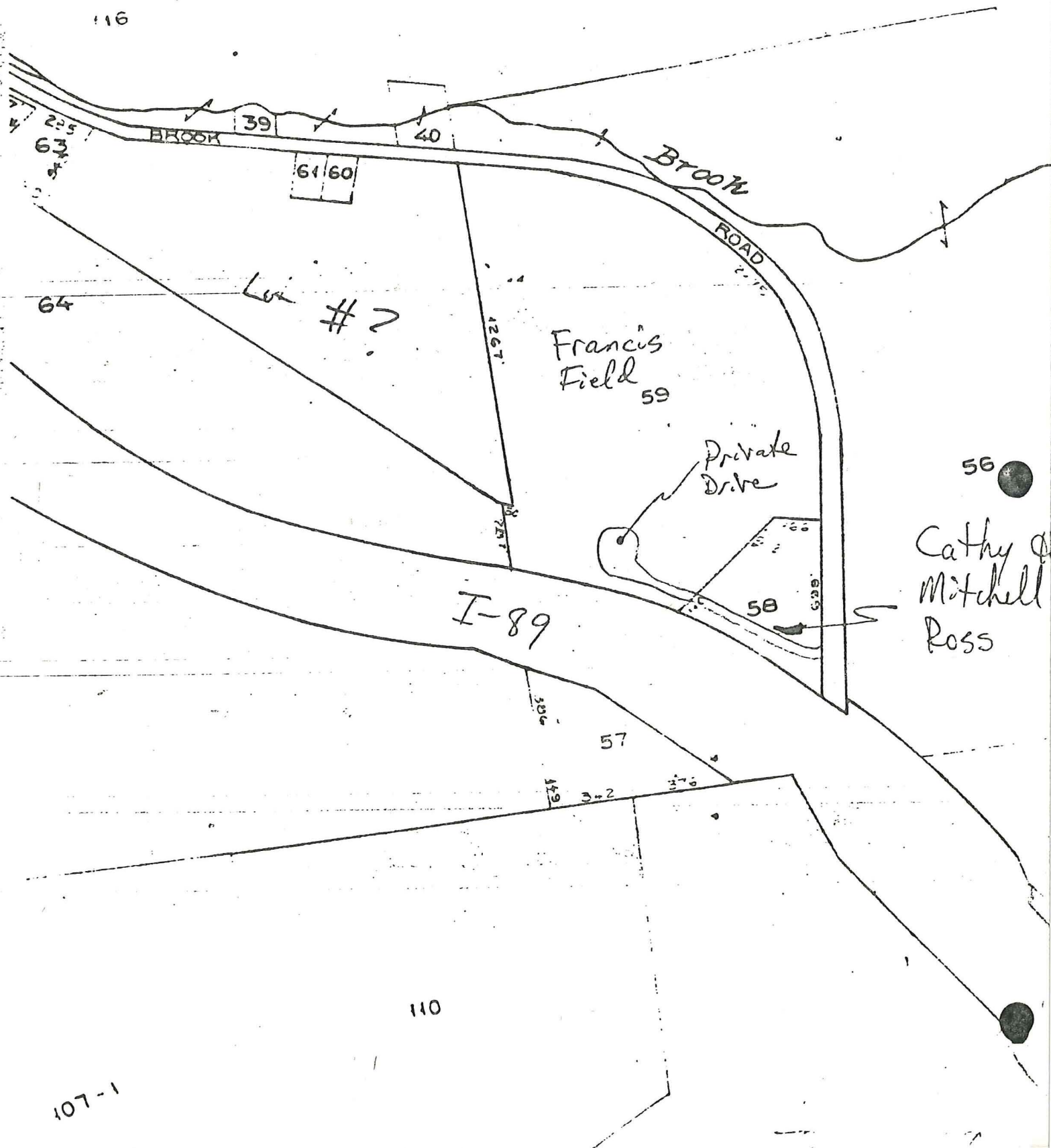
The drive under discussion is indicated on the attached portion of Tax Map 8. This drive has been researched and all evidence indicates it is private property. To date, there is even a sign up indicating private drive. Section 419:63 of the City Charter prohibits the use of public labor and equipment for private use.

I recommend we discontinue maintenance of this private drive. With your approval, I will have our attorney review this and set a public hearing, if necessary.

DAN:lr

Attachment

116





City of Lebanon

MEMO

TO: Alan H. Edmond, City Manager
FROM: Daniel A. Nash, City Engineer *DAN*
SUBJECT: Discontinuance of Maintenance of Old Poverty Lane

DATE: 10/11/85

Attached is a portion of Tax Map 17. Shown is what I call Old Poverty Lane. The tax map does not show it as City right of way, but recent site plans indicate it is. We have been maintaining it for many years. I propose we discontinue maintenance. This road no longer serves a public benefit:

If this is acceptance, I will have it reviewed by our attorney and request a public hearing.

DAN:lr

Attachment

Old
Flanders
I-89

COMA

La Mare
Residence

Flanders
Patch

Nu-Bridges

BOSTON

AND

F.V.V.

MECHANIC

INTERST

December 4, 1985

Notice of regular meeting was delivered to each Councilor on November 27, 1985. Notices were posted at City Hall, the Lebanon Fire Station, and both City libraries.

Meeting of the Lebanon City Council called to order in Lower City Hall at 7:43 p.m. by Mayor James Hogan. Councilors Present: Shirley Girouard, Barbara Jones, Nancy Kimball, Patti Laurie, Frank Mastro, Harold Sanderson, Feno Truax, and the Mayor. Councilor Allen Monica was absent. City Manager Alan Edmond, City Engineer Daniel Nash, Fire Chief Joseph Lariviere, City Planner Kenneth McWilliams, Wastewater Treatment Plant Superintendent Dana Arey, City Treasurer John Aubin, and Airport Manager Marcel Theberge were present representing the City Administration.

Councilor Barbara Jones led the Council and members of the audience in the Pledge of Allegiance.

The Public Forum was announced by Mayor Hogan. He also reminded those members in the audience of Council policy that action on public hearing items might be delayed.

ACCEPTANCE OF MINUTES

Motion of Kimball, seconded by Laurie, that minutes of the November 6, 1985 regular Council meeting be accepted as corrected. Motion voted for and adopted by unanimous vote.

ACTION DELAYED RE DISCONTINUE MAINTENANCE OF PORTIONS OF OLD POVERTY LANE AND STONEY BROOK ROAD

See Public Hearing held prior to meeting.

Councilor Laurie stated her concerns relative to discontinuing maintenance of a portion of Stoney Brook Road. She said that she was under the impression that the roadway was a private drive but now it appeared that it was a City street. She asked if ownership had been researched.

City Engineer Daniel Nash indicated that neither the surveyor, Morgan Goodrich or Jay Cooper, the attorney, in researching ownership of the roadway for a subdivision, could find that it was a dedicated City street, although a right-of-way across Parcel #58 for Parcel #59 was found. He said as far as they knew it was not a City dedicated right-of-way, and he had no historic data that would show at what point the City started plowing the roadway. He said that he was also not certain that maintaining it for twenty years would necessarily make it a City street, although it appeared that if that should be the case the City would be in a position to claim ownership.

Mayor Hogan asked why homeowners couldn't claim that the City was responsible for maintaining the roadway after having maintained it for a twenty year period and were unwilling or did not want to take over ownership or maintenance.

He felt that there appeared to be enough questions to warrant delaying the matter until the next meeting.

Councilor Mastro said that he would have no problem with discontinuing maintenance of that section of Old Poverty Lane, but he would have questions about discontinuing maintenance of a portion of the Stoney Brook Road. He suggested that if the roadway was to be discontinued that it be subject to gates and bars, which would give it a Class VI highway status and would remain open to the public.

Mr. Ross, the owner of Parcel #58, established the fact that he also had access to the right-of-way in question.

Mayor Hogan said that it appeared the issue was who would maintain the roadway and not its ownership. He asked if the concerns of abutting property owners were that they did not want the responsibility of plowing the roadway.

Mr. Ross said that the point they were trying to make was that they were assured by their lawyers and surveyors when purchasing their properties that it was and would continue to be a City street. He agreed that they would be concerned as to whether they or the City would be responsible for plowing.

Councilor Mastro noted that maintenance would involve not only plowing but also keeping it in relatively good condition by adding gravel, etc. He said that it appeared if the road should be discontinued the ownership would be turned over to Parcel #58, which would leave others in the area in a position of having to acquire a right-of-way.

Councilor Truax suggested that the City obtain written statements from those attorneys used by Mr. Ross and Mrs. Fields, when purchasing their property, stating that title searches were made and what their findings were.

It was noted that the opinion submitted by the City's legal counsel outlined available methods to the City for discontinuing maintenance of roadways and did not include the issue of ownership.

Councilor Mastro asked the Engineer to explain the title search completed by the attorney and surveyor.

Nash noted that plans submitted to the Planning Board for the Ross subdivision by Morgan Goodrich, a registered surveyor, gave no indication that it was a City street. Nash said that the property could not have been subdivided if the owners had dedicated a fifty foot right-of-way to the City because it would have created a separate, undersized lot, which would not be allowed in accordance with City ordinances.

Councilor Laurie did note the possibility that the undersized lot could be in existence if it was true that the City owned the right-of-way by maintaining it for over a 20 year period.

Mayor Hogan said that it appeared there were a number of questions remaining

to be answered before taking action. He did note Councilor Truax's suggestion that a legal opinion be requested.

Motion of Laurie, seconded by Kimball, that we request a legal opinion as to the exact status of the roadway shown on the plan (portion OF Stoney Brook Road) through a title and deed search of both parcels (Lot Numbers 58 & 59) and in addition, to determine the status of the maintenance of the road as to how long it has been maintained by the City.

At the request of Mrs. Field, it was the general consensus that the title search include that section of a Class VI roadway west of her property.

Motion voted for and adopted by unanimous vote.

The Council proceeded to discuss the Administration's recommendation to discontinue maintenance of Old Poverty Lane.

Motion of Truax, seconded by Kimball, that pursuant to RSA Chapter 231, the highway known as Old Poverty Lane and as shown on Tax Map 17, extending from Mechanic Street Extension to Interstate 89, shall be discontinued subject to gates and bars.

The Administration explained the difference between discontinuing a roadway, which would mean that the right-of-way would be divided between the two abutting landowners, and discontinuing subject to gates and bars, which would mean that the City would retain ownership - it would be open to use by the public, but it would not be maintained by the City.

Councilor Mastro noted the value of the property in that particular area. It was his feeling that to retain ownership would mean that the City would be losing out on some taxable income.

Councilor Laurie noted, however, that to discontinue maintenance would leave Lot #8 without sufficient or safe access.

As a possible solution, Nash felt that the City could pursue the idea of retaining three-quarters of the right-of-way so that there would be a small parcel to use as a common access.

Mr. Thomas Thayer, speaking as the owner of Flanders & Patch and an abutting property owner, asked for a clarification as to the ownership of the right-of-way. He asked if a title search had been made to determine its size and boundaries.

Nash noted that a survey conducted by J & D Auto Parts indicated that it was a City right-of-way. He said that he believed the licensed surveyor had to do his work based on what he found on file with the registry of deeds, and he believed what he had found was correct. He also noted that the tax maps were used only for assessing purposes and not for title searches.

December 4, 1985 City Council Meeting - Page 4

Mr. Thayer asked if the two abutting properties as well as the roadway were surveyed to make certain that they were in agreement.

Nash indicated that he would have to research that further.

Councilor Girouard felt that that information should be provided before the Council took any action.

Councilor Laurie asked Mr. Thayer if his deed indicated that his property abutted a City right-of-way or the Laware property. Thayer said that he thought it was the latter.

Councilor Jones agreed that more research was needed.

Councilor Mastro said that it was his understanding that this portion of roadway was disconnected from Poverty Lane at the time the interstate was constructed. He felt that it was highly unlikely that a portion of Poverty Lane wouldn't have been a City right-of-way, a roadway that had been in existence for a number of years prior to constructing the Interstate.

Councilor Truax said that he was disturbed that a hearing had been held without completing the necessary research. Based on that fact, he withdrew his Motion. Councilor Kimball withdrew her second.

Motion of Laurie, seconded by Kimball, that we submit the Old Poverty Lane question for legal review to determine its exact status.

Councilor Truax referred to the legal counsel's opinion. Councilor Laurie did make note of the fact that the Attorney's opinion only outlined methods available to the City to discontinue maintenance and did not include the status of ownership.

Councilor Mastro also noted the fact that the Engineer was basing his information on a plan submitted by a licensed surveyor. It was his feeling that Nash had completed the necessary amount of research.

Mayor Hogan did note that there was a question in the mind of an abutter that the matter should be researched further.

The Manager asked Nash what portion of the road was being maintained by the City at the present time. Nash indicated that the entire strip was being plowed. He said that his recommendation was to discontinue plowing and any other general maintenance that might be required.

The Manager noted that the Council's options were to either discontinue or discontinue subject to gates and bars, as outlined in the Attorney's opinion.

Councilor Mastro felt there would be no reason to retain ownership because there were no properties located in the back that would require a public access. He favored the idea of discontinuing rather than discontinuing subject to gates and bars.

Councilor Laurie said that she would prefer, if maintenance should be discontinued, to discontinue subject to gates and bars so that an access could be provided Lot #8.

It was Councilor Mastro's feeling, however, that the owners of Lot #8 could make arrangements to acquire the necessary access.

Voting results were as follows: Six voted for the Motion. Jones and Mastro voted against. Motion declared adopted by the Mayor.

MASTER PLAN UPDATE

See attached memo dated December 4, 1985.

City Planner Kenneth McWilliams proceeded to outline a tentative schedule for completing the Master Plan Update by the Planning Board. He did indicate the Board's difficulty with allocating time to work on the study due to the heavy workload in dealing with current development issues.

Councilor Mastro asked if the Upper Valley Lake Sunapee Council, the agency preparing the updates, had been submitting information on a timely basis. McWilliams said that the board had received all but the Land Use Chapter. He indicated the Council's diligence in getting the chapters together for the Board, which was a time consuming and complex process.

Mastro asked if it was true that that portion of the Update of establishing a Capital Improvements Program would be completed in-house by the Planner and the City Manager. McWilliams indicated that that was correct, although other department heads would also be involved in that process.

Mr. Arthur Pease, Chairman of the Planning Board, did indicate the Board's difficulty with distributing the surveys. He said that a City group offering to distribute and gather the surveys was unable to get the necessary manpower, which held up getting information for the Upper Valley Lake Sunapee Council. He did feel, however, that the Board did finally get a good response - about 40%. He also noted changes made among department heads within the Administration, which he also attributed to slowing up the process. He also noted plans of the Board to schedule a few work sessions in December for the purpose of continuing its review of the Plan, which he felt might even include the Land Use Chapter. He noted that the public would have three different opportunities to add its input at meetings, which would be more than what the law allows. He also indicated what he felt to be a good working relationship between the Planning Board and the Upper Valley Lake Sunapee Council.

City Manager Edmond suggested publicizing results of the citizen survey before any meetings are held to receive input from citizens so that they would have an idea of how people feel and what direction the community might be going.

In response, Mr. Robert Varney, Executive Director of the Upper Valley Sunapee

November 15, 2021



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

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

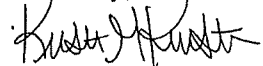
A. DISCONTINUANCE OF CLASS VI ROAD #43 -
Public hearing for the purpose of receiving public input and taking action to discontinue Class VI Road #43, running from Poverty Lane to Route 4 (Miracle Mile), Lebanon.

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 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.

The December 1, 2021 City Council agenda packet and documents pertaining to the above described public hearings will be available on the City's website beginning November 24, 2021: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 13, 2021.



Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

**8.B – RECLASSIFICATION OF CLASS VI ROAD #7
TO A CLASS A MUNICIPAL TRAIL**

A public hearing 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.

The City Council scheduled this public hearing at their November 3, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 13, 2021 in accordance with City Code and State Law. Certified notices were sent to all abutters on November 15, 2021, in advance of the minimum 14-day notice requirement provided in NH RSA 231:43.

BACKGROUND

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

Due to the location of the existing right-of-way, the Class VI Roads Advisory Committee is also recommending that the Council act to relocate 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.

In order to accomplish the recommendations of the Class VI Roads Advisory Committee, the right-of-way for Class VI Road #7 must actually be “discontinued” rather than reclassified. As Parcel 109-39 is City-owned, the Class VI Roads Advisory Committee may request the Council establish a municipal trail on this property. In this scenario, reclassification of the existing right-of-way becomes mute.

ACTION

Due to the nature of the proposal, the Council is asked to take no action on this matter.

Included in this Section:

1. October 25, 2021 Memo from Mark Goodwin, GIS Coordinator/Planner re: Recommendation from the Lebanon Class VI Road Advisory Committee – Road Segment #7 (LaPlante Road) with the following attachments:
 - Map of Historic Right-of-Way #7 (Printed 10/27/2021)
 - March 12, 2015 Meeting Minutes – Class VI Road Advisory Committee
 - January 7, 2021 Meeting Minutes – Class VI Road Advisory Committee
2. Notice of Public Hearing as Published in the November 13, 2021 Edition of the *Valley News*



CITY OF LEBANON ~ PLANNING OFFICE

MEMORANDUM

TO: Honorable Mayor & City Council,
City Manager, S. Mulholland; Deputy City Manager P. Maville

FROM: Planning Department
Mark Goodwin, GIS Coordinator/Planner

RE: Recommendation from the Lebanon Class 6 Road Advisory Committee -
Road Segment #7 (LaPlante)

DATE: October 25, 2021

I. Background

As depicted on several historic maps, the present day LaPlante road apparently continued north to where it intersected present day Riverside Drive. It is unclear as to when the use and maintenance of this section ceased but is assumed to have occurred perhaps well over one hundred years ago, based upon current field conditions.

The C6 Committee reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify to a Class A Trail designation, as well as relocate the right-of-way so that the course travels across an existing City owned parcel, as opposed to the current course over a privately owned parcel. Establishing a right-of-way over land currently owned by the City would appear to be redundant as to providing the public access at a time when desired, but the C6 Committee felt that by doing such, the access would be preserved in the event the City owned parcel was to be sold.

II. RECCOMENDATION / ACTION:

The Council is requested to consider the following proposed motion:

A motion by Ms. Monroe that the Class VI Roads Advisory Committee recommends to the Lebanon City Council that they reclassify Class VI Road #7 to a Class A Municipal Trail as defined in RSA 231-A:1(1), and as shown on the City of Lebanon Draft Class VI Roads Map, printed June 2013, and relocate the right-of-way to the west side of the stone wall that serves as the current property boundary between tax map 109-40 and 109-39. Also, this Class A Trail shall be subject to the following public trail use restrictions: means of travel shall be restricted to horse, bicycle and foot, and snowmobiles when snow cover is adequate. Motor vehicles, wheeled vehicles other than bicycles, and off-highway recreational vehicles, other than snowmobiles, shall be prohibited, subject however, to vehicular uses of abutting landowners for access to existing uses of land as set forth in RSA 231-A:1(1). The Class VI Roads Advisory Committee further recommends that if the City declines to relocate this right-of-way, that it be discontinued. Seconded by Mr. Book. There being no further discussion, a vote was taken and passed unanimously (4-0).

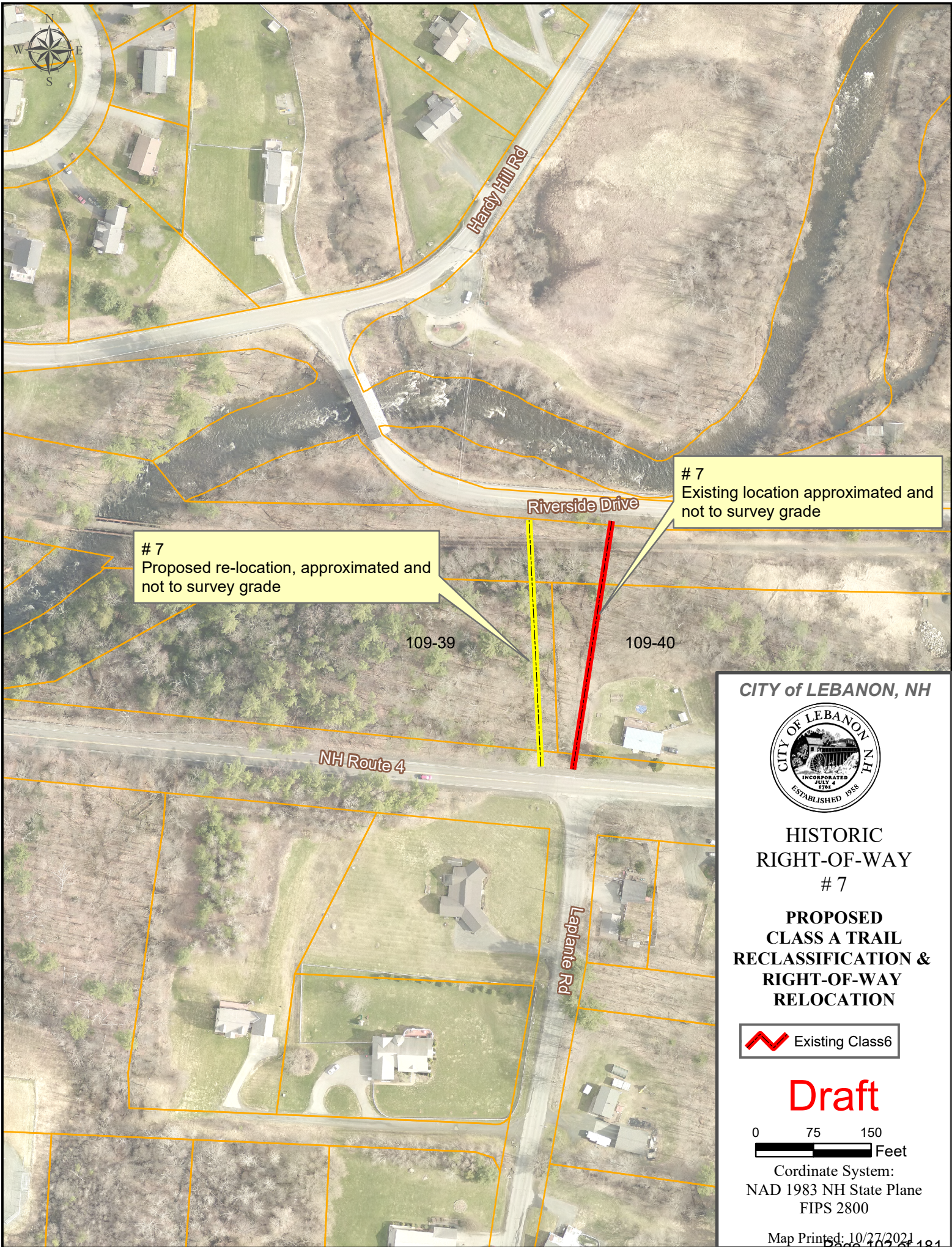
BACKUP INFORMATION:

(Road #7)

Minutes of March 12, 2015 (Class 6)

Minutes of January 7, 2021 (Class 6)

2021.10.21-Road7-Reclass-Map

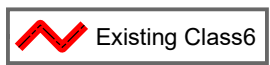


CITY of LEBANON, NH

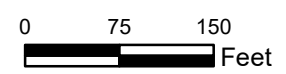


HISTORIC
RIGHT-OF-WAY
7

**PROPOSED
CLASS A TRAIL
RECLASSIFICATION &
RIGHT-OF-WAY
RELOCATION**



Draft



Coordinate System:
NAD 1983 NH State Plane
FIPS 2800

DRAFT

**CITY OF LEBANON
CLASS VI ROADS ADVISORY COMMITTEE
Minutes of March 12, 2015
Council Chambers ~ City Hall @ 5:30 PM**

MEMBERS PRESENT: Stephen Wood (Chair/City Council Rep), Colin Smith (Ped & Bike Advisory Committee Rep), Raymond Book (Heritage Commission Rep) and Joan Monroe (Planning Board Rep)

MEMBERS ABSENT: Erling Heistad (Alt City Council Rep) and Donald Lacey (Conservation Commission Rep)

STAFF PRESENT: GIS Coordinator Mark Goodwin and DPW Representative Mike Hammond

1. CALL TO ORDER:

Chair Wood called the meeting to order at 5:37 PM.

2. ELECTION OF OFFICERS: Chair and Vice-Chair

It was agreed by Committee members to hold off on this for now.

3. APPROVAL OF MINUTES: February 12, 2015

Chair Wood asked for corrections to the minutes of February 12, 2015. None were noted.

A motion by Mr. Smith to approve the minutes of February 12, 2015 as presented. Seconded by Ms. Monroe. There being no further discussion, a vote was taken and passed with three in favor and one abstention (Wood).

4. STUDY ITEMS:

A. BEGIN TEMPLATE APPLICATION FOR:

➤ Road #7 (LaPlante Road Extension)

Chair Wood gave a quick review of the Committee's charge to all those present in the audience.

1 Terri Hinz, a homeowner on Dartmouth College Highway, stated that there is no
2 mention of this road on their deed. GIS Coordinator Goodwin replied that it is
3 rare that a deed describes an old road. Bruce Hinz, also a homeowner on
4 Dartmouth College Highway, stated that it would be impossible to go up and
5 down at that location as there is a big pine tree there, as well as their well head
6 being right in the middle. GIS Coordinator Goodwin noted that historically it looks
7 like there was a right-of-way through there at one point in time.

8
9 Referring to a map, GIS Coordinator Goodwin showed an abutting parcel that is
10 owned by the City of Lebanon. Template application took place with questions,
11 comments and discussion along the way by all those present.

12
13 **B. RECOMMENDATION:**

14 ➤ Road #7 (LaPlante Road Extension)

15
16 **A motion by Ms. Monroe that the Class VI Roads Advisory Committee**
17 **recommends to the Lebanon City Council that they reclassify Class VI**
18 **Road #7 to a Class A Municipal Trail as defined in RSA 231-A:1(1), and as**
19 **shown on the City of Lebanon Draft Class VI Roads Map, printed June**
20 **2013, and relocate the right-of-way to the west side of the stone wall that**
21 **serves as the current property boundary between tax map 109-40 and**
22 **109-39. Also, this Class A Trail shall be subject to the following public trail**
23 **use restrictions: means of travel shall be restricted to horse, bicycle and**
24 **foot, and snowmobiles when snow cover is adequate. Motor vehicles,**
25 **wheeled vehicles other than bicycles, and off-highway recreational**
26 **vehicles, other than snowmobiles, shall be prohibited, subject however, to**
27 **vehicular uses of abutting landowners for access to existing uses of land**
28 **as set forth in RSA 231-A:1(1). The Class VI Roads Advisory Committee**
29 **further recommends that if the City declines to relocate this right-of-way,**
30 **that it be discontinued. Seconded by Mr. Book. There being no further**
31 **discussion, a vote was taken and passed unanimously (4-0).**

32
33 **5. OTHER BUSINESS:**

34
35 GIS Coordinator Goodwin gave a brief update on the status of the list of roads
36 that the Committee is working on and a brief discussion took place.

37
38 **6. OPEN TO THE PUBLIC:**

39
40 GIS Coordinator Goodwin introduced Marsha Barden, a resident on Dartmouth
41 College Highway and an avid hiker, who is interested in the work of the
42 Committee. A brief discussion took place.

43
44 **7. ADJOURNMENT:**

1 **A motion by Mr. Smith to adjourn the meeting. Seconded by Ms. Monroe.**
2 **There being no further discussion, a vote was taken and passed**
3 **unanimously (4-0).**

4
5 The meeting was adjourned at 6:39 PM.

6
7 Respectfully submitted,

8
9 Annette B. Dauphinais
10 Recording Secretary
11
12
13
14

FINAL

**CLASS VI ROADS ADVISORY COMMITTEE
REGULAR MEETING AGENDA
Remote via Microsoft Teams
LebanonNH.gov/Live
Thursday, January 7th, 2021
6:30 PM**

MEMBERS PRESENT: Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Colin Smith, Marc Coleman

MEMBERS ABSENT: None

STAFF PRESENT: Mark Goodwin (GIS Coordinator)

1. CALL TO ORDER: Chair Stephen Wood called the meeting to order at 6:31 PM

- Mr. Mark Goodwin reviewed the meeting procedures for remote meetings and NH RSA 91-A “Right to Know” requirements. A Roll Call of Commission Members who participated remotely are listed above.
- Mr. Goodwin explained that he has created an e-mail list and would be sending out pertinent information to anyone who is interested in the Class VI Roads Advisory meetings. If you would like to be added to the list or know someone who may be interested, please let Mr. Goodwin know.

2. APPROVAL OF MINUTES: December 3rd, 2020

Mr. Heistad MOVED to approve the December 3rd, 2020 Minutes as presented in the January 7th, 2021 agenda packet as amended.

Seconded by Ms. Monroe.

Amendments:

Page 3, Line 24 Add “rather” after the word “sooner”

Page 3, Line 36 Add “about” after “continued”

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

** The Vote on the MOTION was approved (6-0).*

3. OTHER BUSINESS:

Mr. Heistad MOVED to change the meeting agenda’s order and move Other Business to Number 3 on the agenda.

Seconded by Ms. Monroe.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

*** The Vote on the MOTION was approved (6-0).**

Discussion was had among the Advisory Board about previous Motions that had been made by the Class VI Roads Advisory Board and forwarded to the City Council.

Mr. Heistad MOVED to reconsider the Barden Hill Motion.

Seconded by Ms. Monroe.

Discussion was had among the Class VI Roads Advisory Board.

Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommend that the Lebanon City Council reclassify Barden Hill Road, a class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(1), extending from the intersection of Barden Hill Road and Downer Road, easterly over the top of Methodist Hill to the Methodist Hill Road near Exit 16 on Interstate 89, referencing Draft Map dated 7th of January 2021. The Committee further recommends that Barden Hill Road be subject to the following public trail use restrictions: Permitted means of travel shall be a) by foot, skis, snowshoes, and horses, b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the conditions of the trail warrant their use, and c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate to warrant their use. Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access to uses of their land as set forth in RSA 231-A:1(1). The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Seconded by Ms. Hirai.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

*** The Vote on the MOTION was approved (6-0).**

4. STUDY ITEMS: Overview of remaining right-of-way subject to review and recommendation:

Mr. Goodwin went over the 4 categories of Class VI Roads that were left for the Advisory Board to go over. There were 1 or 2 Roads that the Advisory Board decided on in the past with the recommendation being to discontinue those Roads. The City Council had not acted on those recommendations yet. There were about ½ dozen Roads that the Board recommended making into Class A Trails that the City Council had not acted on yet. There was another ½ dozen Roads that the Advisory Board motioned to recommend keeping as Class VI Roads. The recommendation to the City council was to affirm that decision. The last category had 4 or 5 Roads that still needed a recommendation made to the City Council.

Mr. Goodwin and the Board went over Road #42 and #43 that had been recommended for discontinuance in the past.

Mr. Heistad MOVED to recommend to City Council to discontinue Road #43. The Class VI Roads Advisory Board will re-look at Road #42 before making a recommendation on it.

Seconded by Ms. Monroe.

Discussion was had among the Board members on Road #42. It was decided that the Motion to the City Council should make no reference to Road #42, just Road #43.

Mr. Heistad MOVED to amend that the Class VI Roads Advisory Committee recommends to the City Council that they hereby discontinue completely, in its entirety, and relinquish any right, title or interest in all portions of unnamed Class VI Road #43 (off Old Kings Highway and Poverty Lane) traveling from Poverty Lane in a west/northwesterly direction to Interstate 89.

Seconded by Ms. Monroe.

Roll Call Vote:

Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Colin Smith all voting Yea.

None voted Nay.

*** The Vote on the MOTION passed (6-0).**

The next category for discussion was the recommendation of Class VI Roads being moved to Class A Trails. Mr. Goodwin brought up Road #7 to discuss first. The Board members discussed the past recommendation on the Road. The Board agreed to leave the recommendation for Road #7 to go from a Class VI Road to a Class A Trail and to have the Trail moved over onto City owned property.

The next road discussed was Baker Lane. Chair Wood recused himself from the discussion on Baker Lane. Mr. Smith took over as Chair for the discussion. Mr. Heistad would like to see the Lane turned into a Class A Trail. Ms. Monroe remembered walking the Lane years ago and said that it ended up in someone's backyard and did not feel comfortable walking on the Lane as it reached that point.

Mr. Ron Bailey clarified details of Baker Lane. He explained that the Lane came up into a large, open field. The Townsend family mows that field. The Lane ends at a corral on Storrs Hill Road.

Ms. Monroe felt uncomfortable with the Trail going through so close to the home on the property. She would like to see signs go up to try to keep people out of the home's yard. Discussion continued among the Board members about Baker Lane.

Mr. Robert Townsend lives in the house that is near the Lane. He explained that they tried to fix up the Lane a long time ago. He can not remember any vehicles ever going along that Lane. He said that his family has never stopped anyone from walking along that Lane. A decision was made to re-visit the recommendation on Baker Lane at another meeting.

The next Road discussed was Road #28 which was a segment of Old King's Highway which connected the end of Storrs Hill Road with Farnum Hill Road. The decision in the past was to change the Road to a Class A Trail. The Board discussed the Road. Mr. Bailey described the path of the Road.

Mr. Heistad MOVED to extend the meeting by 15 minutes.
Seconded by Ms. Monroe.

Roll Call Vote:

Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Colin Smith all voting Yea.
None voted Nay.

*** The Vote on the MOTION passed (6-0).**

The Board decided that the original recommendation that the Board made to change Road #28 from a Class VI Road to a Class A Trail should stand as is.

Chair Stephen Wood returned to the Committee.

The last Road that the Board went over was Road #57. It is located in the northeast corner of Lebanon. Mr. Heistad believed that the Road should become a Class A Trail. Mr. Ron Bailey explained the Enfield and Lebanon sections of the Road.

Ms. Heistad MOVED to extend the meeting 15 minutes.
Seconded by Ms. Hirai.

Roll Call Vote:

Stephen Wood, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Colin Smith all voting Yea.
None voted Nay.

*** The Vote on the MOTION passed (6-0).**

The Board decided to leave the recommendation to the City Council to change the Road from a Class VI Road to a Class A Trail.

5. FUTURE AGENDA ITEMS: Review 7 Class VI Roads to see if the Board would like to recommend to City Council that they stay Class VI Roads.

6. ADJOURNMENT:

A MOTION was made by Ms. Monroe to adjourn the meeting at 8:29 PM.
The MOTION was seconded by Ms. Hirai.

Roll Call Vote:

Colin Smith, Erling Heistad, Joan Monroe, Barbara Hirai, Marc Coleman and Stephen Wood, all voting Yea.
None voted Nay.

*** The Vote on the MOTION was approved (6-0).**

Respectfully submitted,

Barbara Higgins
Recording Secretary

November 15, 2021



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

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

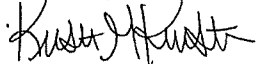
A. DISCONTINUANCE OF CLASS VI ROAD #43 -
Public hearing for the purpose of receiving public input and taking action to discontinue Class VI Road #43, running from Poverty Lane to Route 4 (Miracle Mile), Lebanon.

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 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.

The December 1, 2021 City Council agenda packet and documents pertaining to the above described public hearings will be available on the City's website beginning November 24, 2021: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 13, 2021.



Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

**8.C – 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**

A public hearing for the purpose of receiving public input and taking action on 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.

The City Council scheduled this public hearing at their November 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 20, 2021 in accordance with City Code and State Law.

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

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

MOVED, that the Lebanon City Council hereby adopts 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 effective January 1, 2022.

Included in this Section:

1. Ordinance 2021-11
2. Notice of Public Hearing as Published in the November 20, 2021 Edition of the *Valley News*

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.

November 23, 2021



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

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

- 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 (Miracle Mile), 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 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.
- 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 #2021-13 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 #2021-16** - Public hearing 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.
- G. 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.
- H. 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.

The December 1, 2021 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning November 24, 2021: LebanonNH.gov/Agendas

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

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

Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

8.D – ORDINANCE 2021-12 TO AMEND CITY CODE CHAPTER 68, FEES,

ARTICLE III, MISCELLANEOUS FEES, §68-15, ENUMERATION OF FEES

A public hearing for the purpose of receiving public input and taking action on 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.

The City Council scheduled this public hearing at their November 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 20, 2021 in accordance with City Code and State Law.

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

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

MOVED, that the Lebanon City Council hereby adopts 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, effective January 1, 2022.

Included in this Section:

1. Ordinance 2021-12
2. Notice of Public Hearing as Published in the November 20, 2021 Edition of the *Valley News*

**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.

November 23, 2021



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

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

- 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 (Miracle Mile), 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 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.
- 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 #2021-13 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 #2021-16** - Public hearing 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.
- G. 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.
- H. 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.

The December 1, 2021 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning November 24, 2021: LebanonNH.gov/Agendas

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

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

Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

**8.E – 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**

A public hearing for the purpose of receiving public input and taking action on 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.

The City Council scheduled this public hearing at their November 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 20, 2021 in accordance with City Code and State Law.

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

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

MOVED, that the Lebanon City Council hereby adopts 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, effective January 1, 2022.

Included in this Section:

1. 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)
4. Notice of Public Hearing as Published in the November 20, 2021 Edition of the *Valley News*

**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.

November 23, 2021



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

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

- 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 (Miracle Mile), 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 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.
- 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 #2021-13 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 #2021-16** - Public hearing 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.
- G. 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.
- H. 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.

The December 1, 2021 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning November 24, 2021: LebanonNH.gov/Agendas

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

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

Kristin M. Kenniston, City Clerk

AGENDA LEBANON CITY COUNCIL DECEMBER 1, 2021

8. PUBLIC HEARING ITEMS:

8.F – ORDINANCE 2021-16 TO AMEND CITY CODE CHAPTER 46, CEMETERIES

A public hearing for the purpose of receiving public input and taking action on Ordinance 2021-16 to amend City Code Chapter 46, Cemeteries, to incorporate provisions for Natural Burials.

The City Council scheduled this public hearing at their November 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 20, 2021 in accordance with City Code and State Law.

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.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-16 to amend City Code Chapter 46, Cemeteries, to incorporate provisions for Natural Burials, effective

Included in this Section:

1. Ordinance 2021-16
2. November 12, 2021 Legal Opinion by Attorney C. Christine Fillmore, re: Ordinance 2021-16 Natural Burials
3. November 14, 2021 Correspondence from Lorraine (Rainie) Kelly, re: Ordinance to amend the Code of the City of Lebanon, Chapter 46, Cemeteries
4. November 15, 2021 Email from Mary M. Childers, re: Natural Burial in Lebanon
5. November 16, 2021 Correspondence from Sarah Riley, re: Natural Burials
6. Notice of Public Hearing as Published in the November 20, 2021 Edition of the *Valley News*

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 _____.

November 12, 2021

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

**RE: Ordinance #2021-16 Natural Burials
Ch. 46 Cemetery Regulations**

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 11/22/2021

DS

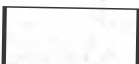
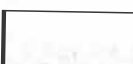

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2021-XX, Natural Burials, which your office forwarded to me on June 30, 2021 and as subsequently revised based upon communication with me, with a final draft on November 10, 2021. The goal of the proposed ordinance as I understand it is to amend the existing Chapter 46 of the City Code to provide for the option of natural burials in designated locations at one or more City cemeteries, establish regulations and forms governing such burials, and update the fee schedule to reflect the new option. I have also reviewed the proposed release of liability and waiver form to be required under § 46-7(B)(3)(e) (draft dated July 27, 2021), and have assumed for purposes of this opinion that such form will be used in connection with natural burials under the Ordinance.

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

25 Wildwood Drive
West Lebanon, NH 03784
November 14, 2021

To: Mayor McNamara and Members of the Lebanon City Council
Re: Ordinance to amend the Code of the City of Lebanon, Chapter 46, Cemeteries

Thank you for your continued support of the work to revise the City code governing cemeteries to allow for natural burial in Lebanon in the near future. I want to recognize the effort made by Deputy Manager Maville to oversee the revision process and to thank the members of the Board of Cemetery Trustees who worked on this initiative. I also appreciate City Manager Mulholland's efforts to ensure that this task will be completed in a timely fashion.

The proposed designation of areas in the two West Lebanon cemeteries for natural burial is a cause for celebration. However, there are other proposals which I urge you to change. A comparison of the services provided for conventional burial (CB) but withheld for natural burial (NB) shows that families choosing the latter will face not only increased costs but also additional challenges at a time when most people are least prepared to handle them:

The most dismaying of these inequities lies in the proposals for the digging and closing of graves as outlined below: (boldface type is my addition)

General Conditions (governing **conventional burial**):

Section 2. A.

(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.

(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.

Section 2. B. **Natural Burial**

(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.

Regarding winter burials: denial of City services in winter may prove to an insurmountable obstacle for families choosing natural burial.

My suggestion is that the City provide **equal services** for the preparation and closing of all graves or that it contract out this work for **all** burials, regardless of season.

25 Wildwood Drive
West Lebanon, NH 03784
November 14, 2021

Other inequalities include a **residency requirement** for natural burial (B(1)) which apparently does not apply to conventional burial. This could cause undue hardship in situations where Lebanon families need to have a family member interred here even though that person resided elsewhere at time of death.

Another example of unequal treatment is the requirement of a **waiver of responsibility** for NB but not for CB:

B. 3(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.**

This requirement raises the question of whether a family member can be legally responsible for all attendees at services. If a waiver is necessary to protect the City, should it not be required of all attendees at all services?

I want to add that I have a serious objection to the required five-foot depth of graves in the NB area. At this depth, the natural decomposition of remains through microbial activity will be slowed and may lead to the release of methane. The recommended depth for natural burials is 3.5 to 4 feet.

In closing, I am deeply appreciative of your tireless work to implement the energy chapter of the City's Master Plan. Permitting natural burials is one more step we can take to reach the goals laid out there.

Lorraine (Rainie) Kelly

Cc: City Manager Mulholland, Deputy City Manager Maville, Anthony Palazzo, Chair,
Board of Cemetery Trustees

Beth Beraldi

From: Mary M. Childers <Mary.M.Childers@dartmouth.edu>
Sent: Monday, November 15, 2021 9:07 AM
To: Timothy McNamara; Clifton Below; Shaun Mulholland; Paula Maville; Jim.Winney@lebanonnh.gov
Cc: Mary M. Childers
Subject: [EXTERNAL] Natural Burial in Lebanon

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

To the City Council:

As someone who has closely followed the Board of Cemetery Trustees (BCT) deliberations about natural burial, I am relieved that the City Council is ready to consider the proposed amending of Chapter 46. I write now to call attention to a particularly troubling aspect of the proposed amendment from Section 2: B. Natural Burials (3) (f):

(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 Lebanon 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."

Although sympathetic to some of the reasoning behind this stipulation, I am ultimately not persuaded by the justifications for denying equivalent burial services to those who purchase natural burial plots and those who choose full burial.

This stipulation has been identified as arising from safety concerns for staff who might be exposed to disease or harmed by unstable ground. However, section (3) (d) already covers protection against disease. *"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."*

Concerns about ground shifting or collapsing have been safely addressed by over 300 cemeteries in the U.S. and Canada that provide natural burial. The proposed refusal to have Lebanon employees dig the grave and cover the casket with dirt leaves families and designated agents of the deceased with a huge burden. The outsourced implementation solutions that have been suggested so far appear makeshift, complicated and potentially expensive. Recognizing that there are a lot of details to take in when some of you are just beginning to familiarize yourselves with natural burial, I am not elaborating on all the implications of B (3) (f).

I appreciate the time and effort that have gone into the proposed amendment. The BCT has worked very hard to try to balance various interests; Paula Maville's professionalism and persistence have been essential to moving the discussion forward. However, it is concerning that environmental sustainability has been given insufficient weight in the decision-making. I conjecture that increasing numbers of residents of Lebanon will grapple with various causes for climate disruption and will recognize that cremation is a highly toxic method of handling human remains. As a result, there will be an increased interest in natural burial, especially if the city implements it without the obstacles involved in the

current form of the amendment to Chapter 46. Please give Lebanon residents another reason to be proud of the city's commitment to sustainability.

Sincerely,

Mary Childers/ Ward One

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Dear Mayor McNamara and Members of the City Council,

Thank you for considering changes to Chapter 46 of the City Code to allow natural burials in our municipal cemeteries.

I am very grateful that the city is on the verge of offering residents a less environmentally intense option for disposition of their bodily remains.

By definition, a natural (or green) burial excludes embalming fluids, involves placing only biodegradable containers and materials in the grave, prohibits herbicide and pesticide use, and involves burying the body at the appropriate depth to enhance decomposition.

At the public hearing on Chapter 46 back in April 2019, I pointed out that the only wording in the then-proposed draft ordinance that was contrary to a natural burial was the city's requirement that all caskets be placed in a vault (aka "permanent outside container" usually a cement box - pre-inserted into the ground - into which the casket must go). At the time I simply asked the council to add one sentence - something along the lines of "The vault requirement may be waived in the event of a green burial" - to the ordinance, so that natural burials could be an option in our municipal cemeteries.

...now, more than 18 months later...

The draft ordinance in your 11/17 packet does thankfully waive the vault requirement for natural burials, but this draft has added a plethora of other language, some of which conflicts with the spirit and intent of natural burial, and will likely discourage many residents from choosing this option because of the extra steps and costs for natural burial.

Two major points:

This draft specifies a grave depth of 5 ft, when natural burial guidelines state that 3.5 to 4 feet is desirable. There are many reasons for the depth specificity - one is that the goal of a natural burial is the relatively speedy decomposition of the body, which occurs best in the most oxygenated layers of soil. When placed too deep in the ground, the organisms that facilitate decomposition (be they fungi, bacteria, or beetles) are not as active (I won't say they are not active because that is a bit beyond my ken). A deeper grave just prolongs decomposition, adds additional work, and may even result in a less stable opening (there are temporary ways to stabilize a grave opening such as using sheets of plywood, but again, not my specialty). I hope the the City Council will amend the wording of the ordinance so that the depth of natural burial graves corresponds to the depth advocated for by the Green Burial Council.

Secondly, this draft ordinance withholds many city services from those asking for a natural burial. This draft ordinance withholds grave opening, grave filling, and site maintenance services, including cleaning, from natural burial customers. I ask that the draft be modified to provide equal city services for both conventional and natural burials.

There are many more tweaks I would like to make, and have proposed elsewhere, but these comments are too numerous to handle in the public hearing. I wonder how to efficiently get them considered? For example, under B. Natural Burials the draft reads (**bold emphasis is mine**):

"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.

The term 'modern caskets' is meaningless in this context. I suggest the sentence be reworded as follows:

The deceased are buried without the use of embalming fluids or permanent outside containers. Materials used for burial containers in the natural-burial area shall be non-toxic and 100% biodegradable.

I would strike the next two sentences after 'modern caskets' - the first part is unnecessary - it is also understood that people choose *conventional* burials for a host of different reasons. The 2nd sentence is spelled out in more detail elsewhere (regardless of whether you agree with it or not), and so this is just bloat.

I applaud the initial offering of natural burial in two city cemeteries - there are many complications to using the Old Pine Tree Cemetery - chief among them is that it is difficult to access, especially for those with mobility issues - yet it is a beautiful setting. The central, and level, location of the West Lebanon Cemetery is ideal with respect to walkability and already supports a beautiful grass meadow.

Finally, I just want to share a couple informative links about natural burial which include a bit about the rather short history of some current cemetery "traditions":

<https://www.greenburialcouncil.org/blog/about-the-vault> and [Offering Green Burial Options in Your Hybrid Cemetery](#)

Thank you very much for your consideration of these issues and your service to our city.

Sarah Riley
Ward 2

November 23, 2021



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- F. ORDINANCE #2021-16** - Public hearing 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.
- G. 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.
- H. 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.

The December 1, 2021 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning November 24, 2021: LebanonNH.gov/Agendas

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

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

Kristin M. Kenniston, City Clerk

AGENDA LEBANON CITY COUNCIL DECEMBER 1, 2021

8. PUBLIC HEARING ITEMS:

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

BUILDING CONSTRUCTION, SECTION 36-3, BUILDING PERMIT FEES

A public hearing for the purpose of receiving public input and taking action on Ordinance 2021-17 to amend the Code of the City of Lebanon, Chapter 36, Building Construction, Section 36-3, Building Permit Fees.

The City Council scheduled this public hearing at their November 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 20, 2021 in accordance with City Code and State Law.

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.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-17 to amend the Code of the City of Lebanon, Chapter 36, Building Construction, Section 36-3, Building Permit Fees, effective January 1, 2022.

Included in this Section:

1. Ordinance 2021-17
2. Summary of Building Permit Fee Comparison
3. November 22, 2021 Legal Opinion by Attorney C. Christine Fillmore, re: Ordinance 2021-17 Permit Fees Ch. 36 Building Construction
4. Notice of Public Hearing as Published in the November 20, 2021 Edition of the *Valley News*

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.

November 22, 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: 11/22/2021

**RE: Ordinance #2021-17 Permit Fees
Ch. 36 Building Construction**

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance #2021-17, which the Planning and Development Office forwarded to me on November 18, 2021. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 36 of the City Code to provide for (a) a modest increase in the commercial building permit fee, (b) clarification of the method of calculating fees for demolition and relocation permits, and (c) an additional fee for permits obtained after work requiring a permit has begun.

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

November 23, 2021



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

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

- 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 (Miracle Mile), 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 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.
- 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 #2021-13 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 #2021-16** - Public hearing 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.
- G. 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.
- H. 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.

The December 1, 2021 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning November 24, 2021: LebanonNH.gov/Agendas

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

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Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

**8.H – ORDINANCE #2021-18 TO AMEND CITY CODE CHAPTER 97,
LANDFILL REGULATIONS, APPENDIX A, FEE SCHEDULE**

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

The City Council scheduled this public hearing at their November 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on November 20, 2021 in accordance with City Code and State Law.

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

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

MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-18 to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, Appendix A, Fee Schedule, effective January 1, 2022.

Included in this Section:

1. Ordinance 2021-18
2. Notice of Public Hearing as Published in the November 20, 2021 Edition of the *Valley News*

**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.

November 23, 2021



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Kristin M. Kenniston, City Clerk

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

9. OLD BUSINESS:

**9.A – PRESENTATION OF SECOND READING:
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 first presentation was recognized by Council on November 17, 2021. The Council is now asked to recognize the second of three presentations. The third presentation will follow on December 15, along with a public hearing to adopt the amendments as proposed.

ACTION

The Council is asked to recognize the second of three presentations as follows:

1. ACKNOWLEDGE SECOND PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the second 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%).

AGENDA

LEBANON CITY COUNCIL

DECEMBER 1, 2021

9.B OLD BUSINESS:

9.B – ORDINANCE #2021-14 TO AMEND CITY CODE CHAPTER 180, WARDS

BACKGROUND

City Council discussed Ordinance 2021-14 at its November 17, 2021 meeting, but no public hearing was scheduled. A special meeting has been set for January 12, 2022 to discuss the recommendations put forth by staff. Council is asked to schedule a public hearing for this special meeting.

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

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

MOVED, that the Lebanon City Council hereby schedules a public hearing for January 12, 2022, 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
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

670 N. Commercial Street, Suite 207
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.

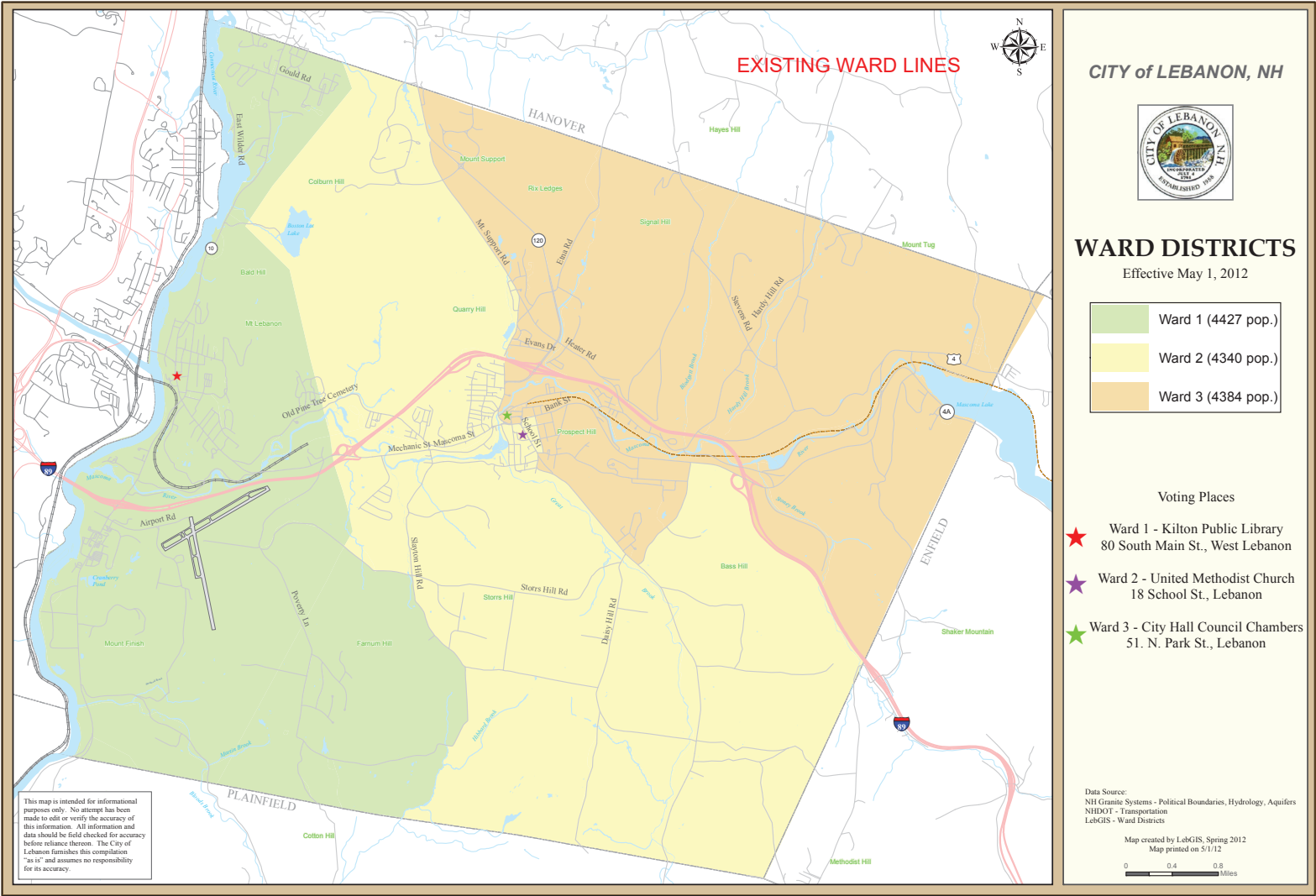
§ 180-4. Ward 2.

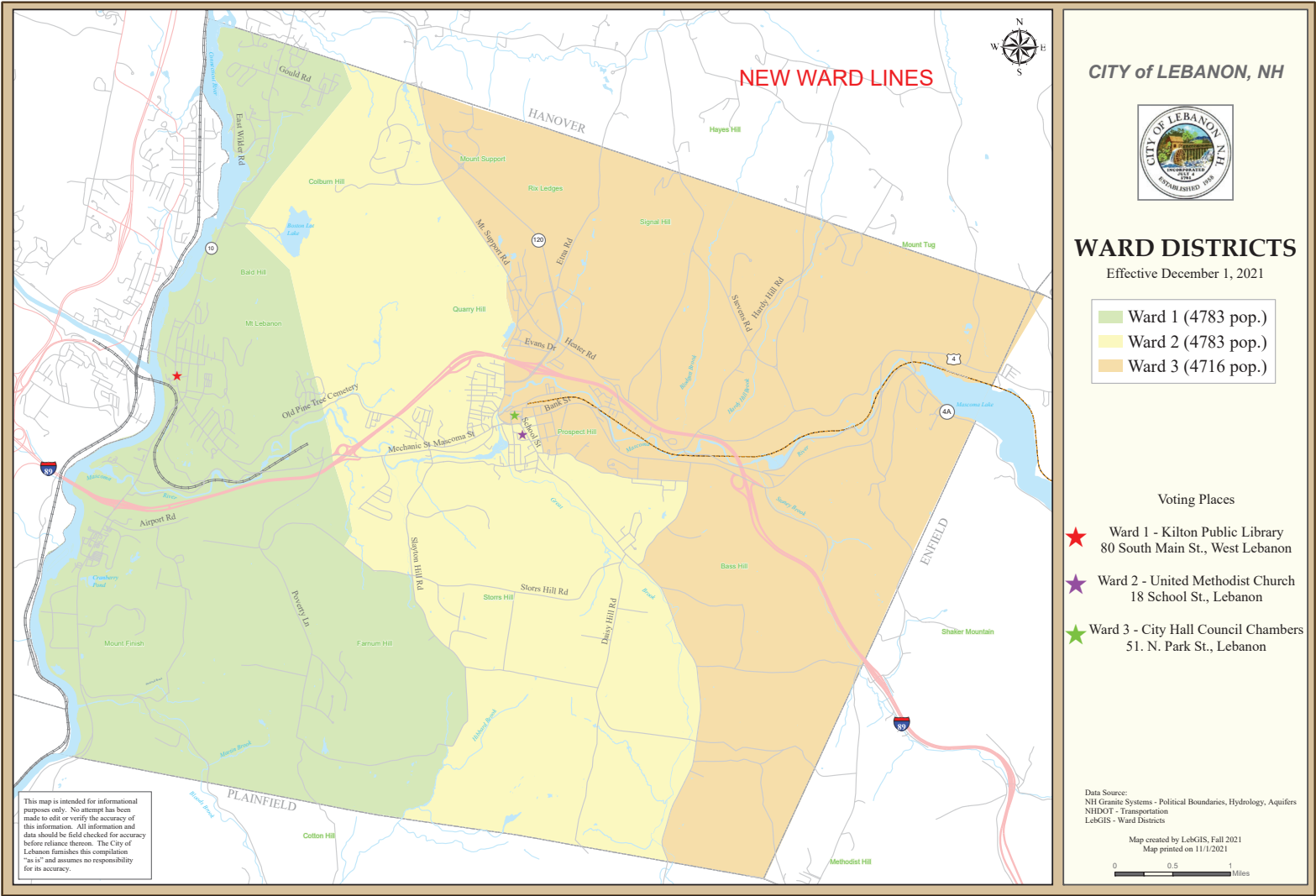
Ward 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway 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

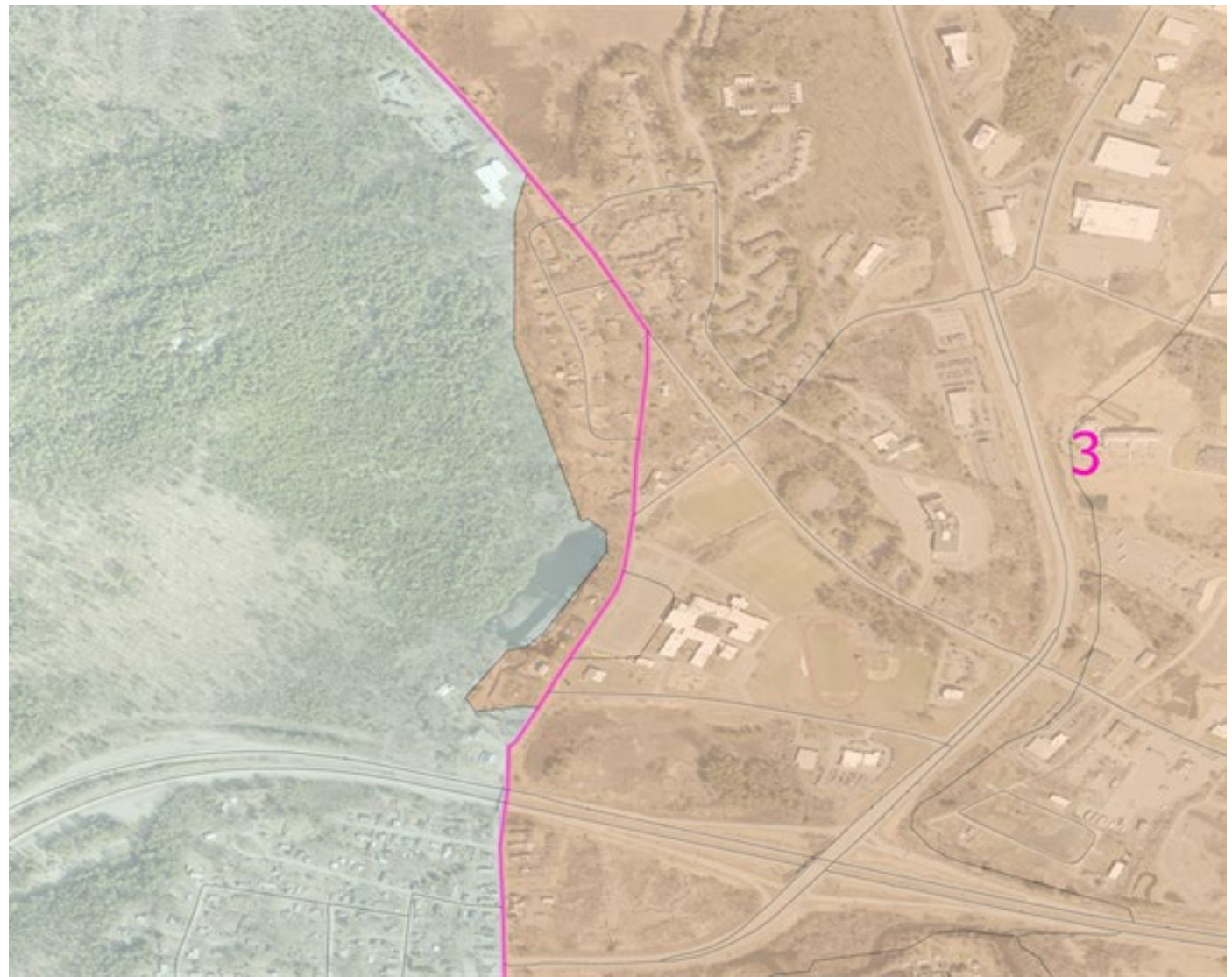
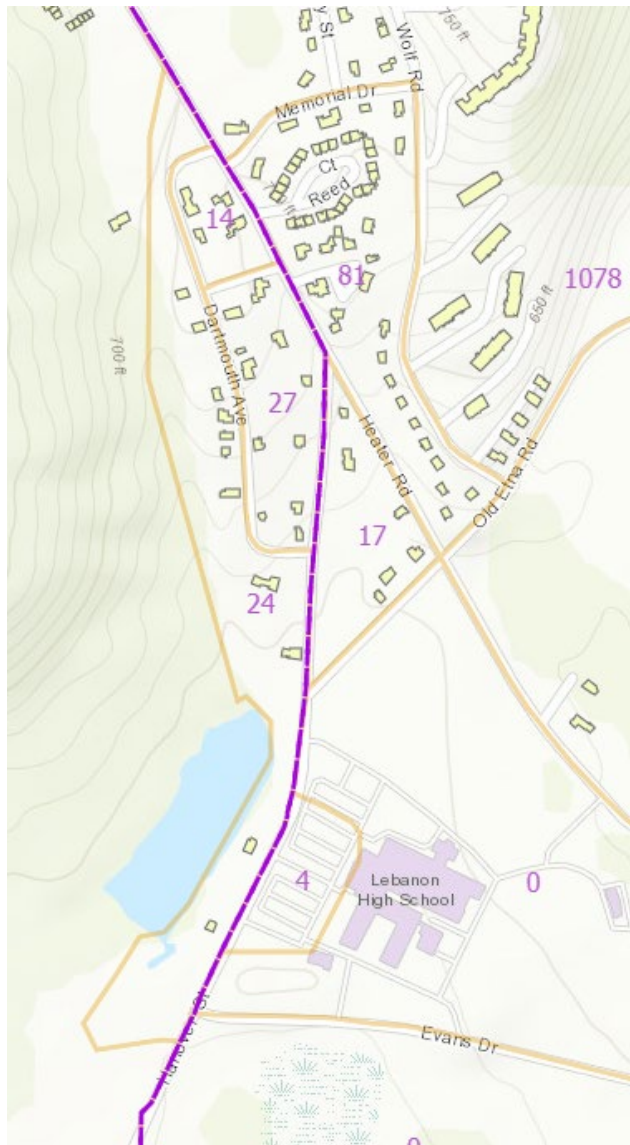
along the center line of Hanover Street to the center line of I-89; thence continuing northerly along Hanover Street Extension to the intersection of Heater Road, thence northerly along Mt. Support Road until the intersection of Route 120; thence northerly to the Lebanon-Hanover boundary; thence westerly 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.

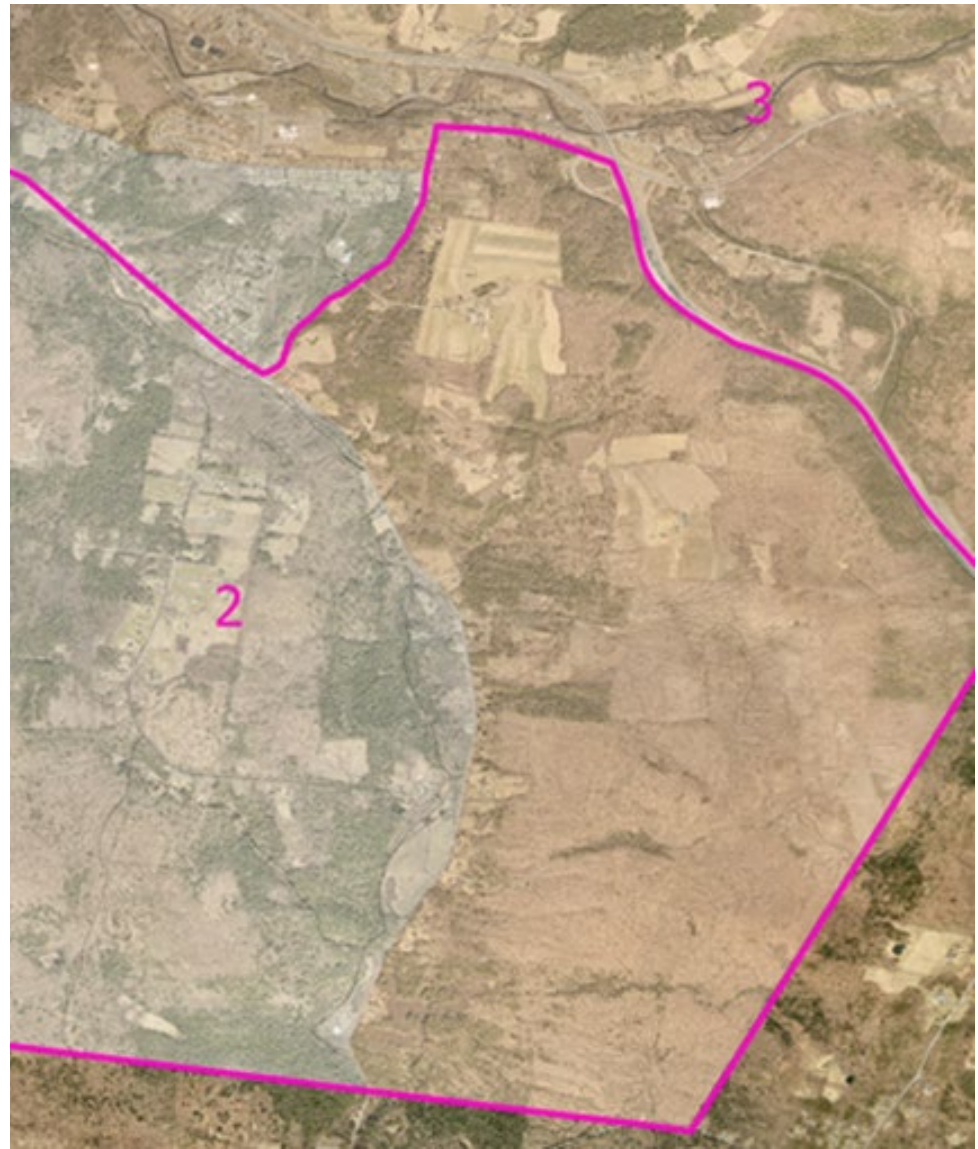
Ward 3 shall consist of all that land in said City of Lebanon north of the Lebanon-Enfield town line beginning at the center line of Interstate 89; thence northerly along said Lebanon-Enfield boundary to the Lebanon-Hanover town line; thence westerly along said line until it meets the northeast boundary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



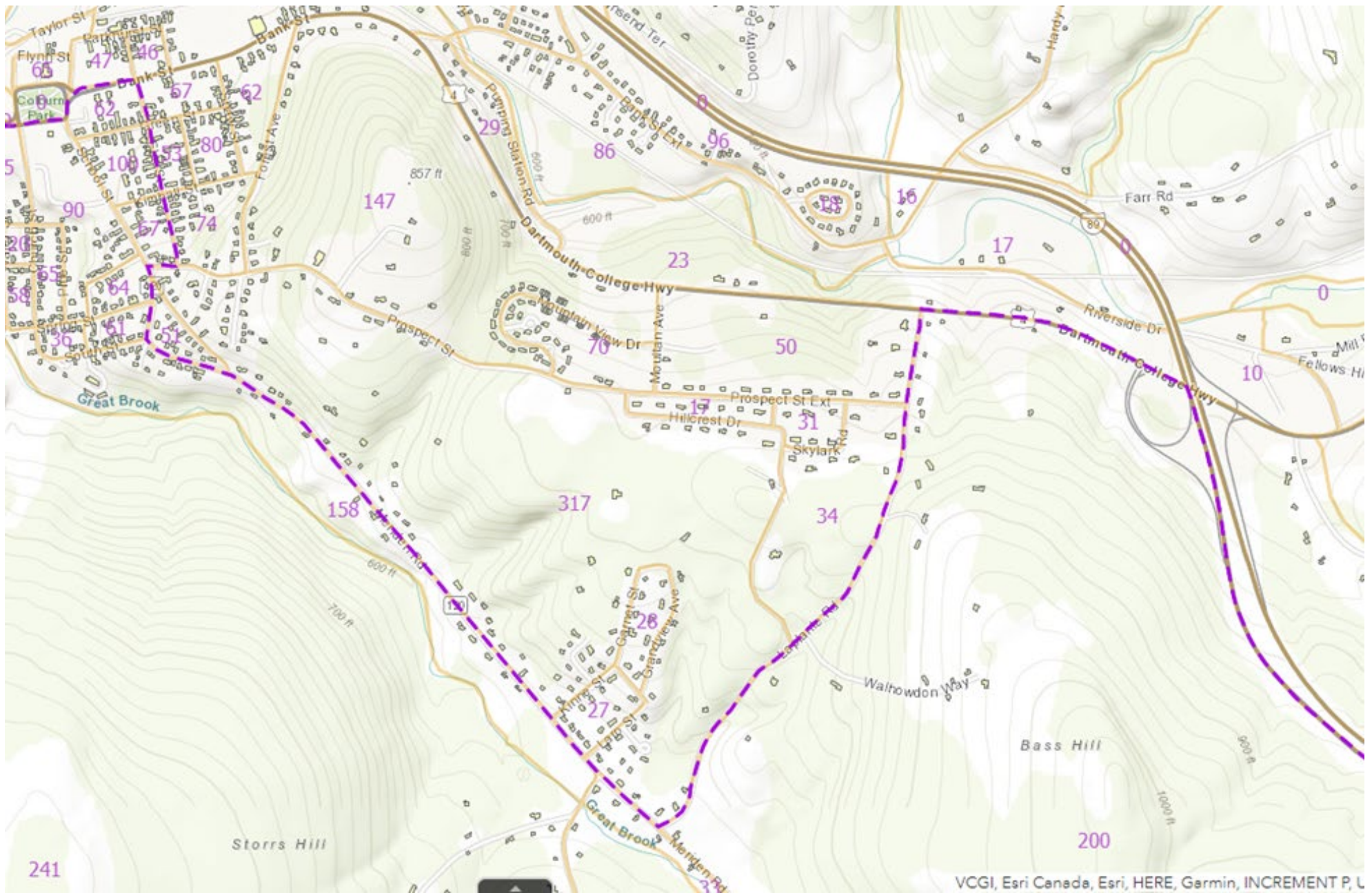




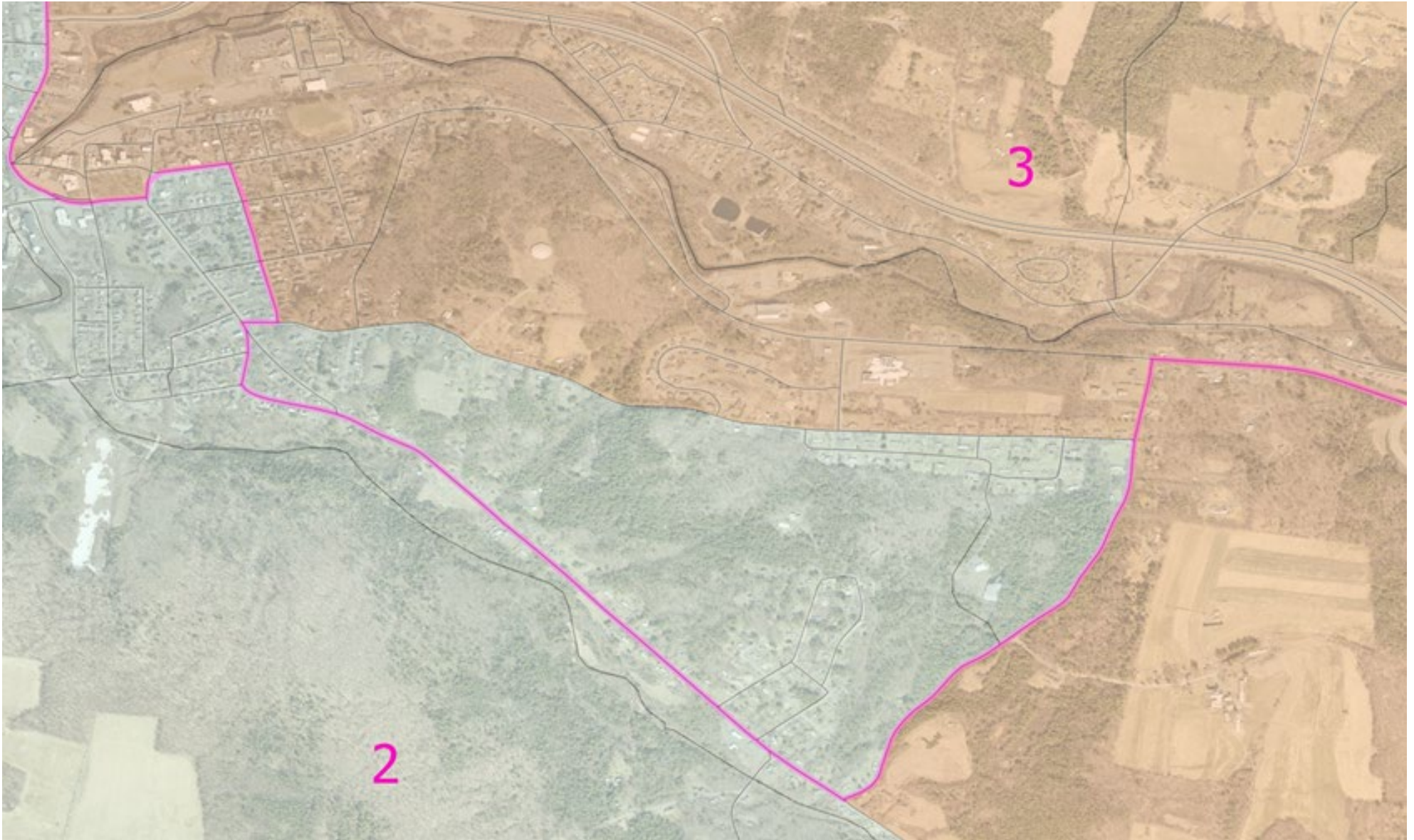
Detail of Section 1: Ward 2 to Ward 3



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
