



**LEBANON CITY COUNCIL
DECEMBER 15, 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: 736 502 155#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The December 15, 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. Public Hearing Items

A. ADOPTION OF 2022 CITY BUDGET – Public Hearing for the purpose of receiving public input and taking action to adopt the 2022 City Budget as proposed by the City Manager with additional actions to include: authorizing the issuance of bonds or notes to finance 2022 capital improvements; authorizing the City Manager to apply for NH Drinking Water and/or Clean Water State Revolving Fund Loan(s), ARPA Funds, and any other available funds and designating the City Manager as authorized representative of the City; rescinding prior authorizations for the issuance of bonds or notes; rescinding prior authorizations to expend funds from the Municipal Airport Capital Project Fund; and authorizing the disbursement of Fire Department Impact 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:

B. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, as follows:

1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General Wage Increase for 2022, to increase the wage and stipend pay scales for election positions, and to include the position of Substitute Custodian within the Temporary/Seasonal & Stipend Employees Pay Scale;

2. Article III, Bargaining Unit Employees, Section A AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO to implement a 3% General Wage Increase for 2022; and

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

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

6. New Business

- A. Authorization to purchase property identified as Tax Map 90, Lot 26, located at 226 Mascoma Street, Lebanon (adjacent to Valley Cemetery)
- B. INTER-DEPARTMENTAL BUDGET TRANSFER - Authorization for the City Manager to transfer unencumbered appropriated funds from the Fire Department (\$37,000); Finance Department (\$523,000); City Clerk (\$50,000); Human Services Department (\$20,000); and Planning & Development (\$20,000) to the Department of Public Works to be encumbered for 2022 road maintenance.

7. Adjournment

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

**AGENDA
LEBANON CITY COUNCIL
DECEMBER 15, 2021**

5. PUBLIC HEARING ITEM:

5.A – ADOPTION OF 2022 CITY BUDGET

A Public Hearing for the purpose of receiving public input and taking action to adopt the 2022 City Budget as proposed by the City Manager with additional actions to include: authorizing the issuance of bonds or notes to finance 2022 capital improvements; authorizing the City Manager to apply for NH Drinking Water and/or Clean Water State Revolving Fund Loan(s), ARPA Funds, and any other available funds and designating the City Manager as authorized representative of the City; rescinding prior authorizations for the issuance of bonds or notes; rescinding prior authorizations to expend funds from the Municipal Airport Capital Project Fund; and authorizing the disbursement of Fire Department Impact Fees.

The public hearing was properly noticed in the *Valley News* on November 30 and December 7, 2021 in accordance with City Code and State Law.

ACTION

Action on the 2022 City Budget will be via the attached Budget Adoption Guide.

Included in this Section:

1. 2022 City Budget Adoption Guide – December 15, 2021
2. Notice of Public Hearing as Published in the November 30 & December 7 Editions of the *Valley News*

Information Available but not included in this section:

1. [2022 Proposed City Manager Budget](#)

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

This document is provided as a guide to help facilitate adoption of the 2022 City Budget.

- In conformance with Section 419:41 of the Lebanon City Charter, the Notice of Public Hearing for the 2022 Budget adoption process was published in the Valley News on Tuesday, November 30, and Tuesday, December 7, 2021.
- Budgets are adopted by the City Council on a fund basis. A fund segregates revenues and expenditures that are legally restricted to specific uses.
- A majority of City Councilors present and voting, with a quorum of at least **five** members present, is required to approve the annual budget. The issuance or rescission of bonds or notes must be authorized by at least **six** members.
- The City Council may act on the amendments as written, or they may be modified. Amendments may parish for lack of movement and seconding, or other amendments may be introduced.
- Once the relevant Resolution (MAIN MOTION) has been moved and seconded, amendments may be introduced by being moved and seconded and voted on. If passed, the vote is then on the MAIN MOTION AS AMENDED.
- Clarity of Resolutions is imperative as the New Hampshire Department of Revenue Administration, and the City's bond counsel review the meeting minutes and actions associated with appropriation and debt issuance authorization for compliance with New Hampshire law.

Summary of City Manager's Proposed 2022 City Budget: (amendments to be introduced where applicable during proposed action)

Fund	2022 Budget	\$ Chg. V. '21	Sources of Revenue	2022 Budget	\$ Chg. V. '21
General	\$ 36,435,870	\$ 974,570	Taxes	\$ 25,320,900	\$ 705,800
Solid Waste Disposal	\$ 4,046,450	\$ (452,380)	Licenses and Permits	\$ 3,078,400	\$ (65,080)
Water Treatment and Distribution	\$ 4,141,290	\$ 417,000	Intergovernmental	\$ 4,338,770	\$ 965,830
Sewage Collection and Disposal	\$ 7,264,330	\$ 135,340	Charges for Services	\$ 17,593,040	\$ (274,630)
Municipal Airport	\$ 1,479,310	\$ 121,060	Other	\$ 550,800	\$ (702,310)
Emergency Management	\$ 25,000	\$ -	Interfund Transfers	\$ 3,260,110	\$ (355,670)
Heritage Fund	\$ 400	\$ -	Bond Proceeds	\$ 10,732,810	\$ 4,265,669
TIFD's	\$ 428,640	\$ -	Total	\$ 64,874,830	\$ 4,539,609
Capital Improvements	\$ 14,201,310	\$ 4,476,169	Applied/(Realized) Fund Balance	\$ 3,147,770	\$ 1,132,150
Total	\$ 68,022,600	\$ 5,671,759	Total Revenues and Fund balance	\$ 68,022,600	\$ 5,671,759

The estimated 2022 Municipal Tax Rate is \$10.31 per \$1,000 of assessed real estate value, an increase of \$0.25 or 2.5% from 2021. A single-family home assessed for \$250,000 will have an estimated 2022 municipal tax bill of about \$2,578 an increase of \$63. Four rates make up the Total Tax Rate: Municipal, School: Local and State and County. This budget concerns the Municipal portion only. **Increases of 8.0% and 7.2% to water and sewer service rates, respectively, are factored into the budget.**

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

ORDER OF BUSINESS:

1. OPEN PUBLIC HEARING
2. CLOSE PUBLIC HEARING
3. ENACT RESOLUTIONS TO ADOPT 2022 BUDGET

Proposed Resolutions include the following:

<u>Resolution</u>	<u>Page</u>	<u>Purpose of Action</u>
No. 1	3	To Vote on the General Fund Budget
No. 2	3	To Vote on the Solid Waste Disposal Fund Budget
No. 3	4	To Vote on the Water Treatment and Distribution Fund Budget
No. 4	4	To Vote on the Sewage Collection and Disposal Fund Budget
No. 5	4	To Vote on the Municipal Airport Fund Budget
No. 6	5	To Vote on the Emergency Management Fund Budget
No. 7	5	To Vote on the Heritage Fund
No. 8	6-7	To Vote on the Tax Increment Finance Districts
No. 9	8-10	To Vote on the Capital Improvements Fund Budget
No. 10	11-12	To Vote on the Authorization of the Issuance of Bonds or Notes to Finance 2022 Capital Improvements
No. 11	13	To Vote on Authorizing the City Manager to Apply for New Hampshire Clean Water State Revolving Fund Loans for up to \$3,755,000 and to Designate the City Manager as Authorized Representative of the City
No. 12	14	To Vote on Authorizing the City Manager to Apply for New Hampshire Drinking Water State Revolving Fund Loans for up to \$6,455,000 and to Designate the City Manager as Authorized Representative of the City
No. 13	15-16	To Vote to rescind prior authorizations for the issuance of bonds or notes in the amount of \$593,058.79 due to project completion
No. 14	17	To Vote to rescind prior authorizations to expend funds from the Municipal Airport Capital Project Fund in the amount of \$1,701,150.39 due to project completion
No. 15	18	To Vote to authorize the disbursement of Fire Department Impact Fees in the amount of \$145,000 to partially fund the replacement of an ambulance

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

1. OPEN PUBLIC HEARING:

ADOPTION OF 2022 CITY BUDGET – Public Hearing for the purpose of receiving public input and taking action to adopt the 2022 City Budget as proposed by the City Manager with additional actions to include: Authorizing the issuance of bonds or notes to finance 2022 capital improvements; authorizing the City Manager to apply for NH Drinking Water and/or Clean Water State Revolving Fund Loan(s), ARPA Funds, and any other available funds and designating the City Manager as authorized representative of the City; rescinding prior authorizations for the issuance of bonds or note; rescinding prior authorizations to expend funds from the Municipal Airport Capital Project Fund; and authorizing the disbursement of Fire Department Impact Fees.

2. CLOSE PUBLIC HEARING

ACTION ON PUBLIC HEARING ITEMS:

RESOLUTION NO. 1

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 1 TO APPROPRIATE \$36,435,870 FOR GENERAL CITY OPERATIONS:

RESOLVED, for the purpose of authorizing and financing the General Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$36,435,870.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR _____. **VOTE ON THE MOTION** ____/____.

RESOLUTION NO. 2

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 2 TO APPROPRIATE \$4,046,450 FOR SOLID WASTE DISPOSAL:

RESOLVED, for the purpose of authorizing and financing the Solid Waste Disposal Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$4,046,450.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR _____. **VOTE ON THE MOTION** ____/____.

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RESOLUTION NO. 3

* **MOTION BY COUNCILOR_____ TO MOVE PASSAGE OF RESOLUTION NO. 3 TO APPROPRIATE \$4,141,290 FOR WATER TREATMENT AND DISTRIBUTION:**

RESOLVED, for the purpose of authorizing and financing the Water Treatment and Distribution Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$4,141,290.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____ VOTE ON THE MOTION ____/____.

RESOLUTION NO. 4

* **MOTION BY COUNCILOR_____ TO MOVE PASSAGE OF RESOLUTION NO. 4 TO APPROPRIATE \$7,264,330 FOR SEWAGE COLLECTION AND DISPOSAL:**

RESOLVED, for the purpose of authorizing and financing the Sewage Collection and Disposal Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$7,264,330.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____ VOTE ON THE MOTION ____/____.

RESOLUTION NO. 5

* **MOTION BY COUNCILOR_____ TO MOVE PASSAGE OF RESOLUTION NO. 5 TO APPROPRIATE \$1,479,310 FOR MUNICIPAL AIRPORT OPERATIONS:**

RESOLVED, for the purpose of authorizing and financing the Municipal Airport Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$1,479,310.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____ VOTE ON THE MOTION ____/____.

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RESOLUTION NO. 6

* MOTION BY COUNCILOR_____ TO MOVE PASSAGE OF RESOLUTION NO. 6
TO APPROPRIATE \$25,000 FOR EMERGENCY PREPAREDNESS:

RESOLVED, for the purpose of authorizing and financing the Emergency Management Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$25,000.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____. **VOTE ON THE MOTION** ____/____.

RESOLUTION NO. 7

* MOTION BY COUNCILOR_____ TO MOVE PASSAGE OF RESOLUTION NO. 7
TO APPROPRIATE \$400 FOR HISTORIC RESOURCES & PRESERVATION EFFORTS:

RESOLVED, for the purpose of authorizing and financing the Heritage Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$400.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____. **VOTE ON THE MOTION** ____/____.

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RESOLUTION NO. 8 (A & B)

8A. DOWNTOWN LEBANON TAX INCREMENT FINANCE DISTRICT

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 8A TO APPROPRIATE \$428,630 FOR THE DOWNTOWN LEBANON TAX INCREMENT FINANCE DISTRICT:

RESOLVED, for the purpose of financing the Downtown Lebanon Tax Increment Finance District Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$428,630.

DOWNTOWN LEBANON TAX INCREMENT FINANCING DISTRICT	
Revenue:	
Property Taxes	\$ 428,630
Expenditures:	
Transfers to General Fund	\$ 288,320
Future Operations & Maintenance	<u>\$ 140,310</u>
	\$ 428,630

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR _____. **VOTE ON THE MOTION** ____/____.

PROPOSED AMENDMENT TO RESOLUTION NO. 8A

(1) MOVED by Councilor _____ to decrease the Downtown Lebanon Tax Increment District Fund by \$42,940 to account for two (2) properties that have now become exempt from the requirement to pay property tax.

DOWNTOWN LEBANON TAX INCREMENT FINANCING DISTRICT	
Revenue:	
Property Taxes	\$ 385,690
Expenditures:	
Transfers to General Fund	\$ 288,320
Future Operations & Maintenance	<u>\$ 97,370</u>
	\$ 385,690

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR _____. **VOTE ON THE MOTION** ____/____.

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8B. DOWNTOWN LEBANON TAX INCREMENT FINANCE DISTRICT

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 8B TO APPROPRIATE \$10 FOR THE LEBANON AIRPORT-TECH PARK TAX INCREMENT FINANCE DISTRICT:

RESOLVED, for the purpose of financing the Lebanon Airport-Tech Park Tax Increment Finance District Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$10.

LEBANON AIRPORT-TECH PARK TAX INCREMENT FINANCING DISTRICT		
Revenue:		
Property Taxes	\$	10
Expenditures:		
Future Operations & Maintenance	\$	10

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____. **VOTE ON THE MOTION** ____/____.

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RESOLUTION NO. 9

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 9 TO APPROPRIATE \$14,201,310 FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS:**

RESOLVED, for the purpose of authorizing and financing the Capital Improvements Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be appropriated in the amount of \$14,201,310 for expenditure in connection with the following Capital Improvements and Acquisitions:

Department	Project Name	2022	Bonds/Note Proceeds/Debt	Existing Funds from CRF	Transfers to CIP	Other (SAD, sale proceeds, DHMC PILOT, etc)	Inter-governmental Grants
AIRPORT FUND							
AIR	Runway Safety Area Improvements_18-36	\$1,775,000	\$0	\$0	\$90,000	\$0	\$1,685,000
	TOTAL AIRPORT	\$1,775,000	\$0	\$0	\$90,000	\$0	\$1,685,000
GENERAL FUND							
FACILITIES							
DPW	Property Acquisition - Mascoma Street	\$235,000	\$235,000	\$0	\$0	\$0	\$0
FLEET & EQUIPMENT							
FIRE	Ambulance Replacements	\$380,000	\$0	\$235,000	\$0	\$145,000	\$0
DPW	Fleet and Equipment Replacement	\$396,700	\$0	\$0	\$396,700	\$0	\$0
ROADS & BRIDGES							
DPW	Trues Brook Road Bridge Replacement #066-059	\$3,200,000	\$887,950	\$0	\$0	\$0	\$2,312,050
DPW	Kimball Street Infrastructure Improvements - Road, SW,	\$1,150,000	\$1,150,000	\$0	\$0	\$0	\$0
DPW	Mack Avenue Infrastructure Improvements - Road, SW,	\$80,000	\$80,000	\$0	\$0	\$0	\$0
DPW	Forest Avenue Reconstruction	\$60,000	\$60,000	\$0	\$0	\$0	\$0
DPW	Roadway Improvements-Miracle Mile SRF	\$900,000	\$900,000	\$0	\$0	\$0	\$0
PLN	West Lebanon Capital Improvements	\$200,000	\$200,000	\$0	\$0	\$0	\$0
PLANS & STUDIES							
PLN	Lebanon Complete Streets/Multi-Modal Plan -Phase 2	\$20,000	\$0	\$0	\$20,000	\$0	\$0
	TOTAL GENERAL FUND	\$6,621,700	\$3,512,950	\$235,000	\$416,700	\$145,000	\$2,312,050
WATER FUND							
DPW-WATER	Fleet and Equipment Replacement	\$42,440	\$0	\$42,440	\$0	\$0	\$0
DPW-WATER	Kimball Street Infrastructure Improvements - Water (SRF)	\$862,500	\$862,500	\$0	\$0	\$0	\$0
DPW-WATER	Mack Avenue Infrastructure Improvements - Water (SRF)	\$60,000	\$60,000	\$0	\$0	\$0	\$0
DPW-WATER	Forest Avenue Reconstruction (SRF)	\$45,000	\$45,000	\$0	\$0	\$0	\$0
DPW-WATER	Water System Improvements-Mechanic St SRF	\$300,000	\$300,000	\$0	\$0	\$0	\$0
DPW-WATER	Water System Improvements-Miracle Mile SRF	\$1,800,000	\$1,800,000	\$0	\$0	\$0	\$0
	TOTAL WATER FUND	\$3,109,940	\$3,067,500	\$42,440	\$0	\$0	\$0
SEWER FUND							
DPW-SEWER	Fleet and Equipment Replacement	\$127,310	\$0	\$127,310	\$0	\$0	\$0
DPW-SEWER	Kimball Street Infrastructure Improvements - Sewer	\$862,500	\$862,500	\$0	\$0	\$0	\$0
DPW-SEWER	Mack Avenue Infrastructure Improvements - Sewer	\$60,000	\$60,000	\$0	\$0	\$0	\$0
DPW-SEWER	Forest Avenue Reconstruction (SRF)	\$45,000	\$45,000	\$0	\$0	\$0	\$0
	TOTAL SEWER FUND	\$1,094,810	\$967,500	\$127,310	\$0	\$0	\$0
SOLID WASTE FUND							
DPW-SOLID	Landfill Tarp Machine Replacement	\$100,000	\$0	\$0	\$100,000	\$0	\$0
DPW-SOLID	Landfill Gas Collection & Control System	\$137,800	\$137,800	\$0	\$0	\$0	\$0
DPW-SOLID	Landfill Gas Utilization Project	\$1,362,060	\$1,362,060	\$0	\$0	\$0	\$0
	TOTAL SOLID WASTE FUND	\$1,599,860	\$1,499,860	\$0	\$100,000	\$0	\$0
	TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM	\$14,201,310	\$9,047,810	\$404,750	\$606,700	\$145,000	\$3,997,050

BE IT FURTHER RESOLVED, by the City of Lebanon, that the City Manager is authorized to take steps necessary and appropriate to apply for and secure maximum federal and state grant funding assistance.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR _____ VOTE ON THE MOTION ____/____.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

PROPOSED AMENDMENTS TO RESOLUTION NO. 9

(1) MOVED by Councilor _____ to increase the Capital Improvements Fund budget by \$530,000 for the Kimball Street Infrastructure Project; and to increase estimated revenues (bond proceeds) by the same amount.

SECONDED BY COUNCILOR _____. **VOTE ON THE AMENDMENT** ____/____.

(2) MOVED by Councilor _____ to increase the Capital Improvements Fund budget by \$900,000 for the Trues Brook Road Bridge Replacement Project; and to decrease estimated revenues (bond proceeds) by \$67,950.

PROJECT TYPE & DEPARTMENT	PROJECT NAME	2022	BONDS/NOTE PROCEEDS/DEBT	INTER-GOVERNMENTAL GRANTS
	GENERAL FUND			
ROADS & BRIDGES				
PROPOSED				
DPW	Trues Brook Road Bridge Replacement #066-059	\$3,200,000	\$887,950	\$2,312,050
AMENDED				
DPW	Trues Brook Road Bridge Replacement #066-059	<u>\$4,100,000</u>	<u>\$820,000</u>	<u>\$3,280,000</u>
	Difference	\$900,000	\$67,950	\$967,950

NOT PART OF MOTION:

Action is needed as a result of final obtained cost estimates (increase from \$3,200,000 to \$4,100,000 and updated funding amounts expected from the State of New Hampshire (increase from \$2,312,050 to \$3,280,000)

SECONDED BY COUNCILOR _____. **VOTE ON THE AMENDMENT** ____/____.

(3) MOVED by Councilor _____ to amend the list of 2022 Capital Projects to remove the Water System Improvements (Mechanic Street) project and decrease the Capital Improvements Fund budget by \$300,000 for same.

SECONDED BY COUNCILOR _____. **VOTE ON THE AMENDMENT** ____/____.

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(4) RESOLUTION:

FOR THE PURPOSE OF amending the scope of the Rail Trail Paving Project (established as part of the 2021-2026 Capital Improvements Program) to include improvements to the section of sidewalk on the south side of Taylor Street between the terminus of the Northern Rail Trail and the lower entrance to the Flynn Street Parking Lot to a multi-use path; to amend the source of financing to remove the requirement for the project to be paid for through the sale of City owned property (specifically 20 Spencer Street, Lebanon); and to authorize the transfer of unspent bond proceeds in the amount of \$253,939.94 (Two Hundred Fifty Three Thousand Nine Hundred Thirty Nine Dollars Ninety Four Cents) from the Mascoma River Greenway Project to the Rail Trail Paving Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that New Hampshire RSA 33:3-A of the Municipal Finance Act provides that if after notes or bonds have been issued and no expenditure of the proceeds has been made for the purpose or purposes for which the debt was incurred, or if a balance remains after the completion of the project or projects for which the debt was authorized, a city by a vote of 2/3 of the City Council may authorize the expenditure of the sum or sums on hand, including any premiums received, for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time at any time which said sum or any portion thereof remains available; provided, however, that if the sum obtained by issuance of bonds or notes, as aforesaid, or any balance thereof, including any premium, is not appropriated as aforesaid, then the same shall be used to pay the principal of the loan as it matures.

NOW THEREFORE BE IT FURTHER RESOLVED, that appropriation authority, and associated funding derived from the issuance of bonds, is authorized to be transferred as follows:

PROJECT	BOND ISSUE/ DATED	UNSPENT BOND PROCEEDS BEFORE TRANSFER AS OF 12/15/2021	APPROPRIATION & FUNDED TRANSFER	UNSPENT BOND PROCEEDS AFTER TRANSFER	PROJECT USEFUL LIFE
FROM					
Mascoma River Greenway Project	NHMBB18B 06/13/18	\$253,939.94	\$(253,939.94)	\$ -	20 years
TO					
Rail Trail Paving Project	Unissued	\$ -	\$253,939.94	\$253,939.94	20 years

SECONDED BY COUNCILOR_____. **VOTE ON THE AMENDMENT** ____/____.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

RESOLUTION NO. 10

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 10 TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES TO FINANCE 2022 CAPITAL IMPROVEMENTS:**

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$9,047,810 (Nine Million Forty-Seven Thousand Eight Hundred Ten Dollars) as follows:

Department	Project Name	Estimated Useful Life	Paid for by	Amount
	GENERAL FUND			
FACILITIES				
DPW	Property Acquisition - Mascoma Street	20 Years	Property Taxes	\$235,000
ROADS & BRIDGES				
DPW	Trues Brook Road Bridge Replacement #066-059	20 Years	Property Taxes	\$887,950
DPW	Kimball Street Infrastructure Improvements - Road, SW, Curb-Drain	20 Years	Property Taxes	\$1,150,000
DPW	Mack Avenue Infrastructure Improvements - Road, SW, Curb-Drain	20 Years	Property Taxes	\$80,000
DPW	Forest Avenue Reconstruction	20 Years	Property Taxes	\$60,000
DPW	Roadway Improvements-Miracle Mile (SRF)	20 Years	Property Taxes	\$900,000
PLN	West Lebanon Capital Improvements	20 Years	Property Taxes	\$200,000
	TOTAL GENERAL FUND			\$3,512,950
	WATER FUND			
DPW-WATER	Kimball Street Infrastructure Improvements - Water (SRF)	20 Years	Water User Fees	\$862,500
DPW-WATER	Mack Avenue Infrastructure Improvements - Water (SRF)	20 Years	Water User Fees	\$60,000
DPW-WATER	Forest Avenue Reconstruction (SRF)	20 Years	Water User Fees	\$45,000
DPW-WATER	Water System Improvements-Mechanic Street (SRF)	20 Years	Water User Fees	\$300,000
DPW-WATER	Water System Improvements-Miracle Mile (SRF)	20 Years	Water User Fees	\$1,800,000
	TOTAL WATER FUND			\$3,067,500
	SEWER FUND			
DPW-SEWER	Kimball Street Infrastructure Improvements - Sewer	20 Years	Sewer User Fees	\$862,500
DPW-SEWER	Mack Avenue Infrastructure Improvements - Sewer	20 Years	Sewer User Fees	\$60,000
DPW-SEWER	Forest Avenue Reconstruction (SRF)	20 Years	Sewer User Fees	\$45,000
	TOTAL SEWER FUND			\$967,500
	SOLID WASTE FUND			
DPW-SOLID	Landfill Gas Collection & Control System	20 Years	Solid Waste Fees	\$137,800
DPW-SOLID	Landfill Gas Utilization Project	20 Years	Solid Waste Fees	\$1,362,060
	TOTAL SOLID WASTE FUND			\$1,499,860
	TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM			\$9,047,810

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s) / issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR _____ VOTE ON THE MOTION ____/____.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

PROPOSED AMENDMENTS TO RESOLUTION NO. 10

(1) **MOVED** by Councilor _____ that the amount of bonds/notes authorized to be issued to finance 2022 Capital Improvements be increased by \$530,000 to include the Kimball Street Infrastructure Project.

PROJECT	ESTIMATED USEFUL LIFE	PAID FOR BY	AMOUNT
Kimball Infrastructure Improvements-Road	20 Years	Property Taxes	\$ 41,750
Kimball Infrastructure Improvements-Road	20 Years	Water User Fees	\$ 159,000
Kimball Infrastructure Improvements-Road	20 Years	Sewer User Fees	\$ 329,250
TOTAL			\$ 530,000

SECONDED BY COUNCILOR_____. **VOTE ON THE AMENDMENT** ____/____.

(2) **MOVED** by Councilor _____ to decrease the amount of bonds/notes authorized to be issued to finance 2022 Capital Improvement by \$67,950 (tax rate supported) for the Trues Brook Road Bridge Replacement Project from \$887,950 to \$820,000.

SECONDED BY COUNCILOR_____. **VOTE ON THE AMENDMENT** ____/____.

(3) **MOVED** by Councilor _____ to decrease the amount of bonds/notes authorized to be issued to by \$300,000 for the Water System Improvements (Mechanic Street) project.

SECONDED BY COUNCILOR_____. **VOTE ON THE AMENDMENT** ____/____.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

RESOLUTION NO. 11

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 11 TO AUTHORIZE THE CITY MANAGER TO APPLY FOR NEW HAMPSHIRE CLEAN WATER STATE REVOLVING FUND LOAN(S) UP TO \$3,755,000 (THREE MILLION SEVEN HUNDRED FIFTY-FIVE THOUSAND DOLLARS) AND TO DESIGNATE THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE OF THE CITY:

PROJECT	AMOUNT
Kimball Street Infrastructure Improvements	\$ 3,405,000
Mack Avenue	\$ 200,000
Forest Avenue	\$ 150,000
	\$ 3,755,000

WHEREAS, the City of Lebanon, after thorough consideration of the nature of water pollution problems, hereby determines that construction of certain works, described as sewer infrastructure improvement projects for Kimball Street - \$3,405,000; Mack Avenue - \$200,000; and Forest Avenue - \$150,000 are desirable and in the public interest and, to that end, it is desired to apply for assistance from the Clean Water State Revolving Fund for up to \$3,755,000; and

WHEREAS, the City of Lebanon, has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq 500, which relate to loans from the Clean Water State Revolving Fund, and deems it to be in the public interest to file loan applications and to authorize other actions in connection therewith.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon City Council, that: 1. The City Manager is hereby authorized on behalf of the City to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapters Env-Wq 500; 2. That if such loan be made, the City agrees to repay the loan as stipulated in the loan agreement; 3. That the City Manager is hereby authorized to furnish such information and to take such other action as may be necessary to enable the City to qualify for the loan; 4. That the City Manager is hereby designated as the authorized representative of the City for the purpose of furnishing such information, data, and documents pertaining to the City for a loan as may be required; and otherwise to act as the authorized representative of the City in connection with this application. 5. That certified copies of this resolution be included as part of the application to be submitted for a loan; 6. That if such loan be made, the City agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____. **VOTE ON THE MOTION** ____/____.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

RESOLUTION NO. 12

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 12 TO AUTHORIZE THE CITY MANAGER TO APPLY FOR NEW HAMPSHIRE DRINKING WATER STATE REVOLVING FUND LOAN(S) UP TO \$6,455,000 (SIX MILLION FOUR HUNDRED FIFTY-FIVE THOUSAND DOLLARS) AND TO DESIGNATE THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE OF THE CITY:

PROJECT	AMOUNT
Kimball Street Infrastructure Improvements	\$ 3,405,000
Mack Avenue	\$ 200,000
Forest Avenue	\$ 150,000
Miracle Mile	\$ 2,700,000
	\$ 6,455,000

WHEREAS, the City of Lebanon, after thorough consideration of the nature of water pollution problems, hereby determines that construction of certain works, described as water infrastructure improvement projects for Kimball Street - \$3,405,000; Mack Avenue - \$200,000; Forest Avenue - \$150,000; and Miracle Mile - \$2,700,000 are desirable and in the public interest and, to that end, it is desired to apply for assistance from the Drinking Water State Revolving Fund for up to \$6,455,000; and

WHEREAS, the City of Lebanon, has examined and duly considered the provisions of New Hampshire Code of Administrative Rules Chapter Env-Dw 1100, which relates to loans from the Drinking Water State Revolving Fund, and deems it to be in the public interest to file loan applications and to authorize other actions in connection therewith;

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon City Council, that: 1. The City Manager is hereby authorized on behalf of the City to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapters Env-Dw 1100; 2. That if such loan be made, the City agrees to repay the loan as stipulated in the loan agreement; 3. That the City Manager is hereby authorized to furnish such information and to take such other action as may be necessary to enable the City to qualify for the loan; 4. That the City Manager is hereby designated as the authorized representative of the City for the purpose of furnishing such information, data, and documents pertaining to the City for a loan as may be required; and otherwise to act as the authorized representative of the City in connection with this application. 5. That certified copies of this resolution be included as part of the application to be submitted for a loan; 6. That if such loan be made, the City agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR_____. **VOTE ON THE MOTION** ____/____.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

RESOLUTION NO. 13

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 13 TO RESCIND PRIOR AUTHORIZATIONS FOR THE ISSUANCE OF BONDS OR NOTES TOTALING \$593,058.79 FOR THE FOLLOWING 3 PROJECTS:**

NOT PART OF THE RESOLUTION - Rescission efforts are part of an ongoing objective to reduce outstanding authorized but unissued long- term debt and, ultimately, the City's debt exposure and the significant costs associated with servicing that debt. Therefore, unlike the other resolutions presented herein, the following three (3) Resolutions will be effective upon passage, as they are to be taken into consideration when assessing the City's fiscal condition for year ending 2021.

1. ROUTE 4/4A SEWER

WHEREAS, the Lebanon City Council, on December 19, 2012, authorized the issuance of bonds or notes in the amount of \$6,890,000, including \$510,000 to finance the Route 4/4A Sewer Force Main Realignment/Replacement Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that a portion of bonds or notes authorized on December 19, 2012 to be issued in the amount of \$12,575.13, but as yet unissued, in connection with the Route 4/4A Sewer Force Main Realignment/Replacement Project, is rescinded.

This resolution is effective upon passage.

SECONDED BY COUNCILOR _____ . VOTE ON THE MOTION ____/____.

NOT PART OF THE RESOLUTION - The City Council, on December 19, 2012, authorized the capital improvements fund budget of \$9,890,000 including \$510,000 for this project. This is a State project in which the City participated. There is an outstanding debt funding balance of \$12,575.13 which is not required as the project is complete.

2. MECHANIC STREET BRIDGE 120-115

WHEREAS, the Lebanon City Council, on December 16, 2015, authorized the issuance of bonds or notes in the amount of \$5,749,410, including \$370,000 to finance the Mechanic Street Bridge Improvements Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that a portion of bonds or notes authorized on December 16, 2015 to be issued in the amount of \$201,838.81, but as yet unissued, in connection with the Mechanic Street Bridge Improvements Project, is rescinded.

This resolution is effective upon passage.

SECONDED BY COUNCILOR _____ . VOTE ON THE MOTION ____/____.

NOT PART OF THE RESOLUTION:

The City Council, on December 16, 2015, authorized the capital improvements fund budget of \$10,223,320 including \$370,000 for this project. There is an outstanding debt funding balance of \$201,838.81 which is not required as the project is complete.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

3. NH 120 SEWER IMPROVEMENTS

WHEREAS, the Lebanon City Council, on April 20, 2016, authorized the issuance of bonds or notes in the amount of \$1,700,000 to supplement existing funding for the NH 120 Sewer Improvements Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that a portion of bonds or notes authorized on April 20, 2016 to be issued in the amount of \$378,644.85, but as yet unissued, in connection with the NH 120 Sewer Improvements Project, is rescinded.

This resolution is effective upon passage.

SECONDED BY COUNCILOR_____. **VOTE ON THE MOTION** ____/____.

NOT PART OF THE RESOLUTION: The City Council, on April 20, 2016, authorized a capital supplemental appropriation in the amount of \$1,700,000 for this project. There is an outstanding debt funding balance of \$378,644.85 which is not required as the project is complete.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

RESOLUTION NO. 14

*** MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 14 TO RESCIND PRIOR AUTHORIZATIONS TO EXPEND FUNDS FROM THE MUNICIPAL AIRPORT CAPITAL PROJECT FUND IN THE AMOUNT OF \$1,701,150.39 DUE TO PROJECT COMPLETION:**

FOR THE PURPOSE OF rescinding prior expenditure authorizations for 22 capital projects at the Lebanon Municipal Airport.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that prior expenditure authorizations from the Municipal Airport Capital Project Fund for 22 capital projects totaling \$1,701,150.39 as shown in the following table are hereby rescinded:

Year Authorized	Amount Appropriated	Project Name	Amount to Rescind
2005	\$ 1,890,000.00	AIP30 2005 DESIGN/ RECON WEST APRON & TAXIWAY A	\$ 250,537.04
2006	\$ 3,125,000.00	AIP31: 2006 CONSTRUCT PARTIAL SOUTH APRON PHASE 1	\$ 25,000.00
2007	\$ 350,000.00	AIP 32: AIRPORT MASTER PLAN PHASE I	\$ 890.00
2008	\$ 135,000.00	2008 NON-AIP	\$ 47,917.82
2008	\$ 1,280,000.00	2008 AIRPORT IMPROVEMENTS	\$ 407,000.00
2008	\$ 30,000.00	AIP35 ADA BOARDING RAMP	\$ 2,281.37
2008	\$ 70,000.00	AIP37 AIRFIELD LIGHTING UPGRADE	\$ 4,772.31
2008	\$ 50,000.00	AIP35 TAXIWAY AND RUNWAY MARKINGS	\$ 22,131.79
2009	\$ 50,000.00	AIP42 NAVIGATIONAL AIDS ASST PHASE II	\$ 11,678.53
2009	\$ 150,000.00	AIP40 SRE	\$ 2,895.50
2009	\$ 100,000.00	AIP39 AIRPORT ELECTRICAL PANEL	\$ 14,589.44
2009	\$ 55,000.00	AIP43 AIRPORT WILDLIFE HAZARD ASSESSMENT	\$ 5,828.00
2010	\$ 70,000.00	AIP44 2010 AIRPORT LAYOUT PLAN EXH A RECON	\$ 2,027.65
2011	\$ 100,000.00	AIP45 2011 AIRPORT ENV ASSESS SWPPP & SPCC	\$ 9,987.44
2014	\$ 29,020.00	PFC1 TERMINAL BLDG BOILER & ROOFTOP AC UNITS PFC	\$ 28,515.02
2016	\$ 2,987,000.00	AIP53 AIR RECONSTRUCT EASTERLY TAXIWAY B	\$ 434,149.20
2016	\$ 525,000.00	AIP52 HAZARD/OBSTRUCTION REMOVAL	\$ 44,079.16
2017	\$ 90,000.00	AIP54 TERMINAL AREA AMER W/DISABILITIES ACT	\$ 3,538.09
2017	\$ 200,500.00	AIP56 LAYOUT PLAN & ENVIRONMENTAL ASSESSMENT	\$ 196,224.70
2017	\$ 728,500.00	AIP55 HAZARD/OBSTRUCTION REMOVAL	\$ 100,370.15
2017	\$ 240,000.94	AIP57 RUNWAY18-36 DATA COLL/CONCEPTUAL ENG	\$ 20,876.02
2018	\$ 600,000.00	AIP58 REPLACE AIRFIELD SNOWBLOWER	\$ 65,861.16
TOTAL			\$ 1,701,150.39

This resolution shall be effective upon passage.

SECONDED BY COUNCILOR _____ . VOTE ON THE MOTION ____/____.

2022 CITY BUDGET ADOPTION GUIDE – DECEMBER 15, 2021

RESOLUTION NO. 15

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 15 TO AUTHORIZE THE DISBURSEMENT OF FIRE DEPARTMENT IMPACT FEES:

RESOLVED, by the City of Lebanon, that funds in an amount not to exceed \$145,000 be disbursed from the Fire Department Impact Fees Fund to the Capital Improvements Fund to partially fund the purchase of a new ambulance.

This resolution shall be effective January 1, 2022.

SECONDED BY COUNCILOR _____. **VOTE ON THE MOTION** ____/____.

November 30, 2021



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARING 2022 City Budget as Proposed by the City Manager

Starting at 7:00 p.m., Wednesday, December 15, 2021, a public hearing will be held on the 2022 City Budget as proposed by the City Manager. The meeting will be held in Council Chambers, City Hall or REMOTELY VIA VIRTUAL PLATFORM. Citizens are encouraged to attend the public hearing to provide written and oral comments and ask questions. A copy of the proposed budget may be obtained from the City Manager's office or accessed at lebanonnh.gov/budget.

The estimated 2022 Municipal Tax Rate is \$10.31 per \$1,000 of assessed real estate value, an increase of \$0.25 or 2.5% from 2021. A single-family home assessed for \$250,000 will have an estimated 2022 municipal tax bill of about \$2,578 an increase of \$63. Four rates make up the Total Tax Rate: Municipal, School, Local and State and County. This budget concerns the Municipal portion only. Increases of 8.0% and 7.2% to water and sewer service rates, respectively, are factored into the budget.

1. TO ADOPT NINE BUDGETS:

Budgets are adopted by the City Council on a fund basis. A fund segregates revenues and expenditures legally restricted to specific uses. Municipal property tax revenues, and revenues not allocated to other funds, are accounted for in the General Fund; other operating funds (Solid Waste Disposal, Water Treatment and Distribution, and Sewage Collection) are primarily supported by user fees. The Capital Improvements Fund is where the acquisition or construction of major, expensive, and long-lived capital facilities, equipment and vehicles are budgeted; it is supported by multiple financing sources, but primarily through the issuance of long-term debt. The City strives to identify anticipated capital expenditures in a six-year Capital Improvement Program (CIP); the first year of the CIP makes up the capital improvements budget.

Fund	2022 Budget	\$ Chg. V.'21	Sources of Revenue	2022 Budget	\$ Chg. V.'21
General	\$ 36,435,870	\$ - 974,570	Taxes	\$ 25,320,900	\$ 705,800
Solid Waste Disposal	\$ 4,046,450	\$ (452,380)	Licenses and Permits	\$ 3,078,400	\$ (65,080)
Water Treatment and Distribution	\$ 4,141,290	\$ 417,000	Intergovernmental	\$ 4,338,770	\$ 965,830
Sewage Collection and Disposal	\$ 7,264,330	\$ 135,340	Charges for Services	\$ 17,593,040	\$ (274,630)
Municipal Airport	\$ 1,479,310	\$ 121,060	Other	\$ 550,800	\$ (702,310)
Emergency Management	\$ 25,000	\$ -	Interfund Transfers	\$ 3,260,110	\$ (355,670)
Heritage Fund	\$ 400	\$ -	Bond Proceeds	\$ 10,732,010	\$ 4,285,669
TIFD's	\$ 428,640	\$ -	Total	\$ 64,874,830	\$ 4,539,609
Capital Improvements	\$ 14,201,310	\$ 4,476,169	Applied/(Realized) Fund Balance	\$ 3,147,770	\$ 1,132,150
Total	\$ 68,022,600	\$ 5,671,759	Total Revenues and Fund Balance	\$ 68,022,600	\$ 5,671,759

The Lebanon School District and Grafton County are autonomous. The City Budget does not concern expenditures for those entities.

1A. THE CITY COUNCIL MAY ALSO CONSIDER:

- Decrease of \$42,940 (Forty-Two Thousand Nine Hundred Forty Dollars) in the Downtown Tax Increment Financing District due to properties that have now become exempt from the requirement to pay property tax.
- Increase of \$530,000 (Five Hundred Thirty Thousand Dollars) in Capital Improvements Fund expenditures for the Kimball Street Infrastructure Improvement Project, accompanied by a commensurate increase in funding from the issuance of debt.
- Increase of \$900,000 (Nine Hundred Thousand Dollars) in Capital Improvement Fund: Expenditures for the Trues Brook Road Bridge Replacement Project.

2. TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES TO FINANCE 2022 CAPITAL IMPROVEMENTS:

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$9,047,810 (Nine Million Forty-Seven Thousand Eight Hundred Ten Dollars) as follows:

Department	Project Name	Estimated Useful Life	Paid for by	Amount
GENERAL FUND				
FACILITIES				
DPW	Property Acquisition-Mascoma Street	20 Years	Property Taxes	\$ 235,000
ROADS & BRIDGES				
DPW	Trues Brook Road Bridge Replacement #066-059	20 Years	Property Taxes	\$ 887,950
DPW	Kimball Infrastructure Improvements - Road	20 Years	Property Taxes	\$ 1,150,000
DPW	Mack Avenue Infrastructure Improvements - Road	20 Years	Property Taxes	\$ 80,000
DPW	Forest Avenue Reconstruction	20 Years	Property Taxes	\$ 60,000
DPW	Roadway Improvements - Miracle Mile	20 Years	Property Taxes	\$ 900,000
PLN	West Lebanon Capital Improvements	20 Years	Property Taxes	\$ 200,000
WATER FUND				
DPW-WATER	Kimball Infrastructure Improvements- Road	20 Years	Water User Fees	\$ 862,500
	Mack Avenue Infrastructure Improvements - Road	20 Years	Water User Fees	\$ 60,000
	Forest Avenue Reconstruction	20 Years	Water User Fees	\$ 45,000
	Water System Improvements- Mechanic Street	20 Years	Water User Fees	\$ 300,000
	Water System Improvement-Miracle Mile	20 Years	Water User Fees	\$ 1,800,000

SEWER FUND				
DPW-SEWER	Kimball Infrastructure Improvements-Road	20 Years	Sewer User Fees	\$ 862,500
	Mack Avenue Infrastructure Improvements-Road	20 Years	Sewer User Fees	\$ 60,000
	Forest Avenue Reconstruction	20 Years	Sewer User Fees	\$ 45,000
SOLID WASTE FUND				
DPW-SOLID WASTE	Landfill Gas Collection & Control System	20 Years	Solid Waste User Fees	\$ 137,800
	Landfill Gas Utilization Project	20 Years	Solid Waste User Fees	\$ 1,362,060
TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM				\$ 9,047,810

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s)/issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

2A. THE CITY COUNCIL MAY ALSO CONSIDER:

- Increase of \$530,000 (Five Hundred Thirty Thousand Dollars) in Capital Improvements Fund: Expenditures for the Kimball Street Infrastructure Improvement Project.

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$530,000 (Five Hundred Thirty Thousand Dollars) in Capital Improvements Fund expenditures for the Kimball Street Infrastructure Improvement Project.

	Estimated Useful Life	Paid for by	Amount
Kimball Infrastructure Improvements-Road	20 Years	Property Taxes	\$ 41,750
Kimball Infrastructure Improvements-Road	20 Years	Water User Fees	\$ 159,000
Kimball Infrastructure Improvements-Road	20 Years	Sewer User Fees	\$ 329,250
TOTAL			\$ 530,000

2B. THE CITY COUNCIL MAY ALSO CONSIDER:

- Decrease the amount of bonds/notes to be issued to finance 2022 capital improvements by \$67,950 (Trues Brook Road Bridge Replacement Project) from \$887,950 to \$820,000.

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), to decrease the amount of bond issue or bond issues in an amount of \$67,950 in Capital Improvements Fund expenditures for the Trues Brook Road Bridge Replacement Project.

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s)/issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

3. TO AUTHORIZE THE CITY MANAGER TO APPLY FOR DRINKING WATER AND/OR CLEAN WATER REVOLVING FUND, LOAN(S), ARPA FUNDS, AND ANY OTHER AVAILABLE FUNDS UP TO \$10,855,000 (TEN MILLION EIGHT HUNDRED FIFTY-FIVE THOUSAND DOLLARS) AND TO DESIGNATE THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE OF THE CITY.

Project	Amount
Trues Brook Road Bridge Replacement	\$ 4,100,000
Kimball Street Infrastructure Improvements	\$ 3,405,000
Mack Avenue	\$ 200,000
Forest Avenue	\$ 150,000
Mechanic Street	\$ 300,000
Miracle Mile	\$ 2,700,000
	\$ 10,855,000

4. TO RESCIND PRIOR AUTHORIZATIONS FOR THE ISSUANCE OF BONDS OR NOTES IN THE AMOUNT OF \$593,058.79 DUE TO PROJECT COMPLETION.

Borrowing authorization for three issues totaling \$593,058.79 are no longer required as the projects have been completed.

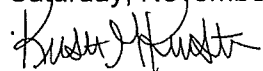
5. TO RESCIND PRIOR AUTHORIZATIONS TO EXPEND FUNDS FROM THE MUNICIPAL AIRPORT CAPITAL PROJECT FUND IN THE AMOUNT OF \$1,701,150.39 DUE TO PROJECT COMPLETION.

6. TO AUTHORIZE THE DISBURSEMENT OF FIRE DEPARTMENT IMPACT FEES:

RESOLVED, by the City of Lebanon, that funds in an amount not to exceed \$145,000 (One Hundred Forty-Five Thousand Dollars) be disbursed from the Fire Department Impact Fees Fund to the Capital Improvements Fund to partially fund the replacement of an ambulance.

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 30, 2021.



Kristin M. Kenniston, City Clerk



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARING 2022 City Budget as Proposed by the City Manager

Starting at 7:00 p.m., Wednesday, December 15, 2021, a public hearing will be held on the 2022 City Budget as proposed by the City Manager. The meeting will be held in Council Chambers, City Hall or REMOTELY VIA VIRTUAL PLATFORM. Citizens are encouraged to attend the public hearing to provide written and oral comments and ask questions. A copy of the proposed budget may be obtained from the City Manager's office or accessed at lebanonnh.gov/budget.

The estimated 2022 Municipal Tax Rate is \$10.31 per \$1,000 of assessed real estate value, an increase of \$0.25 or 2.5% from 2021. A single-family home assessed for \$250,000 will have an estimated 2022 municipal tax bill of about \$2,578 an increase of \$63. Four rates make up the Total Tax Rate: Municipal, School, Local and State and County. This budget concerns the Municipal portion only. Increases of 8.0% and 7.2% to water and sewer service rates, respectively, are factored into the budget.

1. TO ADOPT NINE BUDGETS:

Budgets are adopted by the City Council on a fund basis. A fund segregates revenues and expenditures legally restricted to specific uses. Municipal property tax revenues, and revenues not allocated to other funds, are accounted for in the General Fund; other operating funds (Solid Waste Disposal, Water Treatment and Distribution, and Sewage Collection) are primarily supported by user fees. The Capital Improvements Fund is where the acquisition or construction of major, expensive, and long-lived capital facilities, equipment and vehicles are budgeted; it is supported by multiple financing sources, but primarily through the issuance of long-term debt. The City strives to identify anticipated capital expenditures in a six-year Capital Improvement Program (CIP); the first year of the CIP makes up the capital improvements budget.

Fund	2022 Budget	\$ Chg. V.'21	Sources of Revenue	2022 Budget	\$ Chg. V.'21
General	\$ 36,435,870	\$ 974,570	Taxes	\$ 25,320,900	\$ 705,800
Solid Waste Disposal	\$ 4,046,450	\$ (452,380)	Licenses and Permits	\$ 3,078,400	\$ (65,080)
Water Treatment and Distribution	\$ 4,141,290	\$ 417,000	Intergovernmental	\$ 4,338,770	\$ 965,830
Sewage Collection and Disposal	\$ 7,264,330	\$ 135,340	Charges for Services	\$ 17,593,040	\$ (274,630)
Municipal Airport	\$ 1,479,310	\$ 121,060	Other	\$ 550,800	\$ (702,310)
Emergency Management	\$ 25,000	\$ -	Interfund Transfers	\$ 3,260,110	\$ (355,670)
Heritage Fund	\$ 400	\$ -	Bond Proceeds	\$ 10,732,810	\$ 4,265,669
TIFD's	\$ 428,640	\$ -	Total	\$ 64,874,830	\$ 4,539,609
Capital Improvements	\$ 14,201,310	\$ 4,476,189	Applied/(Realized) Fund Balance	\$ 3,147,770	\$ 1,132,150
Total	\$ 68,022,600	\$ 5,671,759	Total Revenues and Fund Balance	\$ 68,022,600	\$ 5,671,759

The Lebanon School District and Grafton County are autonomous. The City Budget does not concern expenditures for those entities.

1A. THE CITY COUNCIL MAY ALSO CONSIDER:

- Decrease of \$42,940 (Forty-Two Thousand Nine Hundred Forty Dollars) in the Downtown Tax Increment Financing District due to properties that have now become exempt from the requirement to pay property tax.
- Increase of \$530,000 (Five Hundred Thirty Thousand Dollars) in Capital Improvements Fund expenditures for the Kimball Street Infrastructure Improvement Project, accompanied by a commensurate increase in funding from the issuance of debt.
- Increase of \$900,000 (Nine Hundred Thousand Dollars) in Capital Improvement Fund: Expenditures for the Trues Brook Road Bridge Replacement Project.

2. TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES TO FINANCE 2022 CAPITAL IMPROVEMENTS:

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$9,047,810 (Nine Million Forty-Seven Thousand Eight Hundred Ten Dollars) as follows:

Department	Project Name	Estimated Useful Life	Paid for by	Amount
GENERAL FUND				
FACILITIES				
DPW	Property Acquisition-Mascoma Street	20 Years	Property Taxes	\$ 235,000
ROADS & BRIDGES				
DPW	Trues Brook Road Bridge Replacement #066-059	20 Years	Property Taxes	\$ 887,950
DPW	Kimball Infrastructure Improvements - Road	20 Years	Property Taxes	\$ 1,150,000
DPW	Mack Avenue Infrastructure Improvements - Road	20 Years	Property Taxes	\$ 80,000
DPW	Forest Avenue Reconstruction	20 Years	Property Taxes	\$ 60,000
DPW	Roadway Improvements - Miracle Mile	20 Years	Property Taxes	\$ 900,000
PLN	West Lebanon Capital Improvements	20 Years	Property Taxes	\$ 200,000
WATER FUND				
DPW-WATER	Kimball Infrastructure Improvements- Road	20 Years	Water User Fees	\$ 862,500
	Mack Avenue Infrastructure Improvements - Road	20 Years	Water User Fees	\$ 60,000
	Forest Avenue Reconstruction	20 Years	Water User Fees	\$ 45,000
	Water System Improvements- Mechanic Street	20 Years	Water User Fees	\$ 300,000
	Water System Improvement-Miracle Mile	20 Years	Water User Fees	\$ 1,800,000
SEWER FUND				
DPW-SEWER	Kimball Infrastructure Improvements-Road	20 Years	Sewer User Fees	\$ 862,500
	Mack Avenue Infrastructure Improvements-Road	20 Years	Sewer User Fees	\$ 60,000
	Forest Avenue Reconstruction	20 Years	Sewer User Fees	\$ 45,000

SOLID WASTE FUND				
DPW-SOLID WASTE	Landfill Gas Collection & Control System	20 Years	Solid Waste User Fees	\$ 137,800
	Landfill Gas Utilization Project	20 Years	Solid Waste User Fees	\$ 1,362,060
TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM				\$ 9,047,810

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s)/issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

2A. THE CITY COUNCIL MAY ALSO CONSIDER:

- Increase of \$530,000 (Five Hundred Thirty Thousand Dollars) in Capital Improvements Fund: Expenditures for the Kimball Street Infrastructure Improvement Project.

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$530,000 (Five Hundred Thirty Thousand Dollars) in Capital Improvements Fund expenditures for the Kimball Street Infrastructure Improvement Project.

	Estimated Useful Life	Paid for by	Amount
Kimball Infrastructure Improvements-Road	20 Years	Property Taxes	\$ 41,750
Kimball Infrastructure Improvements-Road	20 Years	Water User Fees	\$ 159,000
Kimball Infrastructure Improvements-Road	20 Years	Sewer User Fees	\$ 329,250
TOTAL			\$ 530,000

2B. THE CITY COUNCIL MAY ALSO CONSIDER:

- Decrease the amount of bonds/notes to be issued to finance 2022 capital improvements by \$67,950 (Trues Brook Road Bridge Replacement Project) from \$887,950 to \$820,000.

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), to decrease the amount of bond issue or bond issues in an amount of \$67,950 in Capital Improvements Fund expenditures for the Trues Brook Road Bridge Replacement Project.

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s)/issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

3. TO AUTHORIZE THE CITY MANAGER TO APPLY FOR DRINKING WATER AND/OR CLEAN WATER REVOLVING FUND, LOAN(S), ARPA FUNDS, AND ANY OTHER AVAILABLE FUNDS UP TO \$10,855,000 (TEN MILLION EIGHT HUNDRED FIFTY-FIVE THOUSAND DOLLARS) AND TO DESIGNATE THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE OF THE CITY.

Project	Amount
Trues Brook Road Bridge Replacement	\$ 4,100,000
Kimball Street Infrastructure Improvements	\$ 3,405,000
Nack Avenue	\$ 200,000
Forest Avenue	\$ 150,000
Mechanic Street	\$ 300,000
Miracle Mile	\$ 2,700,000
	\$ 10,855,000

4. TO RESCIND PRIOR AUTHORIZATIONS FOR THE ISSUANCE OF BONDS OR NOTES IN THE AMOUNT OF \$593,058.79 DUE TO PROJECT COMPLETION.

Borrowing authorization for three issues totaling \$593,058.79 are no longer required as the projects have been completed.

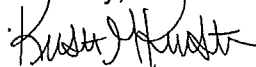
5. TO RESCIND PRIOR AUTHORIZATIONS TO EXPEND FUNDS FROM THE MUNICIPAL AIRPORT CAPITAL PROJECT FUND IN THE AMOUNT OF \$1,701,150.39 DUE TO PROJECT COMPLETION.

6. TO AUTHORIZE THE DISBURSEMENT OF FIRE DEPARTMENT IMPACT FEES:

RESOLVED, by the City of Lebanon, that funds in an amount not to exceed \$145,000 (One Hundred Forty-Five Thousand Dollars) be disbursed from the Fire Department Impact Fees Fund to the Capital Improvements Fund to partially fund the replacement of an ambulance.

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Tuesday, December 7, 2021.



Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

DECEMBER 15, 2021

5. PUBLIC HEARING ITEM:

5.B – AMENDMENTS TO ORDINANCE NO. 18, SALARY PLAN

A public hearing for the purpose of receiving public input and taking 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

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 December 4, 2021 in accordance with City Code and State Law.

BACKGROUND

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

ACTION

The following motion is offered for consideration (continued on next page):

1. PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the third 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***

2. RESOLUTION:

FOR THE PURPOSE OF amending Ordinance No. 18, Salary Plan.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council amends 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 Marshal**	-	-	-	-
	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%).

Included in this Section:

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

December 6, 2021



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC
HEARINGS**

**Wednesday, December 15, 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 15, 2021, beginning at 7:00pm for the following:

- A. **ADOPTION OF 2022 CITY BUDGET** – Public Hearing for the purpose of receiving public input and taking action to adopt the 2022 City Budget as proposed by the City Manager with additional actions to include: authorizing the issuance of bonds or notes to finance 2022 capital improvements; authorizing the City Manager to apply for NH Drinking Water and/ or Clean Water State Revolving Fund Loan(s), ARPA Funds, and any other available funds and designating the City Manager as authorized representative of the City; rescinding prior authorizations for the issuance of bonds or notes; rescinding prior authorizations to expend funds from the Municipal Airport Capital Project Fund; and authorizing the disbursement of Fire Department Impact Fees.
- B. **AMEND ORDINANCE NO. 18, SALARY PLAN** – A public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, as follows:
 1. Article II, Non-Affiliated and LPASE Employees to implement a 3% General Wage Increase for 2022, to increase the wage and stipend pay scales for election positions, and to include the position of Substitute Custodian within the Temporary/Seasonal & Stipend Employees Pay Scale;
 2. Article III, Bargaining Unit Employees, Section A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO to implement a 3% General Wage Increase for 2022; and
 3. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/ New England Police Benevolent Association (NEPBA) to implement a 3% General Wage Increase for 2022.

The December 15, 2021 City Council agenda packet will be available on the City's website beginning December 10, 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, December 4, 2021.

Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
DECEMBER 15, 2021**

6. NEW BUSINESS:

**6.A – AUTHORIZATION TO PURCHASE
226 MASCOMA STREET, LEBANON (TAX MAP 90, LOT 26)**

BACKGROUND

The property located at 226 Mascoma Street directly adjacent to Valley Cemetery is currently owned by Peter and Janet St. Pierre. Earlier this year, the St. Pierre's approached the City to discuss the future sale of their property and asked the City if they would be interested in purchasing. After some review and discussion, it was decided to be in the best interest of the City to purchase the property for future expansion of the cemetery.

The purchase has been included in the 2022-2027 Capital Improvements Program with funding to be appropriated as part of the 2022 Capital Budget. A Purchase and Sale Agreement has been signed and is attached for review.

ACTION

Should the Council decide to authorize the purchase of 226 Mascoma Street, the following resolution is offered for consideration:

WHEREAS, the City Manager has entered into a certain Purchase and Sale Agreement ("P&S") (included in the December 15, 2021 City Council agenda packet) for the acquisition of a 0.77-acre parcel of real estate with improvements thereon, located in the City of Lebanon and abutting the Valley Cemetery at Tax Map 90, Lot 26, a/k/a/ 226 Mascoma Street (the "Property"); and

WHEREAS, according to the terms of the P&S, the City's acquisition of the Property is subject to the condition that the City Council appropriate \$235,000 for the purchase of the Property; and

WHEREAS, the City Council has earlier (i) duly adopted a budget for fiscal year 2022 that includes as a Capital Project the acquisition of the Property at a cost of \$235,000 for the intended purpose of the future expansion of the abutting Valley Cemetery, and (ii) duly authorized the City to issue general obligation bonds and notes in anticipation of and to finance the costs, among other capital projects, of said Capital Project; and

WHEREAS, a term of the P&S is that the Seller shall be granted a lease of the Property for up to two years following transfer to the City; it is therefore hereby

MOVED, that the Lebanon City Council, pursuant to its authority under RSA 47:5 to purchase real property, hereby designates and authorizes the City Manager to act on behalf of the City Council to undertake all actions and execute all documents as may be required to perform all obligations of the City under the P&S, to execute a closing of the real estate purchase transaction described in the P&S, and to complete the City's acquisition of the Property free and clear of all liens and encumbrances except as specified in the P&S; and it is hereby

FURTHER MOVED, that the Lebanon City Council, pursuant to its authority under RSA 47:5, hereby authorizes the City Manager, following the aforesaid closing, to act on behalf of the City Council and to undertake all actions and execute all documents as may be required to execute a lease of the Property to the Sellers under the P&S for a period of up to two years, according to the terms of the draft lease included in the December 15, 2021 City Council agenda packet.

Included in this Section:

1. November 16, 2021 fully executed Purchase and Sale Agreement between Peter & Janet St. Pierre and the City of Lebanon.

PURCHASE AND SALE AGREEMENT

This agreement is entered into by and between **Peter G. St. Pierre** and **Janet G. St. Pierre**, husband and wife, with a mailing address of 226 Mascoma Street, Lebanon, NH 03766 (hereinafter referred to as "Seller") and the **City of Lebanon**, New Hampshire, a New Hampshire municipal corporation, with a mailing address of 51 North Park Street, Lebanon, NH 03766 (hereinafter referred to as "City" or "Buyer").

WITNESSETH:

Seller agrees to sell and to convey to Buyer that certain tract or parcel of land, together with all buildings and improvements located thereon, located in the City of Lebanon, abutting the easterly side of the Valley Cemetery/Sacred Heart Cemetery on the southerly side of Mascoma Street (a/k/a Old Pine Tree Cemetery Road), as more particularly described 0.77 acres, more or less, as more particularly described in that certain Warranty Deed to Peter G. St. Pierre and Janet G. St. Pierre dated September 21, 1988 and recorded at Book 1763, Page 309, and as identified as Tax Parcel ID #90-26 (the "Property" or "premises").

Buyer seeks to acquire the Property for uses in connection with the abutting cemetery property. Buyer intends to demolish and remove all improvements on the Property after it is vacated by the Seller.

IN CONSIDERATION WHEREOF, Buyer agrees to purchase the premises, paying to Seller the sum of Two Hundred and Thirty-Five Thousand Dollars (\$235,000.00). The sum shall be paid upon the delivery of the deed, as hereinafter set forth. Additionally, Buyer agrees to lease the Property to Seller for a period of two years following delivery of the deed, as set forth herein.

IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO THAT:

1. Seller shall convey the premises by good and sufficient warranty deed of the Seller in the usual form conveying a good and marketable title to the same to Buyer. The premises shall be conveyed free and clear of all encumbrances, except subject to easements of record, including but not limited to rights to erect a utility pole with wires and cables installed thereon as set forth in an easement deed dated March 16, 2004 granted in favor of Granite State Electric Company and recorded at Book 2993, Page 781 at the Grafton County Registry of Deeds.

2. The deed shall be delivered, and the consideration paid, at the Law Offices of Drummond Woodsum & MacMahon, 78 Bank Street, Lebanon, New Hampshire, or at such other location as mutually agreed upon, on the closing date of January 14, 2022, at 10:00 AM, unless full performance of said obligation shall have taken place prior to that time.

3. In the event the Lebanon City Council fails to appropriate funds sufficient for Buyer's payment prior to the closing date specified herein, Buyer may terminate this Agreement without penalties of any sort.

4. Seller shall deliver to Buyer at the time of closing full possession of the premises (a) in the same condition in which they now are, reasonable use and wear and damage by fire or other unavoidable casualty excepted, and (b) not in violation of sub-division, plat, or building regulations or restrictions.

5. In addition to delivery of the deed, Seller agrees to deliver to Buyer at the closing such other documents as may reasonably be necessary to consummate the transaction contemplated herein and as may be reasonably required by Buyer or Buyer's title insurance company.

6. Damage to Premises Prior to Closing: Because the Buyer intends to demolish all

improvements after Seller vacates the Property, damage or destruction of improvements prior to the closing date shall not affect this agreement. In the event of damage or destruction prior to closing, Seller may, at its option and sole cost, repair or rebuild. Alternatively, Seller may decline the Lease described below and instead vacate the Property on or before the closing date.

7. Lease of Premises: Simultaneous with the delivery of the deed from Seller to Buyer on the closing date, Buyer shall offer to Seller a Lease agreement providing that Buyer will lease the Premises to Seller for residential use for a period of no more than two years from the closing date. Seller may elect at or before the closing date to decline the Lease, for any reason or no reason, and simply vacate the premises as of the closing date.

The Lease shall provide that Seller shall pay the City Eight Hundred Dollars (\$800.00) per month, and such monthly payment shall constitute Seller's rent and a pro rata portion of the real property taxes assessed upon the Property. The Lease shall further provide that the City, as landlord, is responsible only for mowing the grass and plowing the driveway, but shall not be responsible for maintenance, upkeep or repair of improvements. The Lease shall provide that Seller (the lessee), notwithstanding RSA 48-A minimum housing standards or other law to the contrary, is exclusively responsible for (a) insurance on the Premises, (b) all maintenance, upkeep and repairs, to include compliance with all applicable building, fire and health codes, and (c) the cost of all utilities, including water and sewer charges.

The Lease shall also provide that Seller (the lessee) may terminate the Lease at any time for any reason or no reason. In the event the premises suffer damage, loss of a major appliance (e.g. heating system or hot water heater), or are otherwise rendered unfit or unsafe to occupy under applicable building, fire or health codes, Seller may not call upon Buyer to repair or replace, but Seller may terminate the Lease and vacate the premises rather than incurring the cost

of repair or replacement.

8. Seller hereby warrants, represents and covenants (which warranties, representations and covenants shall be effective as of the date of closing and shall survive the closing) the following:

- i. Seller has good, insurable and marketable title to the Property, has owned the Property since 1988, and has the right to convey the Property to Buyer, free and clear of all liens, encumbrances and restrictive covenants.
- ii. There are no special assessments against or relating to the Property.
- iii. No goods or services have been contracted for or furnished to the Property which might give rise to any mechanic's liens affecting all or any part of the Property.
- iv. Seller has not entered into any agreements with any state, county or local government authority or agency which are not of record with respect to the Property, other than those approved in writing by Buyer.
- v. There is access for ingress and egress to and from the Property to the public roads, street, highway and avenues, in front of or adjoining all or part of the Property.
- vi. To Seller's knowledge, Seller has not caused the Property to be in violation of, and Seller has received no written notice from a governmental authority with jurisdiction over the Property that the Property is in violation of, any federal, state, local or administrative agency law, rule, regulation, ordinance or order relating to any substance, chemical, waste or other material listed as "hazardous" or "toxic" under such laws, etc., including, without limitation, petroleum and petroleum byproducts.
- vii. There is no pending claim, lawsuit, agency proceeding, or other legal, quasi-legal or administrative challenge concerning the Property, the operation of the Property or any condition existing thereon, and no claim, litigation, proceeding or challenge has been or is proposed or threatened by any person or entity, or otherwise anticipated by Seller.
- viii. The Property and all operations on the Property are not in violation of applicable law, and no governmental entity has served upon Seller any notice claiming any violation of any statute, ordinance, regulation or noting the need for any repair, remedy, construction, alteration or installation with respect to the Property.
- ix. There are no pending or threatened condemnations or similar proceedings affecting the Property. Seller shall notify Buyer in writing of any changes affecting this representation prior to the closing.

9. Hold Harmless. Seller, by accepting this offer, agrees to indemnify, defend and hold the Buyer harmless from any and all liabilities, claims, causes of action, suits or other matters by reason of a breach of any of the above representations. Such indemnification includes, but is not limited to, costs and attorney fees (including attorney fees and costs on appeal) reasonably incurred in connection with the defense of any claim against the Buyer by any party arising out of the above matters. In the event of a breach of any warranty and representation, Buyer shall have the option to terminate this contract.

10. Buyer may, at Buyer's option, cause the record title to the Property to be examined promptly. Buyer shall notify Seller in writing on or before January 1, 2022, of the existence of any encumbrance or defect not excepted in this agreement that renders the title to the property unmarketable. In the event that Buyer fails to give such notice in a timely manner, this condition and any objection to the marketability of the title to the property shall be deemed waived.

Upon receipt of such notice, Seller shall use all reasonable effort to remove the specified encumbrances or defects. If, at the expiration of thirty (30) days following receipt of such notice, or the date set for delivery of the deed, whichever is later, Seller is unable to convey marketable record title, Buyer may, at Buyer's option: (a) take the property subject to the encumbrances or defects and have no further remedies against Seller; (b) extend the contract closing date for up to two (2) months or until such time as the parties agree is reasonable; or (c) immediately terminate this agreement, whereupon the agreements contained herein shall be null and void.

11. Buyer may, at Buyer's option, cause an environmental inspection of the Property to be performed, and, in the event, prior to closing, such inspection reveals a violation of any federal, state, or local law, ordinance, or regulation relating to environmental conditions on,

under, or about the Property including, but not limited to, soil and groundwater conditions, Buyer shall have the option to terminate this contract.

12. TIME SHALL BE DEEMED TO BE OF THE ESSENCE.

13. This agreement shall be binding on and inure to the benefit of the respective successors and assigns of the respective parties hereto. The terms "Seller" and "Buyer" whenever used herein and any pronoun referring thereto shall be construed in the singular, plural, masculine, feminine or neuter in accordance with manner in which this agreement is executed whenever the context shall require.

14. Buyer and Seller respectively represent that neither has dealt with a real estate broker nor incurred any obligation to any real estate broker for the payment of a commission. In the event that a commission is found to be due, the payment thereof shall be the responsibility of the party against whom the claim shall be made.

15. Pursuant to RSA 78-B:2, I, the transaction contemplated by this contract shall not be subject to the real estate transfer tax because it consists of the transfer of title to a city.

16. Any and all notices, demands, or communications required to be given hereunder shall be in writing and sent by first class mail, or hand-delivered, with an additional copy by fax or e-mail as follows:

A. If to the Buyer, addressed to:

City Manager
Lebanon City Hall
51 North Park Street
Lebanon, NH 03766
603-448-4220 (Phone)
603-966-3122 (Fax)
shawn.mulholland@lebanonnh.gov

B. If to the Seller:

Peter & Janet St. Pierre
226 Mascoma Street
Lebanon, NH 03766
(818) 599-4012 (Phone)
jgsandpgs@aol.com

We, the parties hereto, severally declare that this instrument contains the entire agreement between the parties and that it is subject to no understandings, conditions or representations other than those expressly stated. Each Party to this Agreement is to receive a fully executed duplicate original of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, to this instrument and to another of like tenor, we, the undersigned, have hereunto set our hands this 16th day of NOVEMBER, 2021.

Victoria Smith
Witness

PETER G. ST. PIERRE
Seller

By: [Signature]
Peter G. St. Pierre

Victoria Smith
Witness

JANET G. ST. PIERRE
Seller

By: [Signature]
Janet G. St. Pierre

Lori Gould
Witness

CITY OF LEBANON
Buyer

By: [Signature]
Shaun Mulholland, City Manager
Duly Authorized

**AGENDA
LEBANON CITY COUNCIL
DECEMBER 15, 2021**

6. NEW BUSINESS:

**6.B – INTER-DEPARTMENTAL TRANSFER OF UNENCUMBERED
APPROPRIATED FUNDS**

BACKGROUND

The Finance Department projects a surplus from 2021 Budget appropriations in several departments. The City Manager proposes the transfer of specified projected surplus appropriations from the Fire, Finance, City Clerk, Human Services, and Planning & Development Departments to the Department of Public Works for future road maintenance.

As has been discussed previously, the 2019 street scan project assessed the condition of all roadways within the City. The assessment determined a cost to maintain the City's roadways that are in poor condition at approximately \$72 million. This includes pavement resurfacing, crack sealing and chip sealing roadways, but does not include those roadways that are in such poor condition that they need to be totally reconstructed.

The transfer of \$650,000 into the DPW budget would allow the City Manager to sign contracts and encumber the 2021 funds into 2022 for projects that could begin in the spring. These funds would be added to the \$520,000 provided as part of the 2022 Budget for roadway maintenance.

ACTION

MOVED, that in accordance with City Charter Section C419:45, Transfer of Appropriations, the City Council hereby authorizes the City Manager to transfer unencumbered appropriated funds from Fire, Finance, City Clerk, Human Services, and Planning & Development totaling \$650,000 as shown in the table below, to the Department of Public Works to be encumbered for 2022 roadway maintenance.

TRANSFER OF 2021 APPROPRIATIONS TO BE ENCUMBERED FOR 2022 ROADWAY MAINTENANCE	
FROM	AMOUNT
Fire	\$37,000
Finance	\$523,000
City Clerk	\$50,000
Human Services	\$20,000
Planning & Development	<u>\$20,000</u>
TOTAL	\$650,000
TO	
Public Works	\$650,000