



**LEBANON CITY COUNCIL
FEBRUARY 16, 2022 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 997 353 165#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The February 16, 2022 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions

- Resolution in Honor of David Moore's Retirement
- Resolution in Honor of Devon Blanchard

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the February 16, 2022 agenda packet.

7. Appointments

- Diversity, Equity & Inclusion Commission, Simone Whitecloud (Alternate Member)
- Library Board of Trustees, Philip Bush (Alternate Member)
- Zoning Board of Adjustment, Paul McDonough (Reappointment Alternate Member)
- Arts & Culture Commission, Nick Gaffney (Arts Organization Representative)

8. 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)
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- B. 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).
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business

- A. Reschedule Public Hearing from May 4, 2022 to April 20, 2022: Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.

10. New Business

- A. Discussion and Set Public Hearing for March 16, 2022: Supplemental Appropriation in the amount of \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) for the Landfill Gas to Energy Project.

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

- A. RSA 91-A:3.II(d) "Consideration of the acquisition, sale, or lease of real property..."

15. Adjournment

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](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: 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: Economic Development Commission
Position: Regular Member
Applicant: A. Key
Assigned Councilor: E. Heistad
Assigned Date: 01/27/2022

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.

MARCH 2, 2022

NEW BUSINESS:

- A. Review and adoption of revised General Assistance Program Guidelines
- B. Discussion and Set Public Hearing for March 16, 2022: Reclassification of Class VI Road #57 (Unnamed) located at Northwest Corner of Lebanon on Enfield Town Line to a Class A Municipal Trail
- C. Discussion and Set Public Hearing for March 16, 2022: Reclassification of Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail
- D. Discussion and Set Public Hearing for April 6, 2022: Reclassification of Class VI Road #28, Old Kings Highway (between Storrs Hill Road and Farnum Hill Road) to a Class A Municipal Trail
- E. Discussion and Set Public Hearing for April 20, 2022: Reclassification of Class VI Road #11, (portion of) Monica Road, to a Class A Municipal Trail
- F. Discussion and Set Public Hearing for May 4, 2022: Reclassification of Class VI Road #4, (portion of) Dorothy Perley Road, to a Class A Municipal Trail
- G. Discussion and Set Public Hearing for May 4, 2022: Reclassification of Class VI Road #5, (portion of) Alden Road, to a Class A Municipal Trail
- H. Discussion and Set Public Hearing for May 18, 2022: Reclassification of Class VI Road #42 (Unnamed) located off Poverty Lane to a Class A Municipal Trail
- I. Discuss revised scope and duties for the continuance of West Lebanon Revitalization Advisory Committee

MARCH 16, 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. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Lebanon Opera House, Nexus Music and Arts Festival

MARCH 23, 2022 (Organizational Meeting)

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 16, 2022**

5. RECOGNITIONS:

- Resolution in honor of David Moore's Retirement
- Resolution in honor of Devon Blanchard

Included in this Section:

1. Resolution Honoring David Moore
2. Resolution Honoring Devon Blanchard



RESOLUTION HONORING DAVID MOORE

WHEREAS, David Moore devoted himself to a career in public service, having served in the Lebanon Public Works Department for 34 years, and;

WHEREAS, David began his service to the City on April 5, 1988, in the Operations & Maintenance Group as a Truck Driver, and;

WHEREAS, on April 5, 2005, David was promoted to Heavy Equipment Operator where he remained until his retirement date of January 21, 2022, and;

WHEREAS, David served the Public Works Department over the past 34 years in a courteous and helpful manner, often going above and beyond his duties to assist the department whenever needed, and;

WHEREAS, due to his dedication, experience and friendly personality, David has earned the respect, confidence, and friendship of his fellow coworkers, the business associates he has come in contact with, as well as the many citizens he has served, and;

WHEREAS, during his employment with the City, David has demonstrated those many attributes that were essential to his position, continually giving of himself freely and unselfishly.

NOW THEREFORE, BE IT RESOLVED, that we, the members of the Lebanon City Council, on behalf of the citizenry of Lebanon, David's friends, fellow employees and associates, express our admiration of and respect for the career of our outstanding and faithful employee and extend to him our sincere gratitude and wish him well in his retirement.

BE IT FURTHER RESOLVED, that this resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to David Moore.

Dated this day February 16, 2022, in Lebanon, New Hampshire.

Timothy J McNamara, Mayor
On behalf of the Lebanon City Council



RESOLUTION IN HONOR OF

Devon Blanchard

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

WHEREAS, Devon Blanchard volunteered his time, energy, and passion; and created, planned, and strung up over 60,000 lights at the Kilton Public library in 2021; and



WHEREAS, Mr. Blanchard has continued this holiday light project in partnership with various local businesses, and collaborated with Lebanon Recreation, Arts, and Parks since 2018 in memory of his late uncle who passed away in 2013; and

WHEREAS, Mr. Blanchard plans to add 5,000 more lights in 2022 and has put in over 2,000+ hours over the years; and

WHEREAS, Mr. Blanchard reached out to local West Lebanon businesses to join the Light Up Leb Part 2 event; and

WHEREAS, Mr. Blanchard's displays have been seen and acknowledged while on the Lebanon Mall, and Kilton Library over the past 4 years; and

WHEREAS, Mr. Blanchard is inspired to continue this display, not only for his uncle, but for the community, and lifting holiday spirits and cheer.

NOW THEREFORE BE IT RESOLVED that we, the Lebanon City Council, do hereby express our sincere gratitude to the talent, creativity, and dedication of Devon Blanchard to bring joy, hope, and wonder during the holiday season to the City of Lebanon.

NOW THEREFORE, BE IT FURTHER RESOLVED, that this Resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to Devon Blanchard



Dated this 16th day of February 2022, in Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
on behalf of the Lebanon City Council

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 16, 2022**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- January 26, 2022 (Work Session - Housing)
- February 2, 2022 (Regular Meeting)

MOVED, to approve the minutes as presented in the February 16, 2022 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
WORK SESSION
MINUTES**

Wednesday, January 26, 2022, 6:00 p.m.

Council Chambers, City Hall or

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

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

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Finance Director Vicki Lee, Human Services Director Lynne Goodwin

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

2. PLEDGE OF ALLEGANCE: Assistant Mayor Below led the Council in the pledge.

This meeting was conducted in person, virtually by Microsoft Teams, and by phone. If, for some reason, there are technical issues with the virtual meeting or the phone component, the meeting will continue because in person meetings are required by state statute.

3. HOUSING IN LEBANON

A. What is the City of Lebanon’s role in the development of housing in Lebanon?

This is the second meeting over the past year that is dedicated to housing. The pivotal question is: What is the City of Lebanon’s role in the development of housing in Lebanon? The Council will be investigating all the reasonable opportunities and at some point will be having a community discussion.

Mr. David Brooks, Planning & Development Director, gave a presentation and shared screenshots on housing statistics and affordability issues, which were incorporated into the staff memo for this meeting. His memo and screenshots are provided below as a reference for this discussion:

Starting in January 2022, the City Council will hold several workshops to discuss housing policies for the City. During the first such workshop scheduled for January 26th, the main focus of discussion among the City Councilors should be “What is the City’s role in the development of housing in Lebanon?” For example, the City may choose to simply *enable* housing through zoning and development regulations and allow the market to dictate what gets built and where. Alternatively, the City Council could choose to take a more active role to *facilitate*, *incentivize*, *subsidize*, and/or become a *partner* in the development of housing in the city.

The Planning and Development Department has prepared the following summary of reports and information for the City Council to review in preparation for the upcoming series of special work sessions. Most of these references and links have been provided to the City Council previously, including as part of the housing and affordability discussion held in July 2021, except that where appropriate, links have been provided to updated reports and data that have been released since last summer.

1 • Chapter 7 of the City’s 2012 Master Plan is devoted to [Housing](#) and outlines the community’s vision,
2 priorities, and challenges as well as a variety of potential strategies and actions. The existing Vision and
3 Purpose statement reads:

4 “The City of Lebanon shall actively foster a diverse range of housing opportunities and choices for current
5 and prospective residents, and will strive to promote the development of diverse, sustainable neighborhoods
6 that reflect Lebanon’s “small town” character and distinctiveness. The City of Lebanon shall encourage a
7 range of housing options for all segments of the population. New housing development should contribute
8 positively to existing neighborhoods and create safe and desirable new neighborhoods consistent with the
9 other planning goals of the City as expressed in this Master Plan.”

10 • Chapter 1 of the Master Plan is the [Introduction](#), which summarizes the “Principles for a Sustainable
11 Community”, adopted by the City Council on February 18, 2009, and highlights the consistent support
12 among residents for [smart growth principles](#) as one of the core concepts on which the Master Plan is based.
13 The Planning and Development Department also provided a [presentation of smart growth concepts](#) to a
14 joint meeting of the Economic Development Commission and Downtown TIF Advisory Board on January
15 27, 2021. (Note: the smart growth presentation starts approximately 7:15 minutes into the video.)

16 • Housing is also discussed in several other chapters of the Master Plan including [Land Use](#) (Ch. 2),
17 [Economic Development](#) (Ch. 6), and the [Lebanon](#) and [West Lebanon](#) Central Business District chapters
18 (Ch. 3 and 4).

19 • In April 2021, the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) released
20 the [Keys to the Valley](#) report in partnership with the Two Rivers-Ottawquechee and Mount Ascutney
21 Regional Commissions. The Keys to the Valley report supersedes the previous 2012 Housing Needs
22 Analysis prepared by UVLSRPC and documents the housing needs of the greater Upper Valley on both
23 sides of the river. The report also provides a variety of information, tools, and resources for communities to
24 utilize in addressing their housing challenges.

25 • In its [2021 Residential Rental Cost Survey Report](#), New Hampshire Housing Finance Authority (NHHFA)
26 provides a snapshot of the residential rental market across the State. The report indicates that the median
27 monthly gross rental cost for a two-bedroom unit in Grafton County has increased by nearly 12% just in the
28 last year and by nearly 29% since 2016. NHHFA estimates that less than 11% of all two-bedroom units in
29 Grafton County are priced at or below the affordable rental rate for the median renter household income.

30
31 • NHHFA has also released its [Housing Market Snapshot](#) as of December 2021, which provides an overview
32 of the residential ownership market across the State.

33
34 • On July 19, 2021, the City Council held a special meeting to discuss housing and affordability issues. The
35 Planning and Development Department prepared an [informational memo](#) in advance of the meeting and also
36 provided a [presentation](#) to establish a baseline of information and statistics on recent development, regulatory
37 actions taken, and potential strategies for the future.

38
39 • Vital Communities worked with many of the towns and cities within its service area to count the number
40 and types of homes constructed between 2010 and 2019. [How](#) the count was conducted and the [results](#)
41 overall and town-by-town are available through their website. Vital Communities also maintains a wealth
42 of [information and resources](#) related to housing in the Upper Valley.

43
44 Mr. Brooks’ presentation included a running spreadsheet which tracked significant residential subdivisions
45 and developments approved or proposed since 2005, but it was too large to incorporate into the minutes.
46 The Lebanon Housing Pipeline spreadsheet was last updated on 12/14/2021 and is not *readily available on*
47 *the City’s website*.

48
49 Depending on what policy position(s) the City Council chooses to take, it may be appropriate to consider
50 amending the Vision and Purpose statements of the Housing Chapter of the Master Plan as part of the
51 review and update of the entire document. In addition, the Planning and Development Department and

City Manager can then begin to prepare a menu of tools and techniques that the City could utilize to achieve its goals for consideration by the City Council during subsequent workshops.

Mr. Brooks said the question is: What do phrases like “actively foster; strive to promote; and shall encourage” mean in terms of policy? There are a range of options. In terms of enabled housing, this is just making sure it is permitted in Zoning Districts. The following screenshots were discussed and explained by Mr. Brooks.



Housing Policy In Lebanon

Information and Resources Previously Provided:

- 2012 Master Plan
 - Housing (Ch.7), Introduction (Ch.1), Land Use (Ch.2), Economic Development (Ch.6), Lebanon CBD (Ch.3), West Lebanon CBD (Ch.4)
- Smart Growth Principles Summary and Presentation
- “Keys to the Valley” Regional Housing Needs Analysis
- NHHFA Data
 - 2021 Residential Rental Cost Survey Report
 - 2021 Housing Market Snapshot

Lebanon Master Plan – Housing (Ch. 7)

Vision & Purpose Statement (7|A):

“The City of Lebanon shall actively foster a diverse range of housing opportunities and choices for current and prospective residents, and will strive to promote the development of diverse, sustainable neighborhoods that reflect Lebanon’s “small-town” character and distinctiveness.

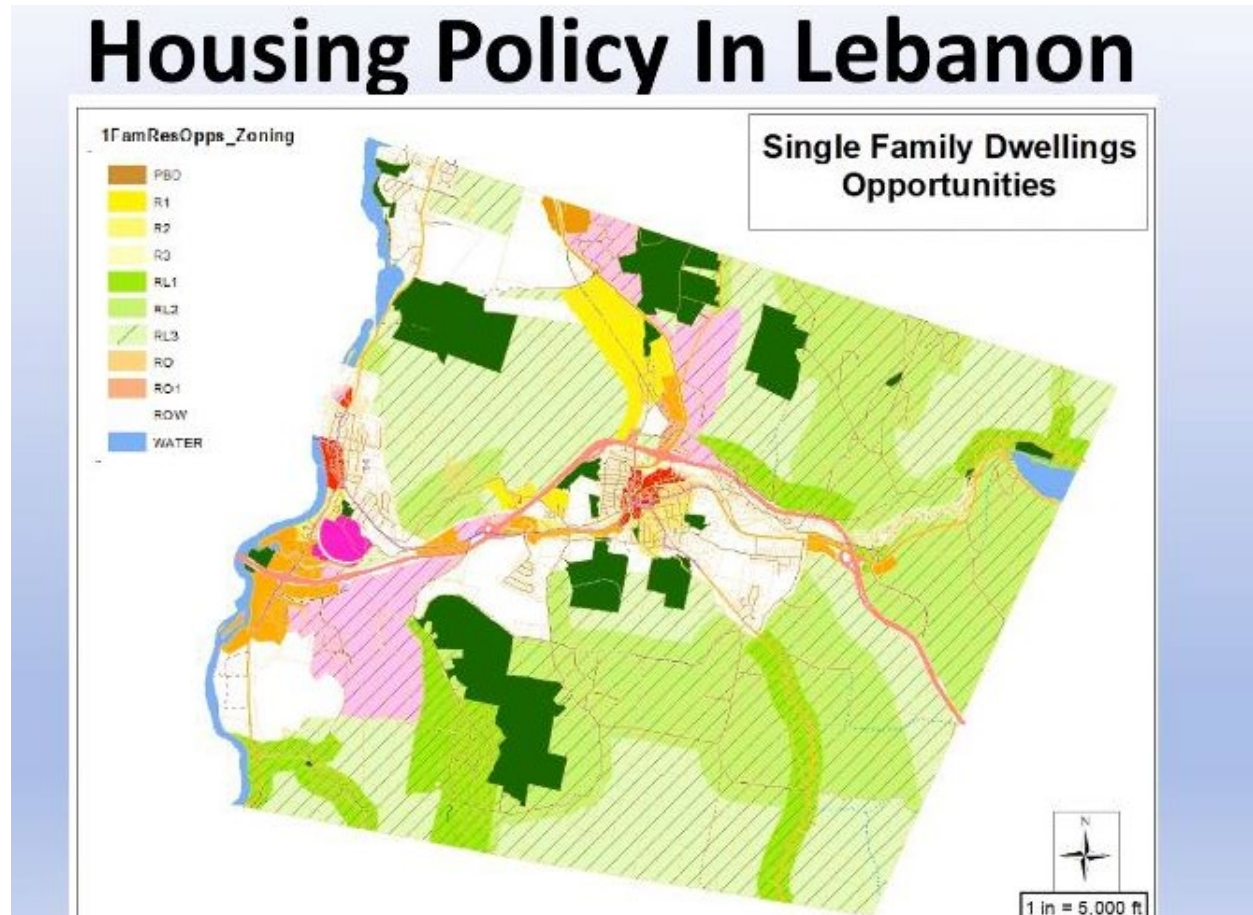
The City of Lebanon shall encourage a range of housing options for all segments of the population. New housing development should contribute positively to existing neighborhoods and create safe and desirable new neighborhoods consistent with the other planning goals of the City as expressed in this Master Plan.”

- Enable Housing
- Facilitate Housing
- Incentivize Housing
- Subsidize Housing
- Partner with Developers

Enable Housing:

- Ensure that the Zoning Ordinance permits housing to be constructed, but otherwise allow the market to dictate what gets built, when, and where.

On the map below, all the colored areas are zones that allow single family residents to be built, which is 80% or more of the City. The areas that are striped, are areas where development can take place through a Special Exception Use. Multi-family dwellings are permitted in the CBD (Central Building Districts/Lebanon Downtown/General Commercial/ PD Districts, RL-1 and, depending on the size of the project, it can also be allowed in the R-2/R-0/R-01 Districts. It can also be allowed by Special Exception or Conditional Use in some of our Industrial Districts.



Facilitate Housing:

- Consider City ownership and maintenance responsibility for roads and utilities, especially for permanently affordable housing. [MP 7.1.S7]

In facilitating housing, the City does not take on roads, sewer, or storm drainage, all of which add costs to the housing for those individual homeowners. This becomes the Homeowners' Association dues and adds costs to those types of multi-residential projects.

Incentivize Housing:

- Community Revitalization Tax Relief Incentive (79-E) Program
 - Housing Opportunity Zones (RSA 79-E:4-c)
 - Residential Property Revitalization Zones (RSA 79-E:4-b)

Mr. Brooks noted new legislation will take effect on April 1, 2022 which will provide an opportunity for the City to create housing opportunity/residential property revitalization zones outside of the downtown areas. The Planning Department is already looking into this new housing incentive, and will be asking the Council to take deliberate action to create/establish the guidelines for those zones.

Incentivize Housing:

- Density Bonus provisions

SECTION 507 BONUSES FOR CERTAIN PLANNED DEVELOPMENT.						
PUD's and manufactured home parks and subdivisions may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.						
507.1 Increased Density Bonuses.						
Maximum Amount of Bonus Available						
Type of Development	For Use of Technique	For Sensitivity to Environment	For Creating Affordable Housing	For Reducing Fiscal Impact	For Energy Efficient Design	For Renewable Energy Facilities
PURD or PRec	12%	----	----	----		
MH Park (or subdivision)	NONE	----	----	----		
Subdivision	NONE	----	----	----		

The chart above is not filled out and there are blanks. We should really consider putting some criteria numbers in these blanks for the Planning Board to consider in order to provide incentives for the kinds of things we want to see happen. Mr. Brooks spoke about the City of Nashua who recently incorporated Density Bonuses provisions into its zoning in conjunction with an inclusion area zoning requirement where there is a mandatory percentage of any sizable project that must meet certain affordability requirements. Like Nashua, Lebanon would need to move away from its current practice of maximizing allowed density in our downtown and nonresidential zones and basically allow people to build as much as a site can accommodate with the understanding that water, sewer, landscaping, and parking need to be provided. This is something that will need to be looked at further.

Subsidize Housing:

- Provide incentives for the private development of affordable/workforce housing, e.g. fee exemptions and/or density bonuses where appropriate for rental units as well as owner occupied homes. [MP 7.1.S11]

Partner in the Development of Housing:

- 20 Spencer Street
- Explore ways to cooperate with the Lebanon Housing Authority and other agencies to use City-owned land and explore opportunities to allow City land for low to moderate-income housing. [MP 7.1.S17]

The bottom line, as has already been stated, is: What should the City's role be in developing housing?

- Enable Housing
- Facilitate Housing
- Incentivize Housing
- Subsidize Housing
- Partner with Developers

Mayor McNamara, Mr. Brooks, and Councilor Whittlesey participated in a webinar with the NH Housing Finance Authority, which brought out the fact that if you look at housing nationally, developers are great at doing single family detached housing on individual lots because they make money on these projects. Developers are also very good on developing larger apartment blocks (100-300 units). What developers are not as good with is often referred to as "the missing middle" (i.e., townhouses, duplexes, triplexes, smaller apartment buildings, and cluster cottage communities). The reasons for this are: 1) These projects do not tend to be as profitable for developers, and 2) Zoning has evolved over the last 70-80 years to steer away from these types of communities and move toward the mega subdivisions or large apartment blocks. Ironically, in many cases, the things that people like and value about their communities and neighborhoods cannot be replicated with existed zoning anymore.

From the Mayor's perspective, Lebanon's market seems to be doing a pretty good job of building big apartment complexes and conventional subdivisions. What we do not see is housing in the middle and explained his reasons. His worry for Lebanon is that we see a predominance of only one type of housing being built, and that is large apartment complexes. His other concern was not having a range of housing where someone can move to Lebanon and feel like they can stay throughout their career and beyond. The challenge is what can we do, as a City, to help promote that range of housing we need for a healthy economy and community, and where is the market failing us?

Summarization of the Council's discussions/suggestions:

Councilor Whittlesey: He spoke about the need to look at the whole spectrum of solutions and have a range of options by creating an entire tool kit in a rational, logical fashion that steers the development growth of the City in a way where we can preserve, maintain, and keep the critical quality factors, while also allowing for the growth of more affordable housing. We also need to look at our zoning, tax abatement strategies/subsidies/funding solutions and partner with developers to reduce their costs of development.

Councilor Sykes: He spoke about using the toolbox approach, noting that we should be looking at models that encompass all those different types of policy as presented in Mr. Brooks' presentation.

Assistant Mayor Below: He questioned why Lebanon does not have more townhouses, noting we do not have a lot of infill opportunities because of our topography. He also spoke about climate change and what Lebanon needs to do to be a sustainable net zero community within the next 30 years. Net zero housing does complicate the affordability issue because it is more expensive, but while it does take more capital, it can potentially zero out energy costs by the fact that you do not have a long-term expenditure and spoke about the same amount of money being spent over the years by using propane, fuel oil, and electricity. These are things the City does not collect property tax revenues on. What we could do locally is look at a building fee structure that accounts for the incremental cost of high efficiency developments and not charge for Building Permit Fees. We can also look at property taxes at the legislative level; what could potentially be done with commercial and existing properties; the Urban Renewal Funds; and continuing to build a partnership with the Lebanon Housing Authority.

Councilor Liot Hill: She spoke about Mr. Brooks' presentation and wanted to focus on what the City's role would be for any of these five (5) areas (i.e., what has been done; what can we think about doing; and what is the City ready to facilitate?). Her thoughts were;

- 1) Housing and affordability are constant issues, but they do not have the same issues and spoke about the range of housing and housing costs for people at all kinds of income levels.
- 2) The need to think about all types of housing; what the market is/is not doing; and, where the City can be involved (i.e., townhouses, rowhouses, etc. are not happening in Lebanon).
- 3) The need to be sensitive and thoughtful in how we approach this discussion because Lebanon residents are very sensitive/traumatized by change, noting what happened along Route 12A and Route 120.
- 4) There is a huge divide in the City regarding renters and those who are homeowners. The Council needs to watch out for their biases between these two groups and explained her reasons.
- 5) Discussed her thoughts on energy efficiency and climate change.
- 6) Discussed her thoughts regarding connecting with the Lebanon Housing Authority to advance housing policy.

In summary, Councilor Liot Hill would like the Council to explore the structure that Mr. Brooks laid out (i.e., creating a toolbox; enabling, facilitating, incentivizing, subsidizing, and partnering) and then brainstorming what kinds of tools we might be able to put into these 5 areas.

Councilor Wilkie: He concurred with most of the comments made by other Councilors. There is a need to focus on an issue that affects 100% of the City, around 50% of which are not homeowners. One concern he had was the concept of the missing middle and did not feel discussions took price into account, noting there is difference between housing and housing affordability. He sees many of Lebanon's developments that are not affordable to the workforce. One of the things we need to focus on is what is it we can/should be providing to best fill the gaps in the resources and capabilities of the market and of our constituents for each different type of project to make sure what we have fits in with the character of Lebanon as we have/want it to be. He also spoke about downtown walkable communities, and an increase in sustainable access to public transportation.

Councilor Heistad: He applauded everything said and spoke about how threatening change can be. We need to come up with a way where we have truly affordable housing and a place where people can walk and get to work. The City needs to make available housing at all income levels. He was also concerned about the future and how the City would deal with the traffic; parking; services (i.e., sewer, water,

landfill); and the safety/security of our water supply because the Mascoma River is the City's only water supply.

Councilor Winny: He spoke about the missing middle, noting that in his work as a social worker, one of the most common issues he runs into is people who need affordable housing for those who have lower wage jobs/lower income levels, or who are struggling with addiction or various health issues that may make it hard for them to work.

Councilor Sykes: He spoke about the connection regarding housing/transportation, noting the need to have a strong/good public transit system. While Advance Transit does an amazing job, they do not operate late at night or on Saturdays/Sundays. He also spoke about affordable housing and the need for workforce housing and how rental housing can also build a sense of community and belonging.

The Council continued discussions on the following:

- How many 1-2 acre sites were available within the existing areas in Lebanon that are served by municipal water/sewer. (There are about 80).
- How increasing the density and decreasing the size of the homes you can get to a price point that is less than what you would pay for rent/purchase of a single family home on a larger lot. These smaller projects tend to gravitate toward local developers who typically have a different level of engagement with the community and who can still make a profit.
- Lebanon's infill sites that can accommodate building a Cottage Cluster/duplex/triplex, etc.; how do we create zoning that will incentivize the creation of these types of housing; and, reaching out to the public in a way that does not feel threatening to them regarding this type of housing.
- Having the City do a potential demonstration project.
- Regionalization: The need to have other communities in our area take on their fair share of housing. Lebanon cannot do it all.
- How Keene, NH is dealing with regionalization in their area.
- How, if the City is going to recommend spending municipal funds in support of housing, the City should do something that provides maximum leverage. (Another category to discuss.)
- The economic effect of addressing housing.
- Energy affordability and how the City should leverage funding to encourage people to retrofit their properties to become energy efficient.
- ADU's (Accessory Dwelling Units): Why more of these are not being built and connecting with people who have/have not built them.
- State Property Taxes.
- Lower income housing/Section 8 Income Vouchers: What can the City do to help subsidize lower income housing?

Mayor McNamara opened the floor to the public and the following came forth:

Dan Nash (Lebanon resident): He spoke about the need for zoning relief; allowing for the separation of uses in zoning; household expenses (i.e., cars); the potential unintended consequences of zoning changes; and, reducing the carbon footprint by reducing the amount of vehicle usage.

Matthew Hall (Ward 3/Planning Board member): He spoke about what the future would look like with Lebanon's infrastructure in the future (roads/schools/police/fire); the need for more single family homes; and, how dense should it be for single family homes in Lebanon.

1 **Cori Hirai (Ward 1/Planning Board Member):** She spoke about her reason (allergy to cats) and would
2 like to see more zoning for duplexes. She also spoke about how difficult it was to know what to do and
3 where to get information about adding a septic system to an ADU.

4
5 Ms. Lynne Goodwin (Human Resources Director), Mr. Brooks, Assistant Mayor Below, and Councilor
6 Whittlesey discussed Section 8 Housing Vouchers and the residents in the City who cannot find rental
7 units to utilize those vouchers because the rent far exceeds what's allowed; the options to incentivize
8 landlords to bring down rental costs to subsidize these vouchers for an extended period of time (2-3 yrs.
9 with a one-time payment); the Lebanon Housing Authority's regulations governing these vouchers; if
10 there might be a potential real estate tax incentive for a property owner who accepts these vouchers; and,
11 having Lebanon do their own study on what can be done to change voucher regulations based on Grafton
12 County rent data only.

13
14 **Mr. Chet Clem (Owner of Lyme Properties):** He spoke about identifying the financial realities of
15 development in Lebanon; how Lebanon's free market cannot deliver new construction for affordable
16 housing (cost of land, price per sq ft), etc.; how zoning is not available for the missing middle; and how
17 the zoning language is confusing and difficult to understand. He would like to work with the City to
18 figure out how to accomplish housing affordability/energy efficiency, noting he would be willing and able
19 to work with small contractors to achieve the City's goals.

20
21 For the next meeting, Mayor McNamara suggested staff take the comments made by the Council,
22 identify the major themes, and then drill down into some individual proposals that they can bring back to
23 the Council for their review.

24
25 The Council discussed and clarified what they would like to review at the next meeting as follows:

- 26 • Identify the central problems we are trying to address and then come up with a plan.
- 27 • More information on a demonstration project.
- 28 • What people's experiences have been with ADUs (positive/negative).
- 29 • Section 8 Vouchers and how the City can work with landlords to incentivize them to accept these
30 vouchers.
- 31 • Regional Involvement: Mayor McNamara will follow up with Keene, NH's mayor.
- 32 • Clear vision of what we want, such as barriers and what is Lebanon's missing housing needs.
- 33 • How the Council can leverage Boards (i.e., LEAC-energy efficiency; DEI Commission
34 concerning equity issues in housing) to help with this initiative.
- 35 • Flushing out what are the missing price/types of housing in the City.
- 36 • Start to develop a Housing Policy.
- 37 • Section 8 Housing: Developing a necessary stop gap measure for vouchers until a solution can
38 be found.

39
40 City Manager Shaun Mulholland explained the process city staff is trying to follow and spoke about the
41 policies that would need to be done by them, noting the time/resources it would take to achieve the
42 Council's goals. He suggested the Council review the components presented by Mr. Brooks and tell staff
43 where they would be appropriate and under what circumstances they should be used at the next meeting.

44
45 A draft agenda (short-term/long term) will be drafted by City Staff and will be given to the Council for
46 their review.

47
48 Next meeting was discussed and is yet to be determined.

1 *The meeting was adjourned at 8:10 PM.*

2

3 *Respectfully submitted,*

4 *Dona E. Gibson*

5 *Recording Secretary*

DRAFT

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, February 2, 2022, 7:00 p.m.
Remote Via Microsoft Teams: LebanonNH.gov/Live**

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

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Deputy Finance Director Alesia Williams, Fire Chief/Emergency Management Director Chris Christopoulos, DPW Administrative Services Manager Kelly Crate, Deputy Assessor Marlene Boisclair, Chief Innovation Officer Melanie McDonough

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 5:30 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 either the virtual meeting or the phone components, the meeting will continue because in person meetings are required by state statute.

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

3. JOINT MEETING WITH TOWN OF PLAINFIELD SELECTBOARD:

A. Future Potential Closure of Trues Brook Road Bridge

Included in agenda packet: Letter from the Selectboard of the Town of Plainfield, NH to the Lebanon City Council dated November 17th, 2021 (*Page 4*)

Mayor McNamara announced this issue has now been resolved with the State. The Plainfield Selectboard withdrew their petition to meet with the Council.

The City Manager noted it was important for the public to know the Trues Brook Road Bridge will be a bypass bridge and will *not* be closed for 5 months. Work on this project will begin in 2023.

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

5. OPEN TO PUBLIC:

Mr. Thomas Jasinski came forward to introduce himself as an alternate member of the Planning Board.

6. RECOGNITIONS: NONE

7. ACCEPTANCE OF MINUTES:

- January 19, 2022 4th Quarter Board/Committee Reports

- 1 • January 19, 2022 (Regular Meeting)

2
3 **Councilor Heistad MOVED** to approve the January 19, 2022 4th Quarter Board/Committee Reports
4 and the January 19, 2022 (Regular Meeting) minutes as written and presented in the February 2,
5 2022 City Council agenda packet.

6 *Seconded by Councilor Sykes.*

7 **The Vote on the Motion was approved (8-0).*

8
9 **8. APPOINTMENTS: Note:** Planning Board members are nominated by the City Manager.

10
11 - Planning Board, Kathie Romano (Reappointment Regular Member) to the Planning Board.
12 **City Manager Shaun Mulholland MOVED** to NOMINATE Kathie Romano (Reappointment Regular
13 Member). Three-Year Term: (2/22-2/25)

14 **The Vote on the NOMINATION was unanimously approved (8-0).*

15
16 - Planning Board, Thomas Jasinski (Alternate Member)
17 **City Manager Shaun Mulholland MOVED** to NOMINATE Thomas Jasinski (Alternate Member) to
18 the Planning Board. Three-Year Term: (2/22-2/25)

19 **The Vote on the NOMINATION was unanimously approved (8-0).*

20
21 **9. PUBLIC HEARING ITEMS: NONE**

22
23 **10. OLD BUSINESS**

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

26
27 Included in agenda packet: Ordinance No. 18, Salary Plan (*Pages 37-39*).

28
29 **BACKGROUND**

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

39
40 The City and the Lebanon Permanent Firefighters' Association have reached a tentative three-year (2022 -
41 2024) labor agreement.

42
43 Negotiations with LPFFA/IAFF included the provision of an independent Salary Market Analysis for
44 positions to include Firefighters, Lieutenants, Captains, Fire Inspectors, and the Fire Alarm and
45 Communications Technician. Municipal Resources Incorporated (MRI) was contracted to perform the
46 study which compared the salaries for ten (10) cities and towns that are comparable to the City of Lebanon.
47 Results of the study showed that Lebanon is paying well below the market for some of these positions. To
48 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)

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.

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:

(1) PRESENTATION:

Councilor Willkie 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.

Seconded by Councilor Sykes.

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

1
2 **11. NEW BUSINESS**

3 **A. Authorization for City Manager to Execute an Amendment to the Lease & Operating**
4 **Agreement with Brightside Brewing, LLC for additional space within the Airport**
5 **Terminal Building**
6

7 City Manager Shaun Mulholland reviewed the proposed Amendment to the Lease & Operating
8 Agreement with Brightside Brewing, LLC (*page 40, City Council Agenda Packet*)
9

10 On November 1, 2019, the City of Lebanon entered into a lease agreement with Brightside Brewing LLC
11 to operate a nano brewery at the Lebanon Municipal Airport. Brightside Brewing desires to lease
12 additional space in the terminal building for an office. An amendment to the lease is proposed in order to
13 include an additional 246 square feet for their office space. This amendment will run concurrently with
14 the existing lease and the rate for the space would be the same as that of the rental car spaces (\$30.00 per
15 square foot per year).
16

17 At the request of Councilor Liot Hill, Airport Director Carl Gross noted the original lease was for 7 (seven)
18 years, with two 1-year options on the lease. The lease for the office space will run concurrently with the
19 existing lease they have for the restaurant space.
20

21 **ACTION**
22

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

27 ***Seconded by Councilor Liot Hill.***

28 ****The Vote on the MOTION was approved (8-0).***
29

30 **B. Authorization for City Manager to Execute a Ground Lease with SDC 49 Plainfield LLC**
31 **for a 2.0-acre space within the Lebanon Airport Tech Park (*page 41, City Council Agenda Packet*)**
32

33 City Manager Shaun Mulholland described and reviewed the terms of the Ground Lease with SDC 49
34 Plainfield LLC.
35

36 In 2019 the City of Lebanon created the Lebanon Airport-Tech Park TIF District. As proposed, the Tech
37 Park will include up to 5 leasehold areas, each being a minimum of 2.0 acres. Infrastructure for the Tech Park
38 was substantially completed in 2021. In 2021 negotiations began with SDC 49 Plainfield LLC (Frito Lay
39 Warehouse in Plainfield that is moving to Lebanon) for the purpose of leasing 2.00 acres for a distribution
40 facility. Negotiated terms of the lease include:
41

- 42 – Area of leasehold is 2.00+/- acres (or 87,120+/- square feet)
- 43 – Term of the lease is 25 years with an option to extend the lease for four five (5) year periods.
- 44 – The base lease rate is \$0.34 per square foot (as determined by a fair market value assessment) and will
45 generate approximately \$29,620 in revenue to the Airport Fund in the first year.
- 46 – The lease has an annual escalator clause of 2.5% per year for the duration of the lease and extensions.
- 47 – Tenant shall be responsible for the extension of utilities (water, sewer, electricity, telecommunications)
48 from the edge of the leased premises to their building and shall be responsible for all associated costs.
49 Tenant shall then be responsible for the payment of consumer charges for all applicable utilities during

- 1 the term of the lease.
- 2 – Tenant shall be responsible for payment of all real estate or personal property taxes.
- 3 – Tenant shall obtain and maintain continuously in effect at all times during the term of lease
- 4 general liability insurance that names the City as additional insured.

5

6 Mr. Greg Saad (Owner and Developer of SDC 49 Plainfield LLC) came forth and described the Saad

7 Development Corporation and its history. noting he will be the owner of the project and will be leasing,

8 long-term, to Frito Lay.

9

10 In response to Councilor Whittlesey's question regarding the timing of a signed lease, Mr. Saad noted they

11 Frito Lay will not sign the ultimate lease until everything is buttoned up and ready to go. His company is

12 building 8 projects for them in the east right now, and that has been their process on every one of them. He

13 also noted he will be spending his own money on this project and was confident Frito Lay would be

14 signing the lease, otherwise he would not be committing to the substantial amount of funds in advance of

15 this project.

16

17 Councilor Whittlesey questioned if there was an Exit Clause in the lease, and Mr. Saad noted they do not

18 and explained his reasons. Frito Lay knows there are supply chain issues for everybody and they

19 understand this process. He also spoke about securing a loan on this project, noting the banking institution

20 they deal with, who has provided them funding for many, many projects, are well aware this is a ground

21 lease; the lease format with Frito Lay; and, the risk involved. His company has never lost a tenant because

22 of a delay of delivery.

23

24 In response to Councilor Liot Hill's question regarding the timing plans for construction, Mr. Saad noted

25 the typical process for a project like this, pre-pandemic, was probably 8-12 months, but the City has a time

26 consuming process that can take longer than some. He thought we are probably looking at 9-12 months for

27 the entitlements, and probably around 9 months for construction due to the supply chain delivery issues. He

28 also noted that there will be no connection between Frito Lay and the Lebanon Airport. The key elements

29 with Frito Lay is to operate 24/7 and described their drop-off/pickup deliveries requirements.

30

31 **ACTION**

32 *Councilor Sykes MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter*

33 *into and execute a ground lease agreement with SDC 49 Plainfield LLC for approximately 2.00 acres of*

34 *land located within the Lebanon Airport Tech Park.*

35 *Seconded by Councilor Winny.*

36

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

38

39 **C. Review of Elderly Tax Exemptions**

40

41 Included in the agenda packet: *(Pages 43-45)*

42 1. February 2, 2022 Memo from Marlene Boisclair, Assessing Clerk; re: 2022 Elderly Tax

43 Exemptions including Explanation and Summary of Elderly Tax Exemptions.

44

45 **BACKGROUND**

46 In response to concerns over drastically higher assessed values following the 2020 city-wide revaluation

47 and the dramatic increases in the real estate market, City Manager Shaun Mulholland requested the

48 Assessing Office to review existing Elderly Exemptions to see if changes to the qualifications are

49 appropriate at this time. Many property owners see dramatic increases in their assessed valuations. Real

50 estate values have been on the rise since 2012, with the most dramatic increase occurring between 2019

1 and 2021. The cost of living and income levels are changing at a rate that has not been seen in 40 years.
2 At present, the exemption for ages 65-74 is \$55,000, for ages 75-79 is \$95,000, and for ages 80 and above
3 is \$200,000. The income limit is currently \$36,800 for single applicants and \$50,000 for married
4 couples. The asset limit is \$100,000 for both single and married applicants.

5
6 For additional details and proposed recommendations, please see the memo and explanation of the
7 Elderly Tax Exemption process as completed by Deputy Assessor Marlene Boisclair.

8
9 Ms. Marlene Boisclair, Deputy Assessing Clerk, came forth and explained the recommendations she put
10 together that would help alleviate some of the stress for elderly Lebanon residents in order to keep them
11 in their homes. According to the MRS 1 reports that we file with the State of New Hampshire, this year
12 we have 90 residents that are enjoying the benefits of the Elderly Exemption Program (23 are in the age
13 group 65-74; 10 in the age group 75-79; and, 49 are age 80 or over). The 80 year-olds and over is the age
14 group who have the most issues with income limits. For example, Lebanon had only 3 out of 10 who
15 applied for the benefit last year. We had to turn down 7 applications because they were slightly over the
16 income limits. This year, with the pending increase in Social Security Benefits, there will be more folks
17 who will be over the income threshold so we thought it best to consider moving our qualifications to
18 accommodate any Social Security Benefit increases to keep more of our elderly in their homes.

19
20 In the past 4-years, we have had between 15-20 new applications each year. Applications for the elderly
21 III category are the majority of them. For the potential lost tax revenue, Ms. Boisclair provided the
22 following examples below because it was difficult to decide how many there were in each category.

23
24 Example 1: 10 new applications and if all 10 qualify:

25 3 elderly I x \$66,000 = \$198,000

26 3 elderly II x \$114,000 = \$342,000

27 4 elderly III x \$240,000 = \$960,000

28 Total exempted amount = \$1,500,000 x 0.02698 = \$40,470 in potential lost tax revenue

29
30 Example 2: 15 new applications and if all 15 qualify:

31 4 elderly I x \$66,000 = \$264,000

32 4 elderly II x \$114,000 = \$456,000

33 7 elderly III x \$240,000 = \$1,680,000

34 Total exempted amounts = \$2,400,000 x 0.02698 = \$64,752 in potential lost tax revenue

35
36 Of the 90 seniors currently receiving an elderly exemption, the increase in lost tax revenue with the
37 increase in exempted amounts:

38 23 elderly I x \$11,000 = \$253,000

39 18 elderly II x \$19,000 = \$342,000

40 49 elderly III x \$40,000 = \$1,960,000

41 Total additional exempted = \$2,555,000 x 0.02698 = \$68,934 in potential lost tax revenue

42
43 Due to the increase in assessed values resulting from the 2020 citywide revaluation and the increasing real
44 estate market, the Assessing Office recommends the City Council raise the income limits for all elderly
45 exemption applicants to \$45,000 for a single applicant and to \$65,000 for a married couple. It is
46 recommended that the City Council consider raising the exempted amounts by 20% to \$66,000 for elderly
47 I (ages 65-74); to \$114,000 for elderly II (ages 75-79); and to \$240,000 for elderly III (ages 80 and
48 older). Increasing the exempted amounts of these three age groups would greatly benefit our seniors.
49 These increases takes into account the increase in Social Security Benefits and keeps those that are in the
50 program now from reaching the income threshold and being removed from the program. This will also
51 bring in more new applicants who are just slightly over the income threshold now.

1
2 The Council discussed the income limits based on gross income from all sources; what the criteria was for
3 the higher increases compared to other towns/cities (i.e., websites have not been updated; cities/town
4 were looking at 2020 information; income level increases have not gone before their Selectboard yet,
5 etc.); the application process for re-applying for benefits (application is good for 5-years); the unintended
6 consequences of the increase in Social Security Benefits; the pros/cons of increasing this elderly benefit;
7 and, the importance of the community to take care of people in need, particularly people who have lived
8 their lives and are now in the sunset of their years.
9

10 **ACTION**

11 ***Council Liot Hill MOVED, that the Lebanon City Council, in accordance with NH RSA***
12 ***72:39-b, hereby increases the amount of assessed value exempted for three elderly age groups as***
13 ***follows:***
14

15 **Elderly I (ages 65-74) amount of assessed value exempted up to \$66,000 (Sixty-Six**
16 **Thousand Dollars),**
17

18 **Elderly II (ages 75-79) amount of assessed value exempted up to \$114,000 (One Hundred**
19 **Fourteen Thousand Dollars),**
20

21 **Elderly III (ages 80 and above) amount of assessed value exempted up to \$240,000 (Two**
22 **Hundred Forty Thousand Dollars).**
23

24 **BE IT FURTHER MOVED that income limits for all elderly exemption applicants be raised from**
25 **\$36,800 to \$45,000 for a single applicant and from \$50,000 to \$65,000 for a married couple.**
26

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

29 ***Seconded by Councilor Winny.***
30

31 ****The Vote on the MOTION was approved (8-0).***
32

33 **D. 2023-2024 NHMA Legislative Policy Process**
34

35 Included in the agenda packet: 2023-2024 NHMA Policy Proposal Form (***Page 47***).
36

37 City Manager Shaun Mulholland review the process and the NHMA Policy Proposal Form.
38

39 It is the time of year when the New Hampshire Municipal Association (NHMA) begins planning for the
40 Legislative Policy Conference in the fall. The policy process begins with solicitation of policy proposals
41 from local officials to create an initial issues list. The deadline for submission of a policy proposal is **April**
42 **15, 2022.**
43

44 NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance;
45 and Infrastructure, Development and Land Use – will review all policy proposals in order to make
46 recommendations which will go to the NHMA Legislative Policy Conference in September.
47

48 The Council's suggestions were to:

- 49
 - Send a note to all the City's Boards/Commissions/Committees for their input and ideas;

- Having the Governance Committee used as a clearing house for all suggestions;
- Mayor McNamara will present the 2023-2024 NHMA Policy Proposal Form to the NH Mayor's Committee for their thoughts;
- Having the Governance Committee meet in early March and bring their findings back to the Council at their 2nd meeting in March; and,
- Having a greater partnership with the State around housing funding.

ACTION

The Council took no action. Topic will be discussed at their 2nd meeting in March once the Governance Committee has had time to put together the ideas from the City's Boards/Commissions/Committees.

12. CITY MANAGER REPORT:

City Manager Mulholland updated the Council on the following:

- Software status: Muncity5 will be discontinued.
- RFP (Request for Proposal) templates: being updated and will be made available to the public
- Downtown Beautification Project
- Landfill-to-Gas Project: Contract has been signed.

13. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

14. FUTURE AGENDA ITEMS:

- 2023-2024 NHMA Policy Proposal Form Suggestions: March 16, 2022

15. NON-PUBLIC SESSIONS:

- 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..."

ACTION:

Councilor Winny MOVED that the City Council enter into Non-Public Sessions for the purpose of discussing:

- A. RSA 91-A:3.II(a) "The dismissal, promotion, or compensation of any public employee..."***
Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

The Council went into Non-Public Session A at 6:37 PM

Councilor Winny MOVED that the City Council go out of Non-Public Session A at 7:05 PM.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

ACTION:

Councilor Winny MOVED that the City Council enter into Non-Public Sessions for the purpose of discussing:

B. RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee...”

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

The Council went into Non-Public Session B at 7:12 PM

Councilor Whittlesey MOVED that the City Council go out of Non-Public Session B at 7:50 PM.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

16. ADJOURNMENTS:

Councilor Winny MOVED to adjourn the meeting. *MOTION was seconded by Councilor Wilkie.*

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

The meeting was adjourned at 7:51 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 16, 2022**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Diversity, Equity & Inclusion Commission, Simone Whitecloud (Alternate Member)
- Library Board of Trustees, Philip Bush (Alternate Member)
- Zoning Board of Adjustment, Paul McDonough (Reappointment Alternate Member)
- Arts & Culture Commission, Nick Gaffney (Arts Organization Representative)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated February 8, 2022

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: February 8, 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.*

Diversity, Equity & Inclusion Commission

- ***Simone Whitecloud*** – Appointment as an alternate member for a two-year term.
Interviewed By: Councilors Zook, Wilkie & Hill
Term: (2/22-2/24)

Library Board of Trustees

- ***Philip Bush*** – Appointment as an alternate member for a one-year term.
Interviewed By: Councilor Whittlesey
Term: (2/22-2/23)

Zoning Board of Adjustment

- ***Paul McDonough*** – Reappointment as an alternate member for a three-year term.
Interviewed By: Councilor Wilkie
Term: (2/22-2/25)

Arts & Culture Commission

- ***Nick Gaffney*** – Reappointment as an Arts Organization Representative for a one-year term.
Interviewed By: Councilor Heistad
Term: (2/22-2/23)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL] Online Form Submission #5519 for Board Member Application
Date: Tuesday, November 9, 2021 7:44:39 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, November 9, 2021 7:24 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #5519 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	Simone
Last Name	Whitecloud
Physical Address	45 Spring St.
City	Lebanon
State	NH

Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	8022990196
Work Number	<i>Field not completed.</i>
Email Address	Swhitecloud@gmail.com
How long have you resided in Lebanon?	1 month
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	As a Native American, I would bring a unique perspective to the commission regarding the importance of promoting DEI in our community.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am a founding member of the diversity committee at my place of work, and have served since it's inception 3 years ago. We develop and execute celebrations for all Federal Observances. I am motivated by my experiences being an outsider, and want to alleviate those feelings for others. My application comes with the caveat that I would only be available Sundays, Monday evenings, and every other Tuesday evening for regular meetings.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Councilor Interview Report Form

Councilor Name: Devin Wilkie & Karen Liot Hill Date of Interview: 1 Feb 2022

Applicant Name: Simone Whitecloud

Board(s) to Which Applied: Diversity, Equity, and Inclusion Commission

 Regular Seat X Alternate Seat

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

(If yes, indicate date of meeting.) Date: 1 Feb 2022

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments: We had a wonderful conversation with the applicant. She is enthusiastic about work pertaining to DEI, doing so in her day job as well, and wants to get involved in her community now that, having been a long-time resident of the Upper Valley, she has settled into Lebanon. We are happy to recommend her to this alternate seat and look forward to her involvement and contributions.

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

Standard Questions for All Applicants:

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

Discuss and enact topics pertaining to DEI in the city, including celebration of diversity and equitable treatment.

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

Yes – will be able to attend virtually or in person as an alternate

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

Member of DEI board at work; also holds experience integrating diverse experiences and perceptions into existing structures through indigenous background and Doctorate in ecology.

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

Yes – very interested in DEI initiatives.

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

No – generally not applicable to this board

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

Limited budget, and deciding what to do first.

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

High enthusiasm in Upper Valley; especial desire for pride parade / festivities. Also branding e.g. 'City of Fountains' to frame acceptance and welcoming attitudes.

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

Pride parade; diversity celebration festival.

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: [EXTERNAL] Online Form Submission #5697 for Board Member Application
Date: Wednesday, January 26, 2022 9:54:52 AM

[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	Philip
Last Name	Bush
Physical Address	14 Mack Avenue
City	West Lebanon
State	NH
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	603 790 8283
Work Number	<i>Field not completed.</i>
Email Address	philipwbush@gmail.com

How long have you resided in Lebanon?	6.5 years (and had jobs in Lebanon for over 40 years)
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Library Board of Trustees
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am applying for the vacant alternate slot on the Library Board of Trustees. I joined the board of the Lebanon Public Libraries Foundation as Treasurer shortly after moving to Lebanon, and will begin a third three year term later this year. Over those years I have become acquainted with the two Lebanon Libraries and the great staff members who work there. Last year I was happy to be part of LPLF's capital campaign effort that exceeded our goal by raising \$325,000 toward the cost of renovating the Lebanon Library. LPLF is also focused on annually raising funds for materials acquisition, an important but narrowly focused aspect of the overall library operations that represents a relatively small part of the mission and budget. I would like to broaden that perspective and my understanding of the issues and challenges facing the libraries by participation on the Board of Trustees.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Avid reader. 45 years working in financial and general administration at area non-profits, including Lebanon Head Start, Upper Valley Youth Services, West Central Services, The Psychiatric Research Center at Dartmouth Medical School, Vital Communities, Positive Tracks and Willing Hands. Current Treasurer of Lebanon Public Libraries Foundation. Current Treasurer of the recently incorporated 501-c-3, Sustainable Lebanon. Past member of the Good Neighbor Health Clinic finance committee. Past member of the Hartland, VT Planning Commission Past auditor, town of Piermont, NH. BA Dartmouth College MBA Plymouth State University

Certification

I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Councilor Interview Report Form

Councilor Name: Doug Whittlesey

Date of Interview: 02/02/2022

Applicant Name: Phil Bush

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

 Regular Seat

 X Alternate Seat

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

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

Recommend Appointment: X Yes No

 X Regular Seat Alternate Seat

General Comments: Phil is an excellent candidate for the Library Board, having served on the Library Foundation's Board for the past six years and having extensive experience in not-for-profit finance and management.

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

Standard Questions for All Applicants:

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

First, to have fiduciary responsibility for the city budget granted to the Library and ensure appropriate management of that; to ensure the longevity of the Library and the relevance of the programming; and to act as representatives of the voting public in the governance of the Library

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

Yes, to both

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

Yes, Phil has extensive experience within non-profit financial management and governance/administration. Phil has served on the Lebanon Public Libraries Foundation board for six years, as well as other boards and non-profits

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

Yes

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

No

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

Expanding the populations served by the Library and who have access to the Library's services; managing the municipal budget; supporting Library's policies around free and open information/access

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

Reopening of the downtown Library, which is really an introduction of a new Library to the public; potential to expand reach of the Library

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

There's a lot of opportunities and challenges, doing the best to open up as much as possible while ensuring the staff's safety in the pandemic

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL] Online Form Submission #5698 for Board Member Application
Date: Wednesday, January 26, 2022 1:13:12 PM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, January 26, 2022 1:08 PM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #5698 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	Paul
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Last Name	McDonough
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Physical Address	73 Daisy Hill Rd.
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City	Lebanon
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State	New Hampshire
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Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6033914877
Work Number	603-678-8000
Email Address	mcduhnuh@gmail.com
How long have you resided in Lebanon?	Since 2017
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Zoning Board of Adjustment
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I appreciate the membership of the ZBA who bring varied experience and common sense to reach the correct decision on every case, and the support provided by Tim Corwin and the planning board staff.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	An appreciation for the important role served by this board and a willingness to consider the opinions of other board members.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Councilor Interview Report Form

Councilor Name: Devin R. Wilkie

Date of Interview: 1/31/2022

Applicant Name: Paul McDonough

Board(s) to Which Applied: Zoning Board of Adjustment (reappointment)

 Regular Seat

 X Alternate Seat

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

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

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments: Paul and I had a wonderful conversation. A newcomer to Lebanon as of 2017, he is excited to have discovered this community and happy to continue learning from the people here while contributing what he can. I am happy to recommend him to this reappointment without reservation.

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

Standard Questions for All Applicants:

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

Consistency, treat everyone fairly and give them an opportunity to speak and be heard while addressing zoning adjustment applications

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

Yes – already an alternate

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

Yes – currently sits in this seat

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

Yes – very interested in learning from colleagues and other sources, and already signing up for seminars

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

No – has only done so once due to wife's employment with the City, out of abundance of caution

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

Signage on rte 12A, for example – rules have changed towards smaller signs, and explaining this to applicants when they see others with bigger signs

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

See above – presenting opinions fairly and understandably to the benefit of all stakeholders

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

Continue its work of fairly and equitably reviewing and deciding on applications

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

1) Have you ever appeared before a zoning board, personally or through a representative?

Been a member of the board already

2) Do you have any personal or professional knowledge or background in the area of zoning law?

Yes – learning and continue to learn

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted Zoning Ordinance?

Yes

4) Zoning Board decisions can be controversial. The Board is bound by law to work within the current zoning regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Yes – was expecting it, and pleasantly surprised to see little to none of it

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: Online Form Submission #4257 for Board Member Application
Date: Thursday, October 1, 2020 1:41:41 PM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, October 1, 2020 10:42 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: Online Form Submission #4257 for Board Member Application

Board Member Application

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

Basic Requirements

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

(Section Break)

First Name	Nicholas
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Last Name	Gaffney
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Physical Address	11 Shaw Street
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City	Lebanon
------	---------

State	NH
-------	----

Zip Code	03766
----------	-------

Is this your mailing address?	Yes
-------------------------------	-----

Home Phone Number	646-331-6425
-------------------	--------------

Work Number	<i>Field not completed.</i>
Email Address	nick@ngaffney.net
How long have you resided in Lebanon?	12 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?	Arts and Culture Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I've enjoyed serving on the Arts & Culture for the past year, and would like to continue.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am the Education Manager at AV Gallery and Art Center, in Lebanon. As a member of the Arts & Culture Commission I would primarily be serving because of my role at AVA. In addition to this, I am also a working artist with a vested interest in the Arts & Culture community of Lebanon.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Councilor Interview Report Form

Councilor Name: Erling Heistad

Date of Interview: 1/26/2022

Applicant Name: Nicholas Gaffney

Board(s) to Which Applied: Arts and Culture Commission

☒ Regular Seat

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

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

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments: Nick has been a regular member of the Arts and Culture Commission and has enjoyed serving as a representative of an arts organization in Lebanon. He is the Education Manager at AVA gallery. He sees the challenge facing Commission as one of finding partners to facilitate the ideas for projects that the Arts Commission would like to see developed in Lebanon. He feels that projects, such as the art in the tunnel, help to make Lebanon a more vibrant and interesting place to visit. He also sees the rail to trail public art as an area that could be developed more to stimulate interest in Lebanon as an arts center. He wants to make sure that the arts scene in Lebanon is diverse and inclusive and welcoming to all. He feels this is a balancing challenge for the Arts and Culture Commission.

I recommend that Nick be reappointed to a regular seat on the Arts and Culture Commission

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

Standard Questions for All Applicants:

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 16, 2022**

8. PUBLIC HEARING ITEMS:

**8.A – 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)

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. A public hearing and action on the requested appropriation will be taken under agenda Item 8.B.

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 second was on February 2, 2022. The Council is asked to finalize the process by acknowledging the third presentation and acting 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) at the close of the public hearing.

ACTION

The Council is requested to consider the following motion:

MOVED, that the Lebanon City Council recognizes the third 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 including the 2022 Salary Grades/Pay Scale approved as part of the tentative collective bargaining agreement to be effective from February 16, 2022 to December 31, 2024.

RESOLVED, that the Lebanon City Council ratifies the collective bargaining agreement between the Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF) and further authorizes amending Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section B, Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF) to include the 2022 Salary Grades/Pay Scale approved as part of the February 16, 2022 to December 31, 2024 collective bargaining agreement as follows:

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	

This Resolution shall be effective upon passage.

Included in this Section:

1. Notice of Public Hearing as Published in the February 5, 2022 Edition of the *Valley News*



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARINGS

Wednesday, February 16, 2022 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on February 16, 2022, beginning at 7:00pm for the following:

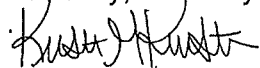
A. AMEND ORDINANCE 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article III, B. Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF)

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).

The February 16, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning February 11, 2022: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, February 5, 2022.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 16, 2022**

8. PUBLIC HEARING ITEMS:

**8.B – SUPPLEMENTAL APPROPRIATION TOTALING \$173,000 TO EXECUTE THE
FIRST YEAR OF A THREE-YEAR SUCCESSOR COLLECTIVE BARGAINING
AGREEMENT WITH THE LEBANON PERMANENT FIREFIGHTERS’ ASSOCIATION
LOCAL 3197/ INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)**

BACKGROUND

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.

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

The Council is requested to consider the following:

BE IT RESOLVED, that the Lebanon City Council hereby authorizes funds in the amount of \$173,000 (One Hundred Seventy Three Thousand Dollars) be appropriated in order to implement cost items for the first year (2022) of the three-year collective bargaining agreement between the City of Lebanon and Lebanon Permanent Firefighters’ Association Local 3197/International Association of Firefighters (IAFF) with the source of financing being a combination of taxes raised and the use of unassigned (spendable) fund balance, if required, to eliminate a tax rate impact greater than 2.5%.

Included in this Section:

1. Notice of Public Hearing as Published in the February 5, 2022 and February 8, 2022 Editions of the *Valley News*



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARINGS

Wednesday, February 16, 2022 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on February 16, 2022, beginning at 7:00pm for the following:

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).

The February 16, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning February 11, 2022: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, February 5, 2022.

A handwritten signature in black ink, appearing to read "Kristin M. Kenniston".

Kristin M. Kenniston, City Clerk

**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING**
Wednesday, February 16, 2022 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

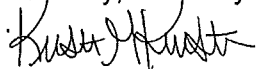
The Lebanon City Council will hold public hearing on February 16, 2022, beginning at 7:00pm for the following:

A. 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).

The February 16, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning February 11, 2022: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Tuesday, February 8, 2022.



Kristin M. Kenniston, City Clerk

AGENDA LEBANON CITY COUNCIL FEBRUARY 16, 2022

9. OLD BUSINESS:

9.A – RESCHEDULE PUBLIC HEARING FOR ORDINANCE #2021-14 TO AMEND CITY CODE CHAPTER 180, WARDS

BACKGROUND

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

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

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

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

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

On December 1, 2021, Lebanon City Council scheduled a public hearing for May 4, 2022 for the purpose of receiving public input and taking action on Ordinance #2021-14, to amend City Code Chapter 180, Wards, to adjust ward boundaries as required by City Charter Section 419:4 and to clarify that Councilors and Ward officers currently in office who are affected by the ward boundary adjustments shall be permitted to complete the remainder of their current term.

Council is asked to reschedule the public hearing from May 4, 2022 to April 20, 2022.

ACTION

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

MOVED, that the Lebanon City Council hereby reschedules a public hearing from May 4, 2022 to April 20, 2022, beginning at 7:00p.m. in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action

on Ordinance #2021-14, to amend City Code Chapter 180, Wards, to adjust ward boundaries as required by City Charter Section 419:4 and to clarify that Councilors and Ward officers currently in office who are affected by the ward boundary adjustments shall be permitted to complete the remainder of their current term.

Included in this Section:

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

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

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

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

Section 1:

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

§180-2, Amendments to boundaries

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

Section 2:

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

§180-4, Ward 2

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

§180-5, Ward 3

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

Section 3: Severability

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

Section 4: Effective Date

This ordinance shall become effective upon passage.



C. Christine Fillmore
Admitted in NH

603.792.7417
cfillmore@dwmlaw.com

670 N. Commercial Street, Suite 207
Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

November 4, 2021

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

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: **11/08/2021**

DS

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

Mr. Mulholland:

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

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

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

Sincerely,

C. Christine Fillmore

Chapter 180. Wards

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

§ 180-1. Wards defined.

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

§ 180-2. Amendments to boundaries.

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

§ 180-3. Ward 1.

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

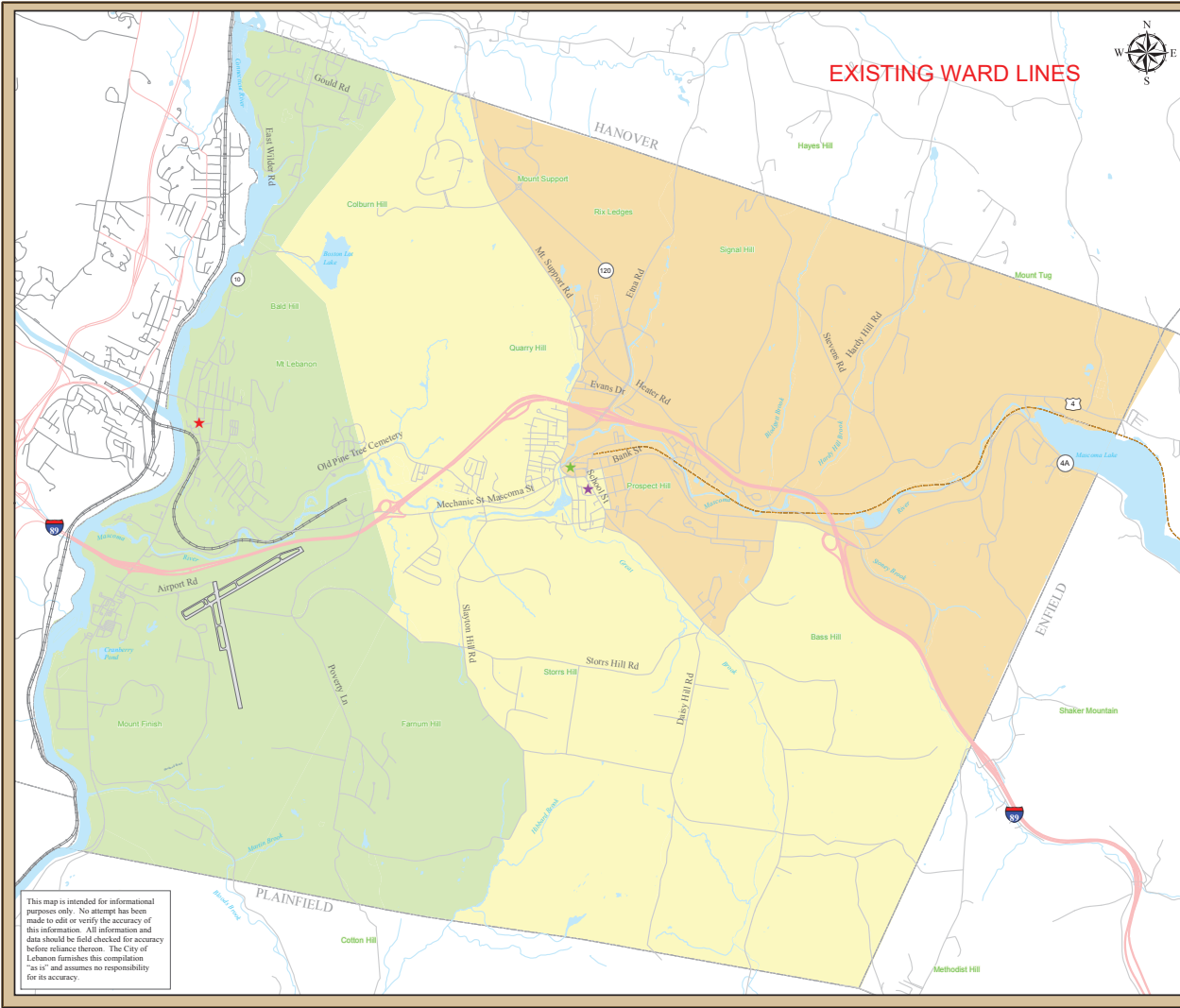
§ 180-4. Ward 2.

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

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

§ 180-5. Ward 3.

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



CITY of LEBANON, NH



WARD DISTRICTS
Effective May 1, 2012

- Ward 1 (4427 pop.)
- Ward 2 (4340 pop.)
- Ward 3 (4384 pop.)

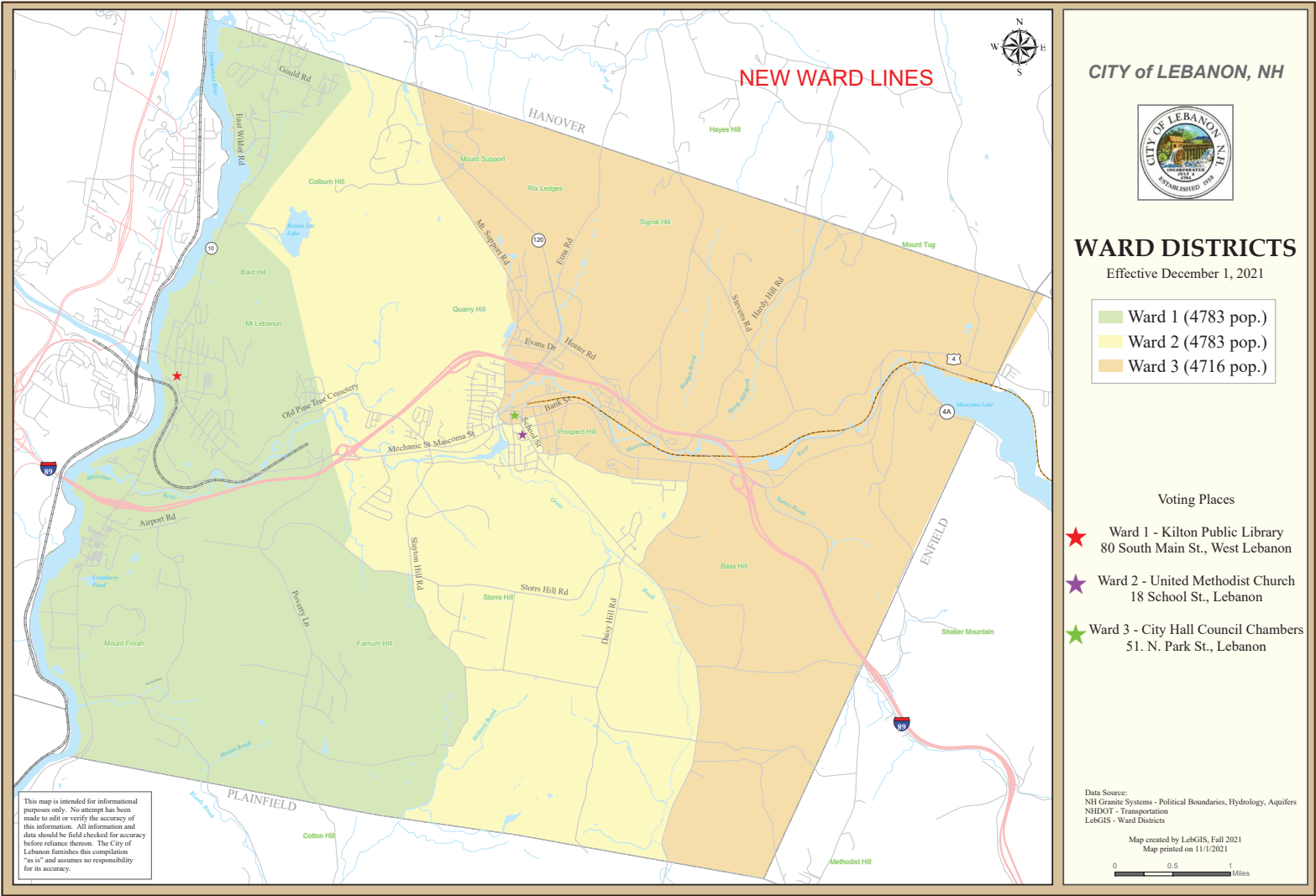
Voting Places

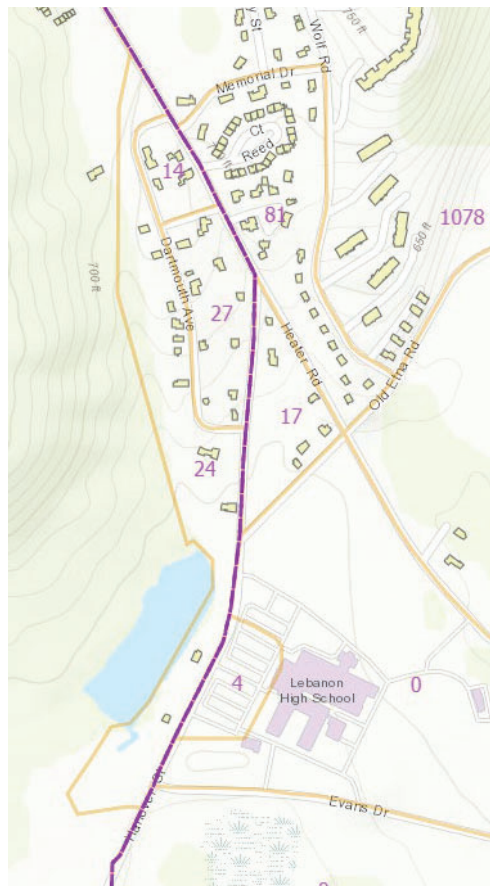
- Ward 1 - Kilton Public Library
80 South Main St., West Lebanon
- Ward 2 - United Methodist Church
18 School St., Lebanon
- Ward 3 - City Hall Council Chambers
51. N. Park St., Lebanon

Data Source:
NH Granite Systems - Political Boundaries, Hydrology, Aquifers
NHDOT - Transportation
LebGIS - Ward Districts

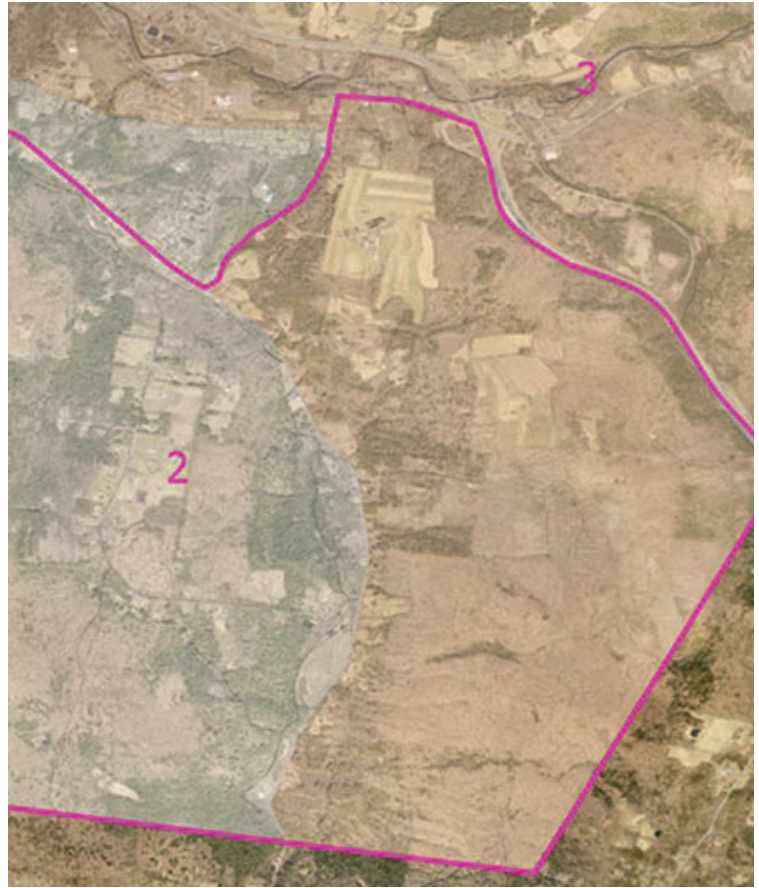
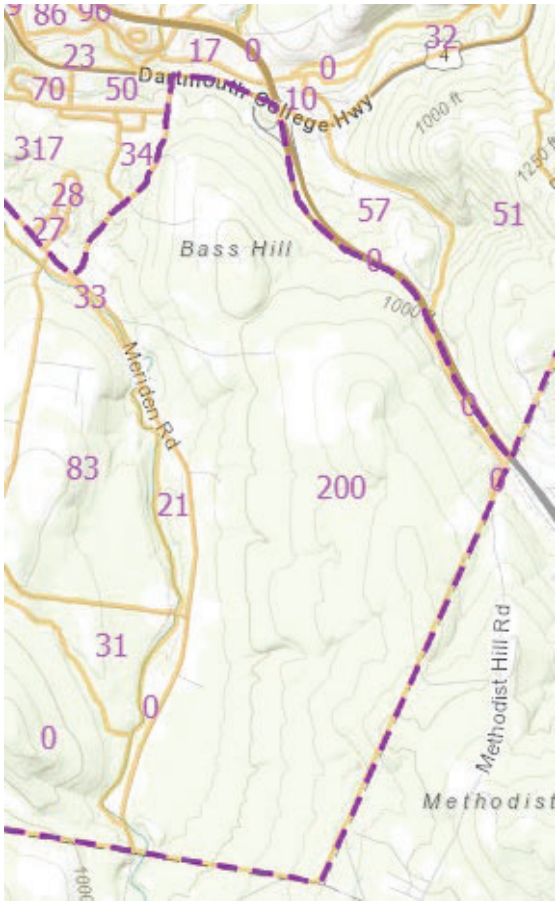
Map created by LebGIS, Spring 2012
Map printed on 5/1/12

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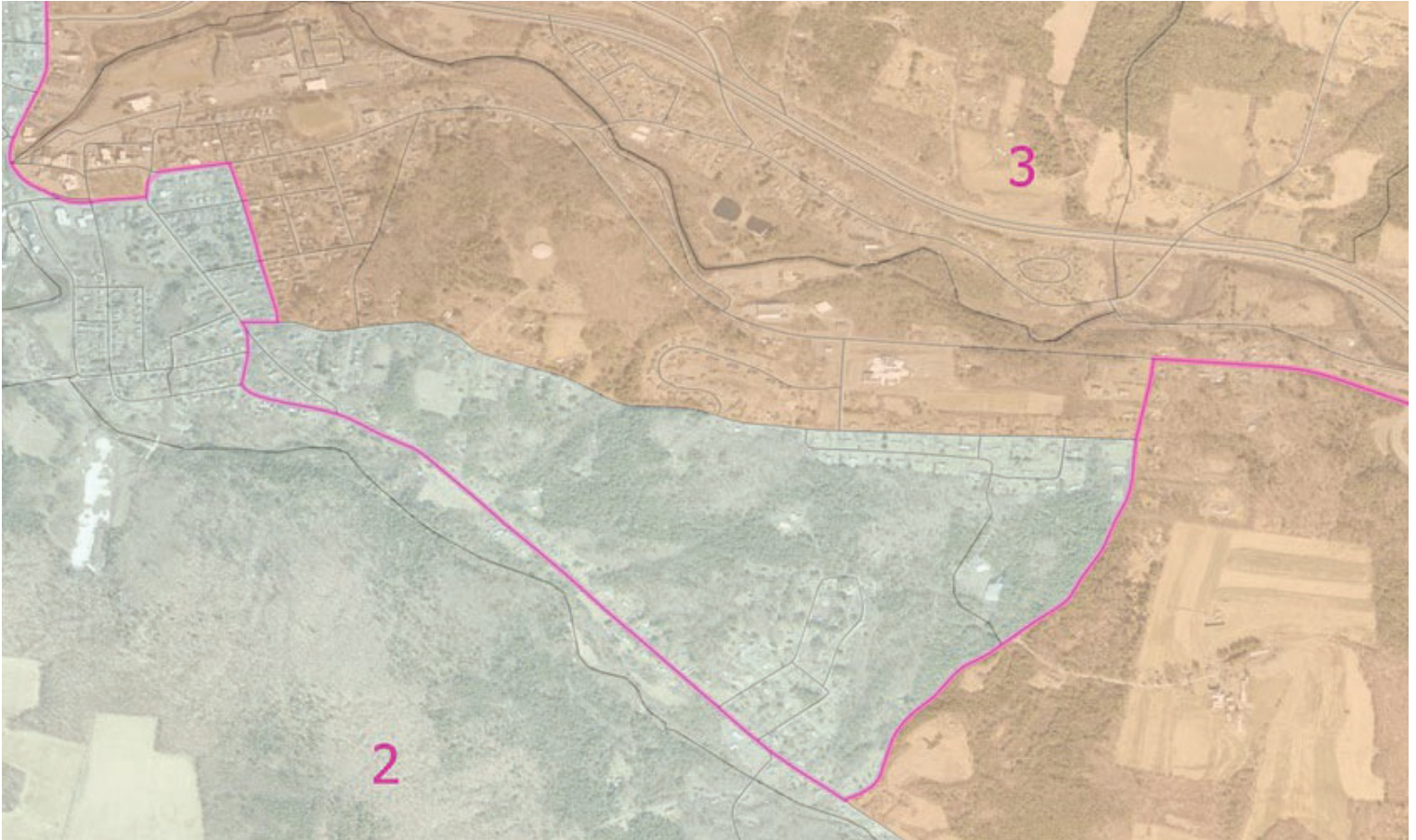
Detail of Section 1: Ward 2 to Ward 3



Detail of Section 2: Ward 2 to Ward 3



Detail of Section 3: Ward 3 to Ward 2



Detail of Section 3: Ward 3 to Ward 2

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 16, 2022**

10. NEW BUSINESS:

**10.A DISCUSSION & SET PUBLIC HEARING FOR MARCH 16, 2022: REQUEST
FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$181,050
FOR THE LANDFILL GAS TO ENERGY PROJECT**

BACKGROUND

With the appropriation of \$1,362,060 approved as part of the 2022 Capital Improvement Program, total funding for the Landfill Gas to Energy Project stands at \$5,183,422.74. Various components of the final project have required amendments due to increases in material and labor costs. These components include final engineering and construction; protective steel pavilion; and the interconnection agreement with Liberty Utilities & National Grid for electrical grid improvements.

FINAL ENGINEERING AND CONSTRUCTION

The original proposal by Waldron Engineering & Construction received in February 2021 totaled \$4,455,000. In January 2022, the contract proposal was increased to \$4,695,000 to cover materials and labor increases. This provides for a total increase of \$240,000. Please see attached letter from Waldron Engineering to Marc Morgan, Solid Waste Manager for more information.

PROTECTIVE STEEL PAVILION

The original proposed steel pavilion was to be a 40'x75' structure to cover the gas turbine and gas treatments units, the cost for which was estimated at \$82,057. Increases in material and labor drove the price to \$116,000. Waldron Engineering has provided an alternative 10'x10'x9' structure that will cover the electrical panels only, the cost for which is \$19,000. This provides a total decrease of \$(63,057). The City has agreed to this alternative.

INTERCONNECTION AGREEMENT

The original interconnection agreement contained a cost of \$625,000 for required electrical grid improvements by Liberty Utilities and National Grid (inclusive of 25% in contingencies). This cost has increased to \$650,468.75 due to additional required improvements which provides a total increase of \$25,468.75

In Summary, project costs have increased from \$5,162,057 to \$5,364,469 and available funding equals only \$5,183,423, necessitating a supplemental appropriation in the amount of \$181,050 (rounded to nearest \$10) to complete the project.

The return on investment (ROI) analysis performed by Dubois & King Engineers results in a favorable total net 20-year cash flow of between \$10,118,433.40 to \$14,409,455.87 compared to the project's 20-year total direct expenses of \$8,524,017.07. The \$14,409,455.87 includes Renewable Energy Credits (RECs). Year 1 has a positive cash flow of between \$269,660.30 to \$477,798.30 depending on whether RECs are available and factored in.

ACTION

The Council is asked to consider the following motion:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 16, 2022, beginning at 7:00pm, Council Chambers, City Hall, Lebanon, and Remote via the City's Virtual Platform for the purpose of receiving public input and taking action to appropriate the sum of \$181,050 to supplement the current funding for the Landfill Gas to Energy Project and to authorize the issuance of bonds/notes in accordance with the Municipal Finance Act (RSA 33).

Included in this Section:

1. January 25, 2022 Letter to Solid Waste Manager Marc Morgan from Waldron Engineering & Construction re: City of Lebanon Renewable Energy Project

January 25th, 2022

Marc Morgan
Solid Waste Manager
City of Lebanon

Re: City of Lebanon Renewable Energy Project

Mr. Morgan

Thanks for your recent inquiry into the 2021 Engineer-Procure-Construct (Design-build) proposal changes for 2022, as the price validity for the 2021 proposal expired. As discussed, for the updated proposal several items have increased in cost which amounted to a total of \$240,000 in differential to the revised proposal. Below is a breakdown of the sources of cost increase from largest to smallest in terms of % change from the original proposal:

- Vendor price increase, Vergent Power
- Sub-Contractor price increase, material cost change in Stainless Steel
- Sub-contractor price increase, material cost change in electrical wire (copper)
- Sub-contractor price increase, material cost change in concrete (aggregate)
- Waldron direct, labor cost change for 2022

Of those the largest price impact and driver of the cost increase is the vendor cost increase from Vergent Power. We have requested Vergent Power provide additional detail on their cost increases, to which they have provided the following:

- Sub-supplier price increase, Capstone Microturbine, applies to all 2022 projects.
- Sub-supplier price increase, Unison, based on material cost change in Stainless Steel

We hope this insight into the cost changes is sufficient for your purposes. Please let me know if additional information is needed.

Please contact me at 603-770-0842 or jsmith@waldron.com if there is anything further.

Waldron Engineering & Construction, Inc.

Jeremy P. Smith

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