

FINAL

LEBANON CITY COUNCIL REGULAR MEETING

Minutes

Wednesday, December 1, 2021 - 7:00pm

Council Chambers, City Hall or

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

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Public Works Director Jim Donison, Public Works Assistant Director Jay Cairelli, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Fire/Emergency Management Director Chris Christopoulos, HR Director Gloria Leskiewicz, Solid Waste Manager Marc Morgan, DPW Administrative Services Manager Kelly Crate, Cemetery Sexton Patrick McCarthy, Planning & Development Director David Brooks

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1. CALL TO ORDER: Mayor McNamara called the meeting to order at 7:00 PM
 2. PLEDGE OF ALLEGIANCE: Councilor Winny led the Council in the pledge.
 3. PUBLIC FORUM ANNOUNCEMENT: Made by Mayor McNamara.
 4. OPEN TO PUBLIC: City Manager Shaun Mulholland recognized the volunteer work done by Councilor Heistad, his wife and other volunteers who ensured materials used for a footbridge were secure after the project fell through.
 5. RECOGNITIONS: None
 6. ACCEPTANCE OF MINUTES:
 - November 9, 2021 (Budget Work Session)
 - November 10, 2021 (Budget Work Session)
 - November 15, 2021 (Budget Work Session)
 - November 17, 2021 (Regular Meeting)

Councilor Winny MOVED to approve the November 9, 2021 (Budget Work Session); the November 10, 2021 (Budget Work Session); the November 15, 2021 (Budget Work Session) and the November 17, 2021 (Regular Meeting) minutes as written and presented in the December 1, 2021 agenda packet.

Seconded by Councilor Heistad.

****The VOTE on the motion was approved (9-0).***

7. APPOINTMENTS:
 - Library Board of Trustees, Scout Noffke (Alternate Member) – Application was withdrawn since he and his family moved out of Lebanon.
 - Upper Valley Lake Sunapee Regional Planning Commission, Dan Nash (Reappointment as

Lebanon Representative)

Councilor Winny put forth the NOMINATION of Dan Nash for Reappointment to the Upper Valley Lake Sunapee Regional Planning Commission. Term: None given.

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

8. PUBLIC HEARING ITEMS:

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

Deputy City Manager Paula Maville came forth and informed the Council that Mr. Robert Hawthorn, the actual owner of the little plaza at 443 Miracle Mile next to Flanders & Patch, unfortunately, was not part of the review process when this road was being discussed with the Class VI Roads Advisory Committee. It has come to light that the Deed on his property contains a reference as an access point off of Old Poverty Lane, which is Class VI Road #43. Mr. Hawthorn requested the Council not take action on this tonight in order to give him the opportunity to conduct the necessary research to make sure he understands where the property boundaries are and what impact this may or may not have on himself or his abutter.

Deputy City Manager Paula Maville will reach out to give him directions from here.

- B. RECLASSIFICATION OF CLASS VI ROAD #7** - Public hearing for the purpose of receiving public input and taking action to reclassify Class VI Road #7 (extension of LaPlante Road between Route 4 and Riverside Drive) to a Class A Trail.

Deputy City Manager Paula Maville came forth and informed the Council that this Right-of-Way runs through a private piece of property at the base of LaPlante Road and goes across Route 4 and toward the Rail Trail. The Class VI Roads Advisory Committee wanted Road #7 reclassified, but at the same time wanted to move it onto the opposite side of the property line which is owned by the City. When reviewing this, she realized that this is not a possibility, noting you cannot reclassify and then move the right-of-way. It actually would need to be discontinued on that private piece of property and then a trail would need to be created on the City owned property. As a reclassification, it would technically be a discontinuance so this will be sent back to the Class VI Roads Advisory Committee for more discussion. Their options are discontinuance as it is right now; reclassification as it is right now; or, no action at all.

Councilor Heistad noted the State of NH now owns the railroad tracks, and a right-of-way would be needed from the State to go across the railroad track, which will be a long process.

ACTION: None taken

- C. ORDINANCE #2021-11** – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-11 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to authorize an 8% increase to the Water Service Rate and a 7.2% increase to the Sewer Service Rate.

Include in agenda packet: Ordinance 2021-11

City Manager Shaun Mulholland came forth to review proposed **ORDINANCE #2021-11**.

A planned increase of 8.0% to the Water Service Rate (base user rate and minimum charge) and 7.2% to the Sewer Service Rate (base user rates, minimum charge, and residential flat rate), effective January 1,

2022, is being requested.

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

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

Councilor Liot Hill read into the record a letter from Twin Pines Housing dated December 1, 2021 to City Manager Shaun Mulholland. (*Note: Letter was not included in the City Council agenda packet since it was received on the date of this meeting.*) Twin Pines Housing wanted to make their position was clear that the 8% proposed increases for water/sewer services would severely strain an already tight budget for Twin Pines Housing. The letter described their costs in water (41% increase) and sewer (37% increase) over the last 4 years and requested the City consider not implementing these increases for their properties.

In response to Councilor Hill's question regarding exemptions for water/sewer fees, City Manager Mulholland noted there are specified exemptions in the State's Tax Statute that allow exemptions. However, there are no exemptions under Article RSA 149-I:8, Sewer Rentals and RSA 38:28, Water Rates, for water/sewer rates. Mayor McNamara added there is already a property tax exemption that all those properties currently take advantage of, noting they only pay a fraction of the property taxes that a regular homeowner would pay. It was also the City Manager's understanding that to receive an exemption for water/sewer rates, this would have to go before the State's Legislature, as municipalities are not allowed to give exemptions for these. The current legislation states users must be treated equitably based on consumption.

Councilor Liot Hill noted that while it is disappointing to have to raise water/sewer rates, it is the responsible thing to do. If we do not pass rate increases when they are appropriate, then we will end up paying more later.

Assistant Mayor Below noted this is a problem for the entire country and shared a screen graph from a post presented by the Director of the Institute for Public Utilities regarding a study they did on price trends for different utility services compared to the CPI (Consumer Price Index).

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-11, to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to authorize an 8.0% increase to the water service rate and a 7.2% increase to the sewer service rate effective January 1, 2022.

Seconded by Councilor Winny.

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

CITY OF LEBANON ORDINANCE #2021-11

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68 FEES, Article III Miscellaneous Fees, Section 68-15 Enumeration of Fees, to increase water and sewer service rates.

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

Section 1

The Code of the City of Lebanon is hereby amended to revise Chapter 68 FEES, Article III Miscellaneous Fees, Section 68-15 Enumeration of Fees, for the purpose effecting changes to water and sewer rates:

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

§68-15 B(1) Water service rates:

§68-15 B(1)(a) Per 100 cubic feet:

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

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

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

§68-15 B(7) Sewer service rates:

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

- [1] 5/8-inch: ~~\$27.61~~ \$29.60
- [2] 3/4-inch: ~~\$88.27~~ \$94.63
- [3] One-inch: ~~\$131.26~~ \$140.71
- [4] 1.5-inch: ~~\$230.83~~ \$247.45
- [5] Two-inch: ~~\$382.36~~ \$409.89
- [6] Three-inch: ~~\$984.15~~ \$1,055.01
- [7] Four-inch: ~~\$3,818.73~~ \$4,093.68
- [8] Six-inch: ~~\$7,281.21~~ \$7,805.46
- [9] Eight-inch: ~~\$13,989.12~~ \$14,996.34

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

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

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

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

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

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

Section 3. Severability

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

Section 5. Effective Date

This Ordinance shall become effective January 1, 2022.

- D. ORDINANCE #2021-12** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-12 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to increase current miscellaneous water service fees, incorporate additional miscellaneous water service fees, amend provisions for Stormwater Permit application fees, and incorporate fees for Driveway Permits and Permits to construct within a Floodplain.

Include in agenda packet: Ordinance 2021-12

Director of Public Works Jim Donison and Assistant Director of Public Works Jay Cairelli came forth and reviewed the proposed amendments to **ORDINANCE #2021-12**.

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

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

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

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-12 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to increase current miscellaneous water service fees, incorporate additional miscellaneous water service fees, amend provisions for Stormwater Permit application fees, and incorporate fees for Driveway Permits and Permits to construct within a Floodplain, effective January 1, 2022.

Seconded by Councilor Willkie.

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

(Note: Amendments to Ordinance 2021-12 are highlighted in red.)

CITY OF LEBANON ORDINANCE #2021-12

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

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

Section 1:

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

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

(5) Water meter cost schedule:

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

Section 2:

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

(6) Miscellaneous water service fees:

- (a) Water service connection deposit: The Finance Director may require a deposit for new accounts or for consumers who have a history of late payment in accordance with Chapter 123, Public Utilities, §123-10, Connection deposit.
- (b) Meter test when requested by consumer: \$110 when meter is determined to be accurate; no charge when meter is determined to be accounting for extra water. inaccurate.
- (c) Meter installation or replacement when requested by consumer: \$60 service fee, plus actual cost of replacement meter.
- (d) Damaged/frozen meter: \$60 service fee, plus actual cost of repair/replacement of meter.
- (e) Meter tampering charge: ~~\$60-\$1,000~~, plus a tampering penalty as described in Chapter 182, Water Service, §182-25, Charges in case of meter tampering/fraudulent use of water.
- (f) Out-of-cycle meter reading/billing: ~~\$0~~ \$50 during normal working hours, or \$140 during nonworking hours.
- (g) Discontinuance and/or restoration of service fee (turn-on/turn-off service): ~~\$0~~ \$50 during normal working hours, or \$140 during nonworking hours.
- (h) Supplemental meter: ~~\$30-\$50~~ per quarter for reading and billing, and a one-time charge for the installation of a meter based on the water meter cost schedule, §68-15B(5).
- (i) Backflow prevention device testing: ~~\$66.80~~ \$67 per test.
- (j) New service main tap/inspection fee per inspection visit:
 - [1] Water main: ~~\$30~~\$50.
 - [2] Service line: ~~\$30~~\$50.
- (k) Renewed service line inspection: ~~\$30~~ \$50.
- (l) Water permit application fee to make connection:
 - [1] Residential: ~~\$20~~\$50.
 - [2] Commercial: ~~\$30~~\$100.
- (m) Hydrant test fee: \$250 for the first hour, \$150 per hour after the first hour. Charge will be rounded to the next full hour. Estimated water use is included in the hourly fees.
- (n) Temporary water setup fee: \$100 plus non-residential and non-single-family residential cost of cubic foot usage as described in Chapter 68-15(B)(1)(a)[3].
- (o) Dechlorinating of new water line: \$100
- (p) Chlorination and Pressure test of new water line: \$100
- (q) Remark of previously marked Dig Safe lines \$250. This includes all City infrastructure projects

and is the responsibility of the Contractor and cannot be back charged to the City.

(r) Replacement of damaged or missing meter register or transponder: \$50 plus cost of meter register or transponder.

(s) Seasonal use meters: \$50 per install and \$50 for removal and water shutoff.

(t) No shows to appointments: \$50

(u) Bulk water to fill a tank: Non-residential and non-single-family residential cost of cubic foot usage as described in Chapter 68-15(B)(1)(a)[3] plus \$100 service fee per fill or \$150 service fee per fill after normal business hours.

Section 3:

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

C. Stormwater permit application fee.

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

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

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

Section 4:

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

F. Driveway permit application fee.

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

Section 5:

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

G. Construction within a floodplain.

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

Section 6: Severability

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

Section 7: Effective Date

This ordinance shall become effective January 1, 2022.

- E. ORDINANCE #2021-13** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-13 to amend City Code Chapter 68, Fees, as follows:
1. Article II, Vehicle Registration Fees, §68-10, Exemption for Certain Veterans, to authorize waivers of local fees for Prisoners Of War, Purple Heart Recipients, and Pearl Harbor Survivors.
 2. Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in Ambulance Fees

Include in agenda packet: **(Pages 123-132).**

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

City Clerk Kristin Kenniston came forth to review the proposed changes to **ORDINANCE #2021-13**, Article II, Vehicle Registration Fees, §68-10.

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

WAIVER OF VEHICLE REGISTRATIONS FOR CERTAIN VETERANS

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

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

AMBULANCE FEES

Fire Chief, Emergency Management Director Chris Christopoulos came forth to recap the proposed changes to Ambulance Fees in **ORDINANCE #2021-13**, Article III, Miscellaneous Fees, §68-15.

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

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

In response to Mayor McNamara's question regarding the low rate for ambulance fees, Chief

Christopoulos noted he does a comprehensive cost analysis on the costs per call, and is comfortable with the incremental increase, noting they do have some people who are not insured and do not want to create a hardship for our residents. Fees did go up on their contract rates for the communities they serve.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-13 to amend City Code Chapter 68, Fees, Article II, Vehicle Registration Fees, §68-10, to authorize waiving local fees of vehicle registrations for Prisoners of War, Purple Heart Recipients and Pearl Harbor Survivors; and Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in ambulance fees, effective January 1, 2022.

Seconded by Councilor Sykes.

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

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

Include in agenda packet: **(Pages 135-147).**

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

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

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

Staff Presentation:

1. **City Manager Mulholland:** One change he made was to include two different locations from the one location in the original plan. His primary concern was that the Old Pine Street Cemetery was not the best place for a cemetery due to sharp roadway curves and no place to park. Improvements will be made to accommodate parking, but it will be limited capability. There is also a steep slope to get up to that location and an old pine tree in the cemetery with roots everywhere so if you are trying to dig a grave by hand with shovels, this will not be an easy task. The West Lebanon Cemetery's soil is much better. He also chose not to have a Funeral Home involved with green burials, which costs several thousand dollars more and explained why this option was made.

2. **Deputy City Manager Paula Maville:** Materials for this topic begin on page 134 in the agenda packet. The proposed amendments to the code are outlined in seven (7) different sections within the Ordinance.

Section 1 (page 135): Deletes and repeals the existing §46-7, Burials, of Chapter 46, and outlines all the requirements for burials in Cemeteries.

Section 2 (pages 135-138): This is the replacement for the repealed section above and contains all of the existing language as amended plus the requirements for natural burials, which are found in Subsection B.

Section 3 (page 139): Amends §46-5.C.2 for two different purposes.

1. To include natural burials as an option for the Board of Cemetery Trustees, if and when they make recommendations to the City Council for the layout of designated area within a cemetery.
2. Sets dimensional requirements for natural burial lots: 6' x 11' or 66 sq. ft.

Section 4 (page 139): Amends §46-6.C to add a new paragraph (3), which provides for the purchase of natural burial lots.

Section 5 (page 139): Amends §46-6.F to establish the fee for the purchase of a natural burial grave.

Section 6 (page 139): Amends §46-8.B to add a new sub-paragraph (4), which outlines the provisions for maintenance of natural burial plots.

Section 7 (page 139): Amends §46-9 to outline the provisions for permitted Monumentation on a natural burial grave.

3. Cemetery Sexton, Patrick McCarthy:

He noted concerns were broken down into 5 major categories after receiving many public emails. The concerns were:

1. Having the City not involved with the preparation of green burial gravesites: With no outer burial container, there is a possibility the casket/remains will be damaged by equipment; the decomposition of a body, in its early stage, would expose staff to contaminated soils and decomposing human remains. These are not current normal working conditions for City Staff and is the reason to utilize additional services to complete this work.

2. Utilization of our City Tomb (non-climate controlled): The City of Lebanon buries year-round; however, the non-climate-controlled tomb is utilized to house bodies typically from a surrounding community that does not bury in the winter months. A climate controlled tomb is recommended to slow the decomposition process for un-embalmed bodies. Having an un-embalmed body in a non-climate-controlled environment, in an unsealed casket, with no body bag, would drastically increase the possibility of these bodies purging and leaking through the container or casket contaminating other human remains or caskets in the facility, as well as the facility in general. Local Funeral Homes offer refrigeration with tray systems to contain body fluids to prevent contamination for short periods of times. Embalming is used to help with the disinfection process of human remains, as well as to slow, or temporarily help with the decomposition of bodies.

3. Residential restrictions: The Cemetery Board was advised to go slow and observe to see how the ground settles. Both Old Pine Cemetery and the West Lebanon Cemetery have limited space. There are approximately 160 gravesites (Old Pine Tree Cemetery) and 162 gravesites in West Lebanon. With very few communities that offer natural burials, we feel it is important to offer this to Lebanon residents first, and observe the demand in our area. Residential restrictions is something that could possibly be lifted in the future.

4. Waiver of Liability: Mr. McCarthy felt it was extremely important to have a Waiver of Liability for the City, as natural burials will be unstable for several years and it is unknown how long it will take for a body to decompose to a state where it will no longer be at risk of a cave in. There is also a liability of exposure to remains that have not been through any type of precautionary measures to halt/deter bodily fluids.

5. Burial Depths: Before coming to Lebanon, he worked at a Funeral Home for almost 15 years.

On average caskets with an oval top are about 32". The recommended depth by the Green Burial Council is 3.5 to 4 feet. The reason why we said 5 feet is to provide burials safely, and not necessarily to provide a rapid rate of decomposition.

Mr. McCarthy gave a presentation that showed pictures of the following:

- At Sacred Heart Cemetery: A collapse with no vault; a grave collapse with vaulted burial; an adjacent grave and a grave collapse with casket exposed. He noted that a vaulted burial has a concrete enclosure around it. The casket either goes into the vault, or the vault is inverted on top of it to give it a little bit of integrity to prevent it from sinking/collapsing. A vault is usually purchased from a funeral home or a vault company and is delivered to the site.
- Valley Cemetery: Equipment falling through an unvaulted grave, and repairs needed following the breakthrough.
- West Lebanon Cemetery: Damage done to equipment (\$705K) that fell through a gravesite.
- Sacred Heart Cemetery: A sinking unvaulted gravesite.
- Glenwood Cemetery: An adjacent gravesite monument tipping due to an unvaulted gravesite.
- Mount Cavalry Cemetery: An animal disturbance to gravesite.
- West Lebanon Cemetery: A spring burial with groundwater where a casket was actually floating.
- Upper Valley Jewish Community Cemetery: A natural burial with an inverted vault, which allows the body to break down and go back to natural state while also preventing settling of the soil.

Cemetery Board of Trustees Comments:

Chair Tony Palazzo (Ward 3): He read a statement from the Cemetery Board of Trustees noting they have reviewed the draft Ordinance to Chapter 46 and voted to recommend its passage with some recommendations, noting these were not forwarded to the Council. Their recommendation included:

- That natural burials begin only at the Old Pine Street Cemetery, which has sandy soil and easy digging and is a desirable location until this type of burial is approved. The reason is that a protocol for this type of burial has not been established in the City of Lebanon and the funeral director's process contains only vague rules on what the body would look like at the time of burial or how long it would take to complete the decomposition process.
- The West Lebanon Cemetery is next to an elementary school, and it would not be appropriate to expose children's eyes to this process before one has been determined and further spoke about the trauma that children could possibly be exposed to.
- How parking and access to gravesites could be mitigated.

Mr. Palazzo also spoke about the need to watch and make observations on soils settling and grave disturbances, which could better be done at Old Pine Street Cemetery. The Cemetery Board of Trustee's invited the Sexton from East Montpelier, VT to one of their meetings who conducts natural burials. He mentioned, repeatedly, to go slow in planning, moving/lowering of the body, smell, bodily stains, and soil settling.

The Cemetery Board of Trustees recommend that the Council move slowly and allow this type of burial to begin at the Old Pine Street Cemetery to get the protocol down before exposing this type of burial to children.

Mayor McNamara noted that in the minutes of the last Cemetery Board of Trustees (CBT) meeting, there were two recommendations (with a Final Motion) as follows:

- 1) Start at Old Pine Street Cemetery for the first 1 to 2 years, which passed (4-1).
- 2) A couple of options were offered by the public relative to prebuying and burial next to family members and the CBT voted on the 2nd option, which was to allow people to prebuy and then be

buried next to family members rather than assigning graves in sequential order, which is in the proposed Ordinance. This also passed (4-1).

3) Then a Motion was made to make these two changes to the draft of the Ordinance and submit this to the Council, and that was unanimously approved (5-0).

Deputy City Manager Paula Maville noted she did not include these recommendations from the CBT within the Ordinance itself, but it is pointed out in the background that she provided on page 134 in the agenda packet. The recommendations were included in the agenda packet, just not in the Ordinance itself because we are asking the Council to help make that decision. She also requested that if there are substantial changes to the Ordinance, the Council should not act tonight but rather give the CBT an opportunity to correct what needs to be corrected and they will bring it back to the Council for another Public Hearing and requested that this Ordinance not become effective until June 1st.

Mayor McNamara opened the Public Hearing and the following people came forth to speak. Below are a summarization of their comments:

Caitlyn Hauke (Ward 3) Cemetery Board of Trustee member: She spoke about the presentation and the commentary by Mr. Palazzo, giving her opinion on gravesite collapses, the use of equipment, maintenance, and animals digging up bodies. She also noted that Mr. Palazzo's opinions do not represent the entire CBT regarding children being exposed to burials. What we are presenting is not perfect, but it is an opportunity to offer a burial option that is environmentally friendly. She and Councilor Liot Hill discussed what is considered an environmentally friendly burial; the depth of ground cover for a natural burial vs. casket; and the co-mingling of natural burials and regular burials.

Susan Painter (Ward 1) Cemetery Board of Trustee member: She spoke about and gave her opinions on Mr. Palazzo's and Mr. McCarthy's presentations regarding whether or not the City has a Standard Operating Procedure for burials without an inverted vault; sinking graves, referenced the Mount Auburn Cemetery in Boston; animal disturbances at natural burial gravesites; and, schools being located next to cemeteries.

Irene Kacandes (Ward 3)- Professor at Dartmouth College & Founder and Chair of the Burial Preparation Committee at the Holy Resurrection Orthodox Church in Claremont, NH. She spoke about her reasons favoring natural burials; her experience with this process; and wanted to make it clear for the record that dead bodies are almost never infectious and explained her reasons. There should not be a difference between the treatment of traditional/conventional burials and natural burials.

Bob Elwood (Ward 3): He spoke in favor of green burials and his work experience with gravesites in the City, noting that inverted vaults are allowed in Lebanon's cemeteries now, noting there are many people who do not get embalmed - they just have a vault over the top of the body. He also spoke about his reasons why City Staff should not be involved with burials.

Doug Boisvert: He spoke about inverted vaults.

Sarah Riley (Ward 2): She spoke about her reasons in favor of green/natural burials in the City but was not in favor of the complicated rules this draft Ordinance would put in place noting they were stressful, confusing, and she believed unnecessary. After describing the components of green/natural burials, the depth for anaerobic decomposition of a body, animal disturbances, etc. She stated there were important components of this Ordinance that need to be fixed before it is passed.

Mary Childers (Ward 1): She spoke about her reasons why there needs to be substantial changes to the Ordinance before it passes. She also spoke about the need for green burials and conventional burials to be

treated equally.

Cori Hirai (Ward 1): She spoke about schools being close to cemeteries and how it could traumatize kids, noting this is not a big deal, nor is it something the Council should consider in the Ordinance and gave her reasons.

Lorane Kelly (Ward 1): She spoke about the depth of the smell barrier; animal disturbances; the proximity of graves to one another; the increased cost for natural burials as compared to conventional burials, and the burden this would put on grieving families; the ramifications of the restrictions to only Lebanon residents; and, explained her reasons against the proposed Ordinance as presently written, noting the need for substantial changes before this is passed.

Judith Bush: Spoke about her reasons why this proposed Ordinance should not be passed as written.

Jonathan Rothe (Ward 1): He spoke about the collapse of gravesites and was wondering if the Ordinance could address what kind of caskets could be used.

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

Mayor McNamara felt there was a way to go before we get to where we need to be regarding this Ordinance.

The Council discussed the ideas, concerns, and reflected on the comments presented in the Public Hearing. While there has been a lot of work done and considering the effective date would not be until June 1, 2022, they felt it would be best to take more time to refine the Ordinance in order to address the various concerns raised. They also discussed the residency issue; plot depths; family plots; inverted vaults; the equal treatment of how burial services are provided; how more thought should be given to meet the need for equal treatment in green burial vs. conventional burials without asking municipal employees, whose job descriptions do not currently include handling human remains; how changes to the Ordinance are inevitable, but the City needs to keep moving forward; winter burials and hand digging natural graves during this time of year; the use of traditional ways to thaw soil; the potential of graves collapsing without a vault; the use of equipment at natural burial gravesites; how a CIP project could be included in the City's budget to construct a climate controlled vault in order to store embalmed bodies during the winter; researching how Mount Auburn (Boston) does their burials; and, maintenance issues (i.e., mow one to two times per year to make gravesites available to family members).

The Council identified the discrete areas where the Ordinance should be discussed/changed by the Cemetery Board of Trustees/City Staff as follows:

- The residency requirement.
- Burial depth.
- Hand digging vs. equipment use in the future.
- Family burial plots.
- Equal burial services between green/natural burials vs. conventional burials.
- Maintenance issues (i.e., mow one to two times per year to make gravesite available to family members).
- Having the Cemetery Board of Trustees and City Staff come back to the Council in 90 days (first meeting in March) with proposed changes for the Council's review.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council requests City Staff to come back to the Council with options for modifying the proposed Green Burial Cemetery Ordinance in 90 days, at

the 1st meeting in March 2022 (March 2, 2022).

Seconded by Councilor Whittlesey.

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

Councilor Winny MOVED to extend the meeting until 10:30PM.

Seconded by Councilor Wilkie.

The VOTE on the MOTION was approved (9-0)

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

Include in agenda packet: **(Pages 151-155)**

1. Ordinance 2021-17
2. Summary of Building Permit Fee Comparison
3. November 22, 2021 Legal Opinion by Attorney C. Christine Fillmore, re: Ordinance 2021-17 Permit Fees Ch. 36 Building Construction

Mr. David Brooks, Director of Planning & Development, came forth and reviewed **ORDINANCE #2021-17**

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

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

The fee comparisons were made using hypothetical residential and commercial projects, which were based on recent permit applications filed in Lebanon, as described below: • Single-family residential permit application for a 2,283 sq. ft. house with a 1,239 sq. ft. basement and a construction cost of \$286,350.00. • Retail commercial permit application for a 19,050 sq. ft. building with a construction cost of \$1,800,000.00.

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

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

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

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

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

ACTION:

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

Seconded by Councilor Wilkie.

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

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

Include in agenda packet: Ordinance 2021-18 (*Pages 158-159*)

Mr. Marc Morgan, Solid Waste Manager came forth and reviewed **ORDINANCE #2021-18**.

Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from now repealed Chapter 143 (Solid Waste) and to include a fee schedule for disposal of refuse and recycling of certain materials. The fee schedule is to be reviewed annually for possible updates based on current market rates. This only applies to contractors. There will be no impact for those using punch cards.

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

ACTION:

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

Seconded by Councilor Whittlesey

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

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

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

Section 1.

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

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

Section 2. Severability

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

Section 3. Effective Date.

This ordinance shall become effective January 1, 2022.

9. OLD BUSINESS:

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

Include in agenda packet: Ordinance #18, Salary Plan

The following three Councilors were recused:

- Councilor Whittlesey: Wife is a City Employee.
- Councilor Zook: Member of her household is a paid election official.
- Councilor Heistad: Wife is a City Employee.

BACKGROUND:

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

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

ARTICLE II, NON-AFFILIATED EMPLOYEES

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

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

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

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

COLLECTIVE BARGAINING UNITS

The City Council is not directly responsible for the negotiation of collective bargaining agreements; it is the City policy making body and the legislative body with authority to raise and appropriate tax revenues to fund labor agreements. Under the City Manager form of government, the City Manager is responsible for administering the affairs of the City, including the appointment of employees and the negotiation of labor agreements. The City Manager’s statutory obligation is to bargain in “good faith.” In the collective bargaining context, “good faith” negotiation “... involves meeting at reasonable times and places to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.” Failure to bargain in good faith constitutes an unfair labor practice.

State law requires that only cost items be submitted to the City Council for approval. Cost item means any benefit acquired through collective bargaining whose implementation requires an appropriation by the legislative body of the public employer (City of Lebanon) with which negotiations are being conducted. Cost items shall be submitted within 30 days to the City Council for approval. Within 30 days of the receipt of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or part of the entire agreement. Please see attached memo from City Manager Mulholland for a summary of cost items associated with the tentative labor agreement.

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

ARTICLE II, LPASE

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

According to the tentative three-year labor agreement, annual General Wage Increases (GWI’s) for the

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

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

ARTICLE III, SECTION A, AFSCME

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

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

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

ARTICLE III, SECTION C, LPBA/NEPBA

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

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

The first presentation was recognized by Council on November 17, 2021. The Council was asked to recognize the second of three presentations. The third presentation will follow on December 15, along with a public hearing to adopt the amendments as proposed.

ACTION:

1. ACKNOWLEDGE SECOND PRESENTATION:

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

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

(LPBA)/New England Police Benevolent Association (NEPBA) to implement a 3% General Wage Increase for 2022.

These wage increases were included in the chart on pages 164-168, City Council agenda packet.

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

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

	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Community Nurse				
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**				
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,220.14	\$1,696.80

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%).

Seconded by Councilor Sykes.

The following three Councilors were recused:

- *Councilor Whittlesey: Wife is a City Employee.*
- *Councilor Zook: Member of her household is a paid election official.*
- *Councilor Heistad: Wife is a City Employee.*

**The VOTE on the MOTION was approved (6-0-3).*

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

B. ORDINANCE #2021-14 – Set Public Hearing for January 12, 2022: Proposed Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.

Include in agenda packet: **(Pages 171-181)**

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

City Clerk Kristin Kenniston came forth to review proposed **ORDINANCE #2021-14**.

BACKGROUND

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

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

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

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

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

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

City Manager Shaun Mulholland noted that whenever a member of the Council, or City Manager, or a group of citizens petition the Council, the item needs to be scheduled for a Public Hearing within 90 days.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for May 4, 2022, beginning at 7:00p.m. in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on Ordinance #2021-14, to amend City Code Chapter 180, Wards, to adjust ward boundaries as required by City Charter Section 419:4 and to clarify that Councilors and Ward officers currently in office who are affected by the ward boundary adjustments shall be permitted to complete the remainder of their

current term.

Seconded by Councilor Heistad.

Councilor Liot Hill thought the City Clerk did a great job in responding to the Council's questions at their last meeting, putting her information on the City's website, and for putting together a memo for the Council that outlines the following two options.

1. If we want this done in time for the March election, this has to be done by January 11, 2022.
2. If we want to do this before the State Primary in September, then this needs to be done by the May 4, 2022 City Council meeting.

She felt that May 4th was a reasonable deadline for the Council to complete their work and have enough time for the public's participation.

The VOTE on the MOTION was approved (9-0)

10. NEW BUSINESS: NONE

11. CITY MANAGER REPORT:

City Manager Mulholland presented and read the United States District Court of New Hampshire's Order which terminates the Consent Decree regarding the CSO to the Council.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES REPORT: NONE

13. FUTURE AGENDA ITEMS:

- **Green Burial Cemetery ORDINANCE #2021-16 revisions, 1st meeting in March 2022 (March 2, 2022).**

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Winny MOVED for Adjournment:

Seconded by Councilor Wilkie.

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

The meeting was adjourned at 10:11 PM.

Respectfully Submitted,
Dona E. Gibson
Recording Secretary