

FINAL

**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;

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

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

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

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

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

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

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

- Devon Blanchard

**RESOLUTION IN HONOR OF
Devon Blanchard**

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

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



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

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

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

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

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

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

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



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

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

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)

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

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

8. PUBLIC HEARING ITEMS:

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

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

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

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

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

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

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

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

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

CURRENT (2021 SALARY GRADES/PAY SCALE)

LEBANON PERMANENT FIREFIGHTERS/IAFF - 2021 SALARY GRADES								1.5% GWI
<u>Minimum</u>	<u>Maximum</u>							
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	
Firefighter - EMT	\$23.45	\$24.20	\$24.95	\$25.73	\$26.47	\$27.22	\$28.05	
Firefighter - Paramedic	\$25.34	\$26.10	\$26.90	\$27.64	\$28.39	\$29.17	\$29.98	
Fire Alarm Technician	\$26.57	\$27.12	\$27.67	\$28.20	\$28.75	\$29.28	\$29.83	
Lieutenant	\$28.53	\$28.92	\$29.33	\$29.74	\$30.13	\$30.53	\$30.95	
Fire Inspector	\$30.21	\$30.70	\$31.21	\$31.71	\$32.22	\$32.72	\$33.25	
Lieutenant - Paramedic	\$30.46	\$30.87	\$31.27	\$31.66	\$32.08	\$32.47	\$32.87	
Captain	\$31.50	\$31.82	\$32.19	\$32.53	\$32.87	\$33.23	\$33.59	
Inspector - Paramedic	\$32.16	\$32.65	\$33.14	\$33.65	\$34.14	\$34.63	\$35.18	
Captain - Paramedic	\$33.41	\$33.76	\$34.10	\$34.45	\$34.80	\$35.14	\$35.51	

2022 SALARY GRADES/PAY SCALE

LEBANON PERMANENT FIREFIGHTERS/IAFF - 2022 SALARY GRADES							
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Firefighter - EMT	\$24.15	\$24.93	\$25.70	\$26.50	\$27.26	\$28.04	\$28.89
Firefighter - Paramedic	\$26.10	\$26.88	\$27.71	\$28.47	\$29.24	\$30.05	\$30.88
Fire Alarm Technician	\$30.95	\$31.59	\$32.24	\$32.85	\$33.49	\$34.11	\$34.73
Lieutenant	\$31.10	\$31.52	\$31.97	\$32.42	\$32.84	\$33.28	\$33.72
Fire Inspector	\$31.12	\$31.62	\$32.15	\$32.66	\$33.19	\$33.70	\$34.25
Lieutenant - Paramedic	\$32.93	\$33.37	\$33.80	\$34.22	\$34.68	\$35.10	\$35.54
Captain	\$37.01	\$37.39	\$37.82	\$38.22	\$38.62	\$39.05	\$39.44
Inspector - Paramedic	\$33.12	\$33.63	\$34.13	\$34.66	\$35.16	\$35.67	\$36.24
Captain - Paramedic	\$38.25	\$38.66	\$39.04	\$39.45	\$39.85	\$40.24	\$40.70

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

A supplemental appropriation in the amount of \$173,000 is needed in order to execute the first year (2022) of the three-year successor collective bargaining agreement. A public hearing and action on the requested appropriation will be taken under agenda Item 8.B.

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

The first presentation was recognized by the Council on January 19, 2022; the second was on February 2, 2022. The Council is asked to finalize the process by acknowledging the third presentation and acting to adopt the proposed amendment of Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Lebanon Permanent Firefighters' Association Local 3197/International Association of Firefighters (IAFF) at the close of the public hearing.

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

Seconded by Councilor Wilkie.

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

This Resolution shall be effective upon passage.

B. SUPPLEMENTAL APPROPRIATION TO EXECUTE 1ST YEAR OF SUCCESSOR

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

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

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

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

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

ACTION

Councilor Whittlesey MOVED to:

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

Seconded by Councilor Heistad.

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

9. OLD BUSINESS

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

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

Included in the agenda packet:

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

BACKGROUND

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

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

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

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

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

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

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

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

	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		

Options #1 & #2:

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

	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)					

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).**

10. NEW BUSINESS

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

Included in the agenda packet:

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

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

BACKGROUND:

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

FINAL ENGINEERING AND CONSTRUCTION

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

PROTECTIVE STEEL PAVILION

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

INTERCONNECTION AGREEMENT

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

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

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

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

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

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

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

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

ACTION:

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

Seconded by Councilor Liot Hill.

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

11. City Manager Report:

City Manager Shaun Mulholland gave the following updates:

- 360 Annual Evaluations: Will do a pilot with the City Council. Proposed evaluations will take place twice each year in April and October. The Council will review this concept at a meeting in 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.

Respectfully submitted,
Dona E. Gibson
Recording Secretary