



**LEBANON CITY COUNCIL  
FEBRUARY 2, 2022 - 5:30 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 473 269 880#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The February 2, 2022 Lebanon City Council Meeting is hereby called to order.

**2. Pledge of Allegiance**

**3. Joint Meeting with Town of Plainfield Selectboard**

A. Future Potential Closure of Trues Brook Road Bridge

**4. 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.)**

**5. Open to the Public**

**6. Recognitions: None**

**7. Approval of Minutes**

A. MOTION TO approve the minutes as presented in the February 2, 2022 agenda packet.

**8. Appointments**

A. Planning Board, Kathie Romano (Reappointment Regular Member)  
Planning Board, Thomas Jasinski (Alternate Member)

**9. Public Hearing Items: None**

**10. Old Business**

A. Presentation of Second Reading to amend Ordinance No. 18, Salary Plan, Article III, B. Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF).

**11. New Business**

- A. Authorization for City Manager to Execute an Amendment to the Lease & Operating Agreement with Bright Side Brewing, LLC for additional space within the Airport Terminal Building
- B. Authorization for City Manager to Execute a Ground Lease with SDC 49 Plainfield LLC for a 2.0-acre space within the Lebanon Airport Tech Park

- C. Review of Elderly Tax Exemptions
- D. 2023-2024 NHMA Legislative Policy Process
- 12. City Manager Report**
- 13. Council Representatives to Other Bodies Report**
- 14. Future Agenda Items**
- 15. Non-Public Session**
  - A. RSA 91-A:3.II(a) "The dismissal, promotion, or compensation of any public employee..."
  - B. RSA 91-A:3.II(a) "The dismissal, promotion, or compensation of any public employee..."
- 16. 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.

#### FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Arts & Culture Commission

Position: Regular Member

Applicant: N. Gaffney

Assigned Councilor: E.Heistad

Assigned Date:12/13/2021

Board/Committee: Arts & Culture Commission

Position: Alternate Member

Applicant: J. Barker

Assigned Councilor: J. Winny

Assigned Date:12/23/2021

Board/Committee: Board of Cemetery Trustees

Position: Regular Member

Applicant: F. Hanchett

Assigned Councilor: G. Sykes

Assigned Date:11/22/2021

Board/Committee: Diversity, Equity & Inclusion Commission

Position: Alternate Member

Applicant: S.Whitecloud

Assigned Councilors: D. Wilkie, K. Zook, K. Hill

Assigned Date:11/09/2021

Board/Committee: Economic Development Commission

Position: Regular Member

Applicant: C. Brown

Assigned Councilor: K. Hill

Assigned Date:12/08/2021

Board/Committee: Pedestrian & Bicyclist Advisory Committee  
Position: Alternate Member  
Applicant: S. Dittrich  
Assigned Councilor: C. Below  
Assigned Date: 01/05/2022

Board/Committee: Heritage Commission  
Position: Alternate Member  
Applicant: J. Barker  
Assigned Councilor: J. Winny  
Assigned Date: 12/23/2021

Board/Committee: Conservation Commission  
Position: Alternate Member  
Applicant: S. Dittrich  
Assigned Councilor: K. Zook  
Assigned Date: 01/03/2022

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list is not considered all-inclusive.

FEBRUARY 16, 2022

PUBLIC HEARING ITEMS:

A. AMEND ORDINANCE 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article III, B. Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF)

B. SUPPLEMENTAL APPROPRIATION TO EXECUTE 1ST YEAR OF SUCCESSOR COLLECTIVE BARGAINING AGREEMENT (IAFF) – A public hearing for the purpose of receiving public input and taking action to appropriate the sum of \$173,000 to execute the cost items for year one (2022) of the three-year successor collective bargaining agreement between the City of Lebanon and Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF).

NEW BUSINESS:

A. Presentation of First Reading and Set Public Hearing for March 16, 2022: Amendment to Ordinance No. 18 (Recreation Positions)

B. Discussion and Set Public Hearing for March 16, 2022: Supplemental Appropriation in the amount of \$ \_\_\_\_\_ for the Landfill Gas to Energy Project.

C. Revise Scope and Duties – West Lebanon Revitalization Advisory Committee

MARCH 2, 2022

OLD BUSINESS:

A. Discussion & Set Public Hearing for XXXXXXXX: Ordinance #2021-16 to amend City Code Chapter 46, Cemeteries to incorporate provisions for Natural Burials.

NEW BUSINESS:

A. Review and adoption of revised General Assistance Program Guidelines



**TOWN OF PLAINFIELD, NEW HAMPSHIRE**

**110 Main Street  
Plainfield, NH 03781**

**PO BOX 380, Meriden NH 03770  
e-mail: [plainfield.ta@plainfieldnh.org](mailto:plainfield.ta@plainfieldnh.org)  
[www.plainfieldnh.org](http://www.plainfieldnh.org)**

**Telephone (603) 469-3201  
facsimile 3642**

November 17th, 2021

Lebanon City Council  
51 North Park Street  
Lebanon, NH 03766

Re: True Brook closure summer of 2023

Dear Lebanon City Council:

We appreciated Lebanon City Manager Shaun Mulholland's October 29 letter informing us of the 2023 planned five month closure of Trues Brook Road. Lebanon and Plainfield share a common interest in keeping this vital link as accessible as possible. As you know, more than 1,000 cars travel the route daily. While commuter traffic is of interest to us, we are particularly concerned about the effect a roadway closure would have on the ability of emergency services to respond in a timely manner.

The Selectboard of Plainfield is requesting a meeting with the Lebanon City Council in January or February; we have some thoughts about ways the Town of Plainfield may be able to assist in keeping the road open with a temporary bridge. We are happy to come to one of your meetings or to host you in our town hall. Thank you in advance for the opportunity to talk about this issue while there is still time to find a solution that might work for both of our communities. In January we meet on the 5<sup>th</sup> and the 19<sup>th</sup>, in February on the 2<sup>nd</sup> and the 16<sup>th</sup>.

Thank you

  
Eric Brann, Chairman

  
Ron Eberhardt

  
Amy Lappin

**AGENDA  
LEBANON CITY COUNCIL  
FEBRUARY 2, 2022**

**7. ACCEPTANCE OF MINUTES:**

**MINUTES TO BE ACCEPTED**

- January 19, 2022 (4<sup>th</sup> Quarter 2021 Boards & Committees Reports)
- January 19, 2022 (Regular Meeting)

***MOVED, to approve the minutes as presented in the February 2, 2022 agenda packet.***

LEBANON CITY COUNCIL  
MINUTES

4th Quarter 2021 Board/Committee Reports

Wednesday, January 19, 2022 6:00 p.m.

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

**MEMBERS PRESENT:** Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, George Sykes, Devin Wilkie (Remote), Douglas Whittlesey, Jim Winny (arrived at 6:43 PM), and Karen Zook

**MEMBERS ABSENT:** NONE

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

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

**2. 4th Quarter 2021 Board/Committee Reports:**

**Arts & Culture Commission: Chair Jessica Giordani**

They have had a number of project progress as follows:

- Soofa signs have been installed.
- New Banners have been installed in West Lebanon and Downtown Lebanon.
- The Tunnel Art Opening took place in December with great success.
- Once the weather turns warmer, sidewalk poems will be popping up around the City.
- They have a public/private partnership between the Arts & Culture Commission, local businesses, and the Lebanon Public Libraries. This partnership allowed for the installation of a free crafts library at Kilton for use by the public.
- Their meeting in January will include planning for 2022.

**DEI (Diversity, Equity, and Inclusions Commission): Councilor Liot Hill gave the report.**

- The DEI Commission met for the first time this month, and there was a desire to have some communications with the Arts & Culture Commission.
- They elected **Renee DePalo, Chair and Emily Walton, Vice-Chair.**
- Meetings will take place twice each month on the 1<sup>st</sup> & 3<sup>rd</sup> Tuesdays from 6:00-7:30 PM.
- At the next meeting, they are going to be discussing some goals-setting.
- Preliminary discussions took place regarding their Mission and the City's Charter as adopted by the Council, as well as the budget.

**Economic Development Committee (EDC): William (Bill) Dunn**

- Business NH magazine will be featuring an article on Lebanon, NH. An interview time is being coordinated. Mr. Dunn spoke about the reasons why Lebanon is becoming a regional draw.
- At their next meeting, they will be meeting jointly/collaboratively with the Downtown TIF Advisory Board to examine the redevelopment opportunities of the back parking lots.
- Meetings will need to increase, most likely 2x's each month, with an increase in time as well.
- As preliminary steps, the EDC/ Leb TIF Advisory will be looking at 2016 Visioning Study recommendations. They will also be reviewing the City's Master Plan, specifically Chapters 1, 3, 6, and 7, along with some Smart Growth concepts, ultimately looking at the 2014 & 2017 Parking

Utilization Studies and using this as a guide to figure out how to undertake some of the same efforts in 2022. Hopefully, this work will be completed within the next 6 months so they can start putting together an RFP (Request for Proposals) for the City Council.

**Pedestrian/Bicyclist Advisory Committee: Chair Colin Smith**

- They have been working on a multimodal/complete streets implementation plan with support from the Regional Planning Commission” as it is a City project and there is no such mobile communications plan
- They have been engaged with the Rail Trail/Mascoma Greenway that includes installing a bike pump/repair station at the east end of the tunnel.
- The City Manager has been coordinating with the State on the extension of the Mascoma Greenway beyond Glen Road toward Riverside Park.
- The City now has a design approval for the final design of the Lahaye Drive multiuse path. Design approval for the preliminary design should be completed this spring and will then go into the construction phase.
- They met with the Lebanon Police Department and SAU Superintendent Joanne Roberts to discuss the Safe Routes to School Program and the walking school buses initiatives.
- Mr. Alan Schnur has been updating their accident analysis for several years now. Unfortunately, his preliminary analysis shows there was an uptick in Ped/Bike collisions with vehicles in 2021 compared to previous years, including another collision at the Evans Drive/Hanover Street Intersection where there was a fatality. When his analysis is completed, they will report back to the Planning Department.

**Conservation Commission: Vice Chair Sarah Riley**

- They had one large review for the NH Department of Environmental Services (NH DES). It was an application from the Lebanon Crushed Stone Quarry (Pike Industries, West Lebanon), noting that the quarry will be expanding and already has an approved Alteration of Terrain Permit to expand. It is important the City and Council is aware of this project because it has such a huge impact on the City and the region. The mountain will be coming down and there are a lot of wetland losses as a result, including loss of vernal pools and other wetlands, as well as potential significant impacts to surrounding properties. There will be a NH DES Public Hearing, most likely in Concord, NH.

One of the main takeaways of this project will be a significant contribution to the Aquatic Mitigation Fund for wetland impacts. It would be nice if these funds would stay in Lebanon, NH, but that would require a mitigation project to be found within the City’s boundaries. If there are none, then these funds go to the ARM Fund Committee.

Councilor Liot Hill and Vice Chair Riley discussed the reasons for the City’s Natural Resources inventory; the advantages of having mitigation opportunities for the City, and the difficulties in meeting the NH DES criteria due to the impact on vernal pools, which is where the Army Corps. of Engineers gets involved.

Vice Chair Riley explained there is a formula for the mitigation impact(s) of vernal pools, which she is not familiar with, noting the Planning Staff is primarily involved in looking at mitigation options for this project and the Conservation Commission is not directly involved.

Councilor Liot Hill spoke about waiver options, noting it would be good to explore all options available, including asking the City Manager to make sure our City Staff is exploring all options available to us.

1 In response to Assistant Mayor Below's question, Ms. Riley noted this is an active quarry with  
2 approximately 57 acres, but over a considerable amount of time (decades) they are going to expand to a  
3 total size of about 250 acres, which has already been approved under the Alteration of Terrain Permit.  
4 What came to the Conservation Commission is the wetland application, which will impact about 2.5 acres  
5 of wetlands in that mining area, and includes 3 vernal pools. She also spoke about some possible  
6 ecological values of this property.

7  
8 **Downtown TIF Advisory Board:** William (Bill) Dunn

- 9 • Mirrored the report from the EDC (Economic Development Commission)

10  
11 **Heritage Commission:** Councilor Wilkie gave report

- 12 • They discussed the history of the ski hill/ski jumps, which the Heritage Commission will  
13 recognize.  
14 • They are also working on continuing the process of the review of the Lebanon Historic District  
15 and the consideration of other Historic Districts within the City.  
16

17 **Lebanon Energy Advisory Committee (LEAC):** Chair/Assistant Mayor Below

- 18 • There were only two meetings this past quarter (October & December).  
19 • Updates were given on the Community Power Coalition of New Hampshire and related  
20 legislative and regulatory issues, noting that Hudson, Webster, Pembroke, and New London have  
21 joined the coalition making this a total of 17 towns now involved. They have issued a RFI  
22 (Request for Information) and are reviewing a business plan, as well as establishing their  
23 committees.  
24 • Planning for the development of the City Action Plan has started.  
25 • Mr. Woody Rothe has been compiling examples of best practices and other communities Action  
26 Plans that LEAC can borrow/learn from. Highlights of the Climate Action Plan from Mr. Rothe  
27 included: having community engagement; PACE Funding for housing; Clean Energy Funding;  
28 affordable housing being built to Zero Net Carbon Standards; and, financing for lower income  
29 residents such as a Zero % Loan Program. These are not all the options being looked at.  
30 • They are turning their attention to planning for EV (Electronic Vehicles) in the City.  
31

32 (NOTE: The Class VI Roads Committee will not be meeting until further notice.)  
33

34 **Meeting was adjourned at 6:55 PM.**

35  
36 Respectfully Submitted,  
37 Dona E. Gibson  
38 Recording Secretary

LEBANON CITY COUNCIL  
MINUTES

Wednesday, January 19, 2022, 7:00 p.m.

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

**MEMBERS PRESENT:** Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, George Sykes, Douglas Whittlesey, Jim Winny (arrived at 6:43 PM), and Karen Zook

**REMOTE:** Devin Wilkie: He was exposed to someone who tested positive for COVID, so out of an abundance of caution felt it necessary not to attend this meeting in person.

**MEMBERS ABSENT:** NONE

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Senior Planner Tim Corwin, Public Works Director Jim Donison, Engineering Tech Erica Douglas, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Fire Chief/Emergency Management Director Chris Christopoulos, GIS Coordinator Mark Goodwin

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

This meeting is being conducted in person, which is required by statute, and is also being conducted virtually by Microsoft Teams and by phone, that we've been provided as a courtesy. If, for some reason, there are technical issues with the virtual meeting component or the phone component, the meeting will continue because in person meetings are required by state statute.

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

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

**4. OPEN TO PUBLIC:**

- Councilor Sykes spoke about the pending Senate Bill 308 that would make driving privileges available to visa holders for agricultural purposes and people who come to work here for less than a year.
- Councilor Liot Hill noted that many sidewalks are still not plowed and crosswalks require jumping over snowbanks. She wanted to make sure that routes to schools and the pedestrian walking bridge over the highway are plowed.

**5. RECOGNITIONS:**

**RESOLUTION IN HONOR OF  
JOAN MONROE**



1 **WHEREAS**, Joan Monroe served as a member of the Planning Board for the City of Lebanon from  
2 November 6, 2002 until December 13, 2021; and

3  
4 **WHEREAS**, Joan, besides being a member of the Planning Board, during her nineteen-year tenure, also  
5 served as the Planning Board's representative to the Upper Valley Subcommittee of the Connecticut River  
6 Joint Commissions, the Lebanon Energy Advisory Committee, the Class VI Roads Advisory Committee,  
7 the Steering Committee for the Implementation of the Master Plan, the Capital Improvements Program  
8 Subcommittee, the Development Regulations Update Subcommittee, and other boards and committees; and

9  
10 **WHEREAS**, Joan's knowledge and understanding of the City, environmental issues, and sustainability  
11 enabled her to make principled decisions relative to the City's growth, development, and stewardship in  
12 order to serve the best interests of the residents of the City of Lebanon; and

13  
14 **WHEREAS**, Joan contributed to the adoption and implementation of the City's Master Plan through the  
15 review of multiple zoning amendments, updates of development regulations, and the approval of numerous  
16 development applications, and tirelessly endeavored to promote and advance the benefits of sound planning,  
17 environmental protection, and sustainability for the City; and

18  
19 **WHEREAS**, Joan was steadfast and conscientious in her commitment to public service as a member of the  
20 Planning Board and numerous other boards and committees; being fully dedicated to the duties and  
21 responsibilities of a Board member, serving with sound judgment, professionalism, and integrity;

22  
23 **NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon,  
24 extends its sincere appreciation for the dedicated service of Joan Monroe for her contributions to the  
25 Planning Board and to the Lebanon community over the past 19 years.

26  
27 Dated this 19th day of January 2022 at Lebanon, New Hampshire.

28  
29 \_\_\_\_\_  
30 **Timothy J. McNamara, Mayor**  
31 ***On Behalf of the Lebanon City Council***

32 **6. ACCEPTANCE OF MINUTES:** January 5, 2022 (Regular Meeting)

33  
34 **Councilor Heistad MOVED** to approve the January 5, 2022 minutes as written and presented in the  
35 January 19, 2022 City Council agenda packet.

36 ***Seconded by Councilor Winny.***

37  
38 **Roll Call Vote:**

39 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
40 Mayor McNamara all voting Yea.

41 None voted Nay.

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

43  
44 **7. APPOINTMENTS:**

- 45 • Downtown Lebanon TIF Advisory Board, Rajesh Arora (Property Owner/ Occupant)

46 **Councilor Wilkie put forth the NOMINATION of Rajesh Arora (Property Owner/ Occupant) to the**  
47 **Downtown Lebanon TIF Advisory Board for a three-year term. (1/22-1/25).**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

- Planning Board, Thomas Martz (Regular Member)

Planning Board members are nominated by the City Manager.

**City Manager Mulholland put forth the NOMINATION of Thomas Martz as a Regular Member of the Planning Board for a three-year term. Term: (1/22-1/25)**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

- Planning Board, Cori Hirai (Alternate Member)

Planning Board members are nominated by the City Manager.

**City Manager Mulholland put forth the NOMINATION of Cori Hirai as an Alternate Member to the Planning Board for a three-year term. Term: (1/22-1/25)**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

- Economic Development Commission, William Dunn (Reappointment Citizen Representative)

**Councilor Wilkie put forth the NOMINATION of William Dunn for Reappointment as a Citizen Representative to the Economic Development Commission. Two-year term. (1/22-1/24)**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

- Lebanon Energy Advisory Committee, Sherry Boschert (Alternate Member)

**Councilor Whittlesey put forth the NOMINATION of Sherry Boschert as an Alternate Member to the Lebanon Energy Advisory Committee. Two-year term. (1/22-1/24)**

**Roll Call Vote:**

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

1  
2 • Pedestrian & Bicyclist Advisory Committee, Haynes Bunn (Regular Member)  
3 **Assistant Mayor Below put forth the NOMINATION of Haynes Bunn as a Regular Member of the**  
4 **Pedestrian & Bicyclist Advisory Committee. Three-year term (1/22-1/25).**  
5

6 **Roll Call Vote:**

7 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
8 Mayor McNamara all voting Yea.  
9 None voted Nay.

10 ***\*The Vote on the NOMINATION was unanimously approved (9-0).***  
11

12 • Pedestrian & Bicyclist Advisory Committee, Kenneth Rapp (Alternate Member)  
13 **Assistant Mayor Below put forth the NOMINATION of Kenneth Rapp as an Alternate Member of**  
14 **the Pedestrian & Bicyclist Advisory Committee. Three-year term (1/22-1/25).**  
15

16 **Roll Call Vote:**

17 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
18 Mayor McNamara all voting Yea.  
19 None voted Nay.

20 ***\*The Vote on the NOMINATION was unanimously approved (9-0).***  
21

22 **8. PUBLIC HEARING ITEMS:**

23 **A. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR COUNCIL**  
24 **ADOPTION – A public hearing for the purpose of receiving public input and taking action on**  
25 **proposed zoning amendments for adoption by the City Council.**  
26

27 Included in the agenda packet ***(Pages 57-80):***

28 1. January 10, 2022 Memo to the Lebanon City Council from Planning and Development Staff re: Public  
29 Hearing on Proposed Zoning Amendments, with the following attachments:

- 30 • December 23, 2021 Memo to the Lebanon City Council from Planning & Development Department  
31 Staff re: 2021-2022 Proposed Zoning Amendments which includes the following:  
32 – 2021-2022 Draft Zoning Ordinance Amendments (Redlined Version, last revised December 20,  
33 2021)  
34 – November 4, 2021 Legal Opinion from Attorney Christine Fillmore  
35 – December 21, 2021 Legal Opinion from Attorney Christine Fillmore  
36 – Excerpt of Planning Board meeting minutes from November 22, 2021  
37 – Excerpts of Conservation Commission meeting minutes from November 18, 2021  
38 – Excerpt of Zoning Board of Adjustment meeting minutes from November 1, 2021  
39 – December 5, 2021 Letter from Daniel Nash re: 2021-2022 Proposed Zoning Changes  
40

41 Information available but not included in this section:

42 1. January 5, 2022 City Council Agenda Packet  
43

44 At the October 6, 2021 meeting, the City Council was presented with a number of proposed amendments  
45 to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded  
46 them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of  
47 Adjustment. Legal review has been obtained, and all boards have completed their review.  
48

49 A follow-up presentation was held with the Council on January 5, 2022, at which time the following  
50 proposed amendments were forwarded for consideration during the public hearing.

1  
2 Director of Planning & Zoning David Brooks, and Senior Planner Tim Corwin came forth to give their  
3 presentation on the proposed amendments as listed below and to answer questions from the Council and  
4 public. Mr. Brooks started with the months-long review process, noting that the **Black text** is existing  
5 language; **redlined** text are language changes; and, the **blue-lined** text are clarifications throughout the  
6 proposed 2021-2022 Draft Zoning Ordinance Amendments.  
7

## Amendment Review Process

- September 28, 2021 – review with the Planning Board
- October 6, 2021 – review with the Council
- Amendments forwarded to legal counsel for review
- November 8, 2021 – review with the Zoning Board of Adjustment
- November 18, 2021 – review with the Conservation Commission
- November 22, 2021 – review with the Planning Board
- January 12, 2022 – review with the Council
- January 19, 2022 – City Council public hearing

- 9 – **Amendment #1** – To clarify that when a development is subject to the Site Plan Review or  
10 Subdivision Regulations, it must comply with all applicable design requirements even when a site  
11 plan review or subdivision regulation is more restrictive than what may be otherwise permitted by  
12 the Zoning Ordinance. Additional clarifying language has been added per the recommendation of  
13 the City’s legal counsel. (**Zoning Ordinance ADD Section 105**)
- 14 – **Amendment #2** – To clarify that parking areas in the front yard are allowed for one- and two-  
15 family dwellings provided that a minimum setback of 5 ft. is maintained from the front lot line.  
16 (**Zoning Ordinance Section 201.7**)

## Amendment #2 - Clarification

### SECTION 201 YARD REQUIREMENTS. [...]

#### 201.7 Driveways and Parking Areas.

Driveways may occupy required **yard** areas. **Parking areas** may occupy required **yard** areas provided they maintain at least a 5 ft. **setback** from all lot lines, except that (i) **parking areas** in the **front yard** are prohibited in the LD District per Section 307.9.B, and (ii) **for all uses other than one- and two-family dwellings for which a portion of the driveway occupies the required front yard, parking areas** in the **front yard** in the **residential districts**, the R-O District, and the R-O-1 District, shall be set back no less than the lesser of the minimum **front yard** requirement or the **building line**, but in no case less than five (5) feet. [...]

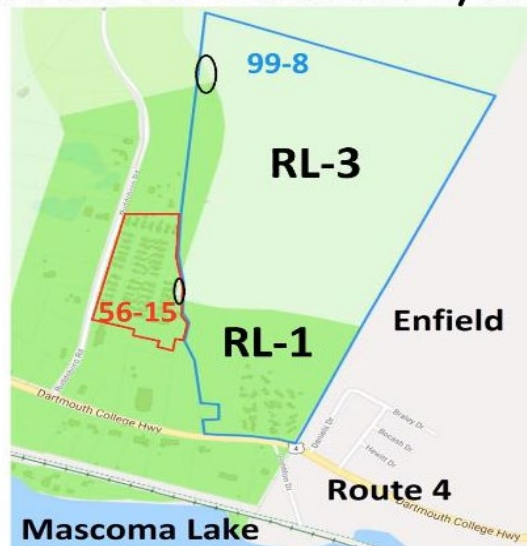
- 1       – **Amendment #3** – To provide additional flexibility in the use of a split-zoned property by allowing  
2       uses that are permitted in the more restrictive zone encumbering the property to also be located  
3       within the portion of the property located in the less restrictive zoning district. **(Zoning Ordinance**  
4       **Section 204)**
- 5       – **Amendment #4** – To help encourage the creation of affordable housing units by (i) exempting  
6       accessory dwelling units from the assessment of impact fees, and (ii) allowing the Planning Board  
7       to grant a waiver from payment of the school impact fee for dwelling units of 500 sq. ft. or smaller.  
8       **(Zoning Ordinance Section 213)**
- 9       – **Amendment #5** – To (a) allow a driveway to cross over one property to access another provided  
10      that the driveway serves a use that is also allowed on the property over which the driveway crosses,  
11      and (b) allow a shared driveway to access up to two adjacent lots. **(Zoning Ordinance Section**  
12      **215)**
- 13      – **Amendment #6** – To (a) add criteria for the expiration of conditional use permits, (b) update the  
14      expiration criteria for variances and special exceptions for consistency with the conditional use  
15      permit expiration provisions, and (c) eliminate the requirement that zoning permits are issued  
16      contemporaneously with the approval of a variance or special exception. **(Zoning Ordinance ADD**  
17      **Section 302.4.H and Amend Sections 801.2.C and 801.3 and REMOVE Sections 901.6-8)**
- 18      – **Amendment #7** – To decrease the minimum lot frontage requirement from 50 ft. to 40 ft. and to  
19      increase the maximum building height from 45 ft. to 55 ft. in the Central Business District **(Zoning**  
20      **Ordinance Section 306)**
- 21      – **Amendment #8** – To remove “conversion” from “multi-family dwelling” in both the Permitted  
22      Uses column and Special Exception Uses column. **(Zoning Ordinance Section 311.2)**
- 23      – **Amendment #9** – **(Zoning Ordinance Section 501)**
  - 24          a. To require PUD **(Planned Unit Development)** applicants to demonstrate that the PUD plan  
25          was prepared in accordance with the steps outlined in Section 501.1.E.1.a-d. **(Zoning**  
26          **Ordinance Section 501.1.E.1)**
  - 27          b. To update the PUD impact statement requirements for consistency with the impact statement  
28          requirements found in the Site Plan Review Regulations and Subdivision Regulations. **(Zoning**  
29          **Ordinance Section 501.1.E.2)**
  - 30          c. Clarify that these developments are still subject to the thresholds for when a PURD is required  
31          or permitted. **(Zoning Ordinance Section 501.2.B)**
  - 32          d. To clarify that if a PURD density calculation for a proposed development results in a fraction,  
33          the number may be rounded up. **(Zoning Ordinance Section 501.2.D)**
  - 34          e. To clarify that (a) all non-residential uses whether permitted, allowed by special exception, or  
35          allowed by conditional use permit in the IND-L, CB, GC, or GC-1 Districts may be included  
36          within a commercial PUD, and (b) all non-residential uses in both the IND-L and IND-RA  
37          District may be included within an Industrial PUD. **(Zoning Ordinance Section 501.4.D)**
- 38      – **Amendment #10** – By removing Section 600.1.F.3 which prohibits home businesses from utilizing  
39      on-street parking. **(Zoning Ordinance Section 600)**
- 40      – **Amendment #11** – To remove (i) Section 601.2.B which requires parking areas to be screened  
41      from abutting properties, and (ii) Section 601.9 which automatically requires site plan review  
42      regardless of whether the project would otherwise require Planning Board review per the  
43      jurisdictional thresholds set forth in the Site Plan Review Regulations. **(Zoning Ordinance Section**  
44      **601)**

- 1     – **Amendment #12 – (Zoning Ordinance Section 607)**
  - 2         a. Reorganize Sections 607.1, 607.2, and the Table of Minimum Off-Street Parking Requirements
  - 3             to present requirements in a more logical order.
  - 4         b. Allow parking for accessory uses to be calculated separately in order to reduce the amount of
  - 5             required parking spaces.
  - 6         c. Clarify that the Planning Board may approve the reduction of the minimum number of parking
  - 7             spaces to be constructed by means of a conditional use permit.
  - 8         d. Clarify that the maximum parking requirements apply in the CB, LD and PB Districts.
  - 9         e. Refine and augment the standards in Section 607.5 for the approval of off-lot parking and add
  - 10            Section 302.5 to clarify that off-lot parking is allowed by conditional use permit. (see p. 3 of
  - 11            the redline)
  - 12         f. Remove uses in the Table of Minimum Off-Street Parking Requirements that are not uses
  - 13             identified in any zoning district.
  - 14
- 15     – **Amendment #13 – (Zoning Ordinance Section 608 and Appendix A)**
  - 16         a. Clarify when on-premises signs become off-premises signs following the departure of a tenant.
  - 17         b. Allow additional sign area for buildings with multiple frontages, but excluding frontage on I-
  - 18             89 (see Appendix A, definition of “principal façade”, p. 16 of the redline).
  - 19         c. Allow additional freestanding sign area to accommodate the numeric property address.
  - 20         d. Provide a maximum height of 4 ft. for non-residential freestanding signs in residential districts,
  - 21             and a maximum of 8 ft. for residential development freestanding signs.
  - 22
- 23     – **Amendment #14 – (Zoning Ordinance Section 610)**
  - 24         a. Allow detached ADUs (**Accessory Dwelling Units**) to be located on non-conforming lots and
  - 25             in non-conforming structures by special exception.
  - 26         b. Eliminate the requirement that an ADU share utilities with the principal dwelling.
  - 27         c. Allow a detached ADU to be taller than the principal dwelling by special exception.
  - 28         d. Require attached ADUs to have interconnected “smoke and carbon monoxide alarms” (in place
  - 29             of the existing language requiring an interconnected “fire alarm system”).
  - 30
- 31     – **Amendment #15 – (Zoning Ordinance Appendix A)**
  - 32         a. Update definition of “nursing home” to reference current statute and statutory language.
  - 33         b. Remove the term “parking lot” which is redundant given the definition of “parking area”.
  - 34         c. Remove the enhanced front setback requirements for properties with frontage on streets with
  - 35             less than a 50 ft. right-of-way.
  - 36
- 37     – **Amendment #16 – To clarify existing language and to make certain editorial changes to:**
  - 38         • Section 213 (“Impact Fees”),
  - 39         • Section 307.2 (LD District Table of Uses),
  - 40         • Section 310.2 (R-3 District Table of Uses),
  - 41         • Section 501 (“Planned Unit Development”),
  - 42         • Section 506.3 (allowed uses in Medical Center Complexes),
  - 43         • Section 608 (“Signs”),
  - 44         • Section 609 (“Sexually Oriented Business”),
  - 45         • Section 610 (“Accessory Dwelling Unit (ADU)”), and
  - 46         • Appendix A (“Definitions”).
  - 47

- 1       – **Amendment #17 – (Map Amendment) 695 Dartmouth College Highway (Tax Map 99, Lot**  
2       **8) and 22 Rudsboro Road (Tax Map 56, Lot 15):** The subject property is a 90-acre lot  
3       improved with a 19-unit manufactured housing park and is split-zoned RL-1, RL-2, and RL-3.  
4       Staff proposes to rezone the entire property to the RL-1 District which would increase the  
5       permitted density on the property and allow the park to expand by approximately 11 additional  
6       manufactured housing units. The proposed rezoning would also include a small portion of the  
7       abutting 10.3-acre property at 22 Rudsboro Road, which is currently zoned RL-1 except for an  
8       approximately 6,000 sq. ft. area zoned RL-3 (circled below in red). With the rezoning, the entire  
9       22 Rudsboro Road property will now be located with the RL-1 District.

## Rezone Lot 99-8 from RL-1/RL-2/RL-3 to RL-1

## Rezone Lot 56-15 from RL-1/RL-3 to RL-1



12  
13 Mr. Brooks explained this area is about 90 acres and has 19 manufactured housing units on the frontage  
14 close to Route 4. The agent of the property owner reached out to inquire about the possibility of adding  
15 more manufactured units there. RL-3 does not currently allow manufactured homes, parks, or  
16 subdivisions, so we have proposed a change to the zoning of the balance of this property from RL-3 to  
17 RL-1 in order to match the frontage. There are a couple of circled areas (as shown on the map as 99-8)  
18 where there is a change from RL-2 to RL-1, and then on an adjacent property (56-15), which is the  
19 Mascoma Meadow Manufactured Home Park. There is a small area that is currently RL-3 that would also  
20 be changed to RL-1 in order to make that whole area RL-1. This would enable the applicants of the  
21 property owner to add about 11/12 more units to the property. It's not an enormous change in density, but  
22 would allow them to take more advantage of the size of their property behind the existing units to create  
23 additional units that could be affordable housing for the community.

### 24 25 **Mayor McNamara Opened the Public Hearing and the following people came forth:**

26  
27 **Mr. John Procidano (Ward 2):** He spoke about his concerns with Amendment #2 and questioned if he  
28 was allowed to park in his driveway. Mr. Brooks responded by saying: The Zoning Ordinance and the  
29 driveway regulations require a minimum of 5 feet of separation between your driveway and a property

1 line. If you already have less than that, then you are grandfathered and it would not apply to you. This  
2 amendment wouldn't apply to your situation.

3  
4 **Ms. Pam Goude (Lebanon Resident, Mascoma Meadows):** She spoke on behalf of her community and  
5 questioned if there would be a change for them (NO) and asked about the phrase “Spot Zoning.” Mr.  
6 Brooks explained that spot zoning is one of the definitions used when you are changing the zoning to  
7 benefit a property, a single property owner or a small group of property owners in a way that does not  
8 really align with the City’s Master Plan or a future land use map. In this case, when legal counsel  
9 reviewed these changes (twice) he never mentioned nor expressed any concerns about spot zoning.

10  
11 **Mrs. Mary Ann Mastro (Ward 2):** She spoke about her concerns with proposed amendments #2, #4, #6,  
12 #7, #8, #11, and #12. Mr. Brooks, Mr. Corwin, and Ms. Mastro discussed all of her concerns.

13  
14 **Mr. Frank Mastro (Ward 2):** He spoke about his concerns regarding the readability of the Zoning  
15 Ordinance and the proposed Zoning Amendments, noting they are unreadable by 99% of the population  
16 and should be revised so people know what is being said. He also spoke about how this information  
17 needs to get out to the public.

18  
19 **Mayor McNamara closed the Public Hearing but re-opened it after he was informed that Amelia**  
20 **Sereen had her hand raised.**

21  
22 **Ms. Amelia Sereen (Resident):** She concurred with Mrs. Mastro’s comments and also spoke about her  
23 concerns regarding ADU’s (Accessory Dwelling Units) and the need to maintain the quality of life in  
24 Lebanon, such as planting trees in and around parking areas and not changing rural land use so there can  
25 be more dwelling units built on rural lands.

26  
27 **Hearing no further comments from the public, the Public Hearing was closed.**

28  
29 The Council and Mr. Brooks discussed if there was any public testimony given to the Planning Board,  
30 Zoning Board or Conservation Commission during their meetings (*None*); the nature of the Planning  
31 Board discussion when they reviewed these amendments (*The Planning Board was in disagreement with*  
32 *the CBD (Central Business District) amendment and definitely voted not to apply the Lebanon Downtown*  
33 *regulations in full*); the confusion about the CBD (Central Business District) and the LD (Lebanon  
34 Downtown District); the dimensional requirements in the LD; the LBD (Lebanon Business District)  
35 permit requirements, standards and Conditional Use Permits; the need to incentivize, and have as many  
36 tools in the toolbox as possible, to allow people (on West Lebanon’s Main Street) to either sell or  
37 renovate their properties; the need to use less abbreviations (i.e., LD) in Zoning Amendments so people  
38 have an idea of what we are talking about; what triggers a Site Plan Review; the conditions under which  
39 Zoning Amendments go to the ballot; questions raised by the public (i.e., driveway setback, Accessory  
40 Dwelling Units, etc.); and the Zoning Map depicting where manufactured housing units are proposed.

41  
42 **ACTION:**

43 **Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves zoning amendments**  
44 **#1 through #17 as presented in the January 19, 2022 Council Agenda Packet with the following**  
45 **amendment: amend # 2 to add the phrase “Or, which a portion of the driveway occupies the required**  
46 **front yard following the new proposed language or all uses other than one (1) and two (2) family**  
47 **dwellings.”**

1 ***Seconded by Councilor Wilkie.***

2  
3 Councilor Liot Hill spoke to her motion noting that things change over time and our community changes.  
4 We want to make sure that Lebanon preserves the character it enjoys right now. These amendments are  
5 part of a protective strategy for Lebanon. What we are doing is concentrating growth in areas where  
6 development already exists to encourage infill development and adding density, where possible, in our  
7 downtown areas to protect our rural lands. Voters do not want to dive into the weeds on 17 different  
8 zoning amendments when they go to vote in March - that's called a Town meeting. We have a City  
9 Council form of government and people have put their trust in us to vet these questions for them, to hold  
10 Public Hearings, and take into account the public's opinions when we make our decision.

11  
12 Councilor Wilkie echoed Councilor Liot Hill and immensely appreciated the great work our staff has  
13 done on these amendments and in clarifying them. He suggested the announcements and presentations be  
14 made more approachable, more digestible, and perhaps more comprehensible to the typical voter or  
15 constituent.

16  
17 **Roll Call Vote:**

18 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
19 Mayor McNamara all voting Yea.

20 None voted Nay.

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

22  
23 **9. OLD BUSINESS**

24 **A. Provide feedback to the City Manager regarding the issuance of a 5-year license for the**  
25 **seasonal closure of Court Street.**

26  
27 **Assistant Mayor Below recused himself from this discussion/vote because he has an ownership in**  
28 **the building.**

29  
30 Regarding the issuance of a 5-year license for seasonal closure of Court Street so that Three Tomatoes  
31 can install a tent. There were 2 primary questions. One was related to the city manager's authority to open  
32 and close, or in this case to temporarily close a street. The second question related to the length of the  
33 term the Council was willing to grant to Three Tomatoes for a license. We did seek a legal opinion.  
34 Unfortunately, the legal opinion was not received until very late this afternoon (so it was not included in  
35 the agenda packet) but the document was emailed to all Council members for their review in advance of  
36 this meeting.

37  
38 Legal Counsel discussed the question of who has the authority to grant the license and then about who has  
39 the authority to temporarily close City streets. Mayor McNamara read the last three paragraphs from  
40 Counsel's summary:

41  
42 There is also no question that the City Council retains authority for indefinite (continuing without  
43 end) and permanent alterations to the public's use of rights-of-way. Examples include the  
44 authority to lay out (create) public highways (RSA 231:7, et seq.), discontinue (eliminate) public  
45 highways (RSA 231:43, et seq.), cease maintenance of public highways (by discontinuing subject  
46 to gates and bars, RSA 231:45-a), cease winter maintenance of public highways (by designating  
47 them highways to summer cottages, RSA 231:79, et seq.), or permanently restrict certain uses of  
48 public highways, such as a prohibition on motor vehicles, by reclassifying the highways as  
49 municipal trails (RSA 231-A).

1 In between these two extremes lies the license requested by Three Tomatoes. As a license period  
2 is extended, it could enter a “gray area” where it might begin to be regarded as a “de facto”  
3 permanent permission. However, we do not view the proposed seasonal 5-year license as  
4 extending into a gray area, as five years is neither effectively indefinite or permanent. It also  
5 bears noting that the proposed license will not “close” Court Street. Authorization to install  
6 outdoor seating and a tent will obstruct motor vehicle traffic, but other viatic uses of Court Street  
7 will remain. Pedestrians and bicycles will still be able to traverse the street, notwithstanding the  
8 outdoor seating area.

9  
10 The outdoor seating area: We conclude that a court reviewing the City Charter §C 419:30,  
11 informed by current City custom and practice, would agree that it is within the City Manager’s  
12 authority to grant a license for seasonal outdoor seating on Court Street for each of the next five  
13 summers. The proposed license is not indefinite. It is for a definite number of days each year, and  
14 for a definite number of years. The proposed license is not permanent; it is for a temporary period  
15 each year, and for a temporary number of years. If there is a line between Manager authority  
16 under §C 419:30 and the Council’s plenary authority, this license falls on the Manager’s side.

17  
18 Our legal opinion is that the City Manager does have the ability to affect the temporary closure of  
19 this street because it is a temporary and not a permanent closure.

20  
21 Councilor Liot Hill noted that when you ask legal counsel for an opinion it really depends on what  
22 question you ask. She also spoke about a lease vs. license and read an email from Billy Saine who spoke  
23 about fairness (to all businesses in the Mall area), which she will forward to the Council.

24  
25 The Council had lengthy discussions on the pros/cons/benefits of granting a license to Three Tomatoes.

26  
27 The Council’s general consensus was that a 5-year lease was too long and agreed City Manager Shaun  
28 Mulholland be allowed to issue a 3-year license for Three Tomatoes. They also agreed that public input  
29 is needed in the future for any license/permit process requested from the Council/City Manager and that  
30 this discussion should not be limited to just discussions involving Lebanon’s Mall area.

31  
32 **Assistant Mayor Below returned as a regular member of the Council.**

33  
34 **ACTION: None taken. For discussion purposes only.**

## 35 36 **10. NEW BUSINESS**

### 37 **A. Release of Public Schools Impact Fees (3<sup>rd</sup> & 4<sup>th</sup> Quarters 2021)**

38  
39 Included in the agenda packet:

- 40 1. Impact Fee Report as of 12/30/2021
- 41 2. November 22, 2021 Memorandum of Understanding between the City of Lebanon and The  
42 Lebanon School District, SAU#88 (**Pages 83-84**).

43  
44 City Manager Shaun Mulholland came before the Council and reviewed the Release of Public Impact  
45 Fees.

46  
47 A Memorandum of Understanding (MOU) was developed in 2010 between the City and the School District  
48 for the quarterly transfer of collected Public Schools Impact Fees to the Lebanon School District for  
49 application toward the payment of debt on the (then) new middle school.

On October 12, 2021, the Planning Board authorized a broader use of Public Schools Impact Fees to include construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

Based on the broader authorization of use, a revised MOU was developed and subsequently signed on November 22, 2021. Pending the revised MOU, no impact fees were distributed to the School District in either the 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2021. This request is for the City Council to authorize disbursement of \$9,035.45 in collected Public Schools Impact Fees (through 12/30/2021).

To date \$542,665.57 has been disbursed to the Lebanon School District.

|           |             |           |              |            |              |
|-----------|-------------|-----------|--------------|------------|--------------|
| 7/17/2013 | \$83,690.78 | 7/15/2015 | \$1,627.50   | 2/7/2018   | \$41,262.70  |
| 11/6/2013 | \$14,651.99 | 11/4/2015 | \$936.00     | 9/5/2018   | \$12,564.45  |
| 5/21/2014 | \$19,407.00 | 3/2/2016  | \$3,156.00   | 2/6/2019   | \$1,833.10   |
| 8/6/2014  | \$2,122.75  | 5/18/2016 | \$864.00     | 8/7/2019   | \$8,822.20   |
| 2/18/2015 | \$723.00    | 5/17/2017 | \$5,230.00   | 4/15/2020  | \$40,432.02  |
| 5/20/2015 | \$2,819.00  | 12/6/2017 | \$6,140.75   | 7/15/2020  | \$123,709.65 |
| 12/2/2020 | \$57,567.42 | 1/21/2021 | \$102,409.40 | 08/04/2021 | \$12,695.86  |

#### PUBLIC FACILITIES IMPACT FEES

| DATE       | PAID BY/LOCATION       | CURRENT OWNER | MAP/LOT/PLOT                                                                     | School          |
|------------|------------------------|---------------|----------------------------------------------------------------------------------|-----------------|
|            |                        |               | Balance 8/4/2021                                                                 | \$ 207,740.84   |
| 9/23/2021  | Becky & Jared Rhoads   | same          |                                                                                  | \$ 2,960.20     |
| 11/29/2021 | Rock Ridge Lebanon LLC | Same          | 74/3/162                                                                         | \$ 1,526.65     |
| 11/29/2021 | Rock Ridge Lebanon LLC | Same          | 74/3/181                                                                         | \$ 1,526.65     |
| 11/29/2021 | Rock Ridge Lebanon LLC | Same          | 74/3/180                                                                         | \$ 2,168.85     |
| 12/13/2021 | Jerome Yaroshevich     | same          | 188/47                                                                           | \$ 488.07       |
|            |                        |               | Balance 6/22/2021                                                                | \$ 216,411.26   |
|            |                        |               | Monies cannot be spent until project is completed. Trustees of Dartmouth College | \$ (207,375.81) |
|            |                        |               | Monies owed to School District                                                   | \$ 9,035.45     |

#### ACTION:

**Councilor Winny *MOVED***, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the disbursement of \$9,035.45 in collected Public Schools Impact Fees to the Lebanon School District to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

***Seconded by Councilor Sykes.***

#### Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and Mayor McNamara all voting Yea.

None voted Nay.

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

#### **B. Discontinuance of existing portion of Spring Street West; Acceptance of new portion of Spring Street West**

1 Included in the agenda packet (***Pages 86-91***):

- 2 1. January 10, 2022 Memorandum from Erica Douglas, Assistant City Engineer re: Spring Street West
- 3 Discontinuance and Dedication
- 4 2. Plan titled “Spring Street West Discontinuance and Dedication Plan for City of Lebanon and Ruth H.
- 5 Guernsey Rev. Trust,” dated February 19, 2019 and revised May 5, 2020 by Pathways Consulting, Inc.,
- 6 and recorded at the Grafton County Registry of Deeds as Plan #16143.
- 7 3. 8/19/2021 Public Right-of-Way Easement Deed Granted by Ruth H. Guernsey, Trustee of the
- 8 Revocable Trust of Ruth Hall Guernsey dated April 5, 1989 to the City of Lebanon recorded at the
- 9 Grafton County Registry of Deeds as Book 4662, Page 153.

10  
11 Engineering Technician Erica Douglas came before the Council and reviewed the above matter as  
12 detailed on pages 63-73 in the City Council Agenda packet, noting City Administration is requesting a  
13 revised layout of Spring Street West to accommodate a transfer of land from the Guernsey Trust to the  
14 City that will provide a turn-around area for plow trucks when performing winter maintenance. The City  
15 will also discontinue the current end of Spring Street West.

16  
17 **ACTION:**

18  
19 ***1. TO DISCONTINUE THE DEAD-END PORTION OF SPRING STREET WEST:***

20  
21 ***Councilor Liot Hill MOVED*** that the Lebanon City Council does hereby discontinue completely  
22 approximately the northernmost 114 feet of Spring Street West, West Lebanon, NH, shown more  
23 specifically as “Parcel A” on a plan titled “Spring Street West Discontinuance and Dedication Plan  
24 for City of Lebanon and Ruth H. Guernsey Rev. Trust,” dated February 19, 2019 and revised May  
25 5, 2020 by Pathways Consulting, Inc., and recorded at the Grafton County Registry of Deeds as Plan  
26 #16143.

27  
28 ***2. TO ACCEPT THE DEDICATION OF THE NEW TURN-AROUND AREA:***

29  
30 ***Councilor Liot Hill FURTHER MOVED*** that the Lebanon City Council accept as a public Class V  
31 City highway a new portion of Spring Street West, West Lebanon, NH, shown more specifically as  
32 “Parcel B” on a plan titled “Spring Street West Discontinuance and Dedication Plan for City of  
33 Lebanon and Ruth H. Guernsey Rev. Trust,” dated February 19, 2019 and revised May 5, 2020 by  
34 Pathways Consulting, Inc., and recorded at the Grafton County Registry of Deeds as Plan #16143.  
35 ***Seconded by Councilor Winny.***

36  
37 **Roll Call Vote:**

38 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
39 Mayor McNamara all voting Yea.

40 None voted Nay.

41 Abstained: Councilor Douglas Whittlesey as he is an abutter to this property

42  
43 ***\*The Vote on the MOTION was approved (8-0-1). Councilor Whittlesey abstain.***

44  
45 **C. Presentation of First Reading and Set Public Hearings for February 16, 2022: Amendment to**  
46 **Ordinance No. 18, Salary Plan, Article III, B. Lebanon Permanent Firefighters’ Association**  
47 **Local 3197/International Association of Firefighters (IAFF); and a Supplemental**  
48 **Appropriation totaling \$173,000 to execute the cost items for year one (2022) of the three-year**  
49 **successor collective bargaining agreement.**

1  
2 Included in the agenda packet: Ordinance #18, Salary Plan  
3

4 City Manager Shaun Mulholland reviewed the Amendment to Ordinance No. 18, Salary Plan.  
5

6 **BACKGROUND**  
7

8 The City Council is not directly responsible for the negotiation of collective bargaining agreements; it is  
9 the City policy making body and the legislative body with authority to raise and appropriate tax revenues  
10 to fund labor agreements. Under the City Manager form of government, the City Manager is responsible  
11 for administering the affairs of the City, including the appointment of employees and the negotiation of  
12 labor agreements. The City Manager's statutory obligation is to bargain in "good faith." In the collective  
13 bargaining context, "good faith" negotiation "... involves meeting at reasonable times and places to reach  
14 agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this  
15 chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a  
16 proposal or to make a concession." Failure to bargain in good faith constitutes an unfair labor practice.  
17

18 The City and the Lebanon Permanent Firefighters' Association have reached a tentative three-year (2022 -  
19 2024) labor agreement.  
20

21 Negotiations with LPFFA/IAFF included the provision of an independent Salary Market Analysis for  
22 positions to include Firefighters, Lieutenants, Captains, Fire Inspectors, and the Fire Alarm and  
23 Communications Technician. Municipal Resources Incorporated (MRI) was contracted to perform the  
24 study which compared the salaries for ten (10) cities and towns that are comparable to the City of Lebanon.  
25 Results of the study showed that Lebanon is paying well below the market for some of these positions. To  
26 bring salaries to a competitive level in the market and increase recruitment/retention of fire personnel,  
27 management is proposing to raise wages over a three-year cycle (2022 and 2024). Proposed increases in  
28 2022 will bring positions to at least the 50th percentile with costs totaling \$173,000.  
29

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

39 Legislative bodies may only raise and appropriate funds for the current fiscal year. Many collective  
40 bargaining agreements cover several fiscal years. The New Hampshire Supreme Court held (Appeal of  
41 Sanborn Regional School Board) that a public employer was not bound by a collective bargaining  
42 agreement where the legislative body, when approving and funding the cost items in the current year of the  
43 labor agreement, were not warned of the cost of the successive years.  
44

45 According to the tentative three-year labor agreement, annual General Wage Increases (GWI's) for the life  
46 of the contract will be based on the % change in the Northeast Urban CPI for June from 12 months prior  
47 but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 4.6% increase in the CPI  
48 as of June 2021, the GWI for 2022 will be 3%. The estimated wage and statutory benefit costs for 2022 is  
49 \$173,000. Costs for years two (2023) and three (2024) will include up to a 3% GWI in 2023 (no step  
50 increases) and up to a 3% GWI in 2024 and bringing all classifications to the 60th percentile of the Salary

Market analysis and include resumption of step increases for all eligible staff. The 60th percentile from the 2021 Salary Market Analysis will be escalated by the CPI for 2022, 2023, and 2024 to account for inflation.

#### CURRENT (2021 SALARY GRADES/PAY SCALE)

| LEBANON PERMANENT FIREFIGHTERS/IAFF - 2021 SALARY GRADES |                |               |               |               |               |               | 1.5% GWI      |
|----------------------------------------------------------|----------------|---------------|---------------|---------------|---------------|---------------|---------------|
| <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> |
| Firefighter - EMT                                        | \$23.45        | \$24.20       | \$24.95       | \$25.73       | \$26.47       | \$27.22       | \$28.05       |
| Firefighter - Paramedic                                  | \$25.34        | \$26.10       | \$26.90       | \$27.64       | \$28.39       | \$29.17       | \$29.98       |
| Fire Alarm Technician                                    | \$26.57        | \$27.12       | \$27.67       | \$28.20       | \$28.75       | \$29.28       | \$29.83       |
| Lieutenant                                               | \$28.53        | \$28.92       | \$29.33       | \$29.74       | \$30.13       | \$30.53       | \$30.95       |
| Fire Inspector                                           | \$30.21        | \$30.70       | \$31.21       | \$31.71       | \$32.22       | \$32.72       | \$33.25       |
| Lieutenant - Paramedic                                   | \$30.46        | \$30.87       | \$31.27       | \$31.66       | \$32.08       | \$32.47       | \$32.87       |
| Captain                                                  | \$31.50        | \$31.82       | \$32.19       | \$32.53       | \$32.87       | \$33.23       | \$33.59       |
| Inspector - Paramedic                                    | \$32.16        | \$32.65       | \$33.14       | \$33.65       | \$34.14       | \$34.63       | \$35.18       |
| Captain - Paramedic                                      | \$33.41        | \$33.76       | \$34.10       | \$34.45       | \$34.80       | \$35.14       | \$35.51       |

#### 2022 SALARY GRADES/PAY SCALE

| LEBANON PERMANENT FIREFIGHTERS/IAFF - 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> |
| Firefighter - EMT                                        | \$24.15        | \$24.93       | \$25.70       | \$26.50       | \$27.26       | \$28.04       | \$28.89       |
| Firefighter - Paramedic                                  | \$26.10        | \$26.88       | \$27.71       | \$28.47       | \$29.24       | \$30.05       | \$30.88       |
| Fire Alarm Technician                                    | \$30.95        | \$31.59       | \$32.24       | \$32.85       | \$33.49       | \$34.11       | \$34.73       |
| Lieutenant                                               | \$31.10        | \$31.52       | \$31.97       | \$32.42       | \$32.84       | \$33.28       | \$33.72       |
| Fire Inspector                                           | \$31.12        | \$31.62       | \$32.15       | \$32.66       | \$33.19       | \$33.70       | \$34.25       |
| Lieutenant - Paramedic                                   | \$32.93        | \$33.37       | \$33.80       | \$34.22       | \$34.68       | \$35.10       | \$35.54       |
| Captain                                                  | \$37.01        | \$37.39       | \$37.82       | \$38.22       | \$38.62       | \$39.05       | \$39.44       |
| Inspector - Paramedic                                    | \$33.12        | \$33.63       | \$34.13       | \$34.66       | \$35.16       | \$35.67       | \$36.24       |
| Captain - Paramedic                                      | \$38.25        | \$38.66       | \$39.04       | \$39.45       | \$39.85       | \$40.24       | \$40.70       |

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

A supplemental appropriation in the amount of \$173,000 is needed in order to execute the first year (2022) of the three-year successor collective bargaining agreement. The intent is to pay for this action through the application of general fund unassigned fund balance, therefore resulting in no municipal tax rate impact in 2022.

Passage of supplemental appropriations (appropriations after the annual budget is adopted) require an affirmative vote of two-thirds majority of the City Council after a public hearing – i.e. 9 members present, 6 affirmative votes needed; 8 member/6 votes; 7 members/5 votes; 6 members/4 votes; and 5 members (quorum)/4 votes. Notice of the public hearing must be printed in a newspaper published or circulated locally once a week in two successive calendar weeks with the last publication being at least seven days, including the day of publication, before the public hearing. The City Council is required to designate how the appropriation is to be paid for.

1  
2 The supplemental appropriation is to be paid for through a combination of taxes raised and the use of  
3 Unassigned (Spendable) Fund Balance. The potential for use of Spendable Fund Balance will be determined  
4 once revenues are calculated when the tax rate is set in October 2022. If there is to be an impact on the tax  
5 rate of greater than 2.5 percent (2.5%), additional Spendable Fund Balance will be utilized to offset the  
6 impact and keep the tax rate to no greater than 2.5%.

7  
8 Amending Ordinance No. 18 requires three separate presentations (no action) followed by a public hearing  
9 and the vote of at least two-thirds of all members of the City Council -- that is, six members -- to adopt.

10  
11 The City Council is asked to recognize the first of three presentations and to schedule a public hearing for  
12 February 16, 2022, beginning at 7:00 p.m., City Council Chambers, City Hall, and remote via the City's  
13 Virtual Platform, for the purpose of receiving public input to be followed by action to adopt the proposed  
14 amendment of Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Lebanon Permanent  
15 Firefighters' Association Local 3197/International Association of Firefighters (IAFF). The second and third  
16 presentations will follow on February 2 and February 16, 2022.

17  
18 In addition, the City Council is asked to schedule a public hearing for February 16, 2022, beginning at 7:00  
19 p.m., City Council Chambers, City Hall, and remote via the City's Virtual Platform, for the purpose of  
20 receiving public input to be followed by action to appropriate the sum of \$173,000.

21  
22 **ACTION:**

23 ***(1) PRESENTATION:***

24  
25 ***Councilor Sykes MOVED***, that the Lebanon City Council recognizes the first of three presentations  
26 to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section B, Lebanon  
27 Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF), by  
28 replacing the current (2021) wage scale with that approved as part of the tentative collective  
29 bargaining agreement to be effective from February 16, 2022 to December 31, 2024.

30  
31 ***(2) SCHEDULE TWO PUBLIC HEARINGS:***

32  
33 ***Councilor Sykes FURTHER MOVED***, that the Lebanon City Council hereby schedules public  
34 hearings for Wednesday, February 16, 2022, beginning at 7:00 pm, Council Chambers, City Hall,  
35 Lebanon, and Remote via the City's Virtual Platform for the purpose of receiving public input and  
36 taking action on the following:

37  
38 **1. Amendment to Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section B,**  
39 **Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters**  
40 **(IAFF), by replacing the current (2021) wage scale with that approved as part of the tentative**  
41 **collective bargaining agreement to be effective from February 16, 2022 to December 31, 2024; and**

42  
43 **2. To appropriate the sum of \$173,000 in order to implement cost items for the first year (2022) of**  
44 **the three-year collective bargaining agreement between the City of Lebanon and Lebanon Permanent**  
45 **Firefighters' Association Local 3197/International Association of Firefighters (IAFF) with the source**  
46 **of financing being a combination of taxes raised and the use of unassigned (spendable) fund balance,**  
47 **if required to eliminate a tax rate impact greater than 2.5%.**

48  
49 ***Seconded by Councilor Liot Hill.***

1 **Roll Call Vote:**

2 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
3 Mayor McNamara all voting Yea.

4 None voted Nay.

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

6  
7 **D. Presentation of West Lebanon Revitalization Advisory Committee's Priorities and**  
8 **Recommendations for West Lebanon Village**  
9

10 Included in the agenda packet: *(Pages 95-145, agenda packet)*

- 11 1. Memorandum to Lebanon City Council from the West Lebanon Revitalization Advisory  
12 Committee (WLRAC)  
13 2. Draft "Action Plan for West Leb" dated December 2021 *(complete details can be found on Pages*  
14 *100-145, agenda packet)*

15  
16 Councilor Jim Winny (Chair), Chet Clem, and other members of the West Lebanon Revitalization  
17 Advisory Committee came before the Council to review, present, and discuss their priorities and  
18 recommendations for the West Lebanon Village.

19  
20 **BACKGROUND**

21 On August 19, 2020, the City Council voted unanimously to establish the West Lebanon Revitalization  
22 Advisory Committee for the purpose of working with the City's Administration to develop plans for the  
23 revitalization and redevelopment of the Central Business District area of West Lebanon. The Committee  
24 was charged with serving in an advisory capacity to the City Manager and Planning Department and with  
25 presenting plans to the City Council prior to a sunset date of December 31, 2021.

26  
27 Members of the Committee were appointed during the Fall of 2020 and the Advisory Committee held its  
28 first meeting on December 15, 2020. The Committee subsequently met more than 20 times over the  
29 course of 12 months as it worked on plans and concepts for West Lebanon Village based on the 2020  
30 West Lebanon Village Visioning Charrette report, the 2012 Master Plan, and other prior plans and  
31 studies. In addition to focusing on Westboro Yard, Streetscape improvements, Bridge Park, and other  
32 issues, the Advisory Committee also planned and executed a "Block Party" event at Kilton Library on  
33 October 23, 2021 to highlight the demolition work occurring at Westboro Yard and to celebrate the first  
34 steps toward transforming West Lebanon into a vibrant village.

35  
36 Attached below in accordance with the Council's charge are the Advisory Committee's summary list of  
37 Priorities & Recommendations for West Lebanon.

38  
39 **Priorities & Recommendations for West Lebanon**

40 **Memo to**  
41 **Members of the Lebanon City Council**  
42

43 This memo serves as a high-level overview of the top priorities for West Lebanon in 2022 as identified by  
44 the West Lebanon Revitalization Advisory Committee (WLRAC). A more holistic look at what the  
45 Committee is advocating for in West Lebanon, as informed by previous studies and the Committee's  
46 work, is attached in the "Action Plan For West Leb."  
47

1 Recognizing that this document is a lot to digest, we provide these High/Medium/Low Priorities for your  
2 immediate consideration to advance ongoing planning efforts.

3  
4 This work continues, and the Committee suggests that the WLRAC continue with a smaller membership  
5 to continue to advise on these efforts and the West Lebanon chapter of the Master Plan with the structure  
6 and influence of a city board. We also suggest the formation of a Citizen's committee to work with the  
7 WLRAC and further develop community and citizen engagement, while providing flexibility to advance  
8 projects and activities independently.

9  
10 The members of WLRAC, and the citizens of West Lebanon, wish to thank the City Council for  
11 establishing this initiative and supporting its activities over the past year. We look forward to continuing  
12 our work in partnership with the Council, our State delegation, residents, and all those interested in  
13 making West Lebanon a thriving downtown village.

## 14 15 **HIGH PRIORITIES**

16 These are projects that should be the main focus of City efforts. However, there are factors that may  
17 dictate how aggressively each should be pursued depending on results of various processes at the State  
18 and Local level.

### 19 20 1. Westboro Yard

21 1.1 Advance landscape design of Westboro Waterfront Park simultaneously to securing land-control of  
22 Westboro Yard from NHDOT, so there are biddable documents for securing future funding.

23  
24 1.2 Complete contamination testing as required to determine which uses are safe/appropriate.

### 25 26 2. Greenway

27 2.1 Advance design of the West Lebanon Greenway to connect from the Mascoma River Greenway  
28 to the Boston Lot via Westboro Yard, River Park, and Wilder Dam.

29  
30 2.2 Facilitate a meeting with Governor Sununu & NHDOT Commissioner Sheehan on opportunities  
31 for transportation modernization, public recreational improvements, downtown revitalization, and  
32 economic development in West Lebanon with a focus on Westboro land control and "Rail-With-  
33 Trail" connections and coexistence. 2.3 Intervene in Wilder Dam FERC relicensing process and  
34 request that recreational improvements for West Lebanon be included in the new operating license in  
35 the form of Greenway connectivity and maintenance in the form of an increase in % of operating  
36 revenue.

### 37 38 3. Streetscape Improvements

39 3.1 Segment Streetscape project to execute overdue Main St. improvements ASAP and independently  
40 from Roundabout- which requires additional consideration and is a lower investment priority than the  
41 Greenway and Westboro.

42  
43 3.2 Initiate outreach to business and property owners regarding plan developed by VHB.

## 44 45 **MEDIUM PRIORITIES:** Important projects that can and should be advanced in 2022

### 46 47 4. Bridge Street Park

4.1 Improve Bridge Street Park as a highly visible gateway to West Lebanon, a prominent (and now funded by a local business!) signage opportunity, and "model home" example of the West Lebanon Greenway and Westboro Park improvements to come when land control and design are completed and funding secured.

4.2 Consider naming Bridge Street park after a historical/prominent West Lebanon resident.

## 5. Foster a Sense of Place

5.1 Utilize Kilton Library backyard to facilitate community events and gatherings akin to programming done in Downtown Lebanon, as the Block Party proved was possible and popular.

5.2 Expand decorations and lights on Main Street and Kilton Library

5.3 Work with Arts & Culture and Rec on public art, performances etc.

## 6. Zoning Changes & Economic Development

6. 1 Adjust the West Lebanon Central Business District to the same base dimensional requirements as the Downtown Lebanon District, creating equity between zones and encouraging investment, and advance the zoning map changes (as shown in 2030 FLUM) to facilitate desired mixed-use investment and public/alternative transportation benefits.

6. 2 Collaborate with Economic Development Commission on improving processes to facilitate smart growth and investment in West Lebanon, and continue to advance policy changes accordingly

6.3 Pursue TIF district, 79-E, and other planning tools to encourage development/reinvestment in West Lebanon.

## LOW PRIORITIES

These are items which may be important but are not ready for significant investment at this point. They will likely be worthy of more time/resources in the future

## 7. Seminary Hill School

7.1 Continue to pursue transfer of school to City and move Rec Arts & Parks, possible community center and other uses.

## 8. West Lebanon Fire Station Redevelopment

8.1 As one of the only undeveloped, city owned properties this is an opportunity for a public/private partnership, obviously only available if/when the LFD relocates

***Councilor Liot Hill MOVED to extend the Council meeting until 10:30PM.***

***Seconded by Councilor Whittlesey.***

## Roll Call Vote:

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

**Voting Nay: None**

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

1  
2 9. 3 Seminary Hill

3 9.1 Another opportunity for public/private partnership, though commercial realtors suggested that this  
4 would be more of a 'follower' in the redevelopment rather than a first step. WLRAC agrees with this  
5 assessment.  
6

7 10. Streetscape Roundabout

8 10.1 There is mixed feedback on the roundabout suggestion for the Main St./Bridge St's intersection.  
9 It should be broken out from the rest of the streetscape and needs further discussion with residents  
10 and analysis of the costs and benefits.  
11

12 **ACTION PLAN FOR WEST LEBANON:** While this was not reviewed, Councilors did have a chance  
13 to review it before this meeting. It will be reformatted and posted on the City's website in the near future.  
14 *For complete details, please refer to pages 100-145 in the January 19, 2022 City Council Agenda*  
15 *packet.*  
16

17 The Council discussed how well-written and organized the WLRAC report was and extended their  
18 accolades to Councilor/Chair Winny, Chet Clem and the rest of the committee for all the hard work they  
19 have done. The Council felt the WLRAC should definitely be recontinued, along with some other type of  
20 committee to tackle various projects, but this is a discussion the Council can have in the near future.  
21

22 State Representative, Laurel Stavis (D-Grafton County, District 13/ NH House of Representatives)  
23 encouraged the Council, and as many people as possible, go to the State's website and sign-in in support  
24 of HB 1579. This is a bill that will limit liability for landowners who open their land to the public for  
25 recreational use. She also spoke about running into Governor Sununu, who asked about Westboro – he  
26 could not stop saying what a beautiful place it was and how much he was looking forward to seeing it  
27 developed, noting there is a lot of interest in what can be done in Lebanon.  
28

29 The Council also discussed what could be done with the contaminated soil in Westboro Yard in order to  
30 make it usable by the public, with City Manager Mulholland explaining that there will be grass growing  
31 in that area so there is no safety problem in walking there. However, he also explained the complicated  
32 clean-up process (i.e., turning it into a playing field where the soil would be disrupted) noting that we  
33 should have a temporary plan in place for using Westboro Yard this summer that does not involve the  
34 displacement of dirt while we are getting the permits from DES. The City Manager also spoke about  
35 what may be done in the long term.  
36

37 **ACTION:**

38 *No action is required by the Council, as item is for informational purposes only.*  
39

40 *Councilor Liot Hill MOVED to extend the Council meeting until 11:00PM.*

41 *Seconded by Councilor Heistad.*  
42

43 **Roll Call Vote:**

44 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
45 Mayor McNamara all voting Yea.

46 None voted Nay.

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

1  
2 **11. CITY MANAGER REPORT:**

3 City Manager Shaun Mulholland gave the following updates:

- 4     • DOT: Outlined process for approval of Westboro Yard.  
5     • Extension of the Rail Trail.  
6     • Seminary Hill School Board status.  
7     • Dartmouth Hitchcock Medical Center/City of Lebanon Vaccination Signage Project partnership.  
8     • Legislative Reports: None. Councilor Liot Hill will be attending some Legislative meetings in  
9       the future.  
10    • Childcare Study Process.  
11    • 20 Spencer Street.  
12    • Kimball St./Forest Ave.

13  
14 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: None**

15  
16 **13. FUTURE AGENDA ITEMS:**

- 17     • Re-establishing the West Lebanon Revitalization Advisory Committee and holding a discussion  
18       on what other type of committee/subcommittee can be established to work on the various projects  
19       established in the Action Plan for West Lebanon.  
20

21 **14. NON-PUBLIC SESSION:**

- 22     A. RSA 91-A:3.II(a) "The dismissal, promotion, or compensation of any public employee..."  
23

24 *Councilor Winny MOVED that the City Council enter into a Non-Public Session for the purpose of*  
25 *discussing:*

- 26     – RSA 91-A:3.II(a) "The dismissal, promotion, or compensation of any public employee..."  
27

28 *Seconded by Councilor Whittlesey.*  
29

30 **Roll Call Vote:**

31 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
32 Mayor McNamara all voting Yea.

33 None voted Nay.

34 *\*The Vote on the MOTION was approved (9-0).*  
35

36 **Staff Members attending the Council's Non-Public Session: None**  
37

38 **The City Council entered into Non-Public Session at 10:33PM.**  
39

40 **15. \*ADJOURNMENT (Regular Session):**  
41

42 **The regular session of this meeting was adjourned at 10:33PM.**  
43

44 **\*ADJOURNMENT (Non-Public Session):**  
45

46 *Councilor Winny MOVED that the City Council come out of the Non-Public Session at 10:50 PM.*  
47

1 *Seconded by Councilor Sykes*

2  
3 **Roll Call Vote:**

4 Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Winny, Zook and  
5 Mayor McNamara all voting Yea.

6 None voted Nay.

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

8  
9 **The non-public session of this meeting was adjourned at 10:50 PM**

10  
11 Respectfully submitted,

12 Dona E. Gibson

13 Recording Secretary

**AGENDA  
LEBANON CITY COUNCIL  
FEBRUARY 2, 2022**

**8. APPOINTMENTS:**

**APPOINTMENTS**

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Planning Board, Kathie Romano (Reappointment Regular Member)
- Planning Board, Thomas Jasinski (Alternate Member)

**Included in this Section:**

1. Memo from City Clerk Kristin Kenniston dated January 25, 2022

# OFFICE OF THE CITY CLERK

## MEMORANDUM

**DATE:** January 25, 2022

**TO:** The Honorable Mayor & City Council

**FROM:** Kristin M. Kenniston, City Clerk

**RE:** **Appointments Proposed for Council Discussion/Action:**

---

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment. *Note: nominations do not need to be seconded.*

### Planning Board

- **Kathie Romano** - Reappointment as a regular member of the Lebanon Planning Board. Planning Board members are nominated by the City Manager. City Manager Mulholland is putting forth the nomination of Kathie Romano for reappointment to the Planning Board for another three-year term.  
Term: (2/22-2/25)
- **Thomas Jasinski** - Appointment as an alternate member of the Lebanon Planning Board. Planning Board members are nominated by the City Manager. City Manager Mulholland is putting forth the nomination of Thomas Jasinski for appointment to the Planning Board for a three-year term.  
Term: (2/22-2/25)

**From:** [cityclerk](#)  
**To:** [Kristin Kenniston](#)  
**Subject:** FW: [EXTERNAL] Online Form Submission #5661 for Board Member Application  
**Date:** Tuesday, January 18, 2022 7:11:53 AM

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Thursday, January 13, 2022 5:48 PM  
**To:** cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>  
**Subject:** [EXTERNAL] Online Form Submission #5661 for Board Member Application

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

## Board Member Application

Board Member Application  
*City of Lebanon board / committee member application.*

---

### Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

---

(Section Break)

---

|                  |                        |
|------------------|------------------------|
| First Name       | Kathie                 |
| Last Name        | Romano                 |
| Physical Address | 13 Apple Blossom Drive |
| City             | West Lebanon           |
| State            | NH                     |

---

|                                                                                                                 |                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zip Code                                                                                                        | 03784                                                                                                                                                                                                                                     |
| Is this your mailing address?                                                                                   | Yes                                                                                                                                                                                                                                       |
| Home Phone Number                                                                                               | 484-888-1371                                                                                                                                                                                                                              |
| Work Number                                                                                                     | <i>Field not completed.</i>                                                                                                                                                                                                               |
| Email Address                                                                                                   | <a href="mailto:kathieromano@gmail.com">kathieromano@gmail.com</a>                                                                                                                                                                        |
| How long have you resided in Lebanon?                                                                           | 8+ years                                                                                                                                                                                                                                  |
| (Section Break)                                                                                                 |                                                                                                                                                                                                                                           |
| Is this an application for re-appointment?                                                                      | This application is for re-appointment.                                                                                                                                                                                                   |
| For which board, committee, or commission are you applying?                                                     | Planning Board                                                                                                                                                                                                                            |
| Other Committee                                                                                                 | <i>Field not completed.</i>                                                                                                                                                                                                               |
| Why would you like to serve?                                                                                    | I would like to continue to serve on the Lebanon Planning Board. I believe my 25 years in Real Estate sales bring a helpful perspective on land use and housing issues and, being retired, I have time to devote to volunteer activities. |
| State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee. | My previous 3 years on the Planning Board have familiarized me with the Master Plan and City site plan and subdivision regulations. I am also familiar with reading plot plans and construction documents.                                |
| Certification                                                                                                   | I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.                                                                                                                                          |

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

**From:** [Kristin Kenniston](#)  
**To:** [Kristin Kenniston](#)  
**Subject:** FW: [EXTERNAL] Online Form Submission #5658 for Board Member Application  
**Date:** Wednesday, January 12, 2022 1:11:41 PM

---

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com) <[noreply@civicplus.com](mailto:noreply@civicplus.com)>  
**Sent:** Wednesday, January 12, 2022 1:02 PM  
**To:** cityclerk <[cityclerk@lebanonnh.gov](mailto:cityclerk@lebanonnh.gov)>; webmaster <[webmaster@lebcity.com](mailto:webmaster@lebcity.com)>  
**Subject:** [EXTERNAL] Online Form Submission #5658 for Board Member Application

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

## Board Member Application

Board Member Application  
*City of Lebanon board / committee member application.*

---

### Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

---

(Section Break)

---

|                  |             |
|------------------|-------------|
| First Name       | Thomas      |
| Last Name        | Jasinski    |
| Physical Address | 7 Moss Road |
| City             | Lebanon     |
| State            | NH          |
| Zip Code         | 03766       |

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|                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Is this your mailing address?                                                                                   | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Home Phone Number                                                                                               | 603 276 0716                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Work Number                                                                                                     | <i>Field not completed.</i>                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Email Address                                                                                                   | <a href="mailto:jasinski.tl@outlook.com">jasinski.tl@outlook.com</a>                                                                                                                                                                                                                                                                                                                                                                        |
| How long have you resided in Lebanon?                                                                           | 37 years                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (Section Break)                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Is this an application for re-appointment?                                                                      | This application is not for re-appointment.                                                                                                                                                                                                                                                                                                                                                                                                 |
| For which board, committee, or commission are you applying?                                                     | Planning Board                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Other Committee                                                                                                 | <i>Field not completed.</i>                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Why would you like to serve?                                                                                    | Lebanon has been a wonderful place to live and raise a family. Through my appointment to the Planning Board I hope to promote continuation of the benefits my family has enjoyed.                                                                                                                                                                                                                                                           |
| State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee. | <p>(1) Member of Planning Board for approximately two years in the 1990's.</p> <p>(2) I am retired and have the ability to devote the appropriate time.</p> <p>(3) As a PhD in Mechanical Engineering I feel confident in my ability to comprehend complicated situations and extract relevant details and questions.</p> <p>(4) I am confident that I could provide positive references from Lebanon neighbors and friends if desired.</p> |
| Certification                                                                                                   | I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.                                                                                                                                                                                                                                                                                                                                            |

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

**AGENDA  
LEBANON CITY COUNCIL  
FEBRUARY 2, 2022**

**10. OLD BUSINESS:**

**10.A – PRESENTATION OF SECOND READING: AMENDMENT TO ORDINANCE  
#18, SALARY PLAN, ARTICLE III, BARGAINING UNIT EMPLOYEES, SECTION B,  
LEBANON PERMANENT FIREFIGHTERS’ ASSOCIATION LOCAL 3197/  
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)**

**BACKGROUND**

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

The City and the Lebanon Permanent Firefighters’ Association have reached a tentative three-year (2022 - 2024) labor agreement.

Negotiations with LPFFA/IAFF included the provision of an independent Salary Market Analysis for positions to include Firefighters, Lieutenants, Captains, Fire Inspectors, and the Fire Alarm and Communications Technician. Municipal Resources Incorporated (MRI) was contracted to perform the study which compared the salaries for ten (10) cities and towns that are comparable to the City of Lebanon. Results of the study showed that Lebanon is paying well below the market for some of these positions. To bring salaries to a competitive level in the market and increase recruitment/retention of fire personnel, management is proposing to raise wages over a three-year cycle (2022 and 2024). Proposed increases in 2022 will bring positions to at least the 50th percentile with costs totaling \$173,000.

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

Legislative bodies may only raise and appropriate funds for the current fiscal year. Many collective bargaining agreements cover several fiscal years. The New Hampshire Supreme Court held (Appeal of Sanborn Regional School Board) that a public employer was not bound by a collective

bargaining agreement where the legislative body, when approving and funding the cost items in the current year of the labor agreement, were not warned of the cost of the successive years.

According to the tentative three-year labor agreement, annual General Wage Increases (GWI's) for the life of the contract will be based on the % change in the Northeast Urban CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 4.6% increase in the CPI as of June 2021, the GWI for 2022 will be 3%. The estimated wage and statutory benefit costs for 2022 is \$173,000. Costs for years two (2023) and three (2024) will include up to a 3% GWI in 2023 (no step increases) and up to a 3% GWI in 2024 and bringing all classifications to the 60th percentile of the Salary Market analysis and include resumption of step increases for all eligible staff. The 60th percentile from the 2021 Salary Market Analysis will be escalated by the CPI for 2022, 2023, and 2024 to account for inflation.

### **CURRENT (2021 SALARY GRADES/PAY SCALE)**

| <b>LEBANON PERMANENT FIREFIGHTERS/IAFF - 2021 SALARY GRADES</b> |                |               |               |               |               |               | <b>1.5% GWI</b> |
|-----------------------------------------------------------------|----------------|---------------|---------------|---------------|---------------|---------------|-----------------|
| <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>   |
| Firefighter - EMT                                               | \$23.45        | \$24.20       | \$24.95       | \$25.73       | \$26.47       | \$27.22       | \$28.05         |
| Firefighter - Paramedic                                         | \$25.34        | \$26.10       | \$26.90       | \$27.64       | \$28.39       | \$29.17       | \$29.98         |
| Fire Alarm Technician                                           | \$26.57        | \$27.12       | \$27.67       | \$28.20       | \$28.75       | \$29.28       | \$29.83         |
| Lieutenant                                                      | \$28.53        | \$28.92       | \$29.33       | \$29.74       | \$30.13       | \$30.53       | \$30.95         |
| Fire Inspector                                                  | \$30.21        | \$30.70       | \$31.21       | \$31.71       | \$32.22       | \$32.72       | \$33.25         |
| Lieutenant - Paramedic                                          | \$30.46        | \$30.87       | \$31.27       | \$31.66       | \$32.08       | \$32.47       | \$32.87         |
| Captain                                                         | \$31.50        | \$31.82       | \$32.19       | \$32.53       | \$32.87       | \$33.23       | \$33.59         |
| Inspector - Paramedic                                           | \$32.16        | \$32.65       | \$33.14       | \$33.65       | \$34.14       | \$34.63       | \$35.18         |
| Captain - Paramedic                                             | \$33.41        | \$33.76       | \$34.10       | \$34.45       | \$34.80       | \$35.14       | \$35.51         |

### **2022 SALARY GRADES/PAY SCALE**

| <b>LEBANON PERMANENT FIREFIGHTERS/IAFF - 2022 SALARY GRADES</b> |                |               |               |               |               |               |               |
|-----------------------------------------------------------------|----------------|---------------|---------------|---------------|---------------|---------------|---------------|
| <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> |
| Firefighter - EMT                                               | \$24.15        | \$24.93       | \$25.70       | \$26.50       | \$27.26       | \$28.04       | \$28.89       |
| Firefighter - Paramedic                                         | \$26.10        | \$26.88       | \$27.71       | \$28.47       | \$29.24       | \$30.05       | \$30.88       |
| Fire Alarm Technician                                           | \$30.95        | \$31.59       | \$32.24       | \$32.85       | \$33.49       | \$34.11       | \$34.73       |
| Lieutenant                                                      | \$31.10        | \$31.52       | \$31.97       | \$32.42       | \$32.84       | \$33.28       | \$33.72       |
| Fire Inspector                                                  | \$31.12        | \$31.62       | \$32.15       | \$32.66       | \$33.19       | \$33.70       | \$34.25       |
| Lieutenant - Paramedic                                          | \$32.93        | \$33.37       | \$33.80       | \$34.22       | \$34.68       | \$35.10       | \$35.54       |
| Captain                                                         | \$37.01        | \$37.39       | \$37.82       | \$38.22       | \$38.62       | \$39.05       | \$39.44       |
| Inspector - Paramedic                                           | \$33.12        | \$33.63       | \$34.13       | \$34.66       | \$35.16       | \$35.67       | \$36.24       |
| Captain - Paramedic                                             | \$38.25        | \$38.66       | \$39.04       | \$39.45       | \$39.85       | \$40.24       | \$40.70       |

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

A supplemental appropriation in the amount of \$173,000 is needed in order to execute the first year (2022) of the three-year successor collective bargaining agreement. The supplemental appropriation is to be paid for through a combination of taxes raised and the use of Unassigned (Spendable) Fund Balance. The potential for use of Spendable Fund Balance will be determined once revenues are calculated when the tax rate is set in October 2022. If there is to be an impact on the tax rate of greater than 2.5 percent (2.5%), additional Spendable Fund Balance will be utilized to offset the impact and keep the tax rate to no greater than 2.5%. Action on the requested supplemental appropriation will take place at the close of the public hearing scheduled for February 16, 2022.

Amending Ordinance No. 18 requires three separate presentations (no action) followed by a public hearing and the vote of at least two-thirds of all members of the City Council -- that is, six members -- to adopt.

The first presentation was recognized by the Council on January 19, 2022. The Council is now asked to recognize the second of the three presentations. The third presentation will follow on February 16, 2022, along with a public hearing to adopt the proposed amendment of Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF).

### **ACTION**

*The Council is requested to consider the following motion:*

***MOVED, that the Lebanon City Council recognizes the second of three presentations to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section B, Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF), by replacing the current (2021) wage scale with that approved as part of the tentative collective bargaining agreement to be effective from February 16, 2022 to December 31, 2024.***

**AGENDA  
LEBANON CITY COUNCIL  
FEBRUARY 2, 2022**

**11. NEW BUSINESS:**

**11.A – AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT TO  
THE LEASE & OPERATING AGREEMENT WITH BRIGHTSIDE BREWING, LLC**

**BACKGROUND**

On November 1, 2019, the City of Lebanon entered into a lease agreement with Brightside Brewing LLC to operate a nano brewery at the Lebanon Municipal Airport. Brightside Brewing desires to lease additional space in the terminal building for an office. An amendment to the lease is proposed in order to include an additional 246 square feet for their office space. This amendment will run concurrently with the existing lease and the rate for the space would be the same as that of the rental car spaces (\$30.00 per square foot per year).

**ACTION**

*The Council is requested to consider the following motion:*

***MOVED, that the Lebanon City Council hereby authorizes the City Manager to execute an amendment to the Airport Restaurant Lease and Operating Agreement with Bright Side Brewery, LLC to include an additional 246 square feet within the Airport Terminal Building to be used as office space.***

**AGENDA  
LEBANON CITY COUNCIL  
FEBRUARY 2, 2022**

**11. NEW BUSINESS:**

**11.B – AUTHORIZATION FOR CITY MANAGER TO EXECUTE A GROUND LEASE  
WITH SDC 49 PLAINFIELD LLC**

**BACKGROUND**

In 2019 the City of Lebanon created the Lebanon Airport-Tech Park TIF District. As proposed, the Tech Park will include up to 5 leasehold areas, each being a minimum of 2.0 acres. Infrastructure for the Tech Park was substantially completed in 2021. In 2021 negotiations began with SDC 49 Plainfield LLC for the purpose of leasing 2.00 acres for a distribution facility. Negotiated terms of the lease include:

- Area of leasehold is 2.00+/- acres (or 87,120+/- square feet)
- Term of the lease is 25 years with an option to extend the lease for four five (5) year periods.
- The base lease rate is \$0.34 per square feet (as determined by a fair market value assessment) and will generate approximately \$29,620 in revenue to the Airport Fund in the first year.
- The lease has an annual escalator clause of 2.5% per year for the duration of the lease and extensions.
- Tenant shall be responsible for the extension of utilities (water, sewer, electricity, telecommunications) from the edge of the leased premises to their building and shall be responsible for all associated costs. Tenant shall then be responsible for the payment of consumer charges for all applicable utilities during the term of the lease.
- Tenant shall be responsible for payment of all real estate or personal property taxes.
- Tenant shall obtain and maintain continuously in effect at all times during the term of lease general liability insurance that names the City as additional insured.

**ACTION**

*The Council is requested to consider the following motion:*

***MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into and execute a ground lease agreement with SDC 49 Plainfield LLC for approximately 2.00 acres of land located within the Lebanon Airport Tech Park.***

**AGENDA  
LEBANON CITY COUNCIL  
FEBRUARY 2, 2022**

**11. NEW BUSINESS:**

**11.C – REVIEW OF CURRENT ELDERLY TAX EXEMPTIONS**

**BACKGROUND**

In response to concerns over drastically higher assessed values following the 2020 citywide revaluation and the dramatic increases in the real estate market, City Manager Shaun Mulholland requested the Assessing Office to review existing Elderly Exemptions to see if changes to the qualifications are appropriate at this time. Many property owners are seeing dramatic increases in their assessed valuations. Real estate values have been on the rise since 2012, with the most dramatic increase occurring between 2019 and 2021. The cost of living and income levels are changing at a rate that has not been seen in 40 years. At present, the exemption for ages 65-74 is \$55,000, for ages 75-79 is \$95,000, and for ages 80 and above is \$200,000. The income limit is currently \$36,800 for single applicants and \$50,000 for married couples. The asset limit is \$100,000 for both single and married applicants.

For additional details and proposed recommendations, please see attached memo and explanation of the Elderly Tax Exemption process as completed by Deputy Assessor Marlene Boisclair.

**ACTION**

*Should the Council decide to increase the elderly exemptions for three age groups, the following motion is offered for consideration:*

***MOVED, that the Lebanon City Council, in accordance with NH RSA 72:39-b, hereby increases the amount of assessed value exempted for three elderly age groups as follows:***

***Elderly I (ages 65-74) amount of assessed value exempted up to \$66,000 (Sixty-Six Thousand Dollars)***

***Elderly II (ages 75-79) amount of assessed value exempted up to \$114,000 (One Hundred Fourteen Thousand Dollars)***

***Elderly III (ages 80 and above) amount of assessed value exempted up to \$240,000 (Two Hundred Forty Thousand Dollars).***

***BE IT FURTHER MOVED that income limits for all elderly exemption applicants be raised from \$36,800 to \$45,000 for a single applicant and from \$50,000 to \$65,000 for a married couple.***

***BE IT FURTHER MOVED that the amount of assessed value exempted, and the increases to income limits as set forth above shall be effective immediately.***

Included in this Section:

1. February 2, 2022 Memo from Marlene Boisclair, Assessing Clerk; re: 2022 Elderly Tax Exemptions including Explanation and Summary of Elderly Tax Exemptions

**To:** Honorable Mayor and City Council  
**Cc:** Shaun Mulholland, City Manager  
Paula Maville, Deputy City Manager  
**From:** Marlene Boisclair, Deputy Assessor  
**Date:** February 2, 2022  
**Re:** 2022 Elderly Tax Exemptions

**INTRODUCTION:**

In response to concerns over drastically higher assessed values following the 2020 citywide revaluation and the dramatic increases in the real estate market, City Manager Shaun Mulholland requested the Assessing Office to review existing Elderly Exemptions to see if changes to the qualifications are appropriate at this time. Many property owners are seeing dramatic increases in their assessed valuations. Real estate values have been on the rise since 2012, with the most dramatic increase occurring between 2019 and 2021. The cost of living and income levels are changing at a rate that has not been seen in 40 years. At present, the exemption for ages 65-74 is \$55,000, for ages 75-79 is \$95,000, and for ages 80 and above is \$200,000. The income limit is currently \$36,800 for single applicants and \$50,000 for married couples. The asset limit is \$100,000 for both single and married applicants.

**BACKGROUND:**

According to the City's 2021 MS-1 Report, there are presently 90 residents receiving an elderly exemption, 23 elderly I (ages 65-74), 18 elderly II (ages 75-79) and 49 elderly III (ages 80 and older), resulting in \$9,900,900 in reduced assessed value and \$267,100 in lost tax revenue.

The exempted amounts were set by the City Council on January 21, 2021. City Council set the income limit for both single and married applicants at \$36,800 on February 7, 2001 and on October 16, 2019 increased the income limit for married couples to \$50,000. The \$100,000 asset limit was set on February 7, 2001.

Over recent years the number of elderly residents who qualify to receive this exemption has declined, especially for those applicants aged 80 and above. In 2021 we received 20 new applications for the elderly exemption. Upon review, seven applicants were over the income limit and one applicant was over the asset limit. Six of the seven applicants over the income limit were age 80 and older. The tax burden for the elderly has become increasingly more difficult to manage, especially our seniors who live on low and fixed incomes, while the costs they face, especially healthcare, housing, and necessities for daily living, continue to grow.

At the conclusion of the 2020 citywide revaluation, values of residential properties rose 22% and the overall increase for all properties was 18%. The Social Security Administration announced a 5.9% cost-of-living increase (COLA) for 2022. While this increase is helpful, it is not enough given the current market conditions.

**RECOMMENDATIONS/RATIONALE:**

The Assessing Office cannot be sure how many of our senior residents would be able to remain in their homes or how many would no longer qualify for the exemption if the income limits were not increased, but it is anticipated that most, if not all, would remain qualified for the foreseeable future if increases were enacted.

Over the past four years, we have received between 15 and 20 new applications each year. Applications for the elderly III exemption outnumber the other two categories. Should the Council increase the income and exemption limits, I anticipate a potential increase of 10 to 15 new applications when our residents are made aware of the changes.

Example 1: 10 new applications and all 10 qualify:  
 3 elderly I x \$66,000 = \$198,000  
 3 elderly II x \$114,000 = \$342,000  
 4 elderly III x \$240,000 = \$960,000  
 Total exempted amount = \$1,500,000 x 0.02698 = \$40,470 in potential lost tax revenue

Example 2: 15 new applications and all 15 qualify:  
 4 elderly I x \$66,000 = \$264,000  
 4 elderly II x \$114,000 = \$456,000  
 7 elderly III x \$240,000 = \$1,680,000  
 Total exempted amounts = \$2,400,000 x 0.02698 = \$64,752 in potential lost tax revenue

It is unlikely that all new applicants will qualify, however, if we receive more applications than I anticipate, I feel these numbers are my best estimate. Some seniors in the elderly III category have assessments lower than the amount of the exemption so there could be less lost tax revenue.

Of the 90 seniors currently receiving an elderly exemption, the increase in lost tax revenue with the increase in exempted amounts:

23 elderly I x \$11,000 = \$253,000  
 18 elderly II x \$19,000 = \$342,000  
 49 elderly III x \$40,000 = \$1,960,000  
 Total additional exempted = \$2,555,000 x 0.02698 = \$68,934 in potential lost tax revenue

It is recommended that the City Council consider raising the income limits and exempted amounts for the elderly exemption in response to the increase in assessed values resulting from the 2020 citywide revaluation and the increasing real estate market. The Assessing Office recommends the City Council raise the income limits for all elderly exemption applicants to \$45,000 for a single applicant and to \$65,000 for a married couple. Also, it is recommended that the City Council consider raising the exempted amounts by 20% to \$66,000 for elderly I (ages 65-74), to \$114,000 for elderly II (ages 75-79), and to \$240,000 for elderly III (ages 80 and older). Increasing the exempted amounts of the three age groups would also greatly benefit our seniors.

**Document attached:**

- Explanation of Elderly Exemption Process and outline of past actions by the City Council

## **Elderly Exemption**

The elderly exemption is governed by NH RSA 72:39-b. The filing deadline is April 15 of each year. The applicant must be 65 years of age before April 1 of the tax year for which the application is being made. No exemption shall be allowed under this statute unless the person applying therefor:

1. Has resided in the state for at least 3 consecutive years preceding April 1 in the year in which the exemption is claimed.
2. In the calendar year preceding April 1, had a net income from all sources, or if married, combined incomes from all sources, of not more than the respective amount applicable to each age group as determined by the city or town for purposes of RSA 72:39-b. The minimum set by the state is \$13,400 for single and \$20,400 for married persons. Net income shall be determined by deducting from all monies received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:
  - a. Life insurance paid on the death of an insured;
  - b. Expenses and costs of conducting a business enterprise;
  - c. Proceeds from the sale of assets;
3. Owns assets not in excess of the amount determined by the town or city, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single-family residential lot size specified in the local zoning ordinance. The amount determined by the town or city shall not be less than \$35,000. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances.
4. The property must be owned by the resident/applicant; or
  - a. Owned by the resident jointly or in common with the resident's spouse, either of whom meets the age requirement;
  - b. Owned by the resident, or the resident's spouse, either of whom meets the age requirement for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.
5. Upon the death of an owner residing with a spouse, the combined net asset amount for married persons shall continue to apply to the surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.
6. Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000.

The Lebanon City Council on February 7, 2001 voted in the following:

Income not in excess of \$36,800 for both single and married applicants  
Assets not in excess of \$100,000 for both single and married applicants

The Lebanon City Council on November 16, 2005 voted in the following:

Ages 65-74 - \$45,000 reduction in assessed value  
Ages 75-79 - \$80,000 reduction in assessed value  
Ages 80+ - \$170,000 reduction in assessed value

The Lebanon City Council on October 16, 2019 voted in the following:

Income not in excess of \$50,000 for married applicants

The Lebanon City Council on January 20, 2021 voted in the following:

Ages 65-74 - \$55,000 reduction in assessed value  
Ages 75-79 - \$95,000 reduction in assessed value  
Ages 80+ - \$200,000 reduction in assessed value

The amount of the exemption is subtracted from the total assessment before the tax rate is applied.

**AGENDA  
LEBANON CITY COUNCIL  
FEBRUARY 2, 2022**

**11. NEW BUSINESS:**

**11.D – 2023 – 2024 NHMA LEGISLATIVE POLICY PROCESS**

**BACKGROUND**

It is the time of year when the New Hampshire Municipal Association (NHMA) begins planning for the Legislative Policy Conference in the fall. The policy process begins with solicitation of policy proposals from local officials to create an initial issues list. The deadline for submission of a policy proposal is **April 15, 2022**.

NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance; and Infrastructure, Development and Land Use – will review all policy proposals in order to make recommendations which will go to the NHMA Legislative Policy Conference in September.

**ACTION**

Should the Council decide not to submit proposed Legislative Policies, no action is required.

Should the Council decide to submit proposed Policies, an Explanatory Form (attached) must be completed.

**Included in this Section:**

1. 2023-2024 NHMA Policy Proposal Form



## New Hampshire Municipal Association 2023-2024 Legislative Policy Process

### Explanation of Proposed Policy

Submitted by (Name): \_\_\_\_\_ Date: \_\_\_\_\_

Title of Person Submitting Policy: \_\_\_\_\_

City or Town: \_\_\_\_\_ Phone: \_\_\_\_\_

To see if NHMA will SUPPORT/OPPOSE:

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Municipal interest to be accomplished by proposal:

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Explanation:

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A sheet like this should accompany each proposed legislative policy. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Mail to NHMA, 25 Triangle Park Drive, Concord, NH 03301; or e-mail to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org) **no later than the close of business on April 15, 2022.**