



**LEBANON CITY COUNCIL
MARCH 2, 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: 979 068 299#). If you have trouble accessing this meeting, please [email Paula Maville](#).

The March 2, 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: None

6. Approval of Minutes

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

7. Appointments

- Diversity, Equity & Inclusion Commission, Kathy Beckett (Alternate Member)
- Lebanon Energy Advisory Committee, Meghan Butts (Alternate Member)
- Lebanon Energy Advisory Committee, Sherry Boschert (Regular Member)

8. Public Hearing Items: None

9. Old Business

- A. Discussion & Set Public Hearing for March 16, 2022: Ordinance #2021-16 to amend City Code Chapter 46, Cemeteries to increase current rates for the purchase of cemetery lots and burials & entombments; and to incorporate provisions for Natural Burials.

10. New Business

- A. Review and adoption of revised General Assistance Program Guidelines
- B. Discuss revised scope and duties for the continuance of West Lebanon Revitalization Advisory Committee
- C. 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

- D. Discussion and Set Public Hearing for March 16, 2022: Reclassification of Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail
- E. 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
- F. 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
- G. 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
- H. 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
- I. Discussion and Set Public Hearing for March 16, 2022: Rescission of Ordinance #2021-09, Face Masks

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

15. Adjournment

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

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: Arts & Culture Commission
Position: Regular Member
Applicant: J. Giordani
Assigned Councilor: G. Sykes
Assigned Date: 02/09/2022

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

Board/Committee: Economic Development Commission
Position: Regular Member
Applicant: C. Brown
Assigned Councilor: K. Hill

Lebanon City Council Agenda
March 2, 2022

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: Pedestrian & Bicyclist Advisory Committee
Position: Regular Member
Applicant: M. McCormick
Assigned Councilor: D. Whittlesey
Assigned Date: 02/09/2022

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 16, 2022

PUBLIC HEARING ITEMS:

- A. SUPPLEMENTAL APPROPRIATION FOR LANDFILL GAS TO ENERGY PROJECT – A public hearing for the purpose of receiving public input and taking action to appropriate the sum of \$181,046 for additional costs associated with the Landfill Gas to Energy Project
- B. ORDINANCE #2021-16 - Public Hearing for the purpose of receiving public input and taking action to amend City Code Chapter 46, Cemeteries to increase current rates for purchase of cemetery lots and burials & entombments, and to incorporate provisions for Natural Burials.
- C. RECLASSIFICATION OF CLASS VI ROAD #57 – A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #57 located at the Northwest Corner of Lebanon on Enfield Town Line to a Class A Municipal Trail.
- D. RECLASSIFICATION OF CLASS VI ROAD #3 – A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail.

NEW BUSINESS:

- A. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Charles and Valerie Martin, 8 Pleasant Street West Lebanon, NH 03784
- B. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Lebanon Opera House, Nexus Music and Arts Festival
- C. Proposed NHMA Policy Position-Childcare and Early Education

MARCH 23, 2022 (Organizational Meeting)

APRIL 6, 2022

PUBLIC HEARING ITEMS:

- A. RECLASSIFICATION OF CLASS VI ROAD #28 – A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #28, Old Kings Highway (between Storrs Hill Road and Farnum Hill Road) to a Class A Municipal Trail.

NEW BUSINESS:

- A. Endorsement of Open Space Plan as adopted by the Conservation Commission on November 18, 2021
- B. Discussion & Set Public Hearing for April 20, 2022: Ordinance 2022-01 to amend City Code Chapter 31, Article VI, Licensing Board

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

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- February 16, 2022 (Regular Meeting)

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

DRAFT

**LEBANON CITY COUNCIL
MINUTES**

Wednesday, February 16, 2021, 7:00 p.m.

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

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

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Deputy Finance Director Alesia Williams, Fire Chief and Emergency Management Director Chris Christopoulos, Recreation, Arts, and Parks Director Paul Coats, Recreation Coordinator Kristine Flythe, Solid Waste Manager Marc Morgan, DPW Administrative Services Manager Kelly Crate

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

This meeting was conducted in person, which is a requirement by State statute, and was also conducted virtually by Microsoft Teams and by phone as a public courtesy.

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

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

4. OPEN TO PUBLIC:

- Mr. John Bomeroy came forth and read a letter he prepared giving his arguments against wearing face masks. Mayor McNamara noted a discussion on the Face Mask Ordinance will take place at the Council's first meeting in March.

5. RECOGNITIONS:

- David Moore Retirement – Heavy Equipment Operator

**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;

1 **WHEREAS**, David served the Public Works Department over the past 34 years in a courteous and helpful
2 manner, often going above and beyond his duties to assist the department whenever needed, and;
3

4 **WHEREAS**, due to his dedication, experience and friendly personality, David has earned the respect,
5 confidence, and friendship of his fellow coworkers, the business associates he has come in contact with, as
6 well as the many citizens he has served, and;
7

8 **WHEREAS**, during his employment with the City, David has demonstrated those many attributes that were
9 essential to his position, continually giving of himself freely and unselfishly.
10

11 **NOW THEREFORE, BE IT RESOLVED**, that we, the members of the Lebanon City Council, on behalf
12 of the citizenry of Lebanon, David's friends, fellow employees and associates, express our admiration of
13 and respect for the career of our outstanding and faithful employee and extend to him our sincere gratitude
14 and wish him well in his retirement.
15

16 **BE IT FURTHER RESOLVED**, that this resolution be written upon the minutes of the Lebanon City
17 Council meeting and a copy be presented to David Moore.
18

19 Dated this day February 16, 2022, in Lebanon, New Hampshire.
20

21
22 Timothy J McNamara, Mayor
23 *On behalf of the Lebanon City Council*

24 - Devon Blanchard

25 **RESOLUTION IN HONOR OF**
26 **Devon Blanchard**
27

28 **WHEREAS**, the Lebanon City Council recognizes the importance of
29 community volunteers and wishes to encourage an environment in
30 which volunteers can flourish; and
31

32 **WHEREAS**, Devon Blanchard volunteered his time, energy, and
33 passion; and created, planned, and strung up over 60,000 lights at the
34 Kilton Public library in 2021; and
35

36 **WHEREAS**, Mr. Blanchard has continued this holiday light project in partnership with various local
37 businesses, and collaborated with Lebanon Recreation, Arts, and Parks since 2018 in memory of his
38 late uncle who passed away in 2013; and
39

40 **WHEREAS**, Mr. Blanchard plans to add 5,000 more lights in 2022 and has put in over 2,000+ hours
41 over the years; and
42

43 **WHEREAS**, Mr. Blanchard reached out to local West Lebanon businesses to join the Light Up Leb
44 Part 2 event; and
45



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

6. ACCEPTANCE OF MINUTES:

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

Councilor Heistad MOVED to approve the January 26, 2022 (Work Session) and the February 2, 2022 (Regular Meeting) minutes as written and presented in the February 16, 2022 City Council agenda packet.

Seconded by Councilor Wilkie.

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

7. APPOINTMENTS:

- Diversity, Equity & Inclusion Commission, Simone Whitecloud (Alternate Member)

Councilors Wilkie, Liot Hill and Zook put forth the NOMINATION of Simone Whitecloud (Alternate Member) to the Diversity, Equity & Inclusion Commission. Two-Year Term (2/22-2/24).

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

- Library Board of Trustees, Philip Bush (Alternate Member)

Councilor Whittlesey put forth the NOMINATION of Philip Bush (Alternate Member) to the Library Board of Trustees. One-Year Term (2/22-2/23).

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

- Zoning Board of Adjustment, Paul McDonough (Reappointment Alternate Member)

Councilor Wilkie put forth the NOMINATION of Paul McDonough (Reappointment Alternate Member) to the Zoning Board of Adjustment. Three--Year Term (2/22-2/25).

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

- Arts & Culture Commission, Nick Gaffney (Arts Organization Representative)

1 *Councilor Heistad put forth the NOMINATION of Nick Gaffney (Arts Organization Representative)*
2 *to the Arts & Culture Commission. One--Year Term (2/22-2/23).*

3 **The Vote on the NOMINATION was unanimously approved (9-0)*
4

5 **8. PUBLIC HEARING ITEMS:**

6 **A. AMEND ORDINANCE 18, SALARY PLAN** – A public hearing for the purpose of receiving
7 public input and taking action to amend Ordinance No. 18, Salary Plan, Article III, B.
8 Lebanon Permanent Firefighters’ Association Local 3197/International Association of
9 Firefighters (IAFF)
10

11 Included in the agenda packet: Ordinance No. 18, Salary Plan,
12

13 City Manager Shaun Mulholland reviewed the proposed amendment to Ordinance 18, Salary Plan.
14

15 The City Council is not directly responsible for the negotiation of collective bargaining agreements; it is
16 the City policy making body and the legislative body with authority to raise and appropriate tax revenues
17 to fund labor agreements. Under the City Manager form of government, the City Manager is responsible
18 for administering the affairs of the City, including the appointment of employees and the negotiation of
19 labor agreements. The City Manager’s statutory obligation is to bargain in “good faith.” In the collective
20 bargaining context, “good faith” negotiation “... involves meeting at reasonable times and places to reach
21 agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this
22 chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a
23 proposal or to make a concession.” Failure to bargain in good faith constitutes an unfair labor practice.
24

25 The City and the Lebanon Permanent Firefighters’ Association have reached a tentative three-year (2022 -
26 2024) labor agreement.
27

28 Negotiations with Lebanon Permanent Firefighters’ Association/IAFF included the provision of an
29 independent Salary Market Analysis for positions to include Firefighters, Lieutenants, Captains, Fire
30 Inspectors, and the Fire Alarm and Communications Technician. Municipal Resources Incorporated (MRI)
31 was contracted to perform the study which compared the salaries for ten (10) cities and towns that are
32 comparable to the City of Lebanon. Results of the study showed that Lebanon is paying well below the
33 market for some of these positions. To bring salaries to a competitive level in the market and increase
34 recruitment/retention of fire personnel, management is proposing to raise wages over a three-year cycle
35 (2022 and 2024). Proposed increases in 2022 will bring positions to at least the 50th percentile with costs
36 totaling \$173,000.
37

38 State law requires that only cost items be submitted to the City Council for approval. Cost items mean any
39 benefit acquired through collective bargaining whose implementation requires an appropriation by the
40 legislative body of the public employer (City of Lebanon) with which negotiations are being conducted.
41 Cost items shall be submitted within 30 days to the City Council for approval. Within 30 days of the receipt
42 of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects
43 any part of the submission, or while accepting the submission takes any action which would result in a
44 modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or
45 part of the entire agreement. Please see attached memo from City Manager Mulholland for a summary of
46 cost items associated with the tentative labor agreement.
47

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.

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

ACTION

Councilor Liot Hill MOVED, that the Lebanon City Council 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

1 *Seconded by Councilor Wilkie.*

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

3 *This Resolution shall be effective upon passage.*

4
5 **B. SUPPLEMENTAL APPROPRIATION TO EXECUTE 1ST YEAR OF SUCCESSOR**

6 **COLLECTIVE BARGAINING AGREEMENT (IAFF)** – A public hearing for the purpose of
7 receiving public input and taking action to appropriate the sum of \$173,000 to execute the cost items
8 for year one (2022) of the three-year successor collective bargaining agreement between the City of
9 Lebanon and Lebanon Permanent Firefighters' Association Local 3197/International Association of
10 Firefighters (IAFF)

11
12 A supplemental appropriation in the amount of \$173,000 is needed in order to execute the first year (2022)
13 of the three-year successor collective bargaining agreement. The intent is to pay for this action through the
14 application of general fund unassigned fund balance, therefore resulting in no municipal tax rate impact in
15 2022.

16
17 Passage of supplemental appropriations (appropriations after the annual budget is adopted) require an
18 affirmative vote of two-thirds majority of the City Council after a public hearing – i.e. 9 members present,
19 6 affirmative votes needed; 8 member/6 votes; 7 members/5 votes; 6 members/4 votes; and 5 members
20 (quorum)/4 votes. Notice of the public hearing must be printed in a newspaper published or circulated
21 locally once a week in two successive calendar weeks with the last publication being at least seven days,
22 including the day of publication, before the public hearing. The City Council is required to designate how
23 the appropriation is to be paid for.

24
25 The supplemental appropriation is to be paid for through a combination of taxes raised and the use of
26 Unassigned (Spendable) Fund Balance. The potential for use of Spendable Fund Balance will be determined
27 once revenues are calculated when the tax rate is set in October 2022. If there is to be an impact on the tax
28 rate of greater than 2.5 percent (2.5%), additional Spendable Fund Balance will be utilized to offset the
29 impact and keep the tax rate to no greater than 2.5%.

30
31 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
32 **Hearing was closed.**

33
34 **ACTION**

35
36 *Councilor Whittlesey MOVED to:*

37
38 ***BE IT RESOLVED, that the Lebanon City Council hereby authorizes funds in the amount of \$173,000***
39 ***(One Hundred Seventy Three Thousand Dollars) be appropriated in order to implement cost items for***
40 ***the first year (2022) of the three-year collective bargaining agreement between the City of Lebanon and***
41 ***Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters***
42 ***(IAFF) with the source of financing being a combination of taxes raised and the use of unassigned***
43 ***(spendable) fund balance, if required, to eliminate a tax rate impact greater than 2.5%.***

44 **Seconded by Councilor Heistad.**

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

46
47 **9. OLD BUSINESS**

48 **A. Reschedule Public Hearing from May 4, 2022 to April 20, 2022: Ordinance #2021-14 to amend**

1 City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional
2 requirement to equalize populations amongst wards.

3
4 Included in the agenda packet:

- 5 1. Ordinance #2021-14
- 6 2. November 4, 2021 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2021-14
- 7 Ward Boundaries
- 8 3. Existing Chapter 180, Wards
- 9 4. Map of Current Ward Boundaries (2012)
- 10 5. Map of Proposed Ward Boundaries
- 11 6. Detailed Maps of Proposed Changes (2021) *Pages 62-67*

12 13 BACKGROUND

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

19
20 At the March 13, 2012, Municipal Election, voters approved a Charter amendment which adjusted the
21 ward lines at that time and granted the authority to the City Council for future ward line changes via the
22 ordinance process. The City Clerk's role within this process is to make a recommendation to the City
23 Council for the proposed boundary lines of Lebanon's three wards. The ultimate decision belongs to the
24 City Council.

25
26 If adopted as proposed, Ordinance 2021-14 will reduce the deviation to less than 2% amongst
27 all three Wards. The proposal suggests the following adjustments and amendments:

- 28
- 29 • Adjusting boundary lines between Wards 2 and 3 to reduce current deviation; and
- 30 • Amend language to allow currently elected officials (City Councilors and Election officials) to
- 31 complete their existing terms should the boundary line adjustments place them in a new ward.
- 32

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

37
38 On December 1, 2021, Lebanon City Council scheduled a public hearing for May 4, 2022 for the purpose
39 of receiving public input and taking action on Ordinance #2021-14, to amend City Code Chapter 180,
40 Wards, to adjust ward boundaries as required by City Charter Section 419:4 and to clarify that Councilors
41 and Ward officers currently in office who are affected by the ward boundary adjustments shall be permitted
42 to complete the remainder of their current term.

43
44 Council was asked to reschedule the public hearing from May 4, 2022 to April 20, 2022.

45
46 At the request of Mayor McNamara, Assistant Mayor Below reviewed his proposed options regarding
47 Lebanon's Ward boundary adjustments, noting there were a couple of other solutions that would result in
48 lower deviations in populations and voters moved. He shared screenshots of his proposed options, and
49 maps of the Wards they would affect. His information will be provided to staff and the City Council.

1

City Clerk's Proposal

	A	B	C	D	E
32	City Clerk's Proposal				
33	move T 961701, B 4016, W 2 to 3, Dartmouth Ave		(24)	24	
34	move T 961701, B 4017, W 2 to 3, Dartmouth Ave		(14)	14	
35	move T 961701, B 4016, W 2 to 3, Dartmouth Ave		(27)	27	
36	move T 961801, T 1010, W 2 to 3, Meriden Rd. SE corner		(200)	200	
37	move T 961802, B 2010, W3 to 2, Prospect St.-Meriden Rd		317	(317)	
38	move T 961802, B 2011, W3 to 2, Grandview-Garnet		28	(28)	
39	move T 961802, B 2012, W3 to 2, Hillcrest		17	(17)	
40	move T 961802, B 2014, W3 to 2, Kinne-Laro		27	(27)	
41	move T 961802, B 2015, W3 to 2, Messenger		51	(51)	
42	move T 961802, B 2015, W3 to 2, Skylark-Prospect St Ext.		31	(31)	
43	move T 961802, B 2017, W3 to 2, Laplante-Skylark		34	(34)	
44					
45	Total	4,783	4,783	4,716	14,282
46	Deviation from ideal	0.47%	0.47%	-0.94%	1.41%
47	Total population moved		770		

2 Options #1 & #2:

3 Screen Shot from Assistant Mayor Below depicting his deviation of 1.09% and total population moved to
 4 different Wards (191) compared to the City Clerk's Plan. Full Screenshot of Option #2 was not captured
 5 in it's entirety, but depicted the "Lease Deviation from Equal population-28% of pop. moved c,f, Clerk's
 6 proposal.
 7

AutoSave

File Home Insert Draw Page Layout Formulas Data Review View Help

Comments Share

L16

- A89(D16:C16)

	A	B	C	D	E	F	G	H	I
1	2020 Population Existing Ward Boundaries								
2		Ward 1	Ward 2	Ward 3	Total	Ideal			
3	2020 Population Existing Ward Boundaries	4,783	4,543	4,956	14,282	4,760.7			
4	Deviation from Ideal - absolute +over -under	22	(218)	195					
5	Deviation from ideal - % of ideal +/-	0.47%	-4.57%	4.10%	8.68%				
6									
7	OPTION 1 - Lower Deviation and Least population Moved (25% of Clerk's proposal)								
8	move Track 961801, Block 2035, W 1 to 2, Poverty Lane	(21)	21						
9	move T 961701, Block 4019, W3 to 2, Hanover St.-Heater Rd		17	(17)					
10	move T 961701, Block 4021, W3 to 2, Hanover St - H.S. block		4	(4)					
11	move related T 961701, Blocks 4020, 4015, 2003, W2 to 3		-	-					
12	move T 961701, B 2004, W3 to 2, Hanover St.-189-120		34	(34)					
13	move T 961701, B 2005, W3 to 2, Hanover St.-River-I-89-120		115	(115)					
14									
15	Total	4,762	4,734	4,786	14,282				
16	Deviation from ideal	0.03%	-0.56%	0.53%	1.09%				
17	Total population moved		191						
18	Total voters moved		124						
19									
20	OPTION 2 - Least Deviation from Equal Population - 28% of pop. moved c.f. Clerk's proposal								
21	move Track 961801, Block 2035, W 1 to 2, Poverty Lane	(21)	21						
22									
23	move T 961701, B 2004, W3 to 2, Hanover St.-189-120		34	(34)					
24	move T 961701, B 2005, W3 to 2, Hanover St.-River-I-89-120		115	(115)					

Worksheet: Options

Sheet5

4

Option 1 – 124 Voters

Option 2 – 139 Voters

We also looked at deviation a little differently, so here's a comparison of your numbers with mine.

City Clerk's Option – Ward 1 and Ward 2	0.00%
Ward 2 and Ward 3	1.41%
Ward 1 and Ward 3	1.41%

Option 1 – Ward 1 and Ward 2	I 0.59%
Ward 2 and Ward 3	1.09%
Ward 3 and Ward 1	0.51%

Option 2 – Ward 1 and Ward 2	0.05%
Ward 2 and Ward 3	0.17%
Ward 3 and Ward 1	0.13%

Assistant Mayor Below noted that in his options, if you took the City's entire population and divided this number by 3, this was how his variations were calculated.

Councilor Liot Hill suggested that letters be sent out to people who would potentially be impacted by Ward adjustments.

The City Manager noted the Council should pick which option they would like to publish for the public.

Assistant Mayor Below disclosed that he resides in Ward 3, and has been in the Ward 3 for 44 years. Under the City Clerk's proposal, he would be moved to Ward 2, but under his proposed options, he would remain in Ward 3.

Mayor McNamara noted that looking at Assistant Mayor Below's two proposed options (excluding the City Clerk's proposal) both would give the City a smaller deviation.

The Council discussed the City Clerk's proposal and the options given by Assistant Mayor Below; how 1/2 percent of deviation could be less relevant to the population compared to how many people would be moved (to a different ward); which of the options move the least amount of people (to different wards); keeping ward lines with the lowest deviation vs. keeping neighborhoods intact; and, sending out notifications to those who would be affected by ward line changes.

After more discussions and review of the maps depicting all the proposed ward line changes (*Pages 62-67, Council agenda packet*) the Council took the following action.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby reschedules a public hearing from May 4, 2022 to April 20, 2022, beginning at 7:00 p.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 as proposed in Option #1 and discussed at the February 16 2022 City Council Meeting, and to clarify that Councilors and Ward officers currently in office who may be affected by the ward boundary adjustments shall be permitted to complete the remainder of their current term.

Seconded by Councilor Heistad.

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

1 **10. NEW BUSINESS**

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

5
6 Included in the agenda packet:

7 1. January 25, 2022 Letter to Solid Waste Manager Marc Morgan from Waldron Engineering &
8 Construction re: City of Lebanon Renewable Energy Project
9

10 Mr. Marc Morgan, Solid Waste Manager, reviewed the Landfill Gas to Energy Project, noting there is an
11 agreement with Liberty Utilities, an executed agreement with Waldron Engineering, and the project is
12 moving forward with an anticipated construction start time of this summer and a completion date in
13 Spring 2023. Right now, they are working on a variety of permits.
14

15 **BACKGROUND:**

16 With the appropriation of \$1,362,060 approved as part of the 2022 Capital Improvement Program, total
17 funding for the Landfill Gas to Energy Project stands at \$5,183,422.74. Various components of the final
18 project have required amendments due to increases in material and labor costs. These components include
19 final engineering and construction; protective steel pavilion; and the interconnection agreement with
20 Liberty Utilities & National Grid for electrical grid improvements.
21

22 **FINAL ENGINEERING AND CONSTRUCTION**

23
24 The original proposal by Waldron Engineering & Construction received in February 2021 totaled
25 \$4,455,000. In January 2022, the contract proposal was increased to \$4,695,000 to cover materials and
26 labor increases. This provides for a total increase of \$240,000. (Please see letter from Waldron Engineering
27 to Marc Morgan, Solid Waste Manager for more information on page 70, City Council agenda packet).
28

29 **PROTECTIVE STEEL PAVILION**

30
31 The original proposed steel pavilion was to be a 40'x75' structure to cover the gas turbine and gas
32 treatments units, the cost for which was estimated at \$82,057. Increases in material and labor drove the price
33 to \$116,000. Waldron Engineering has provided an alternative 10'x10'x9' structure that will cover the
34 electrical panels only, the cost for which is \$19,000. This provides a total decrease of \$(63,057). The City
35 has agreed to this alternative.
36

37 **INTERCONNECTION AGREEMENT**

38
39 The original interconnection agreement contained a cost of \$625,000 for required electrical grid
40 improvements by Liberty Utilities and National Grid (inclusive of 25% in contingencies). This cost has
41 increased to \$650,468.75 due to additional required improvements which provides a total increase of
42 \$25,468.75
43

44 In summary, project costs have increased from \$5,162,057 to \$5,364,469 and available funding equals
45 only \$5,183,423, necessitating a supplemental appropriation in the amount of \$181,050 (rounded to
46 nearest \$10) to complete the project.
47

48 The return on investment (ROI) analysis performed by Dubois & King Engineers results in a favorable

1 total net 20-year cash flow of between \$10,118,433.40 to \$14,409,455.87 compared to the project's 20-
2 year total direct expenses of \$8,524,017.07. The \$14,409,455.87 includes Renewable Energy Credits
3 (RECs). Year 1 has a positive cash flow of between \$269,660.30 to \$477,798.30 depending on whether
4 RECs are available and factored in.

5
6 Assistant Mayor Below spoke about potential legislative options that would allow the City to sell
7 electricity directly within the State retail market. For instance, it could be sold to Lebanon Community
8 Power to potentially provide the surplus, that the City does not use, as part of a portfolio of resources to
9 meet local electric needs. He also spoke about avoiding transmission/capacity costs between Liberty
10 Utilities and the National Grid, and how this would affect ISO New England by acting as a load reducer
11 in the wholesale market, thus reducing transmission costs.

12
13 Right now, the NH Department of Energy has been doing a "value of energy study" which would allow a
14 new opportunity for more cost effective group net metering. In talking with the NH Department of Energy,
15 they would be supportive of the idea of a pilot for Lebanon or in the Liberty Utilities area. This study
16 could also enable other opportunities for distributed energy and storage to actually be able to supply local
17 loads.

18
19 In summary, Assistant Mayor Below felt there is an opportunity to actually get some legislation passed
20 that would enable a better deal for us (City of Lebanon) other than net metering. He will call Liberty
21 Utilities to start exploring this idea.

22
23 In terms of thinking about the Landfill Gas to Energy Project, the City could, with upgrades to the
24 substation, begin to add megawatts of distributed generation. There is an opportunity to start thinking
25 about how our Landfill Gas Project could potentially be part of a microgrid, along with other resources,
26 that could help critical facilities (i.e., building supply stores, large grocery stores, etc.). Because our
27 landfill gas could function like a base-load plant, we can start to think about isolating circuits in order to
28 support some really significant resources during extreme weather events or other disasters that take down
29 the National Grid's emission lines. He also spoke about the benefit this legislation would have in the
30 future as electric vehicles become more common.

31 32 **ACTION:**

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

39 ***Seconded by Councilor Liot Hill.***

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

41 42 **11. City Manager Report:**

43 City Manager Shaun Mulholland gave the following updates:

- 44 • 360 Annual Evaluations: Will do a pilot with the City Council. Proposed evaluations will take
45 place twice each year in April and October. The Council will review this concept at a meeting in
46 April. Cost for the pilot is \$160.00.

- Councilor Liot Hill updated the Council on the Municipal Occupancy Bill as given to her by NH District 05, Senator Suzanne Prentiss.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: None

13. FUTURE AGENDA ITEMS:

- April: Review of staff 360 Evaluations pilot by the Council

14. NON-PUBLIC SESSION:

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

Councilor Liot Hill MOVED that the City Council enter into Non-Public Sessions for the purpose of discussing: RSA 91-A:3.II(d) “Consideration of the acquisition, sale, or lease of real property...”

Seconded by Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

The Council went into Non-Public Session at 8:17 PM

Councilor Liot Hill MOVED that the City Council go out of Non-Public Session at 8:17 PM.

Seconded by Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

15. ADJOURNMENT:

Councilor Liot Hill MOVED for adjournment.

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

The meeting was adjourned at 8:34 PM.

1
2 Respectfully submitted,
3 Dona E. Gibson
4 Recording Secretary

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

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Diversity, Equity & Inclusion Commission, Kathy Beckett (Alternate Member)
- Lebanon Energy Advisory Committee, Meghan Butts (Alternate Member)
- Lebanon Energy Advisory Committee, Sherry Boschert (Regular Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated February 22, 2022

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: February 22, 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

- **Kathy Beckett** – Appointment as an alternate member for a two-year term.
Interviewed By: Councilor Wilkie
Term: (3/22-3/24)

Lebanon Energy Advisory Committee

- **Meghan Butts** – Appointment as an alternate member for a two-year term. Currently serving as a regular member but would like to serve as an alternate member.
Interviewed By: Assistant Mayor Below
Term: (3/22-3/24)
- **Sherry Boschert** – Appointment as a regular member for a two-year term. Currently serving as an alternate member but would like to serve as a regular member.
Interviewed By: Assistant Mayor Below
Term: (3/22-3/24)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL] Online Form Submission #5751 for Board Member Application
Date: Monday, February 14, 2022 7:07:13 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, February 10, 2022 9:16 PM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #5751 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	Kathleen:
Last Name	Beckett:
Physical Address	97 Hanover St Apt 301
City	Lebanon
State	NH

Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	8603929306
Work Number	<i>Field not completed.</i>
Email Address	beckettkathleen7@gmail.com
How long have you resided in Lebanon?	8 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?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	It is important for the Lebanon community that the aspirations of the Resolution for Inclusiveness adopted by the City Council in 2018 and the Welcoming Lebanon Ordinance, adopted in 2021, have true and lasting positive impact on the lives of those who live, work, and otherwise participate in the life of our city. It is clear that the implementation, the "living out" of those aspirations is not solely the responsibility of Lebanon's administration and its employees. Rather, members of this commission must strive to engage the city as a whole in these efforts for the benefit of all. I hope to take part in that work.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Perhaps what best qualifies me for the work of this commission has to do with the relationships that I am fortunate to experience through participation in volunteer programs that serve our immigrant neighbors. Those close relationships present the opportunity to appreciate the value of diversity to this community as well as to understand that there are obstacles to equity and inclusion for these neighbors of ours. Further, serving individuals who have physical and behavioral health concerns was the primary focus of my professional experience. As a result of that experience, I am troubled by the stigma imposed on individuals who suffer from severe and persistent mental illness and substance abuse concerns. It would

be beneficial to the community to promote understanding and acceptance of these individuals. They too are our neighbors.

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: 18 Feb 2022

Applicant Name: Kathleen Beckett

Board(s) to Which Applied: DEI 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: 2/15/22 (remote)

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments: Kathy and I met to discuss this commission, its work, and her ability as an alternate to contribute to and support the work we're doing to make Lebanon inclusive and welcoming. She is passionate and knowledgeable about this topic.

(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?

Put into action the goals of an inclusive community; to ensure people feel safe and valued in Lebanon and the Upper Valley. Many people feel they are making a positive contribution to our community, so we need to extend this to the people who aren't as visible or involved.

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

Yes

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

Organizer of Welcoming Lebanon Ordinance petition; member of related task force. Also involved in supporting migrant community.

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?

Reaching and supporting the people who live 'in the shadows' in our community

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

Collaboration with businesses, recreation, etc.; engage with other people already doing this work, like Talking Bridge, community garden volunteers, and other local influencers; inclusiveness for people with disabilities

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

Mentoring program / "Residents Welcoming Academy" to orient people to life in Lebanon; visible signs of welcoming attitudes; community discussions & 'coffee with a commissioner' events; educate banks (and other orgs) about supporting immigrants, renters, and others effectively in knowing rights etc.

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: Online Form Submission #3447 for Board Member Application
Date: Thursday, October 31, 2019 9:47:34 AM

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	Meghan
Last Name	Butts
Physical Address	27 Old Etna Rd, #2
City	Lebanon
State	NEW HAMPSHIRE
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	9783029932
Work Number	<i>Field not completed.</i>
Email Address	meghanlbutts@gmail.com
How long have you resided in Lebanon?	5 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?	Lebanon Energy Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I have been on the Committee for 2 years and over that time I have completed my Masters of Science in Energy Policy and Climate with a Certificate in International Security. I am currently the chair of the Electric Vehicle Subcommittee. I wish to continue to serve my community in the ways that I can and to share my expertise with others.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	through my work at the Regional Planning Commission, I am familiar with how municipalities work and have continued to learn about the City of Lebanon through the eyes of a resident, volunteer, and a colleague. As I have stated, I have a Masters in a related field and my work at the RPC closely relates to the goals the City has outlined in the Energy chapter of the Master Plan. I wish to continue on this Committee because I truly enjoy living in Lebanon and I want to help make it a great place to live in the years to come.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: [EXTERNAL] Online Form Submission #5551 for Board Member Application
Date: Sunday, November 28, 2021 3:35:45 PM

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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	Sherry
Last Name	Boschert
Physical Address	337 Mount Support Rd. #701
City	Lebanon
State	NH
Zip Code	03766-2821
Is this your mailing address?	Yes
Home Phone Number	4157309797
Work Number	<i>Field not completed.</i>
Email Address	sherry.boschert@gmail.com

How long have you
resided in Lebanon?

7 months

(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?

Lebanon Energy Advisory Committee

Other Committee

Field not completed.

Why would you like to
serve?

I'm particularly interested in promoting adoption of electric vehicles and charging infrastructure in order to reduce greenhouse gas emissions, as well as greening the electrical grid. I had a lengthy conversation with Tad Montgomery and Greg Ames, who encouraged me to apply for an Alternate position on LEAC.

State a few of what you
feel your qualifications
are or why you wish to
be appointed to this
board / committee.

Co-founder, Plug In America (pluginamerica.org) and the Golden Gate Electric Vehicle Association (ggeva.org). Author, Plug-in Hybrids: The Cars That Will Recharge America (New Society Publishers, 2006). Former member, Sierra Club California's Climate and Energy Committee. Plus I'm newly retired and still have most of my marbles.

Certification

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

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

AGENDA LEBANON CITY COUNCIL MARCH 2, 2022

9. OLD BUSINESS:

9.A – DISCUSSION & SET PUBLIC HEARING FOR MARCH 16, 2022: ORDINANCE 2021-16 TO AMEND CITY CODE CHAPTER 46, CEMETERIES

BACKGROUND

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

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

A public hearing was scheduled and held on December 1, 2021 where discussion amongst the Council, combined with public comment received, resulted in a request for staff to revisit a number of topics in the Ordinance to include: a proposed residential restriction; responsibility for the preparation of graves; and required depth of graves.

All topics have been addressed and were presented to the Board of Cemetery Trustees at their February 8, 2022 meeting. Resolution to the issues are as follows:

RESIDENTIAL RESTRICTION

The residential restriction has been removed for the purchase of natural burial plots in favor of imposing a fee for non-residents to purchase **any** lot in any cemetery for any type of burial. Documentation showing proof of residency will be required at the time a lot is purchased. A definition of "Resident" has also been included.

PREPARATION (DIGGING) OF GRAVES

The decision has been made that City staff will prepare graves for natural burials provided the plot(s) to be dug are accessible with equipment. If a grave is not accessible due to a previous burial (or other unforeseen reason), the digging of the grave will be the responsibility of the deceased's agent or next of kin. For winter burials, if a grave is not accessible, City staff will jackhammer to break the frost level but the digging of the remainder of the grave will be the responsibility of the deceased's agent or next of kin..

DEPTH OF GRAVES

The depth of graves for the bottom of the burial container has been changed from five (5) feet to four (4) feet and may be revisited in the future if the need arises.

OTHER CHANGES

In an effort to streamline the amendment process and prevent the need to return to Council in the near future, staff is recommending that Council consider a number of other amendments to Chapter 46. These changes include rate increases for the purchase of lots, rate increases for

burials & entombments, and the inclusion of regulatory language for the purchase and use of cremation niches in our (to be installed) columbarium's. All proposed changes have been reviewed by the Board of Cemetery Trustees.

The Council is asked to set a public hearing for March 16, 2022 to consider the adoption of the further revised version of Ordinance 2021-16.

ACTION

Should the Council wish to move forward with proposed Ordinance #2021-16, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 16, 2022, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2021-16 to amend City Code Chapter 46, Cemeteries, to increase current rates for the purchase of cemetery lots and burials & entombments; and to incorporate provisions for Natural Burials.

Included in this Section:

1. Ordinance 2021-16 (Draft with Redlined Text Changes)
2. Ordinance 2021-16 (Clean Draft)
3. February 8, 2022 Excerpt of Minutes of Board of Cemetery Trustees Meeting
4. February 17, 2022 Legal Opinion by Attorney C. Christine Fillmore, re: Ordinance 2021-16 Natural Burials

ORDINANCE 2021-16

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, to establish regulations for Natural Burials.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by deleting and repealing §46-7, Burials, of Chapter 46, Cemeteries.

Section 2.

The Code of the City of Lebanon is hereby amended by adding a new section, to replace §46-7 hereinabove repealed, to be §46-7, Burials, to read as follows:

§ 46-7. Burials.

A. GENERAL CONDITIONS:

- (1) Condition for burial. No burial, including a cremation burial, shall take place without first obtaining a burial permit from the City Clerk or State Registrar where the death occurred. All conditions of laws and ordinances must be complied with, including the payment of any back charges, securance of perpetual care, and/or maintenance and preservation, or purchase of any lot(s).
- (2) Holiday burials. Holidays formally recognized by the City of Lebanon include the following:

*New Year's Day
Martin Luther King, Jr./Civil Rights Day
Presidents' Day
*Memorial Day
*Independence Day
*Labor Day
~~Columbus Day~~
Veterans' Day
*Thanksgiving Day
Day after Thanksgiving
*Christmas Day

*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works.

Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, ~~Columbus Day~~, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.

- (3) Errors in Grave Location. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be

communicated to the Department of Public Works in writing or can be taken verbally over the phone. Orders from funeral directors shall be construed as orders from owners.

- (4) No movement or upgrading of monuments, and no opening or shifting of location of any grave or its placement on a lot shall occur without approval of the City, and all relevant provisions of this §46-7 shall apply to such activities.
- (5) Preparation of grave. The digging of graves and replacement of excavated materials, other than those for natural burials as outlined in Section B.2(f) below, shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works.
- (6) Ceremonial materials, if used, and lowering of remains shall be the responsibility of the funeral director or other responsible party.
- (7) Permanent Outside Containers. For burials other than natural burials as outlined in Section B below, remains for all interments, cremation or full, shall be enclosed in a permanent outside container which shall be provided by the owner of the lot or his agent, and installed under the supervision of the Cemetery Sexton or his/her designee. The following are considered permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.
- (8) Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. The preparation of graves by the Department of Public Works for natural burials that require hand digging shall be the loosening and removal of only as much material is required to remove frozen ground. Removal of remaining soil to achieve minimum burial depth shall be the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee. In case if circumstances are such that burial cannot be made, temporary interment ~~shall~~may be in the cemetery tomb as stipulated in paragraph (9) below.
- (9) Entombments in City Tomb. Entombment is only available for remains that have been embalmed and are to be buried in a permanent outside container. No entombment shall take place without notification of the Department of Public Works. Entombment will be made until such time that burial is arranged. No entombment shall be accepted prior to November 1st of any year. All human remains must be removed from the City Tomb no later than the following June 15th.
- (10) Burial of indigents. In the case of single grave lots for the burial of indigents, the city will provide space and maintenance of a section for such. However, no above ground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance Special Revenue Fund.

B. NATURAL BURIALS:

“Natural” or “Green” burial promotes the decomposition of the body with minimal impact to the environment. The deceased are buried without the use of embalming fluids, permanent outside containers, or modern caskets. It is understood that people choose natural burials for a host of different reasons. In the spirit of natural burials, gravesites ~~are not to will~~ be minimally maintained by the City of Lebanon.

All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless policies and procedures are inconsistent with this section or with the purpose and intent of natural burials, in which case this section will govern.

~~(1) Residential Restriction. Natural burials are restricted to persons who were residents of the City of Lebanon at time of death.~~

(21) Permitted Location. Natural burials are permitted in Old Pine Tree Cemetery and in Section "F" of the West Lebanon Cemetery.

(32) Burial Process:

(a) All burials and services must be overseen by the Cemetery Sexton or his/her designee.

(b) Remains will be buried without the use of a permanent outside container.

(c) Human remains must be contained within a rigid casket, coffin, or biodegradable burial container and should have minimal use of nails, staples, glue, or other fasteners. External finishes of casket or container must not include latex or metallic products. Use of any oil-based finish must be plant-based. Upon ordering of grave opening and service, next of kin, designated agent or his/her designee will be required to sign an acknowledgement that the casket, coffin, or container meets all requirements stated herein.

(d) At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works. If upon review, there is a question of the cause of death being related to a contagious or potentially hazardous virus or disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office. Should it be determined that the cause of death could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease, a natural burial will not be permitted.

(e) Prior to burial, next of kin, designated agent, or other responsible party must sign and submit a release of liability and waiver form to include responsibility for all attendees of services.

(f) Graves that are inaccessible due to previous burials that are unable to be dug with the use of excavation equipment must be dug by hand. Hand digging will not be performed by the Department of Public Works and is therefore the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee.~~The digging of graves, lowering of remains, and replacing excavated material are the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee. Graves may be dug by hand or dug with approved excavation equipment. If excavation equipment is to be used, a burial permit will be required along with proof of liability insurance to cover any damages that may be incurred during use.~~

(g) Natural burials require the bottom of the outside coffin, casket, or burial container to be at a depth of ~~five (5)~~ four (4) feet below the natural surface of the ground with a minimum of three (3) feet previously excavated material on top of the coffin, casket, or burial container to the natural surface of the ground. All material must be compacted, and an

additional eighteen (18) inches of topsoil be mounded above the natural surface of the ground to accommodate for settling. Depth will be verified by the Cemetery Sexton or his/her designee.

C. BURIAL AND ENTOMBMENT RATES:

FULL BURIALS	
Weekday during operating business hours	\$450500
Weekday after operating business hours	\$450500 plus \$100 per hour after operating business hours
Weekend	\$700750
Holiday (as permitted in 46-7.A.2 above)	\$875

CREMATION BURIALS (In Ground OR Columbarium)	
Weekday during operating business hours	\$200250
Weekday after operating business hours	\$200250 plus \$100 per hour after operating business hours
Weekend	\$350400
Holiday (as permitted in 46-7.A.2 above)	\$450
<u>Columbarium Niche Inscription & Service Fee</u>	<u>\$100</u>

NATURAL BURIALS	
Weekday during operating business hours	\$450500
Weekday after operating business hours	\$450500 plus \$100 per hour after operating business hours
Weekend	\$700750
Holiday (as permitted in 46-7.A.2 above)	\$875

INFANT BURIALS	
Weekday during operating business hours	\$175
Weekday after operating business hours	\$175 plus \$100 per hour after operating business hours
Weekend or Holiday	\$350

ENTOMBMENTS	
Any period of time between November 1 st and June 30 th	\$500

Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.

All receipts from burial fees, as set forth in C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this Chapter.

Section 3.

The Code of the City of Lebanon, Section 46-5 is hereby amended as follows:

1. To amend 46-5.C.2 to read as follows:

The Board of Cemetery Trustees may recommend to the Council the designation of areas in any cemetery, as space permits, to be laid out exclusively for cremation burials, cremation columbariums, or natural burials, and applicable dimensional requirements, therefore.

2. To add new sub-paragraph "(4)" to Section 46-5.D, Lot size established, to read as follows:

(4) Natural Burial Lots: Six feet by 11 feet or 66 square feet.

Section 4.~~Section 4.~~

The Code of the City of Lebanon Section 46-6.C, Purchase procedure, paragraph (1), is hereby amended as follows:

(1) Lots in the cemeteries of the City of Lebanon may be selected and purchased from the Department of Public Works, and payment for lots purchased shall be made to the City of Lebanon. Such purchases shall require documentation that demonstrates purchaser's residency (used to determine charge for lots in accordance with Section 46-6.F below) along with the completion of a cemetery application in a form approved by the Board of Cemetery Trustees and deemed complete with the issuance of a deed in a format adopted by the Board of Cemetery Trustees and prepared by the Department of Public Works, signed by the City Manager, and recorded by the City Clerk. Such deed shall contain the name of the owner, purchaser (if different from owner), amount paid, name of cemetery, lot number(s), grave number(s), and cemetery section in which located, as well as all information to be used for determining ownership, as set forth in Subsection B above. Full payment (grave and payment into the Cemetery Maintenance Special Revenue Fund) is required at the time of purchase.

Documentation to show residency may include a most recent tax bill, vehicle registration, driver's license (must include a physical address), non-driver/state-issued photo identification card, utility bill, signed lease agreement, or other evidence deemed adequate by the Cemetery Sexton.

~~The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(3)” to Section 46-6.C, Purchase procedure, to read as follows:~~

~~(3) Natural Burial Lots may be selected and purchased as provided in paragraph (1) above. All attempts will be made to bury individuals within their chosen grave lots; however, location of actual burial is subject to change if an existing grave or graves must be traversed with excavation equipment required to dig a new grave. Lot purchases shall require the completion of a cemetery application as provided in paragraph (1) above and are contingent upon acceptance by the purchaser of the potential need to bury the individual in a different lot than the one selected.~~

Section 55.

~~The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(5)” to Section 46-6.F, Charge of lots, to read as follows:~~

~~(5) Each natural burial grave: \$900 (Grave lot \$450; Cemetery Maintenance Special Revenue Fund \$450)The Code of the City of Lebanon Section 46-6.F, Charge of lots, is hereby amended follows:~~

~~F. Charge for lots. The following prices are established as the purchase prices for cemetery lots and for required contributions to the Cemetery Maintenance Special Revenue Fund. (Cemetery Maintenance Special Revenue Fund payment is 50% of a grave lot cost):~~

<u>GRAVE TYPE</u>	<u>RESIDENT</u>	<u>NON-RESIDENT</u>
<u>Full (With Permanent Outside Container)</u>	<u>\$700 (\$350 grave/\$350 Special Revenue Fund)</u>	<u>\$1400 (\$700 grave/\$700 Special Revenue Fund)</u>
<u>Full (Natural Burial)</u>	<u>\$1050 (\$525 grave/\$525 Special Revenue Fund)</u>	<u>\$2100 (\$1050 grave/\$1050 Special Revenue Fund)</u>
<u>Infant</u>	<u>\$300 (\$150 grave/\$150 Special Revenue Fund)</u>	<u>\$600 (\$300 grave/\$300 Special Revenue Fund)</u>
<u>*Cremation (In-ground or Columbarium)</u>	<u>\$300 (\$150 grave/\$150 Special Revenue Fund)</u>	<u>\$600 (\$300 grave/\$300 Special Revenue Fund)</u>

~~As defined by NH RSA 21:6, as that statute may be amended from time to time, a resident or inhabitant or both of the City of Lebanon shall be a person who is domiciled or has a place of abode or both in the City of Lebanon and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others.~~

~~*For cremation interment, minimum purchase is one grave space. Maximum number of cremation-type interments shall be six (6) per grave space (except in the case of combining full and cremation burials in which only one full burial and five cremation burials per grave will be allowed.~~

~~*For Columbarium Niche interment, minimum purchase is one niche space. Maximum number of interments is two (2) per niche.~~

Section 66.

~~The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(4)” to Section 46-8.B, to read as follows:~~

(4) Lots within designated natural burial sections of any municipal cemetery will not be mowed or trimmed of grass, raked, ~~cleaned~~cleared, or graded, either by the City or any other party. The City will, however, perform vegetative maintenance to prevent reforestation of Natural Burial sections on as needed basis.

Section 77.

The Code of the City of Lebanon is hereby amended to redesignate the existing paragraph “(B)” as paragraph “(C)” and to add new paragraph “(B)” to Section 46-9, Monumentation, to read as follows:

B. In areas designated for natural burials, a single flat stone may be placed at the foot of the plot as a marker. The stone must be level with the ground and may not exceed twelve (12) inches by twenty-four (24) inches. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran’s grave.

Section 88. Severability.

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

Section 99. Effective Date.

This ordinance shall become effective June 1, 2022.

ORDINANCE 2021-16

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, to establish regulations for Natural Burials.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by deleting and repealing §46-7, Burials, of Chapter 46, Cemeteries.

Section 2.

The Code of the City of Lebanon is hereby amended by adding a new section, to replace §46-7 hereinabove repealed, to be §46-7, Burials, to read as follows:

§ 46-7. Burials.

A. GENERAL CONDITIONS:

(1) Condition for burial. No burial, including a cremation burial, shall take place without first obtaining a burial permit from the City Clerk or State Registrar where the death occurred. All conditions of laws and ordinances must be complied with, including the payment of any back charges, securance of perpetual care, and/or maintenance and preservation, or purchase of any lot(s).

(2) Holiday burials. Holidays formally recognized by the City of Lebanon include the following:

*New Year's Day
Martin Luther King, Jr./Civil Rights Day
Presidents' Day
*Memorial Day
*Independence Day
*Labor Day
Veterans' Day
*Thanksgiving Day
Day after Thanksgiving
*Christmas Day

*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works.

Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.

(3) Errors in Grave Location. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Department of Public Works in writing or can be taken verbally over the phone. Orders from funeral directors shall be construed as orders from owners.

- (4) No movement or upgrading of monuments, and no opening or shifting of location of any grave or its placement on a lot shall occur without approval of the City, and all relevant provisions of this §46-7 shall apply to such activities.
- (5) Preparation of grave. The digging of graves and replacement of excavated materials, other than those for natural burials as outlined in Section B.2(f) below, shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works.
- (6) Ceremonial materials, if used, and lowering of remains shall be the responsibility of the funeral director or other responsible party.
- (7) Permanent Outside Containers. For burials other than natural burials as outlined in Section B below, remains for all interments, cremation or full, shall be enclosed in a permanent outside container which shall be provided by the owner of the lot or his agent, and installed under the supervision of the Cemetery Sexton or his/her designee. The following are considered permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.
- (8) Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. The preparation of graves by the Department of Public Works for natural burials that require hand digging shall be the loosening and removal of only as much material is required to remove frozen ground. Removal of remaining soil to achieve minimum burial depth shall be the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee. If circumstances are such that burial cannot be made, temporary interment may be in the cemetery tomb as stipulated in paragraph (9) below.
- (9) Entombments in City Tomb. Entombment is only available for remains that have been embalmed and are to be buried in a permanent outside container. No entombment shall take place without notification of the Department of Public Works. Entombment will be made until such time that burial is arranged. No entombment shall be accepted prior to November 1st of any year. All human remains must be removed from the City Tomb no later than the following June 15th.
- (10) Burial of indigents. In the case of single grave lots for the burial of indigents, the city will provide space and maintenance of a section for such. However, no above ground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance Special Revenue Fund.

B. NATURAL BURIALS:

“Natural” or “Green” burial promotes the decomposition of the body with minimal impact to the environment. The deceased are buried without the use of embalming fluids, permanent outside containers, or modern caskets. It is understood that people choose natural burials for a host of different reasons. In the spirit of natural burials, gravesites will be minimally maintained by the City of Lebanon.

All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless policies and procedures are inconsistent with this section or with the purpose and intent of natural burials, in which case this section will govern.

- (1) Permitted Location. Natural burials are permitted in Old Pine Tree Cemetery and in Section "F" of the West Lebanon Cemetery.
- (2) Burial Process:
 - (a) All burials and services must be overseen by the Cemetery Sexton or his/her designee.
 - (b) Remains will be buried without the use of a permanent outside container.
 - (c) Human remains must be contained within a rigid casket, coffin, or biodegradable burial container and should have minimal use of nails, staples, glue, or other fasteners. External finishes of casket or container must not include latex or metallic products. Use of any oil-based finish must be plant-based. Upon ordering of grave opening and service, next of kin, designated agent or his/her designee will be required to sign an acknowledgement that the casket, coffin, or container meets all requirements stated herein.
 - (d) At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works. If upon review, there is a question of the cause of death being related to a contagious or potentially hazardous virus or disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office. Should it be determined that the cause of death could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease, a natural burial will not be permitted.
 - (e) Prior to burial, next of kin, designated agent, or other responsible party must sign and submit a release of liability and waiver form to include responsibility for all attendees of services.
 - (f) Graves that are inaccessible due to previous burials that are unable to be dug with the use of excavation equipment must be dug by hand. Hand digging will not be performed by the Department of Public Works and is therefore the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee.
 - (g) Natural burials require the bottom of the outside coffin, casket, or burial container to be at a depth of four (4) feet below the natural surface of the ground with a minimum of three (3) feet previously excavated material on top of the coffin, casket, or burial container to the natural surface of the ground. All material must be compacted, and an additional eighteen (18) inches of topsoil be mounded above the natural surface of the ground to accommodate for settling. Depth will be verified by the Cemetery Sexton or his/her designee.

C. BURIAL AND ENTOMBMENT RATES:

FULL BURIALS	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday (as permitted in 46-7.A.2 above)	\$875

CREMATION BURIALS (In Ground OR Columbarium)	
Weekday during operating business hours	\$250
Weekday after operating business hours	\$250 plus \$100 per hour after operating business hours
Weekend	\$400
Holiday (as permitted in 46-7.A.2 above)	\$450
Columbarium Niche Inscription & Service Fee	\$100

NATURAL BURIALS	
Weekday during operating business hours	\$500
Weekday after operating business hours	\$500 plus \$100 per hour after operating business hours
Weekend	\$750
Holiday (as permitted in 46-7.A.2 above)	\$875

INFANT BURIALS	
Weekday during operating business hours	\$175
Weekday after operating business hours	\$175 plus \$100 per hour after operating business hours
Weekend or Holiday	\$350

ENTOMBMENTS	
Any period of time between November 1 st and June 30 th	\$500

Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.

All receipts from burial fees, as set forth in C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this Chapter.

Section 3.

The Code of the City of Lebanon, Section 46-5 is hereby amended as follows:

1. To amend 46-5.C.2 to read as follows:

The Board of Cemetery Trustees may recommend to the Council the designation of areas in any cemetery, as space permits, to be laid out exclusively for cremation burials, cremation columbariums, or natural burials, and applicable dimensional requirements, therefore.

2. To add new sub-paragraph “(4)” to Section 46-5.D, Lot size established, to read as follows:

(4) Natural Burial Lots: Six feet by 11 feet or 66 square feet.

Section 4.

The Code of the City of Lebanon Section 46-6.C, Purchase procedure, paragraph (1), is hereby amended as follows:

(1) Lots in the cemeteries of the City of Lebanon may be selected and purchased from the Department of Public Works, and payment for lots purchased shall be made to the City of Lebanon. Such purchases shall require documentation that demonstrates purchaser’s residency (used to determine charge for lots in accordance with Section 46-6.F below) along with the completion of a cemetery application in a form approved by the Board of Cemetery Trustees and deemed complete with the issuance of a deed in a format adopted by the Board of Cemetery Trustees and prepared by the Department of Public Works, signed by the City Manager, and recorded by the City Clerk. Such deed shall contain the name of the owner, purchaser (if different from owner), amount paid, name of cemetery, lot number(s), grave number(s), and cemetery section in which located, as well as all information to be used for determining ownership, as set forth in Subsection B above. Full payment (grave and payment into the Cemetery Maintenance Special Revenue Fund) is required at the time of purchase.

Documentation to show residency may include a most recent tax bill, vehicle registration, driver’s license (must include a physical address), non-driver/state-issued photo identification card, utility bill, signed lease agreement, or other evidence deemed adequate by the Cemetery Sexton.

Section 5.

The Code of the City of Lebanon Section 46-6.F, Charge of lots, is hereby amended follows:

F. Charge for lots. The following prices are established as the purchase prices for cemetery lots and for required contributions to the Cemetery Maintenance Special Revenue Fund. (Cemetery Maintenance Special Revenue Fund payment is 50% of a grave lot cost):

GRAVE TYPE	RESIDENT	NON-RESIDENT
Full (With Permanent Outside Container)	\$700 (\$350 grave/\$350 Special Revenue Fund)	\$1400 (\$700 grave/\$700 Special Revenue Fund)
Full (Natural Burial)	\$1050 (\$525 grave/\$525 Special Revenue Fund)	\$2100 (\$1050 grave/\$1050 Special Revenue Fund)
Infant	\$300 (\$150 grave/\$150 Special Revenue Fund)	\$600 (\$300 grave/\$300 Special Revenue Fund)

*Cremation (In-ground or Columbarium)	\$300 (\$150 grave/\$150 Special Revenue Fund)	\$600 (\$300 grave/\$300 Special Revenue Fund)
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As defined by NH RSA 21:6, as that statute may be amended from time to time, a resident or inhabitant or both of the City of Lebanon shall be a person who is domiciled or has a place of abode or both in the City of Lebanon and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others.

*For cremation interment, minimum purchase is one grave space. Maximum number of cremation-type interments shall be six (6) per grave space (except in the case of combining full and cremation burials in which only one full burial and five cremation burials per grave will be allowed).

*For Columbarium Niche interment, minimum purchase is one niche space. Maximum number of interments is two (2) per niche.

Section 6.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph "(4)" to Section 46-8.B, to read as follows:

(4) Lots within designated natural burial sections of any municipal cemetery will not be mowed or trimmed of grass, raked, cleared, or graded, either by the City or any other party. The City will, however, perform vegetative maintenance to prevent reforestation of Natural Burial sections on as needed basis.

Section 7.

The Code of the City of Lebanon is hereby amended to redesignate the existing paragraph "(B)" as paragraph "(C)" and to add new paragraph "(B)" to Section 46-9, Monumentation, to read as follows:

B. In areas designated for natural burials, a single flat stone may be placed at the foot of the plot as a marker. The stone must be level with the ground and may not exceed twelve (12) inches by twenty-four (24) inches. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran's grave.

Section 8. Severability.

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

Section 9. Effective Date.

This ordinance shall become effective June 1, 2022.

**CITY OF LEBANON
BOARD OF CEMETERY TRUSTEES
CITY COUNCIL CHAMBERS or
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
TUESDAY, February 8, 2022
5:00 PM**

MEMBERS PRESENT: Chair Antonio Palazzo, Vice Chair Caitlyn Hauke, David Muzzy, Susan Painter, and Fran Hanchett-remote.

MEMBERS ABSENT: None

STAFF PRESENT: Patrick McCarthy – Cemetery Sexton; Shaun Mulholland – City Manager; Paula Maville – Deputy City Manager

GUESTS: Sarah Riley, Rainie Kelly

I. CALL TO ORDER

The meeting was called to order at 5:03 PM by Chair Antonio Palazzo.

Chair Palazzo reviewed the Right to Know process. The public will be invited to speak at the time motions are made.

Ms. Hanchett was participating remotely due to health reasons and was given voting privileges.

IV. OLD BUSINESS

A. Natural Burials

When the revisions to the ordinances came before the Council in December, Ms. Maville presented the written ordinance documents along with the Board's recommendations. Ms. Maville explained the changes that are currently in the new ordinance. The residential restrictions language was modified. It was addressed by establishing new residential and nonresidential rates for every plot in every cemetery. The definition of a resident and proof of residency was also established. Any grave plot that is not accessible by equipment will need to be hand dug and the City will not hand dig any graves. The depth of the natural graves was changed from five feet to four feet. Ms. Maville also reviewed the new burial rates that are now in the ordinance. Basically, each fee was raised by \$50. Non-resident fees are double resident fees.

The Board discussed the language within the sections of the ordinance.

Vice Chair Hauke Moved to approve the revisions as presented, with the exception of the fees section. Seconded by Mr. Muzzy.

Chair Palazzo opened the discussion to the public.

Ms. Kelly asked for clarification of the language regarding digging and closing graves. It was clarified that hand digging will not be necessary if the plot was purchased at the time of death, as there would not be a need to cross over another grave. She also asked about the purchase of graves. The cost of the plot is determined by the place of residence at the time of purchase, not where the person is living at the time of death. Heirs can also inherit a lot even if they are not residents.

1 Hearing no further comment from the public the Board moved forward.

2
3 *Ms. Painter, Vice Chair Hauke, Mr. Muzzy, Ms. Hanchett and Chair Antonio Palazzo all voted yea.*
4 *None voted Nay.*

5 **The Vote on the Motion was unanimously approved (5-0).*

6
7 The Board discussed how the new fees related to burials were determined. They anticipate in years to
8 come adjustments to the fees will continue to move closer to the charges in neighboring communities.

9
10 *Vice Chair Hauke MOVED to accept the fees.*

11 *Seconded by Mr. Muzzy.*

12
13 Chair Palazzo opened the discussion to the public. No one spoke.

14
15 *Ms. Painter, Vice Chair Hauke, Mr. Muzzy, Ms. Hanchett and Chair Antonio Palazzo all voted yea.*
16 *None voted Nay.*

17 **The Vote on the Motion was unanimously approved (5-0).*

February 17, 2022

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

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

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2021-16, Natural Burials, which your office first forwarded to me on June 30, 2021 and as subsequently revised several times based upon communication with me, with a final draft on February 15, 2022. The goal of the proposed ordinance as I understand it is to amend the existing Chapter 46 of the City Code to provide for the option of natural burials in designated locations at one or more City cemeteries, establish regulations and forms governing such burials, incorporate internment in columbaria, and update the fee schedules. I have also reviewed the proposed release of liability and waiver form to be required under §46-7(B)(3)(e) (draft dated July 27, 2021), and have assumed for purposes of this opinion that such form will be used in connection with natural burials under the Ordinance.

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

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

Sincerely,



C. Christine Fillmore

AGENDA LEBANON CITY COUNCIL MARCH 2, 2022

10. NEW BUSINESS:

10.A – REVIEW AND ADOPTION OF REVISED GENERAL ASSISTANCE PROGRAM GUIDELINES

The City's General Assistance Program is governed by New Hampshire RSA 165, Aid to Assisted Persons. Section 165:1, Who Entitled; Local Responsibility states in part:

II. "The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to the following:

- (a) The process for application for general assistance.
- (b) The criteria for determining eligibility
- (c) The process for appealing a decision relative to the granting of general assistance.
- (d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset provisions of RSA 165:4-a.
- (e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e."

A model set of guidelines was developed by the legal staff at the New Hampshire Municipal Association (NHMA) in conjunction with the Local Welfare Administrators Association to set forth language and criteria intended to comply with the requirements of RSA 165. The model guidelines are periodically updated and are a valuable resource to New Hampshire municipalities when developing language to be adopted for individual use. With the exception of formatting edits, the model guidelines serve as the foundation of Lebanon's existing and proposed Guidelines.

The model guidelines were updated in 2021 and presented to local welfare administrators for consideration. Based on the 2021 updates, Human Services Director Lynne Goodwin is proposing changes to a number of sections in the City's guidelines to include: Application Process (Section VII., pages 3-6), Standard of Need (Section X., page 14-15), and Definitions (Section XIX., pages 29-31).

Beyond the requirements listed in Section 165:1(II), RSA 165 also requires that municipalities adopt Payment Levels for Allowable Expenses. With the exception of food allowances, these payment levels, like the currently utilized Guidelines, have not been revised since 2015. Food allowances have been updated to coincide with the current data available from the Supplemental Nutrition Assistance Program (formerly known as "Food Stamps"). Existing shelter allowances have exceeded HUD's Fair Market Rent (HUD-FMR) Standards for Grafton County; however, market rents in Lebanon far exceed HUD-FMR standards.

According to NH Housing Finance Authority's 2021 Residential Rental Cost Survey Report, the median rent for a 2-bedroom unit in Grafton County has increased 28.9% from 2016-2021, approximately 6% per year during that 5-year period. Existing shelter allowances for Lebanon have been updated to include a proposed 15% increase. As a result, the proposed shelter allowances narrow the gap between market rents and HUD-FMR standards for Lebanon. The proposed shelter allowances also align with the median rent for different sized units in Lebanon. Please see Appendix A, "Allowable Levels of Assistance" on page 32.

Deputy City Manager Paula Maville and Human Services Director Lynne Goodwin will be present to discuss the changes and answer questions.

ACTION

The Council is requested to consider the following motion:

MOVED, that the Lebanon City Council hereby adopts the General Assistance Program Guidelines and associated Allowable Levels of Assistance as presented in the March 2, 2022 City Council Agenda Packet.

Included in this Section:

1. Proposed Revisions to City of Lebanon General Assistance Program Guidelines (Originally Adopted March 12, 2007, Last Revised January 21, 2015)

CITY OF LEBANON NEW HAMPSHIRE



GENERAL ASSISTANCE PROGRAM GUIDELINES

Adopted: March 12, 2007
Last Revised: January 21, 2015

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TABLE OF CONTENTS

I.	MISSION, PURPOSE AND AUTHORITY.....	1
II.	SEVERABILITY	1
III.	CONFIDENTIALITY OF INFORMATION.....	1
IV.	ROLES OF CITY COUNCIL AND HUMAN SERVICES	1
V.	BURIALS & CREMATIONS.....	1
VI.	NON-RESIDENTS.....	2
	A. Eligibility	2
	B. Standards	2
	C. Verification	2
	D. Temporary or Emergency Aid.....	2
	E. Determination of Residence	2
	F. Return Home Transportation.....	3
	G. Recovery	3
VII.	APPLICATION PROCESS	3
	A. Right to Apply.....	3
	B. Responsibilities of Human Services at Time of Application.....	4
	C. Responsibilities of Applicant/Recipient.....	4
	D. Actions on Applications.....	5
	E. Home Visits	6
VIII.	VERIFICATION OF INFORMATION.....	7
	A. Required Verification	7
	B. Verification of Records	7
	C. Other Sources of Verification.....	7
	D. Written Consent of Applicant.....	7
	E. Legally Liable Relative.....	8
	F. Refusal to Verify Information	8
IX.	DETERMINATION OF ELIGIBILITY.....	8
	A. Legal Standard and Interpretation.....	8
	B. Length of Eligibility	8
	C. Eligibility Formula.....	8
	D. Non-Financial Eligibility Factors.....	9
	E. Income	12
	F. Available Assets	14
X.	STANDARD OF NEED	14
	A. Payment Levels for Allowable Expenses.....	14
	B. Necessary Living Expenses.....	15
XI.	DISBURSEMENTS.....	19
XII.	APPLICATION OF RENTS PAID BY THE MUNICIPALITY	20
	A. Procedure	20
XIII.	LIENS	20
	A. Real Property.....	20
	B. Civil Judgments	20
XIV.	MAINTENANCE OF RECORDS	21
	A. Legal Requirements.....	21
	B. Case Records	21
XV.	MUNICIPAL WORK PROGRAMS.....	22
	A. Participation	22
	B. Reimbursement Rate.....	22
	C. Continuing Financial Liability.....	22

D. Allowance for Work Search	22
E. Workfare Program Attendance.....	22
F. Workfare Hours.....	23
G. Workers Compensation	23
XVI. RECOVERY OF ASSISTANCE	23
A. Recovery from Responsible Relatives.....	23
B. Recovery from the Municipality of Residence	23
C. Recovery from Recipient's Income	24
D. Recovery from State and Federal Sources.....	24
E. Delayed State Claims	24
XVII. RIGHT TO NOTICE OF ADVERSE ACTION	24
A. Right to Written Decision.....	24
B. Action for Reasons other than Noncompliance with the Guidelines	24
C. Suspension for Noncompliance with the Guidelines.....	25
XVIII. FAIR HEARINGS.....	27
A. Requests.....	27
B. Time Limits for Request and Hearings	27
C. The Fair Hearing Officer(s)	27
D. Fair Hearing Procedures	28
E. Decisions	29
XIX. DEFINITIONS	29
APPENDIX A: Allowable Levels of Assistance	32

I. MISSION, PURPOSE AND AUTHORITY

MISSION: The mission of City of Lebanon Human Services (hereinafter referred to as "Human Services") is to "relieve and maintain" those in our community that are economically disadvantaged and unable to sustain the basic needs of food, shelter, and emergency medical assistance. Further it is our objective to build and keep strong our relationships with local, state, and federal agencies so that those in need receive a well-rounded, well-managed plan to return to financial self-sufficiency.

PURPOSE: The intent and purpose of these established General Assistance Program Guidelines (hereinafter referred to as "Guidelines"), is to protect the welfare of the citizens and taxpayers of the City of Lebanon.

AUTHORITY: In accordance with the laws of the State of New Hampshire, and under the authority of the New Hampshire Revised Statutes Annotated, Chapter 165:1(II), the following Guidelines are adopted to regulate the General Assistance Program for the City.

II. SEVERABILITY

If any provision of these guidelines is held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions will continue in full force and effect.

III. CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant or recipient of general assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released, or discussed with any individual or agency without written permission of the applicant or recipient except when disclosure is required by law, or when necessary to carry out the purposes of RSA 165. RSA 165:2-c.

IV. ROLES OF CITY COUNCIL AND HUMAN SERVICES

The responsibility of the day-to-day administration of the General Assistance program is vested in Human Services. Human Services staff and the City's duly appointed Welfare Official (hereinafter referred to as Human Services Official) shall administer the General Assistance program in accordance with the written, approved City of Lebanon General Assistance Program Guidelines. The Lebanon City Council is responsible for the adoption of the guidelines relative to General Assistance. RSA 165:1 (II).

V. BURIALS & CREMATIONS

Human Services shall provide for burial or cremation, at municipal expense, of persons found in need at time of death, regardless of whether the deceased person ever applied for or received general assistance from any municipality. In such cases, assistance may be applied for on behalf of the deceased person, however the application should be made before any burial or cremation expenses are incurred. The expense may be recovered

from the deceased person's municipality of residence, or from a liable relative pursuant to RSA 165:3, II. If relatives, other private persons, the state or other sources are unable to cover the entire burial/cremation expense, the municipality will pay up to \$1500.00 for burial/cremation. (See Appendix (A) RSA 165:3 and RSA 165:1-b; see also RSA 165:27 and 165:27-a)

VI. NON-RESIDENTS

- A. ELIGIBILITY:** No person shall be refused assistance solely on the basis of residence. RSA 165:1. Applicants who are temporarily in a municipality which is not their municipality of residence and who do not intend to make a residence there are nonetheless eligible to receive general assistance, provided they are poor and unable to support themselves. RSA 165:1-c.
- B. STANDARDS:** The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents
- C. VERIFICATION:** Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed, solely because they are located in the applicant's community of residence.
- D. TEMPORARY OR EMERGENCY AID:** The standards and procedures for the fulfilling of immediate or emergency needs of nonresidents, and for temporary assistance pending final decision, shall be the same as for residents.
- E. DETERMINATION OF RESIDENCE:** Determination of residence shall not be made unless the applicant requests return home transportation or unless Human Services has some reason to believe the person is a resident of another New Hampshire municipality from which recovery can be made under RSA 165:20.
 - 1. Minors.** The residence of a minor shall be presumed to be the residence of his/her custodial parent or guardian.
 - 2. Adults.** For competent adults, the standard for determining residence shall be the overall intent of the applicant/recipient, as set forth in the definition of "residence." The following criteria will aid Human Services in determining the applicant's/recipient's residence:
 - a.** does the person have or immediately intends to establish a dwelling place within the City;
 - b.** does the person have property, an established dwelling place, or employment in any other municipality to which they intend to return;
 - c.** does the person have a present intent to leave the City;
 - d.** has the person evidence of domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc., or intend to do so in the immediate future?

The statement of an applicant over 18 as to his/her residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

- F. RETURN HOME TRANSPORTATION:** At the request of a nonresident applicant, any aid, temporary or otherwise, to which he/she would be otherwise entitled under the standards set forth in these Guidelines, may be used by Human Services to cause the person to be returned to his/her community of residence. RSA 165:1-c.
- G. RECOVERY:** Any aid given to a nonresident, including the costs of return home transportation, may be recovered from his/her community of residence as set forth in Section XVI.

VII. APPLICATION PROCESS

The purpose of an application for General Assistance is the securing and sustaining of basic needs that include Housing/Shelter; Food; Non-Food Personal Care Items (Laundry Detergent, Soap, Toothpaste, Deodorant, Toilet Paper, etc.); Utilities (Heat, Electric); Gasoline; Emergency Medical Prescriptions; and Burial Services (limited to a maximum of \$1500). Unless prescribed by a doctor for medical reasons, telephone service assistance is not provided. Attempts will be made to provide for a recipient's basic needs at the least possible cost to the City, and such costs will be negotiated with providers whenever possible.

A. RIGHT TO APPLY:

- 1.** Anyone may apply for General Assistance by appearing in person or through an authorized representative and by completing a written or electronic application form. **The Human Services Official shall determine the process by which eligibility determinations shall be made, either by in-person appointments, via telephone or video, or home visits.**
- 2.** In the case of a household which meets the definition of family unit as defined in these guidelines, all adults residing in the household shall be required to appear at Human Services to apply jointly for assistance, and to each sign all required documents, unless Human Services determines that there are compelling reasons why the full household cannot reasonably join in an application. Unsigned documents constitute an incomplete application.
- 3.** Unrelated adults in the applicant's household who do not meet the definition of family unit as defined in these Guidelines, are required to apply separately, and need will be determined on the basis of a pro-rated share, as set forth in Section X of these Guidelines.
- 4.** Human Services is not required to accept an application for General Assistance from any person who is subject to a suspension pursuant to these Guidelines. An applicant who contests a determination of continuing noncompliance with the Guidelines may request a Fair Hearing. An applicant who has been suspended for at least six (6) months due to continuing noncompliance may file a new application.

B. RESPONSIBILITIES OF HUMAN SERVICES AT TIME OF APPLICATION: When application is made for General Assistance, Human Services shall inform the applicant of:

1. The requirement of submitting an application. Human Services shall provide assistance to the applicant in completing the application, if necessary (e.g., applicant is physically or mentally unable, or has a language barrier).
2. Eligibility requirements, including a general description of the guideline amounts and the eligibility formula.
3. The applicant's right to Fair Hearing, and the manner in which a review may be obtained.
4. The applicant's responsibility for reporting all facts necessary to determine eligibility, and presenting records and documents as reasonably available to support statements.
5. The joint responsibility of Human Services and applicant for exploring facts concerning eligibility, needs and resources.
6. The types of verifications needed.
7. The fact that an investigation will be conducted in order to substantiate facts and statements presented by the applicant.
8. The applicant's responsibility to notify Human Services of any change in circumstances that may affect eligibility.
9. Other forms of assistance for which the applicant may be eligible.
10. The availability of Human Services to make home visits by mutually-agreed appointment to take applications and to conduct ongoing case management for applicants who cannot leave their homes.
11. The requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for good cause.
12. The fact that reimbursement will be sought if recipient becomes able to repay the amount of assistance given.
13. The applicant's right to review the Guidelines.
14. The applicant's responsibility not to voluntarily terminate employment without good cause, as required by RSA 165:1-d.
15. The fact that the Child Protection Act requires that Human Services or any person who suspects that a child under age 18 has been abused or neglected must report that suspicion immediately to NH DHHS Division of Children, Youth and Families (DCYF). RSA 169-C:29-31.
16. The fact that the Adult Protection Law requires that Human Services or any person who has reason to believe that a vulnerable adult has been subjected to abuse, neglect, exploitation, or self-neglect, make a report immediately to the NH DHHS Bureau of Elderly & Adult Services (BEAS). RSA 161-F:46.

C. RESPONSIBILITIES OF APPLICANT/RECIPIENT: At the time of initial application, and at all times thereafter, the applicant/recipient has the following responsibilities:

1. To provide accurate, complete, and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.

2. To notify Human Services promptly when there is a change in needs, resources, address, or household size.
3. To apply for and utilize immediately, but no later than seven (7) days from initial application, any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance. RSA 165:1-b, I(d)
4. To keep all appointments as scheduled.
5. To provide records and other pertinent information and access to said records and information when requested.
6. To provide a doctor's statement if claiming an inability to work due to medical problems.
7. Following a determination of eligibility for assistance, to diligently search for employment and provide verification of work search (the number of work search contacts to be determined by Human Services), to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d)), and to maintain such employment. RSA 165:1-b, I (c).
8. Following a determination of eligibility for assistance, to participate in the workfare program (workfare) if physically and mentally able. RSA 165:1-b, I (b).
9. To reimburse assistance granted if returned to a viable income status and if such reimbursement can be made without financial hardship. RSA 165:20-b.

An applicant shall be denied assistance if he/she fails to fulfill any of these responsibilities without reasonable justification. A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable justification. Any recipient may be denied or terminated from General Assistance, or may be prosecuted for a criminal offense, if he/she, by means of intentionally false statements or intentional misrepresentation, or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled.

D. ACTIONS ON APPLICATIONS:

1. **Decision:** Unless an application is withdrawn, Human Services shall make a decision concerning the applicant's eligibility immediately in the case of emergency, or within five (5) business days after submission of the application. A written notice of decision shall be given in hand, delivered or mailed on the same day or next business day following the making of the decision. The notice of decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. A decision may also be made to pend an application subject to receipt of specified information from the applicant. The notice of decision shall contain a first notice of conditions for continued assistance and shall notify the applicant of his/her right to a fair hearing if dissatisfied with Human Services' decision. RSA 165:1-b, II, III.
2. **Emergency Assistance:** If, at the time of initial contact, the applicant demonstrates and verifies that an emergency need exists, because of which the applicant may suffer a loss of a basic necessity of living or imminent threat to life or health (such as loss of shelter, utilities, heat, or lack of food or prescriptions), then temporary assistance to mitigate such emergency need shall be provided to

prevent the imminent threat to life or health, pending a decision on the application. Such emergency assistance shall not obligate Human Services to provide further assistance after the application process is completed.

- a. Emergency/Temporary Shelter Referrals:** While the City does make an effort to help an applicant to secure emergency shelter, the City's role is not to act as a guarantee. In cases where the City has made an appropriate referral for emergency, temporary shelter and the applicant/recipient refuses to accept such a referral, or if the applicant/recipient's behavior is contrary to the rules of the shelter, or otherwise results in expulsion, Human Services may refuse to pay for more costly alternative emergency shelter, but may not suspend the applicant/recipient by denying other forms of assistance to which an applicant/recipient is otherwise entitled. The applicant/recipient must accept the least costly alternative for emergency housing assistance that is deemed suitable by Human Services for their household. NOTE: It is not the responsibility of Human Services to locate housing. Permanent housing/shelter assistance may be considered once an applicant/recipient locates affordable housing.

3. Temporary Assistance: In circumstances where required records are not available, Human Services may give temporary approval of an application pending receipt of required documents. Temporary status shall not extend beyond two weeks. Human Services shall not insist on documentary verification if such records are totally unavailable.

- 4. Withdrawn Applications:** An application shall be considered withdrawn if:
 - a.** The applicant has refused to complete an application or has refused to make a good faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, Human Services shall so notify the applicant in a written Notice of Decision;
 - b.** The applicant dies before assistance is rendered;
 - c.** The applicant avails himself/herself of other resources to meet the need in place of assistance;
 - d.** The applicant requests that the application be withdrawn (preferably writing);
 - e.** The applicant/recipient does not contact, follow through on appointment(s), or fails to provide required information to Human Services when requested to do so.

- E. HOME VISITS:** A home visit may be made by appointment at the request of any applicant/recipient, only when it is impossible for the applicant/recipient or their representative to apply in person. The home visit shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant. To this end, the person conducting the visit shall not be in uniform or travel in a law enforcement vehicle, shall be polite and courteous, and shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household.

VIII. VERIFICATION OF INFORMATION

Any determination or investigation of need or eligibility shall be conducted in a professional manner so as not to violate the privacy or personal dignity of the applicant/recipient.

A. REQUIRED VERIFICATION:

1. Applicant's address.
2. Facts relevant to the applicant's residence as set forth in these Guidelines.
3. Names and dates of birth of all household persons, positive photo identification for all adult household members, and social security information of all household members. Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable.
4. Proof of physical custody of children and proof of child support arrangements.
5. Applicant's and household income, assets, and financial obligations.
6. Any special circumstances claimed by the applicant.
7. Housing, utility, and prescription costs.
8. Applicant's and adult household member's employment status and availability in the labor market.
9. Physical and mental condition of household members where relevant to the receipt of General Assistance, ability to work, determination of need, or referral to other forms of assistance.
10. Names, addresses, and employment status of individuals potentially liable for support or reimbursement to the City of General Assistance provided pursuant to RSA 165:19.

B. VERIFICATION RECORDS: Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bank statements, etc.) as primary sources. The failure of the applicant to bring such records does not affect Human Services' responsibility to process the application promptly; however, lack of such records may require a denial of the type or amount of assistance requested. If records are not readily available, alternative means of verification may be accepted at the discretion of the Human Services Official.

C. OTHER SOURCES OF VERIFICATION: Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient. RSA 165:4.

D. WRITTEN CONSENT OF APPLICANT: When information is sought from such other sources, Human Services shall explain to the applicant what information is desired, how it will be used, and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, Human Services shall obtain written consent of the applicant, unless Human Services has reasonable grounds to suspect fraud. In the case of suspected fraud, the Human Services Official shall carefully record

his/her reasons and actions, and before any accusation or confrontation is made, the applicant shall be given an opportunity to explain or clarify the suspicious circumstances.

- E. LEGALLY LIABLE RELATIVE:** Human Services may seek statements from the applicant's legally liable relatives and/or persons deemed by New Hampshire law to have financial responsibility to help support the applicant.
- F. REFUSAL TO VERIFY INFORMATION:** Should the applicant refuse to allow verification, such as by refusing comment and/or failing to cooperate in helping Human Services obtain information required under VIII(A) above, assistance will be denied for lack of eligibility verification. (RSA 165:1-b) Should the applicant refuse to sign any release as may be reasonably required to verify eligibility for assistance, Human Services may deny assistance and notify the applicant in writing.

IX. DETERMINATION OF ELIGIBILITY

- A. LEGAL STANDARD AND INTERPRETATION:** *Whenever a person in any town is poor and unable to support himself he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there. RSA 165:1.*
 - 1. An applicant cannot be denied assistance because he/she is not a resident.
 - 2. "Whenever" means at any or whatever time that person is poor and unable to support him or herself.
 - a. Human Services, or a person authorized to act on his/her behalf, shall be available during normal business hours.
 - b. The eligibility of any applicant for general assistance shall be determined no later than five (5) business days after the application is submitted. If the applicant has an emergency need, then assistance for such emergency need shall be provided, pending a determination on the application.
 - c. Assistance shall begin as soon as the applicant is determined to be eligible.
 - 3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs of him/herself or family as determined by these Guidelines.
 - 4. "Relieved" means an applicant shall be assisted to meet those basic needs **as determined by these Guidelines.**
 - 5. "Maintained" means that assistance could be continued as long as the applicant is eligible as determined by these Guidelines.
- B. LENGTH OF ELIGIBILITY:** Assistance is authorized on an as needed basis and is not continued automatically. The length of assistance will vary depending on the need. Applicant(s)/Recipient(s) must contact Human Services to schedule an appointment for each assistance request. Recipients are expected to apply for and utilize any benefits that will assist in returning to a state of financial self-sufficiency.
- C. ELIGIBILITY FORMULA:** An applicant/recipient is eligible to receive general assistance when:

1. The applicant/recipient meets the non-financial eligibility factors; and
2. The applicant's/recipient's basic maintenance need exceeds available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need (as determined by the Guideline amounts), the applicant/recipient is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance granted to the applicant/recipient shall be the difference between the two amounts, in the absence of circumstances, deemed by the Welfare Official, justifying an exception.

This formula is based on the principle that an applicant/recipient must first and foremost apply any available resources toward meeting basic needs, as set forth in Section X below, including rent, food (minus SNAP Benefits), cleaning and hygiene items, diapers, utilities, and prescriptions. Applicant(s)/recipient(s) must provide receipts for all expenses while receiving General Assistance Benefits. **Credit card payments, rent-to-own furniture, storage fees, cable services, tobacco, alcohol, court fines, restitution, repayment of personal loans and school loans are examples of non-basic needs**, and financial resources expended toward such items shall be considered available under the formula to meet basic needs.

The City is authorized pursuant to RSA 165:1-e to deem as income all or any portion of any qualified State assistance reduction resulting from the failure of an applicant/recipient for General Assistance to comply with State assistance requirements. The amount of the reduction will be calculated in determination of eligibility.

D. NON-FINANCIAL ELIGIBILITY FACTORS:

1. **Age:** Age is not a factor in determining whether or not an applicant may receive general assistance.
2. **Minors:** Minor children have the residence of their custodial parent(s) or legal guardian(s) and are assumed to be the responsibility of their custodial parent(s) or legal guardian(s). Minor applicants will be referred to Protective Services of the New Hampshire Division of Children, Youth and Families (NHDCYF) for case management.
3. **Students:** Applicants who are not minor students must be employed full-time or be available for and seeking full-time employment in order to be eligible for General Assistance.
4. **Employment:** An applicant/recipient who is gainfully employed, but whose income and assets are not sufficient to meet necessary household expenses, may be eligible to receive General Assistance. However, recipients who without good cause refuse a job offer or referral to suitable employment, participation in the workfare program, or who voluntarily leave a job without good cause may be

ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in these Guidelines.

Human Services will determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the applicant, transportation problems, working conditions that might involve risks to health or safety, lack of adequate child care, or any other factors that might make refusing a job reasonable. ***NOTE: Employment requirements extend to all adult members of the household/family unit.***

- a. Employment of Household/Family Members:** The employment requirements of these Guidelines, or participation in the General Assistance Work Program, shall be required for all adults aged 18 to 65 years residing in the same household (except those regularly attending school or employed on a full-time basis) who are:
- i.** legally liable to contribute to the support of the recipient and/or children of the household; **and**
 - ii.** not prevented from maintaining employment and contributing to the support of the household by reason of physical or mental disability or other justifiable cause as verified in writing to Human Services.

Human Services may waive this requirement where failure of the other household members to comply is not the fault of the applicant/recipient and Human Services decides it would be unreasonable for the applicant to establish a separate household. RSA 165:32.

- b. Disqualification for Voluntary Termination of Employment (Voluntary Quit Law):** Applicant(s)/recipient(s) subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided by law. RSA 165:1-d

- c. Registration with the N.H. Department of Employment Security (NHES) and Work Search Requirements:** All unemployed recipients and adult members of their households shall, within seven (7) days after having been granted assistance, register with NHES to find work and must conduct a verifiable job search as indicated in the Notice of Decision. Work search requirements apply to all recipients/household members unless the recipient and/or other adult members of the household are:
- i.** gainfully employed full-time;
 - ii.** dependents aged eighteen (18) or under who are regularly attending secondary school;
 - iii.** unable to work due to a verifiable debilitating condition;
 - ix.** unable to work due to illness, mental or physical disability of another member of the household/family unit, verified by written medical documentation from a physician; or
 - x.** ~~solely responsible for the care of a child age five (5) or under.~~ **solely responsible for the care of a child under the age of one (1).** A recipient responsible for the care of a child aged ~~six (6)~~ **one (1)** through twelve (12)

shall not be excused from work search requirements, but shall be deemed to have verifiable good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care and no other care is available. Recipients will be asked to demonstrate contacts made to locate childcare.

Human Services shall give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including referrals and/or the granting of allowances for transportation and work clothes. Failure of a recipient to comply with these requirements without verifiable good cause will be reason for denial of assistance.

5. **Support Actions:** No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. However, in the case of child support, the applicant/recipient will be required to file for child support with the New Hampshire Department of Health and Human Services, Child Support Enforcement Services. The City of Lebanon may pursue recovery against legally liable persons or governmental units.
6. **Eligibility for Other Categorical Assistance:** Recipients who are, or may be, eligible for any other form of public assistance must apply for such assistance immediately, but no later than seven (7) days after being advised to do so by Human Services. Failure to do so may render the recipient ineligible for assistance and subject to sanction and/or suspension of assistance as outlined in these Guidelines.
7. **Non-Citizens:** Human Services may, in his/her sole discretion, provide limited assistance to non-citizens not otherwise eligible for general assistance.
 - a. Under 8 USCA 1621(a), a non-citizen is not eligible for general assistance from the municipality unless he/she is:
 - i. A qualified alien under 8 USCA 1641;
 - ii. A non-immigrant under the federal Immigration and Nationality Act; or
 - iii. An alien paroled into the United States for less than one year under 8 USCA 1182(d)(5)
 - b. Qualified aliens include aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (8 USCA 1101 et seq.), aliens who are granted asylum under that act, certain refugees, and certain battered aliens. 8 USCA 1641.
 - c. A non-citizen who is not eligible for general assistance may be eligible for state assistance with health care items and services that are necessary for the treatment of an emergency medical condition, which is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - i. Placing the patient's health in serious jeopardy;

- ii. Serious impairment to bodily functions; or
- iii. Serious dysfunction of any bodily organ or part. 8 USCA 1621(b) and 42 USCA 1396(v)(3).
- d. A non-citizen may also be eligible for general assistance for treatment of an emergency medical condition, pursuant to Section **(ix)(e)(8)(a)** of these Guidelines.
- e. Non-citizen applicants for general assistance may be required to provide proof of eligibility. 8 USCA 1625.

8. Life Skills Training/Money Management Classes: Recipients who apply for assistance with an eviction notice, utility disconnect, or homelessness more than once may be recommended to attend life skills and/or money management classes as they become available through local agencies.

E. INCOME: In determining eligibility and the amount of assistance, the applicant's standard of need shall be compared to the available income/assets. Computation of income and expenses will be by week or month. The following items will be included in the computation:

- 1. Earned Income:** Income in cash or in-kind earned by the applicant or any member of his/her family or household through wages, salary, commission, or profit, whether self-employed or as an employee, is to be considered as income. Rental income and profits from items sold are in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court-ordered support payments and child care costs, and work-related clothing costs have been deducted from income. Wages that are "trusteed," or income similarly unavailable to the applicant or applicant's dependents, will not be included.
- 2. Income or Support from Other Persons:** Contributions from relative or other household members shall be considered as income only if actually available and received by the applicant or recipient. The income of non-household members of the applicant's residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however.)
- 3. Residents of Shelters for Battered Women and Children:** An applicant residing in a shelter for battered women and children who has income and jointly owns resources with abusive members of the applicant's household shall be required to cooperate with the normal procedures for purposes of verification, but may have these resources and income excluded from eligibility determinations unless an agreement exists with a member of the abusive household to give the shelter household safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of

residence. The normal procedures taken in accordance with these Guidelines to recover assistance granted shall not delay such assistance.

4. Income from Other Assistance or Social Insurance Programs:

- a. State categorical assistance benefits, OASDI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payment from other government sources shall be considered income.
- b. Supplemental Nutrition Assistance Program (SNAP) (also known as food stamps) cannot be counted as income pursuant to federal law. 7 USC 2017 (b).
- c. Low Income Heating and Energy Assistance Program (LIHEAP) (Also known as Fuel Assistance) also cannot be counted as income pursuant to federal law. 42 USC 8624 (f) (1).

5. Court-Ordered Support Payments: Alimony and child support shall be considered income only if actually received by the applicant or recipient. Applicant/recipient is required to file for child support payments through the NHDHHS Division of Child Support Enforcement Services.

6. Income from Other Sources: Payment from pension and trust funds and the like shall be considered income. Any inheritance, tax refunds, gambling winnings, gifts, loans, annuities, or settlement payments, shall also be considered income.

7. Earnings of a Child: No inquiry shall be made into the earnings of a child 18 years of age or less unless that child makes a regular and substantial contribution to the family.

8. Option to Treat a Qualified State Assistance Reduction as Deemed Income: Human Services may deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82,VIII. The following criteria shall apply to any action to deem income under this section. RSA 165:1-e.

- a. The authority to deem income under this section shall terminate when the Qualified State Assistance Reduction no longer is in effect.
- b. Applicants for general assistance may be required to cooperate in obtaining information from the Department of Health and Human Services as to the existence and amount of any Qualified State Assistance Reduction. No applicant for general assistance may be considered to be subject to a Qualified State Assistance Reduction unless the existence and amount has been confirmed by the Department of Health and Human Services.
- c. Human Services shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- d. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, Human Services shall waive that portion, if any, of the Qualified State Assistance Reduction as necessary.

F. AVAILABLE ASSETS:

1. **Available Liquid Assets:** Cash on hand, bank deposits, credit union accounts, securities, and retirement payouts (i.e., IRA's, deferred compensation, Keogh's, etc.) are available liquid assets. Insurance policies and retirement plans with or without a loan value, and non-essential personal property may be considered as available liquid assets when they have been converted to cash. Human Services shall allow a reasonable time for such conversion. Tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property which shall not be considered as available assets.
2. **Automobile Ownership:** The ownership of one (1) automobile by an applicant/recipient or his/her dependent does not affect eligibility if it is essential for transportation to seek or maintain employment, to procure medical services or rehabilitation services, or if its use is essential to the maintenance of the individual or the family. Essential means that there is no other feasible transportation available. Also see Section X(B)(6) below.
3. **Insurance:** When a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets. The ownership of insurance policies does not affect eligibility. However, premiums paid on insurance policies other than medical/health insurance will not be included as "need" in determining eligibility or amount of aid. Human Services will request verification of policy value and premium amounts paid for medical/health insurance.
4. **Real Property:** The type and amount of real property owned by an applicant does not affect eligibility, although rent or other such income from property will be considered as available to meet need. Applicant(s)/Recipient(s) owning real property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Also see Section X(B)(1) below.
5. **Property Transfers:** No person who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer, or conveyance of property for the purpose of rendering him/herself eligible for assistance within three years immediately preceding his/her application. RSA 165:2b

X. STANDARD OF NEED

A. PAYMENT LEVELS FOR ALLOWABLE EXPENSES:

Payment levels are identified on the "Allowable Level of Assistance" (APPENDIX A). Payment levels shall be reviewed by Human Services annually and modifications presented to the municipal governing body where market conditions have changed. RSA 165:1, II.

B. NECESSARY LIVING EXPENSES:

The basic financial requirement for General Assistance is that an applicant be poor and unable to support him/herself. An applicant shall be considered poor when he/she has insufficient available income/assets to purchase either for himself/herself or dependents any of the following necessary living expenses: *[NOTE: If the applicant/recipient shares expenses with a non-applicant/recipient (i.e., is part of a residential unit), then need will be determined on a pro rated share, based on the total number of persons in the residential unit (e.g., three persons in residential unit, but only one applies for assistance: Shelter need is one-third of shelter allowance for household of three persons).]*

1. **Housing/Shelter:** The amount to be included as "need" for housing/shelter is the actual cost of rent or mortgage necessary to provide shelter or housing in that municipality. An applicant/recipient must be on the lease in order to be eligible for rental assistance.
 - a. **Housing/Shelter Costs:** Human Services will utilize the fair market rental rates published **annually** by the Department of Housing and Urban Development (HUD), **as well as actual market rents in the municipality, to determine** maximum rent levels as "need." Family and unit size will determine maximum level of allowed assistance. Real property owned and occupied by the applicant/recipient as a primary residence shall be considered in the same manner as rental assistance. The amount of a mortgage payment over and above the HUD rent levels will only be considered on a temporary basis, and only if, in the judgment of Human Services, allowing the applicant(s) to remain in his/her/their owned home creates a clear counterbalancing long-term benefit, both to the applicant and to the City's Human Services budget. Human Services will not make mortgage payments when the applicant/recipient has a co-signer on the note. Applicant(s)/Recipient(s) will be informed that a lien covering the amount of any General Assistance they receive shall be placed against any real property they own (RSA 165:28).
 - b. **Housing Arrearages:** Arrearages will only be included in the "need" formula if such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household. If the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or if the payment of arrears will not prevent eviction or foreclosure, Human Services may instead authorize payment of security deposit, rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so and would not cause undue hardship to the applicant household. Alternative housing may include homeless shelters but does not include residential treatment program housing.

- c. **Security Deposits:** Security deposits may be included in the "need" formula if, and only if, the applicant is unable to secure alternative housing or shelter for which no security deposit is required or is unable to secure funds, either him/herself or from alternative sources, for payment of the deposit. Any security deposit provided by the general assistance program which is returned under RSA 540-A:7 shall be returned to the municipality, not the recipient.
 - d. **Relative Landlords:** Whenever a relative of an applicant/recipient is also the landlord/ property owner for the applicant/recipient, the landlord/property owner will be presumed able to assist their relative pursuant to RSA 165:19, and must prove an inability to assist before any aid payments for housing/shelter costs are made. Rent will not be paid to non-property owners such as friends and relatives.
 - e. **Emergency Shelter:** Applicant must accept the least costly alternative for emergency housing assistance that is deemed suitable by Human Services for the applicant's household. In cases where the Human Services Official has made an appropriate referral for temporary emergency shelter and the applicant refuses to accept such referral, or if the applicant does not abide by the rules of the emergency shelter, Human Services may suspend the applicant by refusing to pay for alternative emergency shelter, but may not suspend the applicant by denying other forms of assistance to which he/she is otherwise entitled.
2. **Utilities:** Utilities must be in applicant's/recipient's name in order to render assistance. When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of "need" by Human Services. Arrearages will not normally be included in "need" except as set forth below:
- a. **Arrearages:** Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service where no other resources or referrals can be utilized.
- In accordance with the rules of the PUC relating to electric utilities, arrearages for electric service need not be paid if Human Services notifies the electric company that the municipality guarantees payment of average electric bills as long as the recipient remains eligible for general assistance.
- b. **Restoration of Service:** When utility service has been terminated and Human Services has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. Human Services may negotiate with the utility for payment of less than the full amount of the arrearages and/or may attempt to arrange a repayment plan to obtain restoration of service.

- c. **Restoration of Electric Service:** When electric service has been terminated and restoration is required, arrearages may either be included as set forth in the above paragraph, or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company. Human Services may hold the recipient accountable for the payment arrangement for as long as the recipient continues to request general assistance on a regular basis. Payment of a payment plan may be a required element of a notice of decision or case plan.
 - d. **Deposits:** Utility security deposits will be considered as "need" if and only if the applicant is unable to secure funds for the payment of the deposit and is unable to secure utility service without a deposit. Such deposits shall, however, be the property of the City of Lebanon.
3. **Food:** The amount included as "need" for food purchases will be in accordance with the most recent standard allotment, as determined under "SNAP" (Supplemental Nutritional Assistance Program) administered by the New Hampshire Department of Health and Human Services. Any amount in excess of the standard food allotment may be granted if a physician has stated in writing that one or more members of the household needs a special diet, the cost of which is greater than can be purchased with the family's SNAP Benefits.
 4. **Non-Food Grocery Items:** "Need" allowance shall be given for paper goods, soap products and personal items in an amount not to exceed those identified in Appendix A, "Allowable Level of Assistance."
 5. **Telephone:** If the absence of a telephone would create an unreasonable risk to the recipient's health and safety (verifiable in writing by a physician) or for other good cause as determined by Human Services, the lowest available basic monthly rate will be budgeted as "need".
 6. **Transportation:** ~~As a general rule, payments on an applicant's/recipient's existing vehicle will not be considered a justified expense when determining eligibility, and no such automobile payment, registration, insurance, or licensing costs shall be included as part of 'need,' even to prevent repossession.~~ If Human Services determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" will include the costs of public transportation, where available. Receipts for all transportation expenses will be required.

If, and only if, the transportation need cannot be reasonably provided by alternative means, such as public transportation or volunteer drivers, a reasonable amount for gasoline and vehicle operating expenses will be included as part of "need" when determining eligibility. The cost of purchase and maintenance of such a necessary vehicle must be appropriate to the applicant's/recipient's income. Ownership of more than one (1) vehicle per household may be determined as non-essential by Human Services. The book value of a vehicle may be considered as a liquid asset and required to be converted to cash prior to

eligibility for any assistance other than extreme emergencies such as food or life-sustaining medication.

7. Maintenance of Medical Insurance: In the event that Human Services determines that the maintenance of medical insurance is essential so as to reduce the likelihood of extraordinary medical expenses being provided under Paragraph 8 below, an applicant may include as "need" the reasonable cost of such premiums.

8. Emergency and Other Expenses: In the event that the applicant/recipient has the following current expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:

a. General Medical: Human Services shall not provide for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital indigent programs designed for such needs.

Applications for medical service, prescriptions, dental service or eye service must include written documentation from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk and that the applicant's/recipient's well-being will be placed in serious jeopardy. Human Services may accept oral verification from the provider but shall seek written confirmation.

Whenever possible, the applicant will seek service from a Medicaid provider physician. If advance payment is required for such medical services, Human Services may approve payment of the fee up to the reimbursable amount set for the procedure by the NH Medicaid Program. Human Services has the authority to make a decision which is less expensive, e.g. to pay medical insurance or prescriptions.

b. Medical Prescriptions: Applicants will be directed to seek sample medications or apply for free medications through their prescribing physician. When possible, the least costly generic prescription drug (from the NH Medicaid Preferred Drug List) will be used unless otherwise specified by the licensed prescriber. Human Services will not cover over-the-counter medications, medications that are not covered under the Medicaid Program or prescriptions that are older than thirty (30) days.

NOTE: Payment for birth control medication and devices, smoking cessation, narcotic medications, sleep aids, Opioid antagonists, or stimulant blocking pharmaceutical items will not be considered emergency assistance and are not covered through the General Assistance Program.

- c. **Legal Expenses:** Except for those specifically required by statute, no legal expenses will be included.
- d. **Clothing:** If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e.: LISTEN, HAVEN, Salvation Army, Red Cross, church group), the expense of reasonably meeting that emergency clothing need will be included, not to exceed \$100.

9. **Unusual Needs not Otherwise Provided for in These Guidelines:** If Human Services determines that the strict application of the standard of need criteria will result in unnecessary or undue hardship (e.g. needed services are inaccessible to the applicant), minor adjustments in the criteria may be made at the discretion of the Human Services Official. Any such determination and the reasons therefore, shall be stated in writing in the applicant's case record.

XI. DISBURSEMENTS

Once an applicant is found eligible, payment by the City is guaranteed through the issuance of a voucher. The amount shown on the voucher is the maximum amount to be used for payment. In accordance with the City's accounting practices, a recipient is required to sign the voucher to insure proper usage. The recipient provides the voucher to the vendor/provider as evidence that a payment from the City of Lebanon is forthcoming. After the initial transaction, if there is any unspent money, the voucher shall be returned to the municipality for payment of the actual amount listed on an itemized bill or register tape. Vouchers altered by the recipient or vendor/provider will not be honored.

The City of Lebanon does not accept responsibility for any services rendered before eligibility for General Assistance has been determined. Voucher payments will be authorized in accordance with the following general regulations:

1. Human Services will not pay late charges/fees, storage fees, key charges, etc.
2. Human Services uses the NH Medicaid Preferred Drug List in the administration of General Assistance for medically necessary prescriptions
3. All payment authorizations are one (1) time only with each authorization requiring individual approval.
4. Food vouchers must be used within five (5) days of issue.
5. A Rental Verification Form is required to be completed by the property owner or authorized agent before a rent payment will be authorized. Rental Verification Forms are legal documents upon which the City relies to determine eligibility for assistance. Information must be accurate and true. Any misrepresentation or inaccurately reported information will be grounds for stopping payment. Legal action may also be taken.
6. Rent shall not be paid on any dwelling unit that does not meet the minimum housing criteria as set forth by the applicable building and life safety codes. For a dwelling unit to be eligible for rental assistance payments, it must not have any unresolved and/or outstanding complaints against it with either the Code Enforcement Officer or the Fire Department.

7. Rent is payable only to the property owner unless Human Services is provided with a ~~notarized~~ **signed** authorization to pay a third-party, i.e. property owner's agent.
8. Property owners/agents accepting vouchers for payment where their tenants are under eviction waive their right to evict during any period that was paid for by the City.

XII. APPLICATION OF RENTS PAID BY THE CITY OF LEBANON

Whenever the owner of property rented to a person receiving General Assistance from the City of Lebanon is in arrears in water/sewer or tax payments to the City, the City may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165 4-a.)

A payment shall be considered in arrears if more than thirty days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76: 13.(RSA 165:4-a.)

Priority shall be given to offsetting water/sewer delinquencies first, with delinquent tax balances given last priority.

A. PROCEDURE:

1. Human Services will issue a voucher on behalf of the tenant to the landlord for the authorized amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the property owner, specifying which delinquency and referring to the authority of RSA 165:4-a.
2. Human Services will issue a duplicate voucher to the appropriate department for processing. Upon receipt of payment, the department will issue a receipt of payment to the delinquent property owner.

XIII. LIENS

- A. REAL PROPERTY (RSA 165:28):** The law provides for the City to place a lien for General Assistance aid received on any real property owned by an assisted person in all cases except for verifiable just cause. Human Services shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and a description of the property sufficient to identify it. The lien remains in effect until enforced or released, or until the amount of the lien is repaid to the City. The lien will not be enforced so long as the real property is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. At such time as the lien may become enforceable, Human Services will attempt to contact the attorney handling the real

property or estate before enforcing the lien. Upon repayment of a lien, the City will record a Release of Lien with the County Registry of Deeds.

B. CIVIL JUDGMENTS (RSA 165:28-a):

1. The City will be entitled to a lien upon property passing under the terms of a Last Will and Testament or by intestate succession, a property settlement, or a civil judgment for personal injuries (except Worker's Compensation) awarded any person granted assistance by the City for the amount of assistance granted by the City.
2. The City shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or the award of the property settlement or civil judgment. When Human Services becomes aware of such a claim against a civil judgment, Human Services shall contact the attorney representing the recipient.
3. The lien will take precedence over all other claims.

XIV. MAINTENANCE OF RECORDS

A. LEGAL REQUIREMENTS: Human Services is required by NH RSA 41:46 to keep complete paper and/or electronic records concerning the number of applicants given assistance and the cost for such support. Separate case records shall be established for each individual or family applying for general assistance. The purposes for keeping such records are to:

1. Provide a valid basis of accounting for expenditure of City funds;
2. Support decisions concerning the applicant's/recipient's eligibility;
3. Assure availability of information if the applicant/recipient seeks administrative or judicial review of the decision by Human Services;
4. Maintain accurate statistical information;
5. Provide a complete history of an applicant's/recipient's needs and assistance to facilitate Human Services with ongoing case management and in referring applicants/recipients to appropriate agencies; and
6. Aid in the determination of residence under RSA 21:6-a, and to allow a smooth transition of information if the applicant/recipient is transferred to another legally liable unit.

B. CASE RECORDS: Human Services shall maintain case records containing the following information:

1. The complete application including any authorizations signed by the applicant(s)/recipient(s) allowing Human Services to obtain or verify any pertinent information in the course of determining eligibility for assistance;
2. Written grounds for pending, approving or denying an application, contained in a Notice of Decision;

3. A narrative history recording the need for assistance, the results of investigations of the applicant's/recipient's circumstances, referrals, and any changes in status;
4. Client Account Summary, which contains complete data concerning the type, amount, and dates of assistance given either in hard paper copy or electronic format.

Records shall be kept based on the Municipal Record Retention Requirement. Welfare records must be retained during the active phase of any application plus 7 years.

XV. MUNICIPAL WORK PROGRAMS

- A. PARTICIPATION:** Any recipient of general assistance who is able and not gainfully employed may be required to work for the municipality or an appropriate local human service agency at any available bona fide job that is within his/her capacity (RSA 165:31) for the purpose of reimbursement of assistance received. Participants in the workfare program are not considered employees of the municipality, and any work performed by workfare participants does not give rise to any employee-employer relationship between the recipient/workfare participant and the municipality.
- B. REIMBURSEMENT RATE:** The workfare participant shall be allotted the prevailing municipal wage for work performed, but in no case less than the minimum wage. No cash compensation shall be paid for workfare participation; the wage value of all hours worked shall be used to reimburse the municipality for assistance given. No workfare participant shall be required to work more hours than necessary to reimburse aid rendered.
- C. CONTINUING FINANCIAL LIABILITY:** If, due to lack of available municipal work or other good cause, a recipient does not work a sufficient number of hours to fully reimburse the municipality for the amount of his/her aid, the amount of aid received less the value of workfare hours completed shall still be owed to the municipality.
- D. ALLOWANCE FOR WORK SEARCH:** The municipality shall provide reasonable time during workfare hours for the workfare participant to conduct a documented employment search.
- E. WORKFARE PROGRAM ATTENDANCE:** With prior notice to Human Services, a recipient may be excused from workfare participation if he/she:
 1. has a conflicting job interview;
 2. has a conflicting interview at a service or welfare agency;
 3. has a medical appointment or illness;
 4. as a parent or person "in loco parentis" must care for a child under the age of five (5) ~~one (1)~~. A recipient responsible for a child age five but under 12 shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;

5. is unable to work due to mental or physical disability, as verified by Human Services;
6. must remain at home because of illness or disability to another member of the household, as verified by Human Services; or
7. does not possess the materials or tools required to perform the task and the municipality fails to provide them.

The workfare participant should attempt to schedule appointments so as not to conflict with the workfare program and must notify his/her supervisor in advance of the appointment. Human Services may require participants to provide documentation of their attendance at a conflicting interview or appointment.

- F. WORKFARE HOURS:** Workfare hours are subject to approval of the supervisor and Human Services. Failure of the participant to adhere to the agreed workfare hours (except for the reasons listed above) will prompt review of the recipient's eligibility for general assistance, and may result in a suspension or termination of assistance.
- G. WORKERS' COMPENSATION:** The municipality shall provide workers' compensation coverage to participants in workfare programs in the same manner such coverage is provided to other municipal employees, unless the local governing body of the municipality has voted to adopt a guideline making the provisions of the workers' compensation laws not applicable to workfare program participants. RSA 281-A:2.

XVI. RECOVERY OF ASSISTANCE

Human Services shall seek to recover money expended to assist eligible recipients. There shall be no delay, refusal to assist, reduction or termination of assistance while Human Services is pursuing the procedural or statutory avenues to secure reimbursement. Any legal action to recover assistance must be filed in a court within six (6) years after the expenditure. RSA 165:25.

The City reserves the right to recover any and all amounts owed using any and all legal methods available including, but not limited to, payroll deductions, payment reimbursement plans, interim reimbursement, collection agencies, or through the courts.

- A. RECOVERY FROM RESPONSIBLE RELATIVES:** The amount of money spent by a municipality to assist a recipient who has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the recipient, may be recovered from the liable relative. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Human Services may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a recipient must be given to the liable relative. Human Services shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines, shall not be delayed due to inability to contact possibly liable relatives. RSA 165:19.

- B. RECOVERY FROM THE MUNICIPALITY OF RESIDENCE:** The City may recover the amount of assistance to support a person who has a residence in another municipality from the municipality of residence. Written notice of money spent in support of a recipient will be given to the Welfare Official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:20-a provides for arbitration in the case where there are disputes between communities.
- C. RECOVERY FROM RECIPIENT'S INCOME:** A former recipient who is returned to a viable income status after receiving assistance may be required to reimburse the municipality for the assistance provided, if such reimbursement can be made without financial hardship. RSA 165:20-b.
- D. RECOVERY FROM STATE AND FEDERAL SOURCES:**
1. The amount of money spent by a municipality to support a recipient who has made initial application for SSI and has signed HHS FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and the New Hampshire Department of Health and Human Services (NHDHHS).
 2. Prescription expenses paid by the municipality for applicants who have applied for Medicaid shall be recovered through the New Hampshire Department of Health and Human Services if and when the applicant is approved for medical coverage.
- E. DELAYED STATE CLAIMS:** For those recipients of general assistance deemed eligible for State assistance, NHDHHS will reimburse the City the amount of General Assistance as a result of delays in processing within the federally mandated time periods. Any claims for reimbursement shall be held by NHDHHS until the end of the fiscal year and may be reimbursed on a pro-rated basis dependent upon the total claims filed per year. RSA 165:20-c. A "REQUEST FOR STATE REIMBURSEMENT" will be submitted to NHDHHS for this purpose. There will be no delay, refusal, or termination of assistance while Human Services is pursuing the statutory remedies to secure reimbursement.

XVII. RIGHT TO NOTICE OF ADVERSE ACTION

- A. RIGHT TO A WRITTEN DECISION:** All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by government. This includes applicants for and recipients of general assistance, whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given a written notice of every decision regarding assistance. Human Services will make every effort to ensure that the applicant understands the decision.

B. ACTION TAKEN FOR REASONS OTHER THAN NONCOMPLIANCE WITH THE GUIDELINES:

1. Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given or mailed to the applicant either the same day or next work day following the making of the decision or within five (5) business days from the time the application is filled out and submitted, whichever occurs first.
2. In any case when Human Services decides to terminate or reduce assistance for reasons other than noncompliance with the Guidelines, the official shall send notice at least seven (7) days in advance of the effective date of the decision to the recipient stating the intended action.
3. The notice required by paragraphs 1 and 2 above shall contain:
 - a. a clear statement of the reasons for the denial or proposed termination or reduction;
 - b. a statement advising the individual of his/her right to a fair hearing, and that any request for a fair hearing must be made in writing within five (5) business days;
 - c. a statement advising the individual of the time limits which must be met in order to receive a fair hearing; and
 - d. a statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimant. Aid must be repaid if the claimant fails to prevail at the hearing.

C. SUSPENSION FOR NONCOMPLIANCE WITH THE GUIDELINES:

1. **Due Process:** Applicants/Recipients must comply with these Guidelines and the reasonable requests of Human Services. Human Services must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Applicants/Recipients will be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.
2. **Conditions:** Any person otherwise eligible for assistance shall become ineligible under RSA 165 I-b if he/she willfully and without good cause fails to comply with the requirements of these Guidelines relating to the obligation to:
 - a. Disclose and provide verification of income, resources or other material financial data, including any changes in such information;
 - b. Participate in the work program to the extent assigned by Human Services;
 - c. Comply with the work search requirements imposed by Human Services; and
 - d. Apply for other public assistance, as required by Human Services.
3. **First Notice:** No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven (7) day period within which to comply. The first notice shall be given at the time of the notice of

decision and/or thereafter as conditions change. Additional notice of actions required will be given as eligibility is re-determined, but without an additional seven (7) day compliance period unless new actions are required.

4. Non-Compliance:

a. If a recipient willfully fails to come into compliance during the seven day period, or willfully falls into noncompliance within thirty days from receipt of a first notice, Human Services shall give the recipient a suspension notice.

b. If a recipient falls into noncompliance for the first time more than thirty days after receipt of a first notice, Human Services shall give the recipient a new first notice with a new seven day period to comply before giving the recipient the suspension notice. RSA 165:1-b, III.

5. Suspension Notice: Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a first notice shall include:

- a.** a list of requirements with which the recipient is not in compliance and a description of those actions necessary for compliance;
- b.** the period of suspension;
- c.** notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing to Human Services within five (5) days of receipt of the suspension notice;
- d.** a statement that assistance may continue in accordance with the prior eligibility determination until the fair hearing decision is made if the claimant so requests. If the claimant fails to prevail at the hearing, the suspension will start after the decision and such aid must be repaid by the claimant to the City; and
- e.** a form on which the individual may request a fair hearing and the continuance of assistance pending the outcome.

6. Suspension Period: The suspension period for failure to comply with these guidelines shall be:

- a.** either seven (7) days for the first suspension, or fourteen (14) days if the recipient has had a prior suspension which ended within the past six months;
- b.** until the recipient complies with the guidelines if the recipient, upon the expiration of the seven (7) or fourteen (14)-day suspension period, continues to fail to carry out the specific actions set forth in the first notice.

A recipient who has been suspended for noncompliance for at least six (6) months may file a new application for assistance without coming back into compliance.

7. Fair Hearing on Continuing Noncompliance: A recipient who has been suspended/ sanctioned until they comply with the Guidelines may request a Fair Hearing to resolve a dispute over whether or not they have satisfactorily complied with the required Guidelines. No assistance shall be available until a Fair Hearing on non-compliance is resolved. The burden of proof lies with the

applicant/recipient to show that Human Services was incorrect in their decision not to assist and/or limit assistance of the claimant's request.

8. Compliance After Suspension: Recipients who have been subject to a suspension due to continuing noncompliance and who have proven that they are back in compliance will have their assistance resumed provided they are still otherwise eligible. The notice of decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven day period for compliance unless new conditions have been imposed.

XVIII. FAIR HEARINGS

A Fair Hearing is a process outlined in RSA 165 that provides the opportunity for an applicant/recipient to dispute a decision made by Human Services. These Guidelines specify the procedure and timeline required for a Fair Hearing to be in compliance with RSA 165.

A. REQUESTS: A request for a fair hearing is a written expression, by the recipient or any person acting for him/her, requesting an opportunity to present his/her case to a higher authority.

B. TIME LIMITS FOR REQUEST AND HEARINGS:

1. When an application is denied or when a recipient desires to challenge a decision made by Human Services relative to the receipt of assistance, a request for a Fair Hearing must be received within five (5) business days of receipt of the Notice of Decision at issue.

2. Hearing requested by the claimants must be held within seven (7) business days of the receipt of request. Human Services will give notice to the claimant setting forth time and location of the Hearing. The notice will be given to the claimant at least forty-eight (48) hours in advance of the Hearing, or mailed by certified mail to the claimant at least seventy-two (72) hours in advance of the Hearing.

3. An applicant/recipient may withdraw, in writing, the request for a Fair Hearing any time prior to and up to the time of the Fair Hearing. An applicant/recipient believing to have good cause to request a continuance or postponement may do so by contacting Human Services at the earliest possible time prior to the Hearing. Good cause shall include, but not be limited to, medical emergency or unforeseen circumstances that prevent the claimant from attending the scheduled Hearing. A claimant shall provide documentation of such circumstance to the Human Services Director no later than seventy-two (72) hours after the request is made. Failure to provide such documentation and/or failure to appear for a scheduled Fair Hearing shall be deemed as a withdrawal of the Fair Hearing request by the claimant. Claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request.

C. THE FAIR HEARING OFFICER (S): The Fair Hearing Officer or Officers shall be chosen by the City Manager. The person(s) serving as the fair hearing authority must:

1. not have participated in the decision causing dissatisfaction;
2. be impartial;
3. be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination;
4. be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which Human Services operated, and to interpret to Welfare Officials any evidence of unsound, unclear, or inequitable policies, practices or actions.

D. FAIR HEARING PROCEDURES:

A claimant or his/her duly authorized representative has the right to examine, prior to a Fair Hearing, all records, papers, and documents from the claimant's case file which either party may wish to introduce at the Fair Hearing, as well as any available documents not contained in the case file but relevant to Human Services' action of which the claimant complains. The claimant may introduce any such documents, papers, or records into evidence. No record, paper, or document, which the claimant has requested to review but not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.

Human Services (or a duly authorized representative) shall have the right to examine at the Fair Hearing all documents on which the claimant plans to rely at the Fair Hearing and may request a twenty- four (24) hour continuance if such documents contain evidence not previously provided or disclosed by the claimant. Should the claimant have new documentation relevant to the disputed decision, the claimant may reapply for assistance and file a written withdrawal of the Fair Hearing request.

1. Procedures for Fair Hearings:

- a. All fair hearings shall be conducted in such a manner as to ensure due process of law.
- b. Fair Hearings shall not be conducted according to strict rules of evidence.
- c. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
- d. The Human Services official responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefore.
- e. Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.
- f. The claimant shall have the opportunity to present his/her own case or, at the claimant's option, enlist the aid of others, and bring witnesses to establish all pertinent facts, to advance any arguments without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.

- g.** The decision of the Fair Hearing Officer will be based solely on the record, in light of these Guidelines. Evidence, both written and oral, which is admitted at the hearing, shall be the sole contents of the records. The hearing officer shall not review the case record or other materials prior to introduction at the hearing.
- h.** The parties may stipulate to any facts.
- i.** The Fair Hearing Officer will wait a reasonable amount of time, fifteen (15) minutes, for claimant to appear for the Hearing. A claimant who fails to appear for any scheduled Fair Hearing may be deemed to have withdrawn his/her request.
- j.** All fair hearings may be tape-recorded and retained for six (6) months.

E. DECISIONS:

- 1.** Fair Hearing decisions shall be rendered within seven (7) business days of the hearing. Decisions shall be in writing, setting forth the reasons for decisions and the facts on which the Fair Hearing officer relied in reaching the decision. A copy of the decision shall be mailed or delivered to the claimant and to Human Services.
- 2.** Fair Hearing decisions will be rendered based on the officer's findings of fact, these Guidelines, and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
- 3.** The decision will be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the City.
- 4.** Human Services shall keep all Fair Hearing decisions on file in chronological order.
- 5.** None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse decision.

XIX. DEFINITIONS

As used in this manual, the following terms have the indicated meanings:

AGENCY: Any health, social service or other entity that provides services to a client; any such entity to which Human Services may refer a client for additional resources and/or assistance.

APPLICANT: A person who expresses a desire to receive General Assistance or to have his/her eligibility reviewed and whose application has not been withdrawn. This may be expressed either in person or by an authorized representative of the applicant.

APPLICATION (RE-APPLICATION): Written action by which a person requests assistance from Human Services. This application must be made on a form provided by Human Services. A complete application includes submission of required forms with all

appropriate signatures, and any necessary documentation required to determine eligibility for General Assistance.

ASSETS: All cash, real property, personal property and future assets owned by the applicant/recipient, either individually or jointly.

AVAILABLE LIQUID ASSETS: This includes, but is not limited to, cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, and securities, income tax returns, IRA's (Individual Retirement Accounts), 401k accounts, insurance policies with a loan value, and non-essential personal property. Such items shall be considered as available liquid assets when they have been converted into cash.

CASE RECORD: Official files containing forms, correspondence and narrative records pertaining to the application, including determination of eligibility, reasons for decisions and actions by Human Services, and kinds and amounts of assistance given. The case record may be kept electronically. **Welfare applications and related records must be retained during the active phase of any application plus 7 years.**

CLAIMANT: An applicant/recipient who has requested, either in person or through an authorized representative, a Fair Hearing in accordance with these Guidelines.

CLIENT: An individual who receives services from the General Assistance Program. May be a single person or encompass a ~~family~~ **household**.

ELIGIBILITY: Determination by Human Services, in accordance with these Guidelines, of an applicant's need for General Assistance.

FAIR HEARING: A hearing which the applicant/recipient may request to contest a denial, termination, or reduction of assistance. The standards for such a hearing are outlined in these Guidelines.

FAMILY UNIT:

1. The applicant/recipient and persons residing with the applicant/recipient in the relationship of father, mother, stepfather, stepmother, son, daughter, husband, wife, or domestic partner; and/or
2. The applicant/recipient and or any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the role of a substitute parent) to a minor child (a person under 18 years of age). A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not their own and who has lived with the child long enough to form a "psychological" family.

GENERAL ASSISTANCE: Financial assistance provided to applicants in accordance with **RSA 165** and these Guidelines. Assistance will be to maintain basic needs that include Housing/Shelter; Food; Non-Food Personal Care Items (Laundry Detergent, Soap, Toothpaste, Deodorant, Toilet Paper, etc.); Utilities (Heat, Electric); Gasoline; Emergency

Medical Prescriptions; and Burial Services (limited to a maximum of \$1,500). Unless prescribed by a doctor for medical reasons, telephone service assistance is not provided.

HOMELESS SHELTER: A temporary/transitional housing provider through which an individual or family may seek emergency housing until permanent housing can be found.

HOUSEHOLD: All persons physically residing with the applicant/recipient, including persons in the applicant's family unit and those not within the family unit.

HUMAN SERVICES & HUMAN SERVICES OFFICIAL: The official of the City of Lebanon, or designee, who performs the function of administering General Assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in selectmen, board of aldermen, city or town manager, or city or town council. The term includes Aoverseers of public welfare@ (RSA 165:1; 41:46) and Aadministrator of town or city welfare@ (RSA 165:2).

MINOR: A person under 18 years of age. A minor's residence is always that of the custodial parent/legal guardian.

NEED: The basic maintenance and support requirements of an applicant/recipient, as determined by Human Services utilizing the standards of these Guidelines.

RECIPIENT: A person who is receiving General Assistance.

RELIEVE AND MAINTAIN: The maintaining of basic needs for qualified recipients as provided in these Guidelines.

RESIDENCE: Residence or residency shall mean an applicant's/recipient's place of abode or domicile. The place of abode or domicile is that place designated by an applicant/recipient as his/her principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it in accordance with RSA 165:1(i);21:6-a. If another municipality moves a client into the City of Lebanon, the sending municipality shall be responsible for the first 30 days of assistance.

UTILITY: Any service such as electric, gas, heating oil, water, or sewer necessary to maintain the health and welfare of the household.

VENDOR/PROVIDER: Any property owner, utility company, store or other business that provides goods or services needed by the applicant/recipient.

VOUCHER SYSTEM: The system utilized by the City of Lebanon to pay vendors/providers.

WORKFARE: Labor performed by General Assistance recipients at municipal sites or non-profit agencies as reimbursement for benefits received. RSA 165:31.



ALLOWABLE LEVELS OF ASSISTANCE FOR THE CITY OF LEBANON, NH

FOOD/NON-FOOD ALLOWANCE

[10/1/21-9/30/22 Supplemental Nutrition Assistance Program's maximum monthly allotments taken into account]

HOUSEHOLD SIZE	MONTHLY FOOD	MONTHLY NON-FOOD
1	\$194 \$250	\$65
2	\$357 \$459	\$85
3	\$511 \$658	\$105
4	\$649 \$835	\$125
5	\$771 \$992	\$145
6	\$925 \$1,190	\$165
7	\$1,022 \$1,316	\$185
8	\$1,169 \$1,504	\$205

MONTHLY SHELTER ALLOWANCE

[2022 HUD Fair Market Rent Standards for Grafton County and market rents for Lebanon taken into account]

UTILITIES INCLUDED:

0 BR	1 BR	2 BR	3 BR	4 BR
\$943 \$1,085	\$965 \$1,110	\$1,213 \$1,395	\$1,523 \$1,750	\$1,693 \$1,945

UTILITIES NOT INCLUDED:

0 BR	1 BR	2 BR	3 BR	4 BR
\$700 \$805	\$750 \$865	\$900 \$1,035	\$1,150 \$1,325	\$1,250 \$1,440

UTILITY ALLOWANCES

ELECTRIC	Current Rate
HEATING OIL	Current Rate
PROPANE	Current Rate
TELEPHONE	\$45 \$50 /Month (Basic Service Only)

BURIAL ALLOWANCE

Up to ~~\$1,000~~ **\$1,500**

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

10. NEW BUSINESS:

**10.B – PROPOSAL TO RE-ESTABLISH THE
WEST LEBANON REVITALIZATION ADVISORY COMMITTEE**

BACKGROUND:

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

On January 19, 2022, members of the Advisory Committee presented their priorities and recommendations to the City Council, along with their final report entitled *Action Plan for West Leb*. One of the Advisory Committee's suggestions was to have "the WLRAC continue with a smaller membership to continue to advise on [revitalization and redevelopment] efforts and the West Lebanon chapter of the Master Plan with the structure and influence of a city board." The Advisory Committee also recommended that WLRAC work with any civic association(s) that might be created to further develop community and citizen engagement.

In furtherance of the Advisory Committee's recommendation, attached hereto is a proposal to re-establish the West Lebanon Revitalization Advisory Committee as a permanent committee. The proposal includes an updated Purpose, Charge, Membership, and an anticipated meeting schedule.

ACTION:

Should the City Council wish to re-establish a West Lebanon Revitalization Advisory Committee as a permanent committee, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby establishes the "West Lebanon Revitalization Advisory Committee", a committee created to work with the City Administration to develop and implement plans for the revitalization and redevelopment of the Central Business District Area of downtown West Lebanon. The purpose, charge, and membership of the Advisory Committee shall be as set forth in the "Proposal to Re-establish the West Lebanon Revitalization Advisory Committee" as presented in the March 2, 2022 City Council Agenda Packet.

Included in this Section:

1. February 14, 2022 Memorandum to Lebanon City Council from the Planning & Development Director re: Proposal to Re-establish the West Lebanon Revitalization Advisory Committee



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
Paula Maville, Deputy City Manager

FROM: David Brooks, Planning & Development Director

DATE: February 14, 2022

PROPOSAL TO RE-ESTABLISH THE WEST LEBANON REVITALIZATION ADVISORY COMMITTEE

PURPOSE:

The purpose of the West Lebanon Revitalization Advisory Committee is to work with the City's Administration to develop and implement plans for the revitalization and redevelopment of the Central Business District area of West Lebanon.

CHARGE:

1. Work with and serve in an advisory capacity to the City Council, City Manager, and the Planning & Development Department regarding the development, prioritization, and implementation of actions and strategies for the revitalization and redevelopment of the Central Business District area of West Lebanon as drawn from prior plans, reports, and studies related to West Lebanon, including but not limited to: the December 2021 Action Plan for West Leb, the April 2020 West Lebanon Village Visioning Charrette report, the West Lebanon CBD chapter of the 2012 Master Plan, and others.
2. Assist the Planning & Development Department with reviewing and updating the West Lebanon Central Business District chapter (Ch. 4) of the Master Plan and to monitor and report on progress on implementation efforts into the future.
3. Work with private civic associations to engage business owners and generate citizen interest and commitment to the improvement of West Lebanon Village.

MEMBERSHIP:

The Advisory Committee shall consist of seven (7) regular members who shall serve without compensation and in conformance with City policies and procedures. The composition of the Advisory Committee shall include:

- 1 - City Councilor (to be appointed by the Mayor)
- 1 - Member of the Planning Board (to be appointed by the Board)
- 1 - Member of the Economic Development Commission (to be appointed by the Commission)
- 2 - Ward 1 Residents of the City
- 2 - Ward 1 Business Owners

Up to 3 Alternate members representing Ward 1 Residents and/or Business Owners

The Resident and Business Owner representatives shall be appointed by the City Council and their terms shall initially be staggered for periods of two and three years. Thereafter, all Resident and Business Owner representatives shall be appointed to terms of three years. The City Council, Planning Board, and Economic Development Commission representatives shall serve for their respective terms.

Not more than two (2) members of Advisory Committee shall serve on any private civic association(s) that might be created for the West Lebanon area, in order to avoid membership and Right-To-Know conflicts, but to ensure adequate communication and coordination among the groups, as appropriate.

The Committee Chairperson shall coordinate with the Planning & Development Director for staff support. The Advisory Committee is solely an advisory body created to provide recommendations to the City's Administration and City Council for possible consideration. The Advisory Committee shall comply with all applicable provisions of RSA 91-A.

MEETINGS:

The Advisory Committee shall normally meet once per month. View the City Meeting Calendar for the most current information regarding meeting times and schedules.

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

10. NEW BUSINESS:

**10.C – DISCUSSION & SET PUBLIC HEARING FOR MARCH 16, 2022:
RECLASSIFICATION OF CLASS VI ROAD 57 (UNNAMED) TO A CLASS A
MUNICIPAL TRAIL**

BACKGROUND

Existing Class VI Road #57 is a segment existing within the bounds of Lebanon, part of a longer Class VI road that extends from Route 4 in Enfield to the southern boundary of Hanover. It is believed that the Town of Hanover discontinued the portion that continues in a northwesterly direction from beyond the Lebanon town boundary. The Enfield portion is identified in the list of Enfield Class VI roads that the Town of Enfield maintains. It is believed to be used on an occasional basis by day hikers.

The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify it to a Class A Trail designation. The Class VI Advisory Committee conducted the initial assessment and review in 2015, and re-reviewed it in 2021, reconfirming the recommendation for it to become a Class A Trail.

ACTION

Should the Council decide to accept the recommendation of the Class VI Roads Advisory Committee, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 16, 2022, beginning at 7:00pm, Council Chambers, City Hall, or remote via City's Virtual Platform, for the purpose of receiving public input and taking action upon a recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #57 (Unnamed), located at the Northwest Corner of Lebanon on the Enfield Town Line to a Class A Municipal Trail.

Included in this Section:

1. Class VI Road Assessment Template (Road #57)
2. Coordinate Map for Class VI Road #57 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022
3. Abutter Notification Map – Class VI Road #57

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: #57

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		X
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	X	
Dedication and Acceptance (e.g. Subdivision Layout)		X
Deeded Ownership Deed on record at City Clerks office		X

Step 1A – Evidence of Prescription

Map Evidence

1855 W.C. Eaton	
1892 Hurd Atlas	
USGS Map(s)	
1930 Torbert Map	
Other	

Field Evidence

ROW Evidence	X
Stone Walls	
Cellar Holes	
Other	X

Deed Evidence

Yes	no
-----	----

General Comment(s)

Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other	

Governing Body Documentation

Governing Body Votes (e.g. to change status, etc)	
Reference Regulations (e.g. weight limits, etc)	
Other	

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Lebanon City Clerk	
Town Meeting Minutes	
Registry of Deeds	
Other	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Road Name: #57

Step 3 – Current Condition of Road

	Yes	No
Historical ROW distinguishable	X	
Supports Hiking	X	
Supports Biking	X	
Passable by Auto		X
Passable by 4x4	X	

Evidence of Road Mis-Use

	Yes	No
Excessive Rutting	X	
Littering		X
Wheeled Vehicle Use	X	
Other (e.g. stream erosion, etc.,)		X

Step 4 – Current Road Usage

	Yes	No
Snowmobile	X	
Pedestrian Hiking Trail	X	
Wheeled Vehicle Use	X	
Landowner(s) Access (accessing abutting props.)		X
Access (supporting hunting, maintenance, etc)		X
Other		

Step 5 – Potential Future Uses

	Yes	No
Hiking / Foot Trail Network	X	
Biking Network	X	
Emergency Roadway Access		X
Lebanon Road Network		X
Other		



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Road Name: #57

Step 6 – Outreach Activity

	Yes	No
Feedback garnered from residents related to existing and potential future use	X	
Informal Public Meetings for discussion	X	
Informal Abutter Notification related to meetings and discussions	X	
City Department Feedback	X	
Formal Abutter Notification prior to Council Public Hearing		
Other		

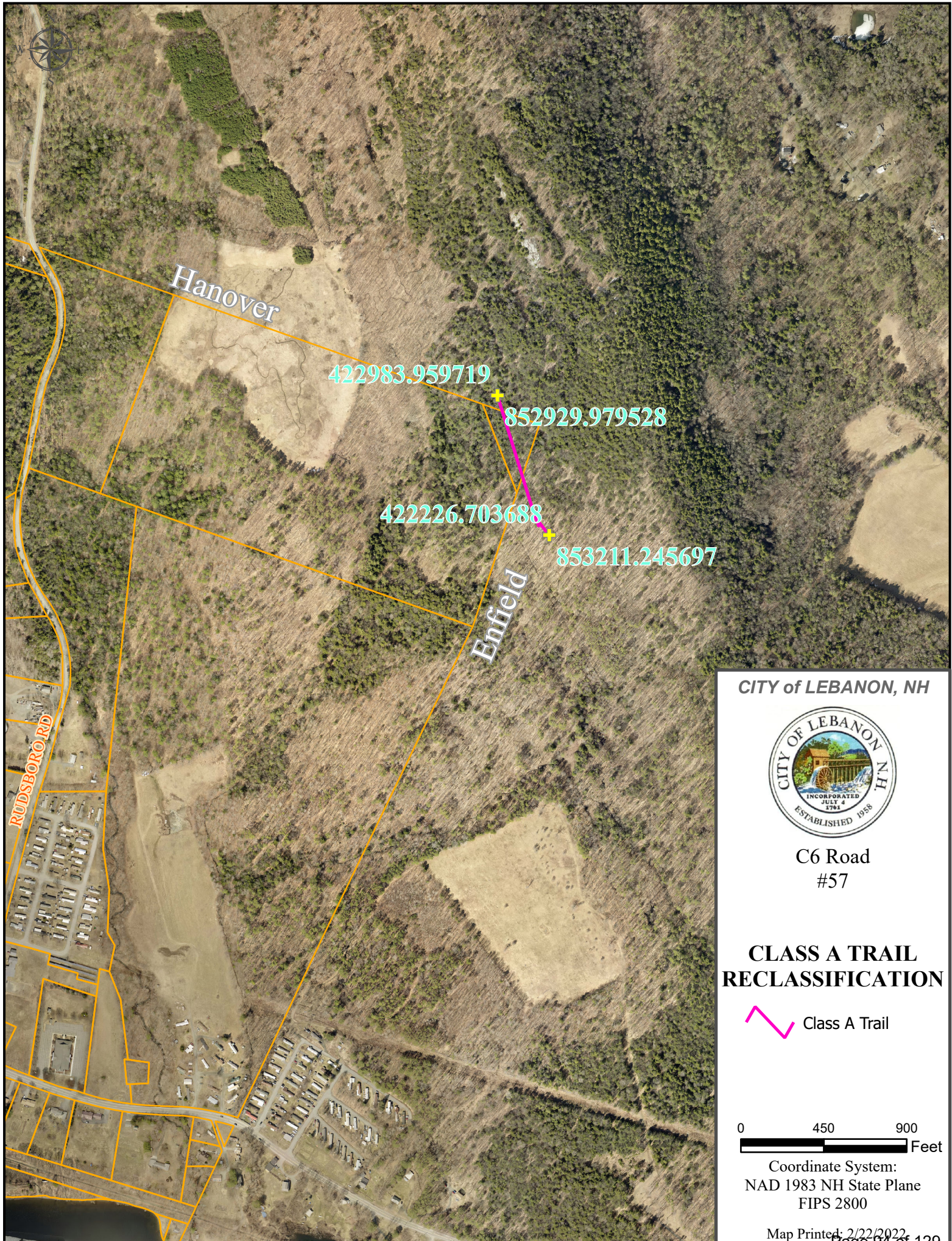
Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		X
Class B Trail		X
Class A Trail		X
Class VI Road	X	
Class V Road		X

Step 8: Action Items

	Yes	No
Signage to be installed		X
Gates / Barriers to be installed		X
Funding Source Identified to support action items		X
Coordination amongst vested/interested parties		X
Abutter Notice		X





CITY of LEBANON, NH



C6 Road
#57

CLASS A TRAIL RECLASSIFICATION

 Class A Trail

0 450 900
Feet

Coordinate System:
NAD 1983 NH State Plane
FIPS 2800

Map Printed: 2/22/2022



CITY of LEBANON, NH



Class 6 Road Abutter Notice Map

Road #57

Map created by LebGIS
Map printed on 02/22/22

DRAFT

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

10. NEW BUSINESS:

**10.D – DISCUSSION & SET PUBLIC HEARING FOR MARCH 16, 2022:
RECLASSIFICATION OF CLASS VI ROAD 3 (FARR ROAD EXTENSION)
TO A CLASS A MUNICIPAL TRAIL**

BACKGROUND

Farr Road Extension is depicted on the 1892 Hurd Atlas Map as essentially Farr Road continuing to where it intersects Sunset Rock Road. It is unknown as to when the section presently known as Farr Road Extension became a Class VI roadway, including no longer being maintained by the City of Lebanon.

The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify to a Class A Trail designation. The Class VI Advisory Committee conducted the initial assessment and review in 2014, and re-reviewed it in 2021, reconfirming the recommendation for it to become a Class A Trail.

ACTION

Should the Council decide to accept the recommendation of the Class VI Roads Advisory Committee, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 16, 2022, beginning at 7:00pm, Council Chambers, City Hall, or remote via City's Virtual Platform, for the purpose of receiving public input and taking action upon a recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail.

Included in this Section:

1. Class VI Road Assessment Template (Road #3, Farr Road Extension)
2. Coordinate Map for Class VI Road #3 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022
3. Abutter Notification Map – Class VI Road #3

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: Farr Rd Extension

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		X
Dedication and Acceptance (e.g. Subdivision Layout)		X
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	X	

Step 1A – Evidence of Prescription

Map Evidence

Torbet Map Series	
1855 W.C. Eaton	
1860 Wailing	
1892 Hurd Atlas	X
USGS Map(s)	
1930 Torbert Map	X
City Historian Map(s)	
Other	

Field Evidence

ROW Evidence	X
Stone Walls	X
Cellar Holes	
Other:	X

Deed Reference* or Survey Plan Depiction (* Abutting parcels)

Yes	No
-----	----

Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other 1991 Legal Opinion	X

Governing Body Reference

Public Meeting Minutes	
Maintenance or Admin management task	
Other	

Map Comment(s) :

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Town Record Volumes	
Town / City Meeting Minutes	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Farr Rd Extension

Step 3 – Current Field Condition of Road

	Yes	No
Historical ROW distinguishable?	X	
Erosion Issues		X
Vegetation Overgrowth		X
Supports Hiking	X	
Supports Biking	X	
Passable by Auto		X
Passable by 4x4		X

Step 4 – Current Users

	Yes	No
Snowmobile		X
Pedestrian Hikers (very sparse use)	X	
Mountain Bike		X
Wheeled Vehicle Use		X
Abutter Access – Driveway or Thru-way		X
Abutter Access – Forest & Ag. Use		X
Other		

Evidence of Road Mis-Use

e.g. unpermitted uses,
visible damage such as
excessive rutting, etc.

	Yes	No
		X

Step 5 – Potential Future Uses

	Yes	No
Hiking / Foot Trail Network	X	
Biking Network		X
Emergency Roadway Access		X
Lebanon Road Network		X
Other		



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Road Name: Farr Rd Extension

Step 6 – Outreach Activity

	Yes	No
Abutters Notified	X	
Public Meeting Posting Requirements	X	
City Department Feedback	X	

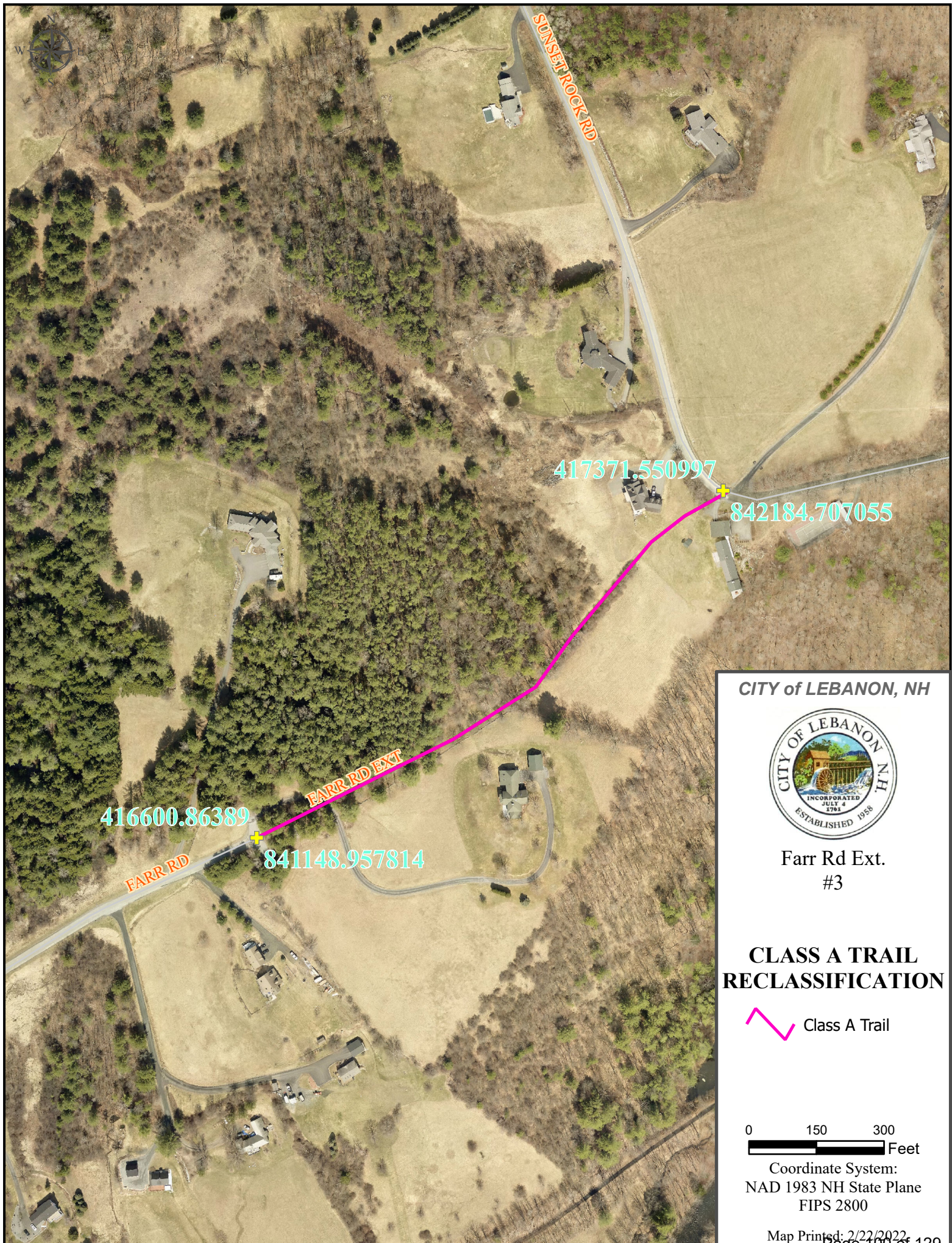
Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		X
Class B Trail		X
Class A Trail	X	
Class VI Road		X
Class V Road		X

Step 8: Potential Maintenance Considerations

	Yes	No
Signage to be installed	X	
Gates / Barriers to be installed		X
Other:		





CITY of LEBANON, NH



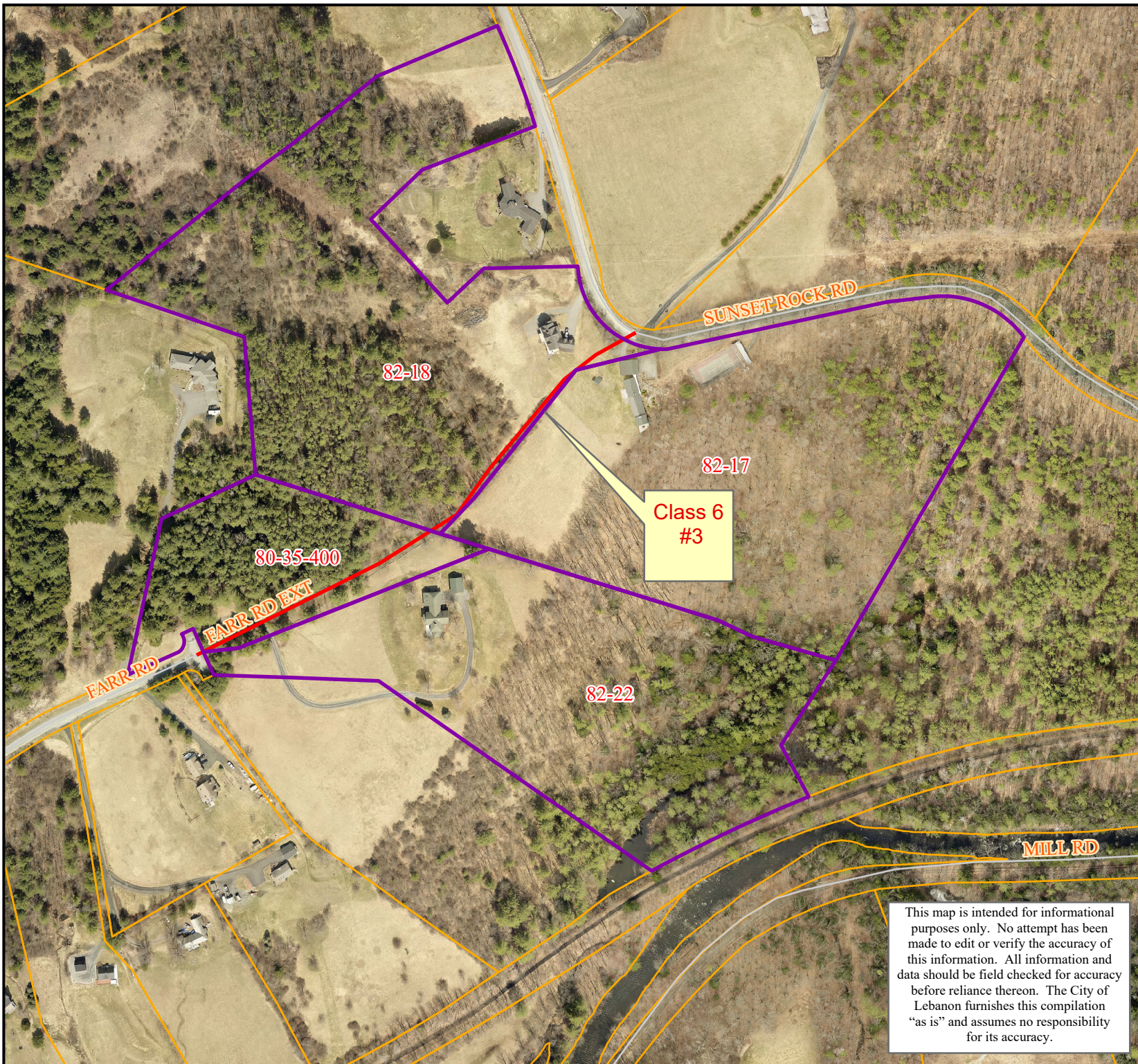
Farr Rd Ext.
#3

CLASS A TRAIL RECLASSIFICATION

 Class A Trail

0 150 300
Feet

Coordinate System:
NAD 1983 NH State Plane
FIPS 2800



CITY of LEBANON, NH



Class 6 Road Abutter Notice Map

Road #3
Farr Rd
Extension

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Map created by LebGIS
Map printed on 02/22/22

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

10. NEW BUSINESS:

**10.E – DISCUSSION & SET PUBLIC HEARING FOR APRIL 6, 2022:
RECLASSIFICATION OF CLASS VI ROAD 28 (OLD KINGS HIGHWAY)
TO A CLASS A MUNICIPAL TRAIL**

BACKGROUND

The Kings Highway is arguably one of the oldest public rights-of-way in the City of Lebanon. The original course is currently segmented into several sections, including a variety of road designations, e.g. Class V, Class VI, Class A trail. The section referred to #28 extends from the intersection with Hetzel Road, easterly to where it transitions to Storrs Hill Road.

The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify it to a Class A Trail designation. The Class VI Advisory Committee conducted the initial assessment and review in 2014, and re-reviewed it in 2021, reconfirming the recommendation for it to become a Class A Trail.

ACTION

Should the Council decide to accept the recommendation of the Class VI Roads Advisory Committee, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 6, 2022, beginning at 6:00pm, Council Chambers, City Hall, or remote via City's Virtual Platform, for the purpose of receiving public input and taking action upon a recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #28 (Old Kings Highway), located between Storrs Hill Road and Farnum Hill Road) to a Class A Municipal Trail.

Included in this Section:

1. Class VI Road Assessment Template (Road #28, Old Kings Highway)
2. Coordinate Map for Class VI Road #28 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022
3. Abutter Notification Map – Class VI Road #28

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: Old Kings Hwy – off Storrs Hill Rd – to Hetzl (west)

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	x	
Dedication and Acceptance (e.g. Subdivision Layout)		
Deeded Ownership Deed on record at City Clerks office		

Step 1A – Evidence of Prescription

Map Evidence

Downs Proprietor	x
1855 W.C. Eaton	x
1892 Hurd Atlas	x
USGS Map(s)	
1930 Torbert Map	x
Other	

Field Evidence

ROW Evidence	x
Stone Walls	x
Cellar Holes	
Other	

Deed Evidence

Yes	no
-----	----

Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other	

Governing Body Documentation

Governing Body Votes (e.g. to change status, etc)	
Reference Regulations (e.g. weight limits, etc)	
Other	

General Comment(s)

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Lebanon City Clerk	x
Town Meeting Minutes	x
Registry of Deeds	
Other	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Step 3 – Current Condition of Road

	Yes	No
Historical ROW distinguishable	x	
Supports Hiking	x	
Supports Biking	x	
Passable by Auto		x
Passable by 4x4	x	

Evidence of Road Mis-Use

	Yes	No
Excessive Rutting		x
Littering		x
Wheeled Vehicle Use		x
Other (e.g. stream erosion, etc.,)	x	

Step 4 – Current Public Road Usage

	Yes	No
Snowmobile (*portions N/S segments)	x	
Pedestrian Hiking Trail	x	
Wheeled Vehicle Use		x
Landowner(s) Access (accessing abutting props.)	x	
Access (supporting hunting, maintenance, etc)	x	
Other		

Step 5 – Potential Future Uses

	Yes	No	N/A
Hiking / Foot Trail Network	x		
Biking Network	x		
Emergency Roadway Access		x	
Lebanon Road Network		x	
Other			



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Step 6 – Outreach Activity

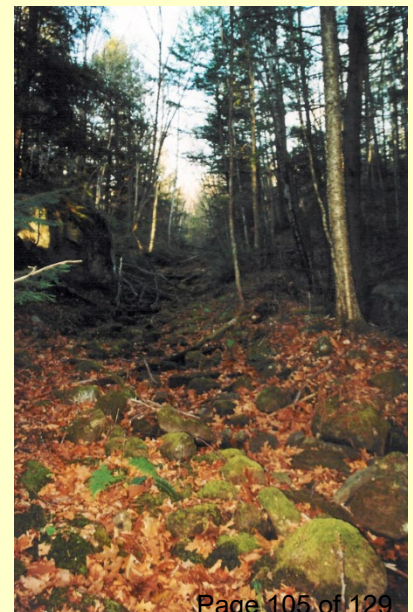
	Yes	No
Feedback garnered from residents related to existing and potential future use	x	
Informal Public Meetings for discussion	x	
Informal Abutter Notification related to meetings and discussions	x	
City Department Feedback	x	
Formal Abutter Notification prior to Council Public Hearing	x	
Other		

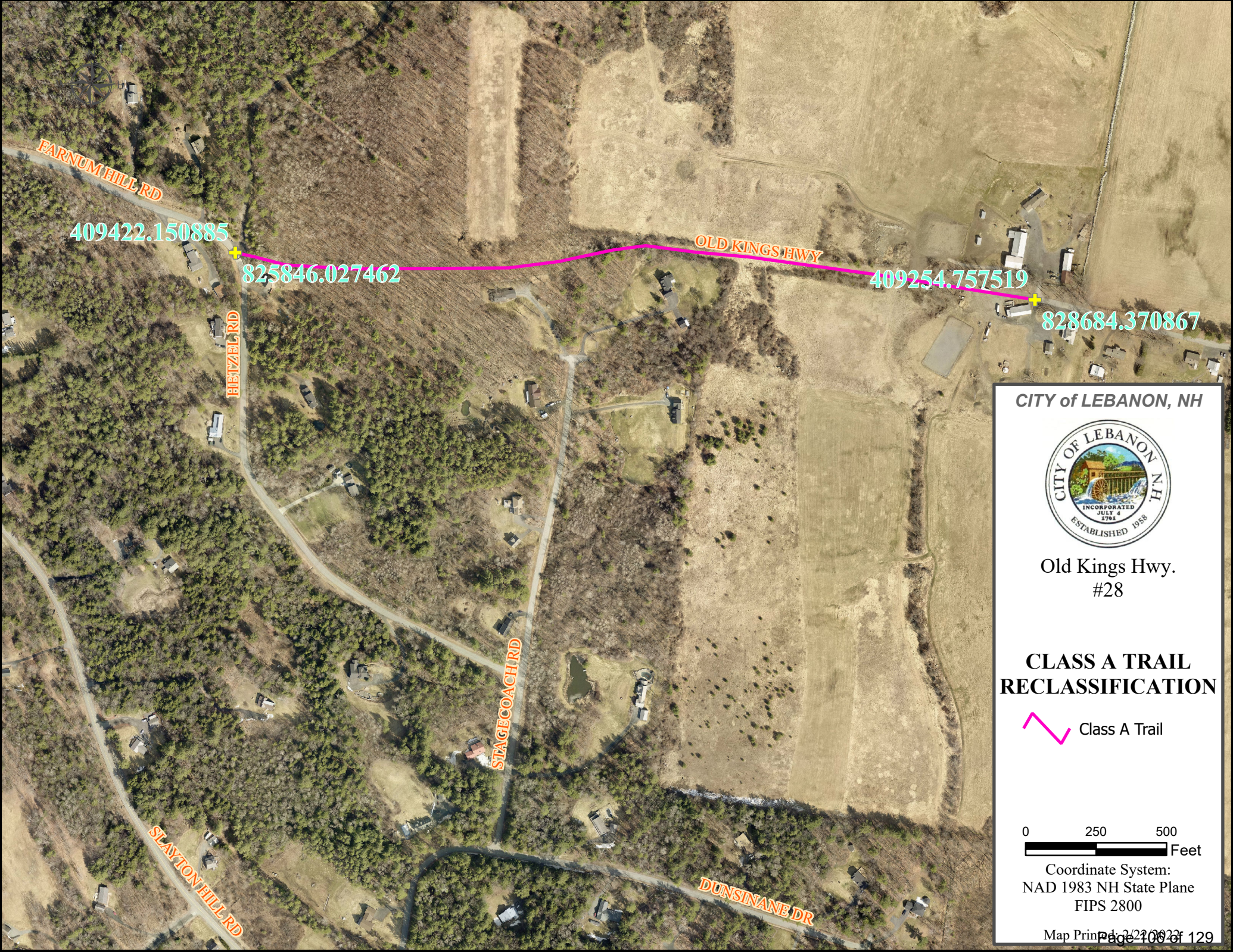
Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		
Class B Trail		
Class A Trail	x	
Class VI Road		
Class V Road		

Step 8: Action Items

	Yes	No
Signage to be installed	x	
Gates / Barriers to be installed		
Funding Source Identified to support action items		
Coordination amongst vested/interested parties		
Abutter Notice		





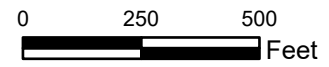
CITY of LEBANON, NH



Old Kings Hwy.
#28

**CLASS A TRAIL
RECLASSIFICATION**

 Class A Trail



Coordinate System:
NAD 1983 NH State Plane
FIPS 2800

Road #28
Old Kings Hwy

Map created by LebGIS
Map printed on 02/22/22

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

10. NEW BUSINESS:

**10.F – DISCUSSION & SET PUBLIC HEARING FOR APRIL 20, 2022:
RECLASSIFICATION OF CLASS VI ROAD #11 (PORTION OF MONICA ROAD)
TO A CLASS A MUNICIPAL TRAIL**

BACKGROUND

Monica Road runs a southerly course from the intersection with NH Route 4A, to the intersection of Eastman Hill Road. The northern section of Monica Road is currently designated as a Class V roadway, with the remainder as a Class VI roadway. The Class VI Advisory Committee's review and assessment was specific to the Class VI section.

The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify to a Class A Trail designation. The Class VI Advisory Committee conducted the initial assessment and review in 2008, making a recommendation for it to remain a Class VI road. In 2021, the Class VI Advisory Committee re-reviewed the Class VI section of Monica Road and made a recommendation for it to become a Class A Trail.

ACTION

Should the Council decide to accept the recommendation of the Class VI Roads Advisory Committee, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 20, 2022, beginning at 6:00pm, Council Chambers, City Hall, or remote via City's Virtual Platform, for the purpose of receiving public input and taking action upon a recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #11 (Portion of Monica Road) to a Class A Municipal Trail.

Included in this Section:

1. Class VI Road Assessment Template (Road #11, Portion of Monica Road)
2. Coordinate Map for Class VI Road #11 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022
3. Abutter Notification Map – Class VI Road #11

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: Monica #11

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		x
Dedication and Acceptance (e.g. Subdivision Layout)		x
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	x	

Step 1A – Evidence of Prescription

Map Evidence

Torbet Map Series	Y
1855 W.C. Eaton	N
1860 Wailing	N
1892 Hurd Atlas	N
USGS Map(s)	
1930 Torbert Map	
City Historian Map(s)	N
Other	

Field Evidence

ROW Evidence	x
Stone Walls	x
Cellar Holes	
Other:	X - pins

Deed Reference* or Survey Plan Depiction (* Abutting parcels)

Yes	No
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Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other	

Governing Body Reference

Public Meeting Minutes	
Maintenance or Admin management task	
Other (1998 Legal Opinion)	x

Map Comment(s) :

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Town Record Volumes	
Town / City Meeting Minutes	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Road Name: Monica #11

Step 3 – Current Field Condition of Road

	Yes	No
Historical ROW distinguishable?	x	
Erosion Issues (<i>*excessive rutting historically; now water bars in place</i>)	x	
Vegetation Overgrowth		x
Supports Hiking	x	
Supports Biking	x	
Passable by Auto		x
Passable by 4x4	x	

Step 4 – Current Users

Snowmobile (<i>*partial crossing; very light if any use</i>)	X*	
Pedestrian Hikers	X	
Mountain Bike (<i>*very light use</i>)	X*	
Wheeled Vehicle Use (occasional ATV, 4x4)	X	
Abutter Access – Driveway or Thru-way (<i>*northern portion, section to prvt. driveway</i>)	X*	
Abutter Access – Forest & Ag. Use		X
Other		

Evidence of Road Mis-Use

e.g. unpermitted uses, visible damage such as excessive rutting, etc.

	Yes	No
Vehicle Rutting (historic)	x	

Step 5 – Potential Future Uses

	Yes	No
Hiking / Foot Trail Network	X	
Biking Network	X	
Emergency Roadway Access	X	
Lebanon Road Network	X	
Other		



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Road Name: Monica #11

Step 6 – Outreach Activity

	Yes	No
Abutters Notified	X	
Public Meeting Posting Requirements	X	
City Department Feedback	X	

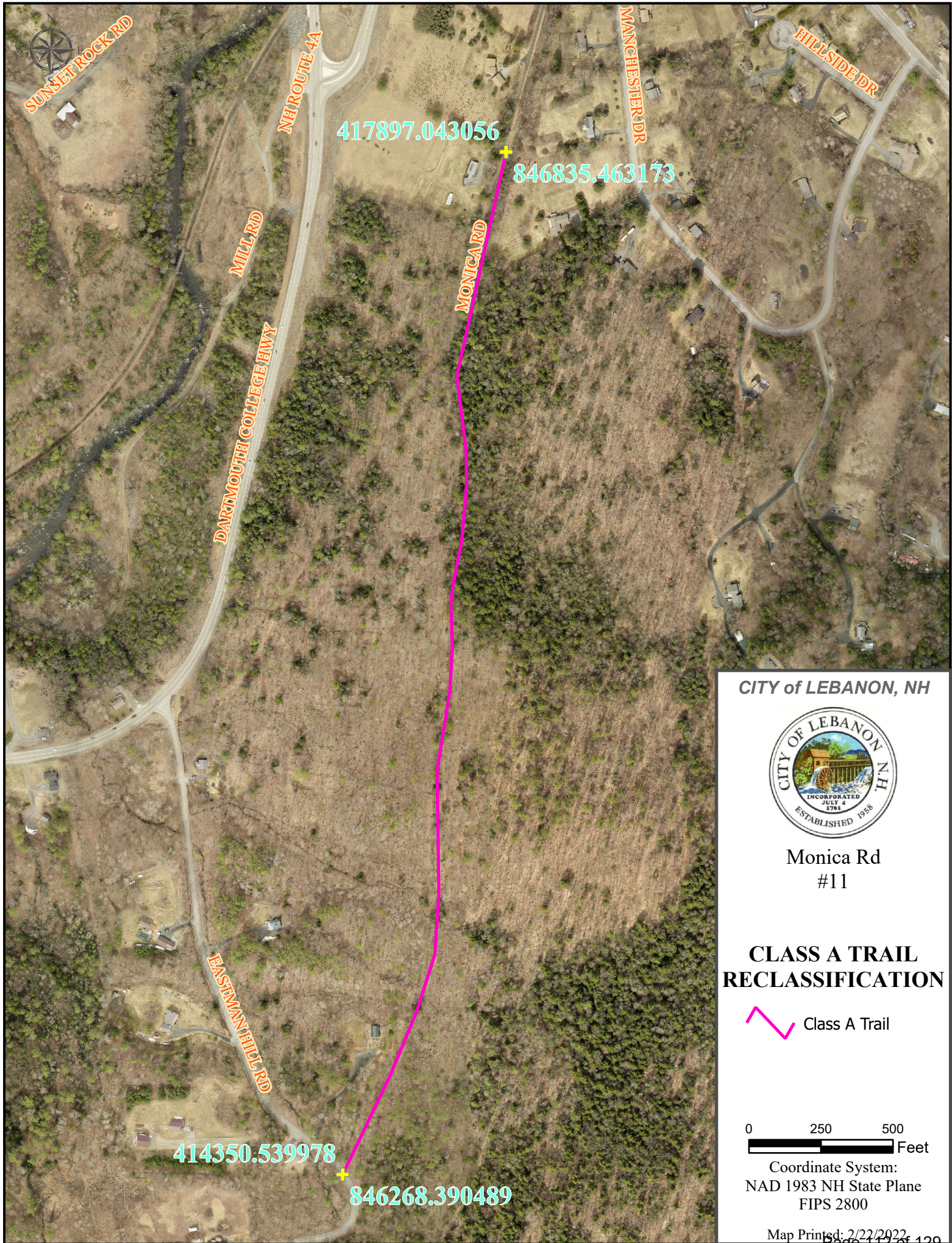
Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		
Class B Trail		
Class A Trail	x	
Class VI Road		
Class V Road		

Step 8: Potential Maintenance Considerations

	Yes	No
Signage to be installed		
Gates / Barriers to be installed		
Other:		





CITY of LEBANON, NH



Monica Rd
#11

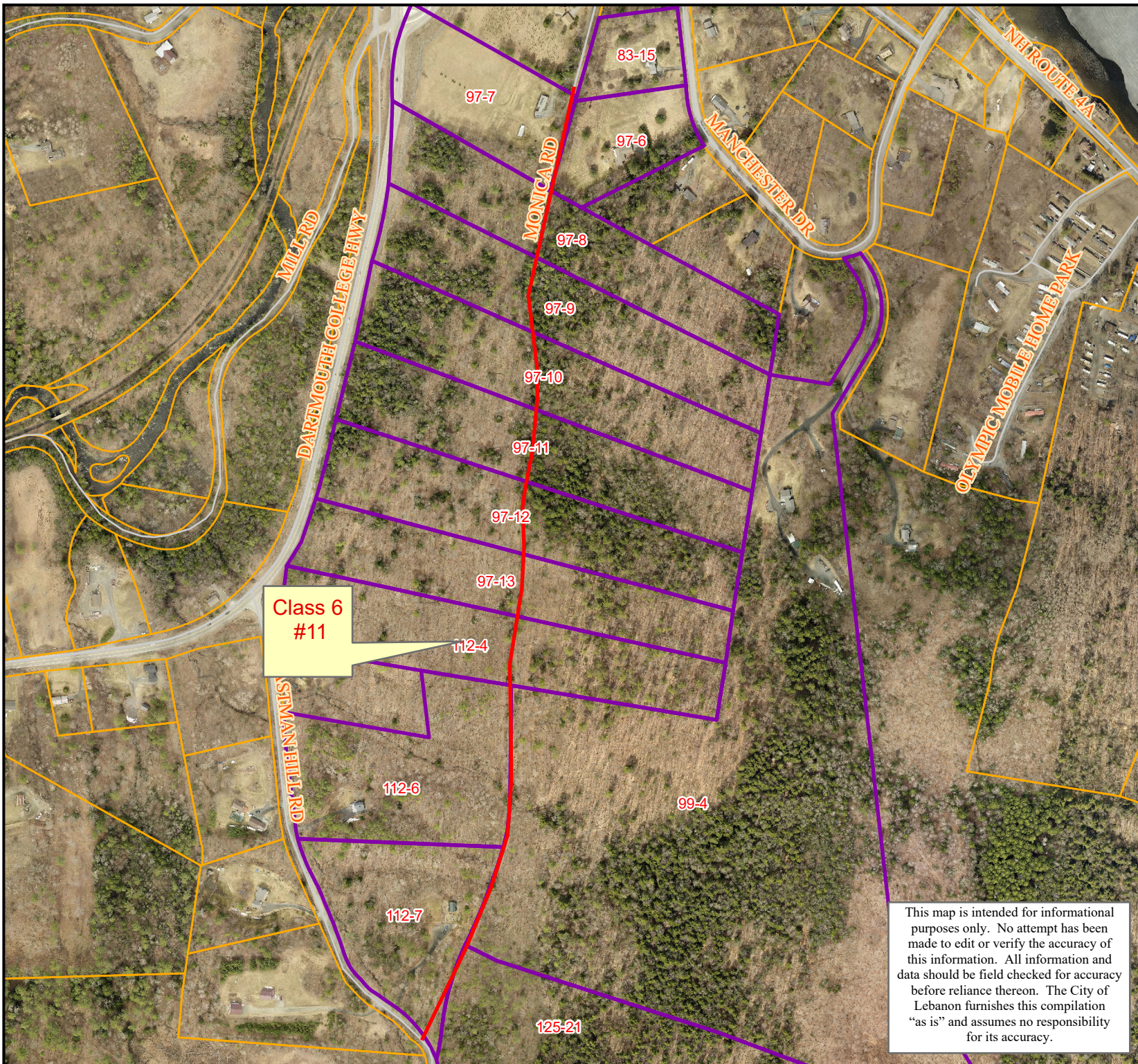
CLASS A TRAIL RECLASSIFICATION

 Class A Trail

0 250 500
Feet

Coordinate System:
NAD 1983 NH State Plane
FIPS 2800

Map Printed: 2/22/2022



CITY of LEBANON, NH



Class 6 Road Abutter Notice Map

Road #11
Monica Rd

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Map created by LebGIS
Map printed on 02/22/22

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

10. NEW BUSINESS:

**10.G – DISCUSSION & SET PUBLIC HEARING FOR MAY 4, 2022:
RECLASSIFICATION OF CLASS VI ROAD #4 (PORTION OF
DOROTHY PERLEY ROAD) TO A CLASS A MUNICIPAL TRAIL**

BACKGROUND

Dorothy Perley Road runs a northerly course from the location where it transitions from Townsend Terrace to its intersection with the existing Class VI Alden Road, in close proximity to a powerline running in a west to east direction. The southern section is classified as a maintained Class V roadway until it transitions to a Class VI classification in close proximity to the residence located at 48 Dorothy Perley Road.

The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify the majority of the Class VI section to a Class A Trail.

The Class VI Advisory Committee conducted the initial assessment and review in 2008, making a recommendation for it to remain a Class VI Road. In 2021 the Class VI Advisory Committee re-reviewed the Class VI section of Dorothy Perley Road and made a recommendation for it to become a Class A Trail, excepting for a short section on its southern end, where it will remain as a Class VI roadway.

ACTION

Should the Council decide to accept the recommendation of the Class VI Roads Advisory Committee, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 4, 2022, beginning at 7:00pm, Council Chambers, City Hall, or remote via City's Virtual Platform, for the purpose of receiving public input and taking action upon a recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #4 (Portion of Dorothy Perley Road) to a Class A Municipal Trail.

Included in this Section:

1. Class VI Road Assessment Template (Road #4, Portion of Dorothy Perley Road)
2. Coordinate Map for Class VI Road #4 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022
3. Abutter Notification Map – Class VI Road #4

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: Dorothy Perly Rd

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		
Dedication and Acceptance (e.g. Subdivision Layout)		
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	x	

Step 1A – Evidence of Prescription

Map Evidence

Torbet Map Series	
1855 W.C. Eaton	
1860 Wailing	x
1892 Hurd Atlas	x
USGS Map(s)	
1937 White Pine (part)	x
City Historian Map(s)	
Other	

Field Evidence

ROW Evidence	x
Stone Walls	x
Cellar Holes	
Other:	

Deed Reference* or Survey Plan Depiction (* Abutting parcels)

Yes	No
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Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other	

Governing Body Reference

Public Meeting Minutes	
Maintenance or Admin management task	
Other	

Map Comment(s) :

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Town Record Volumes	
Town / City Meeting Minutes	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Road Name: Dorothy Perly Rd

Step 3 – Current Field Condition of Road

	Yes	No
Historical ROW distinguishable?	x	
Erosion Issues	x	
Vegetation Overgrowth		x
Supports Hiking	x	
Supports Biking	x	
Passable by Auto		x
Passable by 4x4 (marginal)	x	

Step 4 – Current Users

	Yes	No
Snowmobile	x	
Pedestrian Hikers	x	
Mountain Bike	x	
Wheeled Vehicle Use	x	
Abutter Access – Driveway or Thru-way	x	
Abutter Access – Forest & Ag. Use	x	
Other		

Evidence of Road Mis-Use

e.g. unpermitted uses,
visible damage such as
excessive rutting, etc.

	Yes	No
Evidence of vehicle rutting	x	

Step 5 – Potential Future Uses

	Yes	No
Hiking / Foot Trail Network	x	
Biking Network	x	
Emergency Roadway Access	x	
Lebanon Road Network	x	
Other		



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Road Name: Dorothy Perly Rd

Step 6 – Outreach Activity

	Yes	No
Abutters Notified	x	
Public Meeting Posting Requirements	x	
City Department Feedback	x	

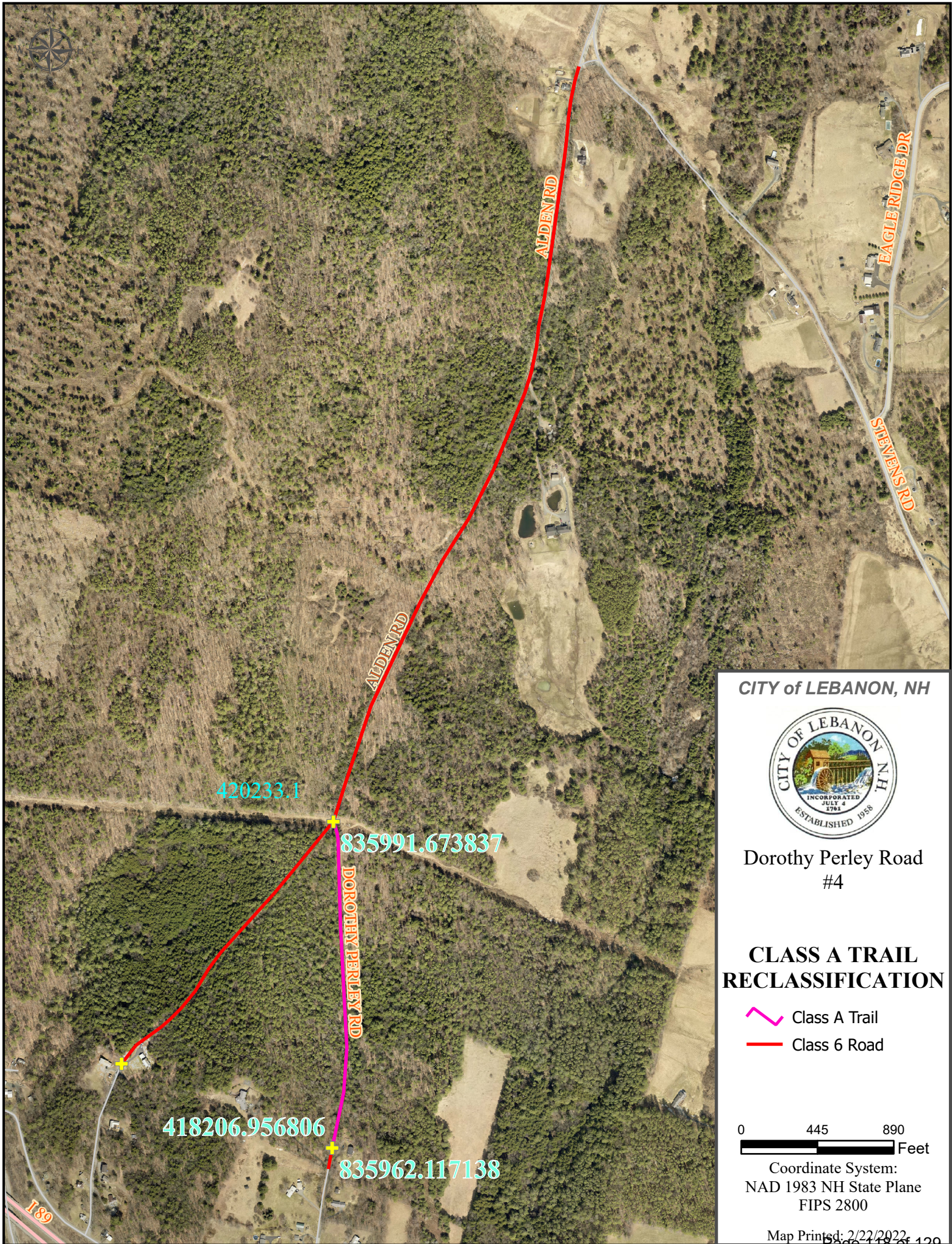
Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		
Class B Trail		
Class A Trail	x	
Class VI Road		
Class V Road		

Step 8: Potential Maintenance Considerations

	Yes	No
Signage to be installed		
Gates / Barriers to be installed		
Other:		





CITY of LEBANON, NH



Dorothy Perley Road
#4

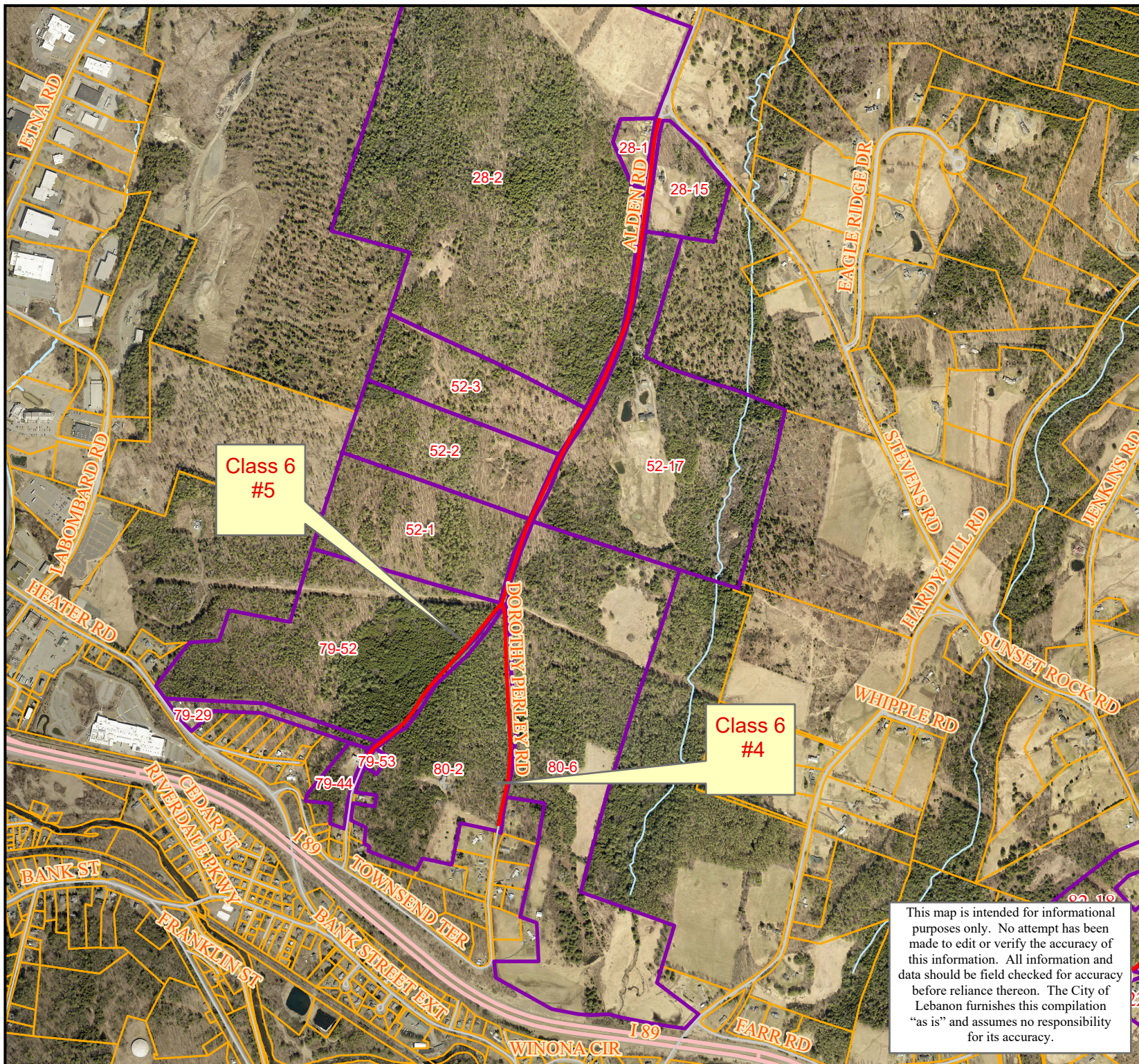
CLASS A TRAIL RECLASSIFICATION

-  Class A Trail
-  Class 6 Road

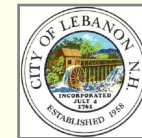
0 445 890
Feet

Coordinate System:
NAD 1983 NH State Plane
FIPS 2800

Map Printed: 2/22/2022



CITY of LEBANON, NH



Class 6 Road Abutter Notice Map

Road #4
Dorothy Perley

&

Road #5
Alden Rd

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Map created by LebGIS
Map printed on 02/22/22

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

10. NEW BUSINESS:

**10.H – DISCUSSION & SET PUBLIC HEARING FOR MAY 4, 2022:
RECLASSIFICATION OF CLASS VI ROAD #5 (PORTION OF ALDEN ROAD)
TO A CLASS A MUNICIPAL TRAIL**

BACKGROUND

Alden Road runs a northerly course from the intersection with Townsend Terrace, to its intersection with Stevens Road. It is designated as a Class V roadway to within close proximity of 30 Alden Rd, at which point it transitions to a Class VI roadway as it traverses in a northerly direction.

The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council reclassify the southern section of the existing Class VI road to a Class A Trail.

The Class VI Advisory Committee conducted the initial assessment and review in 2008, making a recommendation for it to remain a Class VI Road. In 2021, the Class VI Advisory Committee re-reviewed the Class VI section of Alden Road and made a recommendation for the section running south from the intersection with Dorothy Perley Road, to the existing Class V section of Alden Road, to become a Class A Trail.

ACTION

Should the Council decide to accept the recommendation of the Class VI Roads Advisory Committee, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 4, 2022, beginning at 7:00pm, Council Chambers, City Hall, or remote via City's Virtual Platform, for the purpose of receiving public input and taking action upon a recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #5 (Portion of Alden Road) to a Class A Municipal Trail.

Included in this Section:

1. Class VI Road Assessment Template (Road #5, Portion of Alden Road)
2. Coordinate Map for Class VI Road #5 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022
3. Abutter Notification Map – Class VI Road #5

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: Alden Rd

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		
Dedication and Acceptance (e.g. Subdivision Layout)		
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	x	

Step 1A – Evidence of Prescription

Map Evidence

Torbet Map Series	x
1855 W.C. Eaton	x
1860 Wailing	x
1892 Hurd Atlas	x
USGS Map(s)	x
White Pine Blister	x
City Historian Map(s)	
Other	

Field Evidence

ROW Evidence	x
Stone Walls	x
Cellar Holes	?
Other:	

Deed Reference* or Survey Plan Depiction (* Abutting parcels)

Yes	No
-----	----

Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other	

Governing Body Reference

Public Meeting Minutes	
Maintenance or Admin management task	
Other	

Map Comment(s) :

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Town Record Volumes	
Town / City Meeting Minutes	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Road Name: Alden Rd

Step 3 – Current Field Condition of Road

	Yes	No
Historical ROW distinguishable	x	
Erosion Issues	x	
Vegetation Overgrowth		x
Supports Hiking	x	
Supports Biking (majority of the year)	x	
Passable by Auto (not southern Y section)		x
Passable by 4x4 (barely – southern Y section)	x	

Step 4 – Current Users

	Yes	No
Snowmobile (rare occasion)	x	
Pedestrian Hikers	x	
Mountain Bike	x	
Wheeled Vehicle Use (not southern Y)	x	
Abutter Access – Driveway or Thru-way (not Y)	x	
Abutter Access – Forest & Ag. Use (not Y)	x	
Other (horseback riding – historically)	x	

Evidence of Road Mis-Use

e.g. unpermitted uses,
visible damage such as
excessive rutting, etc.

	Yes	No
(southern portion)	x	

Step 5 – Potential Future Uses

	Yes	No
Hiking / Foot Trail Network	x	
Biking Network	x	
Emergency Roadway Access	x	
Lebanon Class 5 Road Network	x	
Other		



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Road Name: Alden Rd

Step 6 – Outreach Activity

	Yes	No
Abutters Notified	x	
Public Meeting Posting Requirements	x	
City Department Feedback	x	

Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		
Class B Trail		
Class A Trail		
Class VI Road	?	
Class V Road		

Step 8: Potential Maintenance Considerations

	Yes	No
Signage to be installed		
Gates / Barriers to be installed		
Other:		





CITY of LEBANON, NH



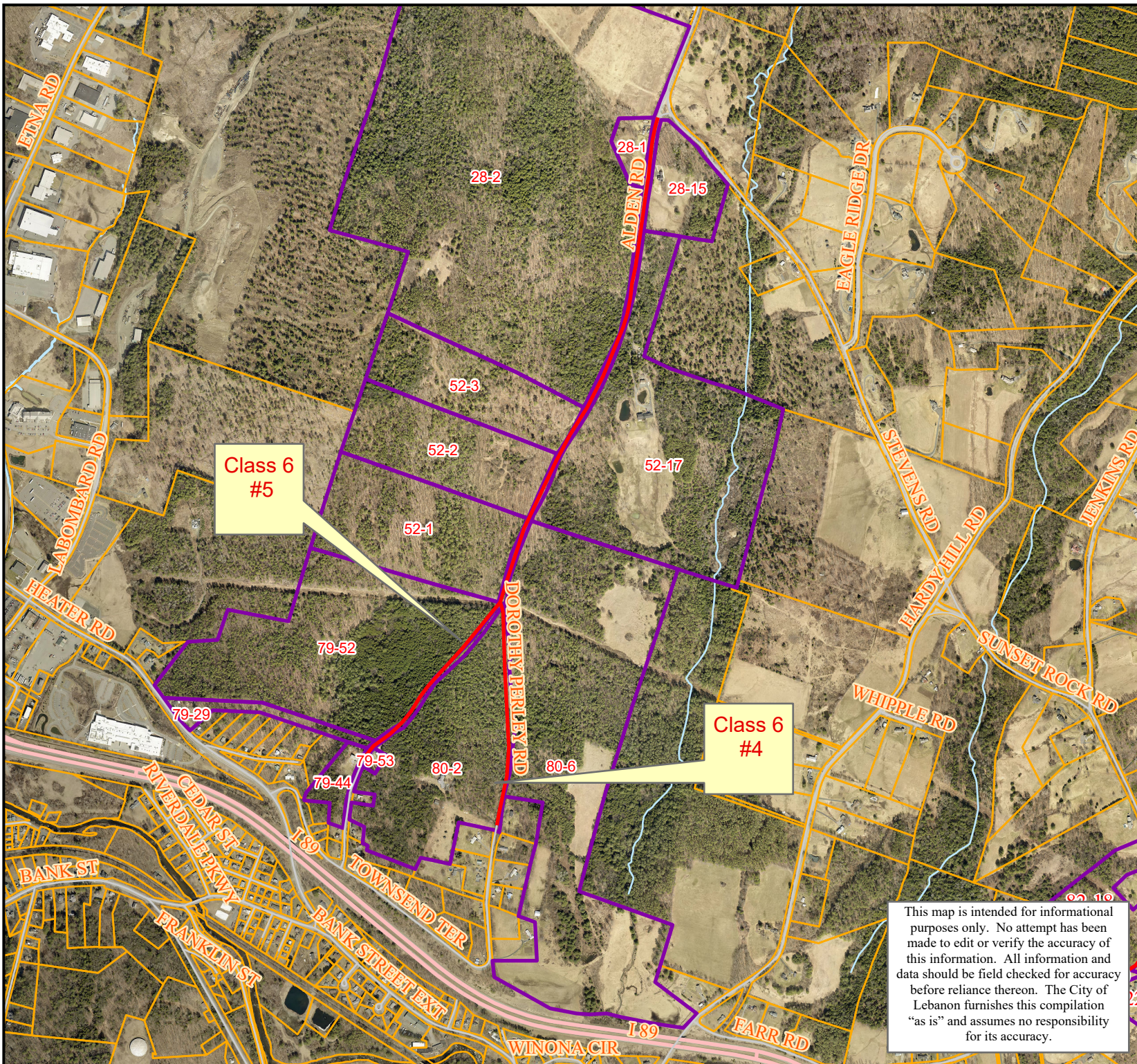
Alden Road
#5

CLASS A TRAIL RECLASSIFICATION

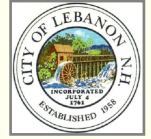
-  Class A Trail
-  Class 6 Road

0 450 900
Feet

Coordinate System:
NAD 1983 NH State Plane
FIPS 2800



CITY of LEBANON, NH



Class 6 Road Abutter Notice Map

Road #4
Dorothy Perley

&

Road #5
Alden Rd

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

10. NEW BUSINESS:

**10.1 – DISCUSSION AND SET PUBLIC HEARING FOR MARCH 16, 2022:
RESCISSION OF ORDINANCE 2021-09, FACE MASKS**

BACKGROUND

On September 1, 2021, due to the surge of the Delta Variant of the COVID-19 virus, the City Council adopted Ordinance 2021-09 and reinstated a City-wide mandate requiring the wearing of face masks in indoor spaces that are open to the public. The ordinance was amended on November 3, 2021 to clarify the requirement for masks to be worn at private events being held in public venues (a hotel, restaurant, membership club, etc.)

Since the adoption of the November 3rd amendment, the Omicron Variant of the virus became the dominant strain in the State and the number of infections/hospitalizations increased dramatically in its wake.

Cases are now dropping in the State and across the nation. Council is asked to set a public hearing to review the potential rescission of the Ordinance as it exists.

ACTION

Should the Council decide to schedule a public hearing, the following motion is offered for consideration.

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 16, 2022, beginning at 7:00pm, Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on the potential rescission of Ordinance #2021-09, Face Masks, originally adopted by the City Council on September 1, 2021, and last amended November 3, 2021.

Included in this Section:

1. Ordinance #2021-09, Face Masks (last amended November 3, 2021)

ORDINANCE 2021-09 FACE MASKS

Adopted September 1, 2021

Amended November 3, 2021

FOR THE PURPOSE OF reducing the spread of the SARS-Co-V-2 (COVID-19) virus and all of its current variants, and potentially reducing the need for hospitalization and the number of fatalities, the City of Lebanon ordains as follows:

WHEREAS, a primary function of municipal government is the health and safety of those persons residing within or entering into it; and

WHEREAS, the provisions of RSA 47:17, XV provide authority to city councils to adopt By-Laws and Ordinances for the well-being of their cities. Further, RSA 147:1 allows towns to make regulations for the public health and safety of the people and RSA 47:12 vests the authority of towns to make such public health regulations to city councils; and

WHEREAS, COVID-19 is a viral infection that has the ability to be spread from person to person very easily through respiratory droplets, including:

- Through the air by coughing or sneezing;
- Through close personal contact, such as touching or shaking hands;
- Touching an object or surface with the virus on it, then touching mouth, nose, or eyes before washing of hands

And,

WHEREAS, viruses constantly change through mutation and new variants of a virus emerge as the virus continues to spread and infect; and

WHEREAS, the Delta Variant of COVID-19 has emerged as the predominant strain of the virus in the Nation, and has been found to be more infectious and faster spreading with the ability to cause more than twice as many infections as earlier strains of the virus; and

WHEREAS, more than 94 percent of counties in the Nation are experiencing a substantial or high level of community transmission of COVID-19; and all 10 counties in New Hampshire are experiencing a substantial or high level of community transmission; and

WHEREAS, it is clinically established that the best means of slowing the spread of a virus, other than vaccinations, is through minimizing close personal contact with individuals in a public environment, covering one's mouth and nose by wearing a face covering, and utilizing frequent and proper hand washing; and

WHEREAS, face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings, particularly when combined with social/physical distancing and other sanitary measures such as washing hands or utilizing hand sanitizer; and

WHEREAS, the CDC is recommending that, due to the high level of spread and how contagious the Delta Variant is proving to be, even amongst those fully vaccinated, all persons wear a face covering in indoor public environments regardless of their vaccination status in areas of substantial or high transmission, which currently includes all of New Hampshire.

NOW, THEREFORE the Lebanon City Council adopts the following Emergency Public Health regulations:

1. Members of the public entering or queued to enter; remaining in or exiting from, any business, governmental, or non-profit owned premises, or utilizing any form of public transportation must wear a face covering as described in paragraph 2 below.
 - Policies regarding face coverings in governmental buildings within the geographical boundaries of the City of Lebanon adopted by the governmental entity having jurisdiction over such buildings are hereby recognized by this ordinance and shall control in such buildings.
 - Property owners shall have the authority to regulate the requirement to wear masks by any person, while on the premises of their property, by allowing persons to temporarily remove their masks while remaining on the premises when it is practical or becomes necessary to do so based upon the requirements of the services provided.
 - Property owners holding private events are permitted to exempt participants from wearing face masks under the limited circumstances as detailed below:
 - Private events are gatherings of persons such as employees of a company or other organization where the general public is not permitted to participate for a one- time special event such as a holiday party.
 - The entity hosting the event requires participants to be fully vaccinated. Participants who are not fully vaccinated or their vaccination status is unknown are required to wear a face mask as otherwise prescribed in this ordinance.
 - Participants shall not have symptoms consistent with COVID-19.
 - The person or entity responsible for sponsoring the event is responsible for ensuring the provisions of this ordinance are complied with.
 - Operators of venues allowing private events to occur must make the organizers of those events aware of the requirements of this ordinance. Further, any employees or volunteers serving food or drink must wear a face mask whether vaccinated or not.
2. As used herein “face covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes or exhalation air valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials.
3. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public except when adequate physical barriers are in place to protect the public and the employee. Building owners, operators, managers, lessees, employers, businesses, and non-profit organizations, as appropriate, shall have the authority to waive masking for employees and volunteers who are known to be fully vaccinated against Covid-19 while within the workplace or building space managed by them, provided however that mask requirements shall not be waived for employees and volunteers who are interacting in person with members of the public.
4. Members of the public dining indoors at a restaurant may remove face covering while seated at their table. Members of the public must wear a mask when entering, using, or leaving the restroom of a restaurant.
5. A person may temporarily remove their mask when in a business if obtaining a service or product that requires verification of the person’s identity or age.

6. Residents, visitors, and members of the public entering or present at a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and communal spaces when social distancing of at least six feet is not practiced.
7. Notwithstanding the above, this order does not require children under 3 years of age to wear face covering (parents should make their own judgment). Face covering is not recommended for children less than 2 years of age.
8. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health-related reasons.

Any person who violates this ordinance shall be subject to a fine for the first offense in the amount of \$100, for a second offense or subsequent offense the fine shall be \$250.

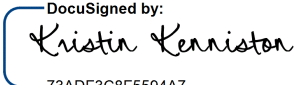
This ordinance shall be effective immediately upon passage and shall continue in effect until rescinded by action of the Council.

Effective date ~~September~~ **November** 4, 2021.

This Ordinance was adopted by the City Council on November 3, 2021 and is hereby authenticated by the undersigned as required by Section C419:22 of the City Charter.

CITY OF LEBANON

By: 
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Timothy J. McNamara, Mayor

By: 
73ADF3C8F5594A7...
Kristin M. Kenniston, City Clerk

Effective Date: November 3, 2021

Date of Publication of Notice of Public Hearing: October 23, 2021

Date of Public Hearing: November 3, 2021

Date of Adoption: November 3, 2021

Date of Notice of Adoption: November 8, 2021

Date of Recording of the Ordinance by the City Clerk: November 8, 2021