



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

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 824 827 938#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

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

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

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

7. Appointments

- Economic Development Commission, Chip Brown (Reappointment Regular Member)
- Pedestrian & Bicyclist Advisory Committee, Sean Dittrich (Regular Member)

8. 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 \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) 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).
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:

- iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - B. ORDINANCE #2021-16 – A public hearing for the purpose of receiving public input and taking action 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - E. RESCISSION OF ORDINANCE #2021-09, FACE MASKS – A public hearing for the purpose of receiving public input and taking action to rescind Ordinance #2021-09, Face Masks. **(PUBLIC HEARING TO BE RESCHEDULED TO MARCH 23, 2022)**
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 9. **Old Business: None**
- 10. **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

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

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

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

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: A. Key
Assigned Councilor: E. Heistad
Assigned Date: 01/27/2022

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

Board/Committee: Pedestrian & Bicyclist Advisory Committee
Position: Regular Member
Applicant: C. Smith
Assigned Councilor: K. Hill

Lebanon City Council Agenda
March 16, 2022

Assigned Date: 03/03/2022

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 23, 2022 (Organizational Meeting)

PUBLIC HEARING ITEM:

A. ORDINANCE #2021-09, FACE MASKS – A public hearing for the purpose of receiving public input and taking action on the potential rescission of Ordinance #2021-09, Face Masks.

NEW BUSINESS:

- A. Adoption of Council Rules
- B. Training: Welcoming Lebanon Policy
- C. Continuation of Housing Discussion

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
- C. Discussion & Set Public Hearing for April 20, 2022 to amend City Code Chapter 115, Enactment of Ordinances

APRIL 20, 2022

PUBLIC HEARING ITEMS:

A. ORDINANCE #2021-14 - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-11 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.

B. RECLASSIFICATION OF CLASS VI ROAD #11 – A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #11, (portion of) Monica Road to a Class A Municipal Trail.

C. ORDINANCE #2022-02 – Public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance #2022-02 to amend City Code Chapter 115, Enactment of Ordinances.

NEW BUSINESS:

- A. Authorization for the City Manager to execute a lease with 30 Airport Road, LLC for office space at 30 Airport Road for the relocation of the Cyber Services Department.
- B. Authorization for the City Manager to execute an amendment to the lease with Lebanon Opera House to permit the occupancy of additional space in City Hall
- C. Review and Discussion of 2021 Year end and 2022 1st Quarter Budget Reports; Release of Public School Impact Fees

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

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- March 2, 2022 (Regular Meeting)

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

DRAFT

**LEBANON CITY COUNCIL
MINUTES**

Wednesday, March 2, 2022, 7:00 p.m.

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

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill (arrived 7:15 PM), George Sykes, Douglas Whittlesey, Jim Winny and Karen Zook

REMOTE ATTENDANCE: Devin Wilkie

MEMBERS ABSENT:

STAFF PRESENT: Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Deputy Finance Director Alesia Williams, Fire Chief/Emergency Management Director Chris Christopoulos, Human Services Director Lynne Goodwin, GIS Coordinator Mark Goodwin, Cemetery Sexton Patrick McCarthy, Chief Innovation Officer Melanie McDonough

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

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

Councilor Wilkie attended the meeting remotely because he was recently exposed to a person who tested positive for COVID-19. Mayor McNamara announced that all votes on motions will require a Roll Call Vote.

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

4. OPEN TO PUBLIC: No one came forth.

5. RECOGNITIONS: None

6. ACCEPTANCE OF MINUTES: February 16, 2022 (Regular Meeting)
Amendments: Page 16, Line 17-18 agenda packet: Both lines have two words that are run together:
Page 17, Line 13 agenda packet: Change “value of energy study” to read “value of distributed energy resources study”

*Councilor Heistad MOVED to approve the February 16, 2022 (Regular Meeting) minutes as amended and presented in the March 2, 2022 City Council agenda packet.
Seconded by Councilor Whittlesey.*

Roll Call Vote:

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

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

2 (Note: Councilor Liot Hill was not present at the time of this vote.)

3
4 **7. APPOINTMENTS:**

5 • Diversity, Equity & Inclusion Commission, Kathy Beckett (Alternate Member)
6 Councilor Wilkie put forth the NOMINATION of Kathy Beckett (Alternate Member) to the Diversity,
7 Equity & Inclusion Commission. Two-Year Term: (3/22-3/24)

8
9 **Roll Call Vote:**

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

12 None voted Nay.

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

14 (Note: Councilor Liot Hill was not present at the time of this vote.)

15
16 • Lebanon Energy Advisory Committee, Meghan Butts (Alternate Member)
17 Assistant Mayor Below put forth the NOMINATION of Meghan Butts (Alternate Member) to the
18 Lebanon Energy Advisory Committee,. Two-Year Term: (3/22-3/24)

19
20 **Roll Call Vote:**

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

23 None voted Nay.

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

25 (Note: Councilor Liot Hill was not present at the time of this vote.)

26
27 • Lebanon Energy Advisory Committee, Sherry Boschert (Regular Member) Lebanon Energy
28 Advisory Committee
29 Assistant Mayor Below put forth the NOMINATION of Sherry Boschert (Regular Member) to the
30 Lebanon Energy Advisory Committee,. Two-Year Term (3/22-3/24)

31
32 **Roll Call Vote:**

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

35 None voted Nay.

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

37 (Note: Councilor Liot Hill was not present at the time of this vote.)

38
39 **8. PUBLIC HEARING ITEMS: None**

40
41 **9. OLD BUSINESS**

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

45
46 Included in agenda packet:

47 1. Ordinance 2021-16 (Draft with Redlined Text Changes) *Pages 33-39*

48 2. Ordinance 2021-16 (Clean Draft) *Pages 40-45*

49 3. February 8, 2022 Excerpt of Minutes of Board of Cemetery Trustees Meeting *Pages 46-47*

1 4. February 17, 2022 Legal Opinion by Attorney C. Christine Fillmore, re: Ordinance 2021-16 Natural
2 Burials **Page 48**

3
4 Deputy City Manager Paula Maville reviewed the provisions of the proposed amendment to Ordinance
5 #2021-16, Natural Burials.
6

7 **BACKGROUND**

8 At its June 16, 2021 meeting, the City Council directed the City Manager to develop regulations to permit
9 natural burials in one or more City cemeteries for review and recommendation by the Board of Cemetery
10 Trustees, and to have their recommendations back to the Council by October 2021.
11

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

17 A public hearing was scheduled and held on December 1, 2021 where discussion amongst the Council,
18 combined with public comment received, resulted in a request for staff to revisit a number of topics in the
19 Ordinance to include: a proposed residential restriction; responsibility for the preparation of graves; and
20 required depth of graves.
21

22 All topics have been addressed and were presented to the Board of Cemetery Trustees at their February 8,
23 2022 meeting. Resolution to the issues are as follows:
24

25 **RESIDENTIAL RESTRICTION**

26 The residential restriction has been removed for the purchase of natural burial plots in favor of imposing a
27 fee for non-residents to purchase any lot in any cemetery for any type of burial. Documentation showing
28 proof of residency will be required at the time a lot is purchased. A definition of “Resident” has also been
29 included.
30

31 **PREPARATION (DIGGING) OF GRAVES**

32 The decision has been made that City staff will prepare graves for natural burials provided the plot(s) to
33 be dug are accessible with equipment. If a grave is not accessible due to a previous burial (or other
34 unforeseen reason), the digging of the grave will be the responsibility of the deceased’s agent or next of
35 kin. For winter burials, if a grave is not accessible, City staff will jackhammer to break the frost level but
36 the digging of the remainder of the grave will be the responsibility of the deceased’s agent or next of kin..
37

38 **DEPTH OF GRAVES**

39 The depth of graves for the bottom of the burial container has been changed from five (5) feet to four (4)
40 feet and may be revisited in the future if the need arises.
41

42 **OTHER CHANGES**

43 In an effort to streamline the amendment process and prevent the need to return to Council in the near
44 future, staff is recommending that Council consider a number of other amendments to Chapter 46. These
45 changes include rate increases for the purchase of lots, rate increases for burials & entombments, and the
46 inclusion of regulatory language for the purchase and use of cremation niches in our (to be installed)
47 columbarium’s. All proposed changes have been reviewed by the Board of Cemetery Trustees and a legal
48 opinion was obtained.
49

50 Councilor Whittlesey spoke about changing the wording on page 35 of the Council packet, § 2,
51 subsection b), paragraph 2 that states: Graves that are inaccessible due to previous burials that are unable

1 to be dug with the use of excavation equipment must be dug by hand. He proposed an amendment to
2 replace that sentence with: “Graves must be dug by hand if those lots are inaccessible to excavation
3 equipment as a result of the location of previous burials.”
4

5 **Councilor Liot Hill arrived at 7:15 PM.**
6

7 Councilor Wilkie would like clarifications on § 46-7. Burials, Section B, Natural Burials (**page 34 of**
8 **agenda packet**) that states:
9

10 *“Natural” or “Green” burial promotes the decomposition of the body with minimal impact to the*
11 *environment. The deceased are buried without the use of embalming fluids, permanent outside*
12 *containers, or modern caskets. In the spirit of natural burials, gravesites ~~are not to~~ will be minimally*
13 *maintained by the City of Lebanon.*
14

15 *All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless*
16 *policies and procedures are inconsistent with this section or with the purpose and intent of natural*
17 *burials, in which case this section will govern.*
18

19 He noted there had been concerns with the last two sentences of that opening paragraph. His recollection
20 is that people will choose any number of things for a host of reason, so it seems superfluous to mention
21 that natural burials are one of those things. The minimal maintenance of these gravesites are also
22 mentioned elsewhere in this document. He asked if it was possible to remove the last two sentences, that
23 to him seemed more anecdotal or speculative than they do legislatively.
24

25 Mayor McNamara felt the sentence about maintenance be left in so people will be aware that they will not
26 be maintained to the same standard as a conventional burial site.
27

28 Councilor Wilkie referred to the section (page 39 of agenda packet) that reads: *(4) Lots within designated*
29 *natural burial sections of any municipal cemetery will not be mowed or trimmed of grass, raked, cleaned,*
30 *cleared, or graded, either by the City or any other party. The City will, however, perform vegetative*
31 *maintenance to prevent reforestation of Natural Burial sections on as needed basis.* To him, it sounds
32 like these will not be maintained instead of minimally maintained. He believed the Cemetery Board of
33 Trustees had decided to minimally maintain them with mowing and trimming.
34

35 Mayor McNamara noted his understanding of minimal maintenance (in the section mentioned above) is
36 simply to prevent reforestation on an as needed basis, which is trimming of any brushy material that
37 comes up so you do not get trees/shrubs growing up through the grave(s).
38

39 Councilor Wilkie also spoke about a concern of going over graves with the equipment that the City
40 currently has. He noted that other cemeteries that do natural burials have equipment that can go over
41 naturally buried graves and was wondering if, in preparation for the Public Hearing on March 16th, there
42 could be information about why the City of Lebanon is not able to do what these other communities have
43 done, or present something else that clarifies why other cemeteries are able to dig these graves (natural)
44 mechanically.
45

46 Mayor McNamara’s understanding of a previous discussion was that the City would be able to dig them
47 with our existing equipment as long as we did not have to go “over” another natural burial grave site. He
48 recalled that the Cemetery Sexton noted Lebanon utilizes the smallest piece of equipment that can be
49 used, which is a Bobcat Mounted Backhoe and was not aware of anything smaller than this piece of
50 equipment.
51

After further discussion, the Council decided to make a motion to amend the main motion as presented in the agenda packet.

ACTION to Amend Language in Ordinance #2021-16:

Councilor Whittlesey MOVED to amend the main motion by:

- Amend the first sentence of § 2, subsection b), Paragraph 2, part f (on page 35 of the packet) to read: “Graves must be dug by hand if those lots are inaccessible to excavation equipment as a result of the location of previous burials.”
- Removing the sentence in § 46-7. Burials: B. NATURAL BURIALS that states: ~~It is understood that people choose natural burials for a host of different reasons.~~
- And, in the following sentence change this to read: “*In the spirit of natural burials, gravesites will be minimally maintained by the City of Lebanon pursuant to § 6, sub paragraph 4.*”

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

Abstained: Councilor Liot Hill

****The Vote on Motion was approved (8-0-1). Councilor Liot Hill abstained***

After amending the language in Ordinance #2021-16 as stated above, the Council was asked to set a public hearing for March 16, 2022 to consider the adoption of the further revised version of Ordinance 2021-16 with the language as amended above.

ACTION: Set Public Hearing

Assistant Mayor Below 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.

Seconded by Councilor Liot Hill.

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).***

10. NEW BUSINESS

A. Review and adoption of revised General Assistance Program Guidelines

Included in the agenda packet:

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

1 Deputy City Manager Paula Maville and Human Services Director Lynne Goodwin reviewed the
2 proposed changes to the General Assistance Program Guidelines as presented on Pages 51-86 of the
3 Council packet.

5 **BACKGROUND**

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

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

12 (a) The process for application for general assistance.

13 (b) The criteria for determining eligibility

14 (c) The process for appealing a decision relative to the granting of general assistance.

15 (d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset
16 provisions of RSA 165:4-a.

17 (e) A statement that qualified state assistance reductions under RSA 167:82,VIII may be deemed as
18 income, if the local governing body has permitted the welfare administrator to treat a qualified state
19 assistance reduction as deemed income under RSA 165:1-e."

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

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

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

41 According to NH Housing Finance Authority's 2021 Residential Rental Cost Survey Report, the median
42 rent for a 2-bedroom unit in Grafton County has increased 28.9% from 2016-2021, approximately 6% per
43 year during that 5-year period. Existing shelter allowances for Lebanon have been updated to include a
44 proposed 15% increase. As a result, the proposed shelter allowances narrow the gap between market rents
45 and HUD-FMR standards for Lebanon. The proposed shelter allowances also align with the median rent
46 for different sized units in Lebanon. Please see Appendix A, "Allowable Levels of Assistance" on page
47 32.

Councilor Sykes questioned whether or not the 15% increase would make more rentals available in the City. Ms. Goodwin explained that an applicant can apply for general assistance from the City to secure a unit within normal shelter allowance levels, or if someone is at risk of eviction, we can help maintain them up to those levels and gave examples, noting this is only if general assistance does not affect the Section 8 fair market values under HUD.

The Council also discussed Section 8 vouchers and notifying State agencies about child/elderly abuse; how many abuse notifications come from Lebanon, with Ms. Goodwin noting the ones she sees come from elders who are doing harm to themselves; if the City does inspections to make sure apartments are safe, with Ms. Goodwin noting the City does not do inspections but Section 8 does; why the NH Department of Employment's working exemption was lowered for those who have a child under 5-years of age down to children 1-year or below, with Ms. Goodwin noting the Welfare Association updated their guidelines to reflect what Employment Security has in their guidelines now, as well as the State of NH's Family Assistance Program that provides cash to families; how anyone in the State can report suspected abuse/neglect of a child or an elder; the great work the community paramedic and nurses are doing; being aware and open to what people's possible needs might be and the need to take action if someone sees something; the difference between having someone stay on local assistance vs. referring them to a State agency to sustain their living; how the goal is to get people to a point where they are sustaining their living outside of the local option; and the importance/need for the City to be consistent with the State standards (for Welfare and Unemployment).

ACTION:

Councilor Wilkie 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
Seconded by Councilor Liot Hill.

Roll Call Vote:

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

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

B. Discuss revised scope and duties for the continuance of West Lebanon Revitalization Advisory Committee

Included in the agenda packet: Proposal To Re-Establish The West Lebanon Revitalization Advisory Committee (*Page 88-89*).

Mr. David Brooks, Planning & Development Director reviewed the 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

1 & Development Department and with presenting plans to the City Council prior to a sunset date of
2 December 31, 2021.

3
4 On January 19, 2022, members of the Advisory Committee presented their priorities and recommendations
5 to the City Council, along with their final report entitled Action Plan for West Leb. One of the Advisory
6 Committee's suggestions was to have "the WLRAC continue with a smaller membership to continue to
7 advise on [revitalization and redevelopment] efforts and the West Lebanon chapter of the Master Plan with
8 the structure and influence of a city board." The Advisory Committee also recommended that WLRAC
9 work with any civic association(s) that might be created to further develop community and citizen
10 engagement.

11
12 In furtherance of the Advisory Committee's recommendation, attached below is a proposal to re-establish
13 the West Lebanon Revitalization Advisory Committee as a permanent committee. The proposal includes
14 an updated Purpose, Charge, Membership, and an anticipated meeting schedule.

15
16 Councilor Winny spoke about the importance of taking these concepts to implementation. Let's keep
17 doing these things (i.e., Street Scape's, Westboro Yard).

18
19 **ACTION:**

20 ***Councilor Winny MOVED, that the Lebanon City Council hereby establishes the "West Lebanon***
21 ***Revitalization Advisory Committee", a committee created to work with the City Administration to***
22 ***develop and implement plans for the revitalization and redevelopment of the Central Business***
23 ***District Area of downtown West Lebanon. The purpose, charge, and membership of the Advisory***
24 ***Committee shall be as set forth in the "Proposal to Reestablish the West Lebanon Revitalization***
25 ***Advisory Committee" as presented in the March 2, 2022 City Council Agenda Packet.***
26 ***Seconded by Councilor Whittlesey.***

27
28 **Roll Call Vote:**

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

31 None voted Nay.

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

33
34
35 **PROPOSAL TO RE-ESTABLISH THE**
36 **WEST LEBANON REVITALIZATION ADVISORY COMMITTEE**
37

38 **PURPOSE:**

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

42
43 **CHARGE:**

- 44 1. Work with and serve in an advisory capacity to the City Council, City Manager, and the Planning &
45 Development Department regarding the development, prioritization, and implementation of actions and
46 strategies for the revitalization and redevelopment of the Central Business District area of West
47 Lebanon as drawn from prior plans, reports, and studies related to West Lebanon, including but not

- 1 limited to: the December 2021 Action Plan for West Leb, the April 2020 West Lebanon Village
2 Visioning Charrette report, the West Lebanon CBD chapter of the 2012 Master Plan, and others.
- 3 2. Assist the Planning & Development Department with reviewing and updating the West Lebanon
4 Central Business District chapter (Ch. 4) of the Master Plan and to monitor and report on progress on
5 implementation efforts into the future.
- 6 3. Work with private civic associations to engage business owners and generate citizen interest and
7 commitment to the improvement of West Lebanon Village.

8
9 MEMBERSHIP:

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

- 13 1 - City Councilor (to be appointed by the Mayor)
14 1 - Member of the Planning Board (to be appointed by the Board)
15 1 - Member of the Economic Development Commission (to be appointed by the Commission)
16 2 - Ward 1 Residents of the City
17 2 - Ward 1 Business Owners
18 Up to 3 Alternate members representing Ward 1 Residents and/or Business Owners

19
20 The Resident and Business Owner representatives shall be appointed by the City Council and their terms
21 shall initially be staggered for periods of two and three years. Thereafter, all Resident and Business Owner
22 representatives shall be appointed to terms of three years. The City Council, Planning Board, and Economic
23 Development Commission representatives shall serve for their respective terms.

24
25 **C. Discussion and Set Public Hearing for March 16, 2022: Reclassification of Class VI**
26 **Road #57 (Unnamed) located at Northwest Corner of Lebanon on Enfield Town Line to a**
27 **Class A Municipal Trail.**

28
29 (Note: GIS Coordinator Mark Goodwin came before the Council and reviewed all of the proposed
30 reclassification of Class VI Roads as listed below.)

31
32 Included in the agenda packet:

- 33 1. Class VI Road Assessment Template (Road #57)
34 2. Coordinate Map for Class VI Road #57 (NAD 1983 NH State Plane FIPS 2800) Printed February 22,
35 2022
36 3. Abutter Notification Map – Class VI Road #57

37
38 **BACKGROUND**

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

44
45 The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its
46 existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is
47 recommending that the Council reclassify it to a Class A Trail designation. The Class VI Advisory
48 Committee conducted the initial assessment and review in 2015, and re-reviewed it in 2021, reconfirming

1 the recommendation for it to become a Class A Trail.

2
3 **Abutters: Notified.**

4
5 **ACTION:**

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

12 ***Seconded by Councilor Heistad.***

13
14 **Roll Call Vote:**

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

17 None voted Nay.

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

19
20 **D. Discussion and Set Public Hearing for March 16, 2022: Reclassification of Class VI**
21 **Road #3, Farr Road Extension, to a Class A Municipal Trail.**

22
23 Included in the agenda packet:

- 24
25 1. Class VI Road Assessment Template (Road #3, Farr Road Extension)
26 2. Coordinate Map for Class VI Road #3 (NAD 1983 NH State Plane FIPS 2800) Printed
27 February 22, 2022
28 3. Abutter Notification Map – Class VI Road #3
29

30 **BACKGROUND**

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

34
35 The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its
36 existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is
37 recommending that the Council reclassify to a Class A Trail designation. The Class VI Advisory
38 Committee conducted the initial assessment and review in 2014, and re-reviewed it in 2021, reconfirming
39 the recommendation for it to become a Class A Trail.

40
41 **Abutters: Notified.**

42
43 **ACTION:**

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

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

1
2 **Roll Call Vote:**

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

5 None voted Nay.

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

8 **E. Discussion and Set Public Hearing for April 6, 2022: Reclassification of Class VI Road #28,**
9 **Old Kings Highway (between Storrs Hill Road and Farnum Hill Road) to a Class A**
10 **Municipal Trail**
11

12 Included in the agenda packet:

- 13 1. Class VI Road Assessment Template (Road #28, Old Kings Highway)
14 2. Coordinate Map for Class VI Road #28 (NAD 1983 NH State Plane FIPS 2800) Printed
15 February 22, 2022
16 3. Abutter Notification Map – Class VI Road #28
17

18 **BACKGROUND**

19 The Kings Highway is arguably one of the oldest public rights-of-way in the City of Lebanon. The
20 original course is currently segmented into several sections, including a variety of road designations, e.g.,
21 Class V, Class VI, Class A trail. The section referred to #28 extends from the intersection with Hetzel
22 Road, easterly to where it transitions to Storrs Hill Road.
23

24 The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its
25 existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is
26 recommending that the Council reclassify it to a Class A Trail designation. The Class VI Advisory
27 Committee conducted the initial assessment and review in 2014, and re- reviewed it in 2021, reconfirming
28 the recommendation for it to become a Class A Trail.
29

30 **Abutters: Notified.**
31

32 **ACTION:**

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

39 ***Seconded by Councilor Winny.***
40

41 **Roll Call Vote:**

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

44 None voted Nay.

45 **The Vote on the MOTION was approved (9-0).*
46

47 **F. Discussion and Set Public Hearing for April 20, 2022: Reclassification of Class VI Road**
48 **#11, (portion of) Monica Road, to a Class A Municipal Trail**
49

Included in the agenda packet:

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

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.

Abutters: Notified:

ACTION:

Councilor Wilkie 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.

Seconded by Councilor Winny.

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).***

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

Included in the agenda packet:

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

Mayor McNamara read an email from Ms. Susan Kaplan, who is an abutter, requesting that this Public Hearing be postponed and rescheduled to May 18, 2022, so she can attend the meeting. She will be out of town on May 4th, 2022.

BACKGROUND

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

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

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

16 *Ms. Susan Kaplan*, an abutter, came forth and spoke about her request to reschedule the Public Hearing to
17 May 18, 2022.

19 **ACTION:**

20 ***Councilor Winny MOVED*, that the Lebanon City Council hereby schedules a public hearing for**
21 **Wednesday, May 18, 2022, beginning at 7:00pm, Council Chambers, City Hall, or remote via**
22 **City's Virtual Platform, for the purpose of receiving public input and taking action upon a**
23 **recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #4**
24 **(Portion of Dorothy Perley Road) to a Class A Municipal Trail.**

25 ***Seconded by Councilor Sykes.***

27 **Roll Call Vote:**

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

30 None voted Nay.

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

33 **H. Discussion and Set Public Hearing for May 4, 2022: Reclassification of Class VI**
34 **Road #5, (portion of) Alden Road, to a Class A Municipal Trail**

36 Included in the agenda packet:

- 37 1. Class VI Road Assessment Template (Road #5, Portion of Alden Road)
- 38 2. Coordinate Map for Class VI Road #5 (NAD 1983 NH State Plane FIPS 2800) Printed
39 February 25, 2022
- 40 3. Abutter Notification Map – Class VI Road #5

42 Mayor McNamara read an email from Ms. Susan Kaplan, who is an abutter, requesting that this Public
43 Hearing be postponed and rescheduled to May 18, 2022, so she can attend the meeting. She will be out of
44 town on May 4th, 2022.

46 **BACKGROUND**

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

1
2 The Class VI Advisory Committee reviewed the prescriptive evidence supporting the assertion of its
3 existence as a public right-of-way, the current conditions and use, as well as potential future uses, and is
4 recommending that the Council reclassify the southern section of the existing Class VI road to a Class A
5 Trail.
6

7 The Class VI Advisory Committee conducted the initial assessment and review in 2008, making a
8 recommendation for it to remain a Class VI Road. In 2021, the Class VI Advisory Committee re-reviewed
9 the Class VI section of Alden Road and made a recommendation for the section running south from the
10 intersection with Dorothy Perley Road, to the existing Class V section of Alden Road, to become a Class
11 A Trail.
12

13 *Ms. Susan Kaplan*, abutter, came forth and spoke about her request to reschedule the Public Hearing to
14 May 18, 2022.
15

16 *Mr. Stephen Wood* came forth and requested that Mr. Goodwin provide clear definitions for what is
17 considered a Class A Trail and a Class VI Road in the Council packet at the time of Public Hearings.
18

19 **ACTION:**

20 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for***
21 ***Wednesday, May 18, 2022, beginning at 7:00pm, Council Chambers, City Hall, or remote via***
22 ***City's Virtual Platform, for the purpose of receiving public input and taking action upon a***
23 ***recommendation by the Class VI Roads Advisory Committee to reclassify Class VI Road #5***
24 ***(Portion of Alden Road) to a Class A Municipal Trail.***

25 ***Seconded by Councilor Heistad.***
26

27 **Roll Call Vote:**

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

30 None voted Nay.

31 ****The Vote on the MOTION was approved (9-0).***
32

33 **I. Discussion and Set Public Hearing for March 16, 2022: Rescission of Ordinance #2021-09,**
34 **Face Masks**
35

36 Included in the agenda packet: Ordinance #2021-09, Face Masks (last amended November 3, 2021).
37 ***Pages 127-129***
38

39 Mayor McNamara noted the Council is just setting a Public Hearing, noting that the School District is
40 making masks optional as of March 14, 2022. He felt it was time for this to be discussed.
41

42 **BACKGROUND**

43 On September 1, 2021, due to the surge of the Delta Variant of the COVID-19 virus, the City Council
44 adopted Ordinance 2021-09 and reinstated a City-wide mandate requiring the wearing of face masks in
45 indoor spaces that are open to the public. The ordinance was amended on November 3, 2021 to clarify the
46 requirement for masks to be worn at private events being held in public venues (a hotel, restaurant,
47 membership club, etc.)
48

49 Since the adoption of the November 3rd amendment, the Omicron Variant of the virus became the

1 dominant strain in the State and the number of infections/hospitalizations increased dramatically in its
2 wake.

3
4 Cases are now dropping in the State and across the nation. The Council was asked to set a public hearing
5 to review the potential rescission of the Ordinance as it exists. Changes as Amended on November 3,
6 2021 are indicated in **RED** and are located on **pages 127-129** in the March 2, 2022 City Council agenda
7 packet.

8
9 Councilor Liot Hill was not opposed to setting a Public Hearing and spoke about the CDC
10 recommendations, noting that Lebanon is still at 30%, which is considered a high transmission rate. She
11 felt the Council's efforts for the City of Lebanon supporting public health have resulted in positive
12 outcomes and have saved lives in the City. She also noted that the School District's decision to not wear
13 masks was not based on data as provided in the CDC guidelines.

14
15 **ACTION:**

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

21 ***Seconded by Councilor Winny.***
22

23 Assistant Mayor Below spoke to his motion noting that it is appropriate to have this discussion because
24 the City is going in the right direction. As Councilor Hill pointed out, Grafton County, Sullivan County,
25 and Orange County, VT are still amongst the CDC's 30% of the population that have high transmission
26 rates. The CDC's new measure looks at hospitalization rates, as well as case positivity rates. Most of
27 New Hampshire is falling into the lower/middle categories where they are no longer recommending a
28 mask indoors in public places. However, Grafton County is still among the highest transmission and
29 hospitalization rates in the State. Our public health region and county are the lowest in the State for
30 cumulated deaths per capita and Lebanon is almost ½ of the State in terms of total cases accumulated
31 since the start of the pandemic per capita. Again, our public health region, Lebanon specifically, is about
32 the lowest in the whole state. He felt this was due to our high vaccination rates and that masking has
33 helped with this.

34
35 **Roll Call Vote:**

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

38 None voted Nay.

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

41 **11. CITY MANAGER REPORT: None.**
42

43 While there was no City Manager Report, Councilor Liot Hill spoke about Ukrainian crises and suggested
44 the City show its support, noting that perhaps a light display showing Ukraine's colors of blue and yellow
45 could be placed on City Hall and Lyman Bridge.

46
47 The Council discussed the use of City funds for this initiative, but concurred with Councilor Liot Hill that
48 something should be done in an expedited way to show solidarity with the people of Ukraine.

ACTION:

Councilor Heistad MOVED that the City Council recommends a formal request to the administration of the City to install appropriate recognition of our support for Ukraine.

Seconded by Councilor Winny.

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).***

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.

Seconded by Councilor Winny.

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 unanimously approved (9-0)***

The meeting was adjourned at 8:55 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

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

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Economic Development Commission, Chip Brown (Reappointment Regular Member)
- Pedestrian & Bicyclist Advisory Committee, Sean Dittrich (Regular Member)

Included in this Section:

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

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: March 8, 2022

TO: The Honorable Mayor & City Council

FROM: Kristin M. Kenniston, City Clerk

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

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

Economic Development Commission

- **Chip Brown** – Reappointment as a regular member for another two-year term.
Interviewed By: Councilor Hill
Term: (3/22-3/24)

Pedestrian and Bicyclist Advisory Committee

- **Sean Dittrich** – Appointment as a regular member for a three-year term.
Interviewed By: Assistant Mayor Below
Term: (3/22-3/25)

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: Online Form Submission #3337 for Board Member Application
Date: Friday, August 30, 2019 6:55:14 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	Chip
Last Name	Brown
Physical Address	10 S. Main St, #10
City	Hanover
State	NH
Zip Code	03755
Is this your mailing address?	Yes
Home Phone Number	917-375-0746
Work Number	603-652-1499
Email Address	chip@brownncr.com
How long have you resided in Lebanon?	Resident of Etna but majority of my work is in Lebanon

(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?	Economic Development Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I have served on the Economic vitality Committee for several years and would like to continue to contribute to Lebanon.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	My education and 30 year career has been focused on solving problems and making improvements to the built world. I work daily in Lebanon - with both owners of commercial real estate and businesses using this real estate. Lebanon has enormous potential to improve its quality of life with thoughtful economic development
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: Karen Liot Hill

Date of Interview: February 16, 2022

Applicant Name: Chip Brown

Board(s) to Which Applied: Economic Development Commission

☒ Regular Seat

☐ Alternate Seat

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

(If yes, indicate date of meeting.) Date: Has served on Economic Development Commission since its creation and was a member of Economic Vitality Exchange Committee before that.

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat

☐ Alternate Seat

General Comments: Chip Brown has been an active and engaged member of the Economic Development Commission. His knowledge of the region and experience in real estate and community development are assets to this group. The City of Lebanon will benefit from his continued participation, and I highly recommend his reappointment.

(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?

To try to improve the vitality of the City of Lebanon.

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, I am.

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

Yes. Time spent on this board since its beginning. 8 years on the Affordable Housing Commission for the Town of Hanover. 30 years in commercial real estate as a development adviser, asset manager, financier, and broker.

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?

I'm always interested in education.

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. But if I ever did have to recuse myself, I would.

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

Balancing interests of stakeholders in the City and maintaining focus on what will create the most vitality for all.

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

Enormous opportunities. Lebanon has an entire riverfront to improve, and it will create value for the tax base if it is improved. It has a great opportunity to become more of a bedroom community to its already existing employment community.

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

We're focused on creating recommendations for both Lebanon downtown and West Lebanon downtown in support of balanced revitalization.

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL] Online Form Submission #5635 for Board Member Application
Date: Monday, January 3, 2022 7:09:40 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, December 31, 2021 9:39 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #5635 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	Sean
Last Name	Dittrich
Physical Address	28 Hough St
City	Lebanon
State	NH

Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	2062097629
Work Number	<i>Field not completed.</i>
Email Address	sean.dittrich@gmail.com
How long have you resided in Lebanon?	6 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?	Pedestrian and Bicycle Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am interested in improving the pedestrian and bicycling experience in Lebanon.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am a Lebanon resident who has commuted by bicycle for several years. I really enjoy walking and biking around the upper valley, and I would love to make the experience even better for myself and others.
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: Clifton Below

Date of Interview: 3/8/22

Applicant Name: Sean Dittrich

Board(s) to Which Applied: Pedestrian & Bicyclist Advisory Committee

☒ Regular Seat

☐ Alternate Seat

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

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

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat

☐ Alternate Seat

General Comments:

Although Sean is relatively new to this community and new to public service, he is enthusiastic about joining this committee and has good insight into its role and potential.

(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?

To make sure that Lebanon is safe and accessible as it can be for pedestrian & bicyclists and to make recommendations for improvements.

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, should be able to attend occasions special meetings or site visits.

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?

No, first time dipping toe into water of serving on a public committee.

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?

Sure, we consider that if available.

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?

Outreach and building consensus on improvements needed with limited budget and various other stakeholder needs.

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

Expanding network of bicycling and pedestrian trails – and well as linking up corridors – bike lanes on key routes.

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

A plan for sidewalk additions where new development is occurring, filling in missing links and having good maintenance of existing ped/bike facilities.

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

8. PUBLIC HEARING ITEMS:

8.A – REQUEST FOR SUPPLEMENTAL APPROPRIATION

IN THE AMOUNT OF \$181,050 FOR THE LANDFILL GAS TO ENERGY PROJECT

A public hearing 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).

The City Council scheduled this public hearing at their February 16, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on March 5 and March 8, 2022 in accordance with City Code and State Law.

BACKGROUND

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

FINAL ENGINEERING AND CONSTRUCTION

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

PROTECTIVE STEEL PAVILION

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

INTERCONNECTION AGREEMENT

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

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

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

ACTION

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

FOR THE PURPOSE OF funding unanticipated material and labor cost increases in the amount of \$181,050 in connection with the Landfill Gas to Energy Capital Improvements Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that funds be appropriated for expenditure in the Solid Waste Disposal Fund in the amount of \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) to supplement current funding for the Landfill Gas to Energy Project;

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33) a bond issue or bond issues in an amount not to exceed \$181,050, and that, except as herein otherwise provided, discretion to fix the dates, maturities, denomination, interest rate, form, and other details of said issue(s) is hereby delegated to the City Treasurer, with the approval of the City Manager;

NOW THEREFORE BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council.

This resolution shall be effective upon passage.

Included in this Section:

1. January 25, 2022 Letter to Solid Waste Manager Marc Morgan from Waldron Engineering & Construction re: City of Lebanon Renewable Energy Project
2. Notice of Public Hearing as Published in the March 5 and March 8, 2022 Editions of the Valley News.

January 25th, 2022

Marc Morgan
Solid Waste Manager
City of Lebanon

Re: City of Lebanon Renewable Energy Project

Mr. Morgan

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

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

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

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

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

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

Waldron Engineering & Construction, Inc.

Jeremy P. Smith

Jeremy P. Smith, P.E.
Director of Business Development

March 7, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, March 16, 2022 - 7:00pm**

**Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

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

**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 \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) 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).

B. ORDINANCE #2021-16 – A public hearing for the purpose of receiving public input and taking action 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.

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.

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

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

HE-384345

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

Kristin M. Kenniston, City Clerk

March 8, 2022



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

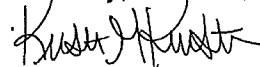
The Lebanon City Council will hold a public hearing on March 16, 2022, beginning at 7:00pm for the following:

**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 \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) 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).

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

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

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



Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

MARCH 16, 2022

8. PUBLIC HEARING ITEMS:

8.B – ORDINANCE 2021-16 TO AMEND CITY CODE CHAPTER 46, CEMETERIES

A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-16 to amend City Code Chapter 46, Cemeteries, to increase current rates for the purchase of cemetery lots and burials & entombments; and to incorporate provisions for Natural Burials.

The City Council scheduled this public hearing at their March 2, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on March 5, 2022 in accordance with City Code and State Law. During the March 2, 2022 meeting, a minor amendment was requested to Section 2.B.2(f) of the ordinance, which was incorporated and publicly available at the time of notice.

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.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-16 to amend City Code Chapter 46, Cemeteries, to increase rates for the purchase of cemetery lots; to include a provision for resident vs. non-resident purchases of cemetery lots; to increase rates for burials & entombments; to include regulatory language for the purchase and use of cremation niches; and to incorporate provisions for Natural Burials, as included in the March 16, 2022 City Council Agenda Packet.

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

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 will be minimally maintained by the City of Lebanon pursuant to Section 46-8.B.4. In the spirit of natural burials, gravesites are not to be 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 must be dug by hand if those lots are inaccessible to excavation equipment as a result of the location of previous burials. 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 <u>(In Ground OR Columbarium)</u>	
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. In the spirit of natural burials, gravesites will be minimally maintained by the City of Lebanon pursuant to Section 46-8.B.4.

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 must be dug by hand if those lots are inaccessible to excavation equipment as a result of the location of previous burials. 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

March 7, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, March 16, 2022 - 7:00pm**

**Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

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

**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 \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) 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).

B. ORDINANCE #2021-16 – A public hearing for the purpose of receiving public input and taking action 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.

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.

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

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

HE-384345

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

Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

**8.C – RECLASSIFICATION OF CLASS VI ROAD #57 (UNNAMED)
TO A CLASS A MUNICIPAL TRAIL**

A public hearing for the purpose of receiving public input and taking action 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 as recommended by the Class VI Roads Advisory Committee.

The City Council scheduled this public hearing at their March 2, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on March 5, 2022, and abutting property owners were notified of the hearing via certified notices mailed on March 3, 2022.

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 conducted the initial assessment of Road #57 in 2015 and re-reviewed it in 2021. They 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:

A motion by Donald Lacey that Lebanon Class VI Roads Advisory Committee recommend to the Lebanon City Council that they reclassify Class VI Road #57 (the Lebanon portion of the Old County Road) to a Class A Municipal Trail as defined in RSA 231-A:1(1), and as shown on the City of Lebanon Draft Class VI Roads Map, printed June, 2013, subject to the following public trail use restrictions: Means of travel shall be restricted to horse, bicycle and foot, and snowmobiles when snow cover is adequate. Motor vehicles, wheeled vehicles other than bicycles, and off-highway recreational vehicles other than snowmobiles shall be prohibited, subject, however to vehicular uses of abutting landowners for access to existing uses of land as set forth in RSA 231-A:1(1)

The Public Works Director shall cause to be posted legible signs at the entrances to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.

ACTION

Should the Council decide to reclassify Class VI Road #57 as a Class A Municipal Trail, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby reclassifies Class VI Road #57 between points 852929.9-422983.9 and 853211.2-422226.7 as shown on the Class A Trail Reclassification Map depicting Coordinate System NAD 1983 NH State Plane FIPS 2800, printed February 22, 2022, and included in the March 2, 2022, City Council Agenda Packet as a Class A Municipal Trail, subject to the following use restrictions:

- 1. Permitted means of travel shall be:***
 - a) feet, skis, snowshoes, and horses.***
 - b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the conditions of the trail warrant their use; and***
 - c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate to warrant their use.***

Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail.

- 2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access to uses of their land as set forth in RSA 231- A:1(1).***
- 3. The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.***

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

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
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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

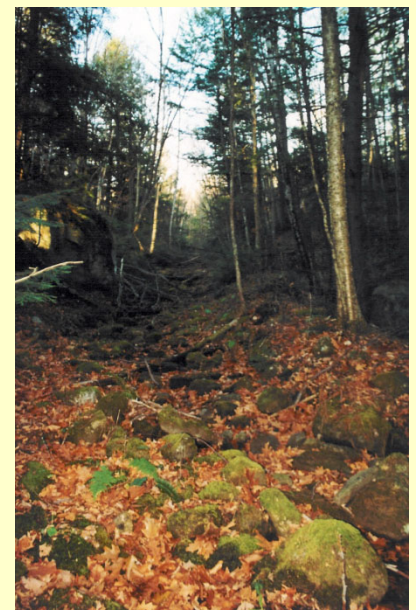
	Yes	No
Feedback garnered from residents related to existing and potential future use	X	
Informal Public Meetings for discussion	X	
Informal Abutter Notification related to meetings and discussions	X	
City Department Feedback	X	
Formal Abutter Notification prior to Council Public Hearing		
Other		

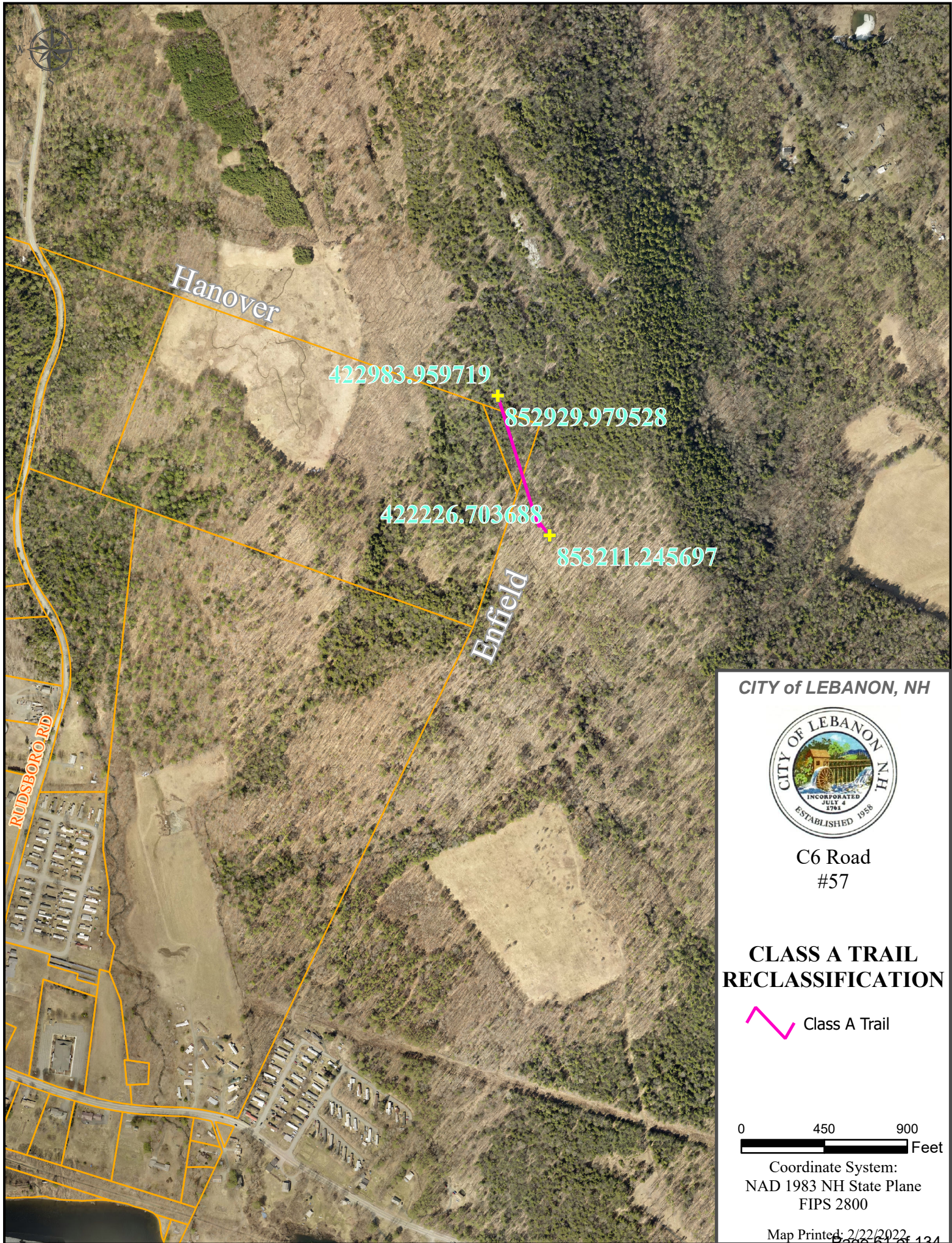
Step 7 – Class VI Road Committee Recommendation

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

This map is intended for informational purposes only. No attempt has been made to edit or verify the accuracy of this information. All information and data should be field checked for accuracy before reliance thereon. The City of Lebanon furnishes this compilation "as is" and assumes no responsibility for its accuracy.

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

DRAFT

March 7, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, March 16, 2022 - 7:00pm**

**Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

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**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 \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) 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).

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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.

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HE-384345

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Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

**8.D – RECLASSIFICATION OF CLASS VI ROAD #3 (FARR ROAD EXTENSION)
TO A CLASS A MUNICIPAL TRAIL**

A public hearing for the purpose of receiving public input and taking action to reclassify Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail, as recommended by the Class VI Roads Advisory Committee.

The City Council scheduled this public hearing at their March 2, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on March 5, 2022, and abutting property owners were notified of the hearing via certified notices mailed on March 3, 2022.

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 conducted the initial assessment of Road #3 in 2014 and re-reviewed it in 2021. They 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:

Mr. Heistad MOVED that the Class VI Roads Advisory Committee recommend that the Lebanon City Council reclassify Farr Road Extension, a class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(1), extending from the maintained Class V section of Farr Road, extending to the intersection with Sunset Road. The Committee further recommends that Farr Road Extension be subject to the following public trail use restrictions: Permitted means of travel shall be limited to feet, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access of their land as set forth in RSA 231-A:1(1). The Public Works Director shall cause to be placed legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.

ACTION

Should the Council decide to reclassify Class VI Road #57 as a Class A Municipal Trail, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby reclassifies Class VI Road #3 (Farr Road Extension), between points 841148.9-416600.8 and 842184.7-417371.5 as shown on the Class A Trail Reclassification Map depicting Coordinate System NAD 1983 NH State Plane FIPS 2800, printed February 22, 2022, and included in the March 2, 2022, City Council Agenda Packet as a Class A Municipal Trail, subject to use restrictions:

1. ***Permitted means of travel shall be:***
 - a) ***feet, skis, snowshoes, and horses.***
 - b) ***bicycles, ridden appropriately for a multipurpose trail, when the city deems that the conditions of the trail warrant their use; and***
 - c) ***snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate to warrant their use.***

Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions that will encourage erosion or otherwise damage the trail.

2. ***All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access to uses of their land as set forth in RSA 231- A:1(1).***
3. ***The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.***

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

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		

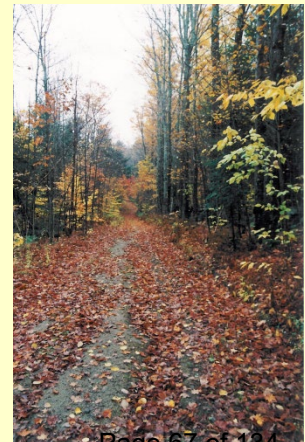
Evidence of Road Mis-Use

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	

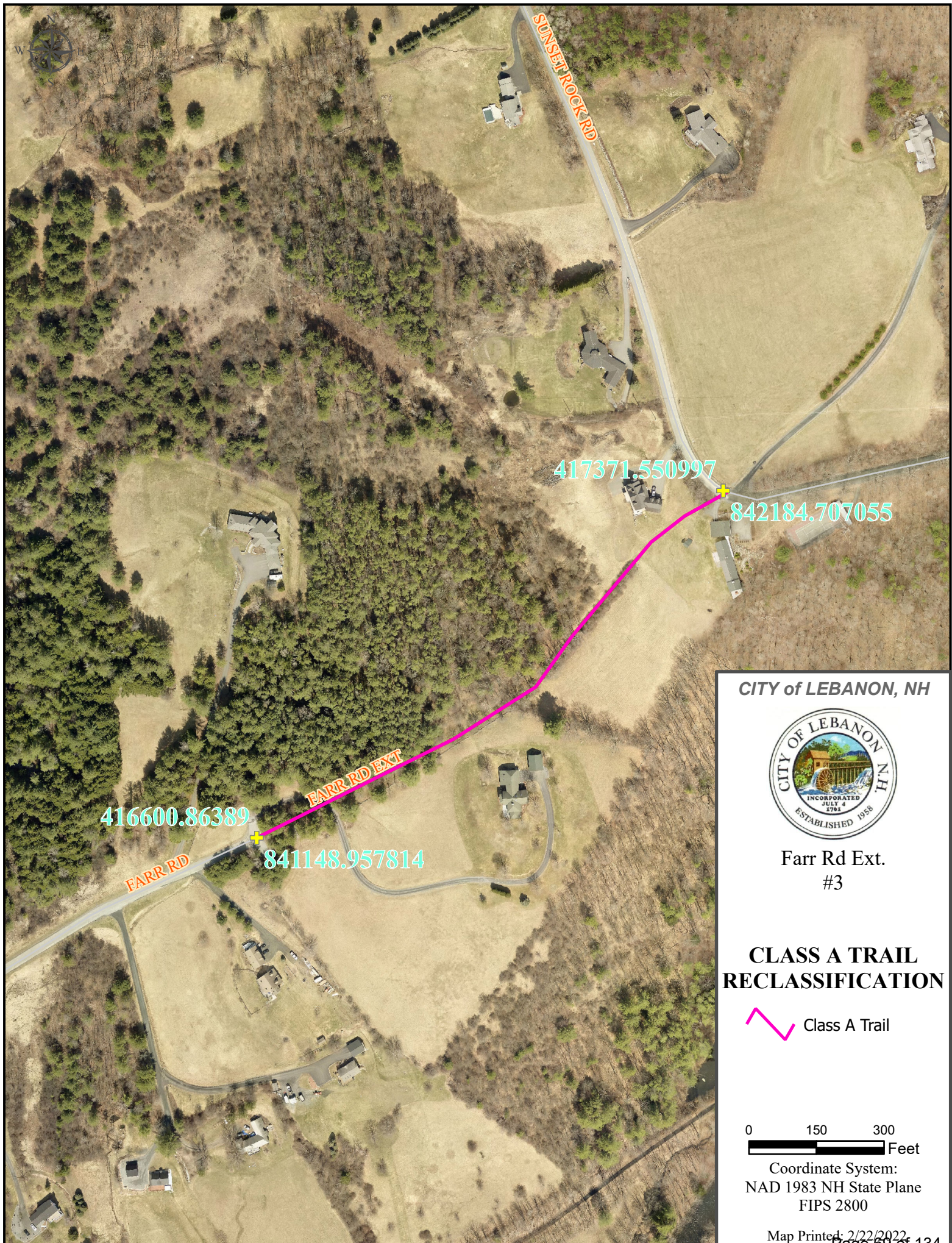
Step 7 – Class VI Road Committee Recommendation

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

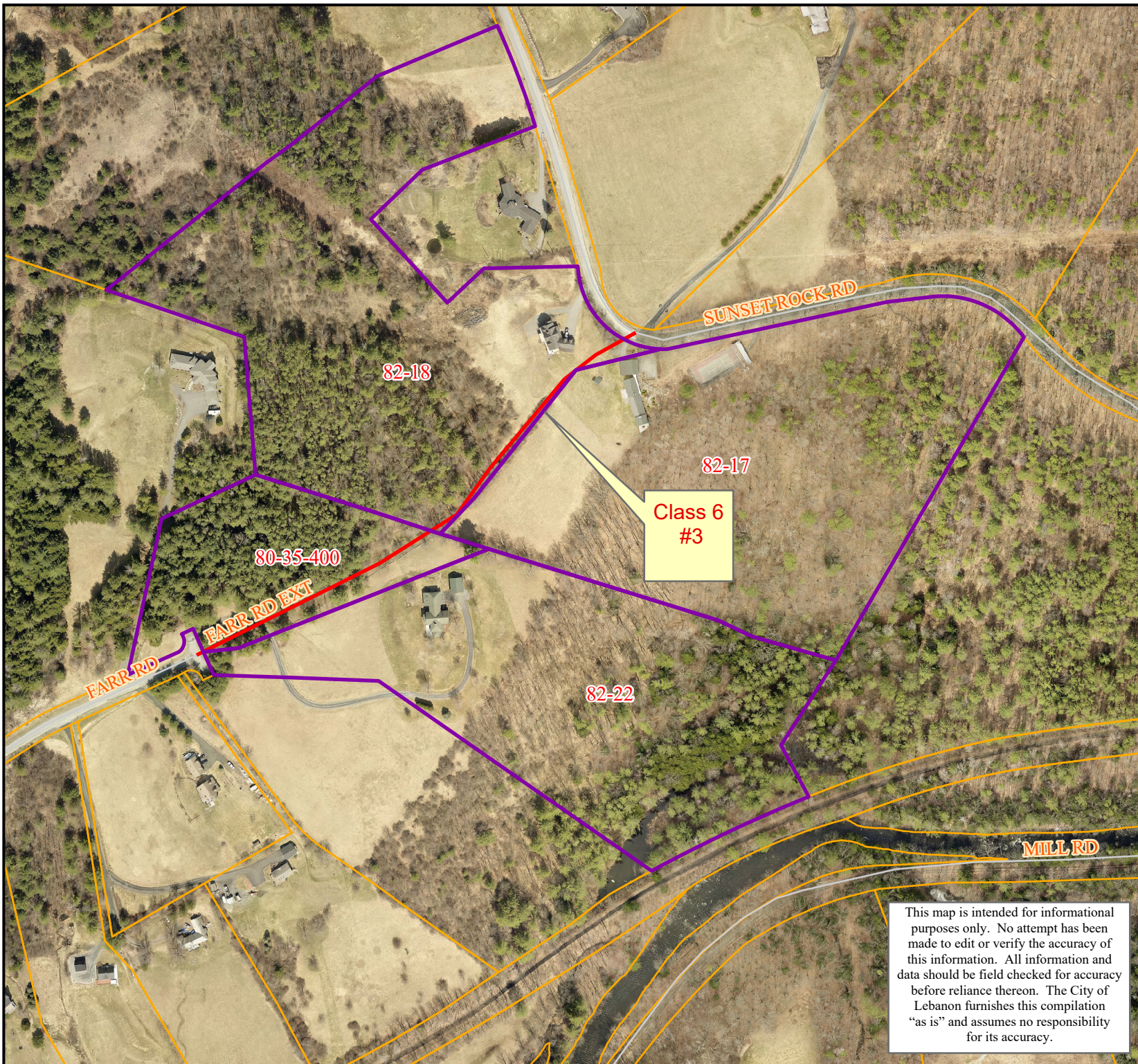
CLASS A TRAIL RECLASSIFICATION

 Class A Trail

0 150 300
Feet

Coordinate System:
NAD 1983 NH State Plane
FIPS 2800

Map Printed: 2/22/2022



CITY of LEBANON, NH



Class 6 Road Abutter Notice Map

Road #3
Farr Rd
Extension

This map is intended for informational purposes only. No attempt has been made to edit or verify the accuracy of this information. All information and data should be field checked for accuracy before reliance thereon. The City of Lebanon furnishes this compilation "as is" and assumes no responsibility for its accuracy.

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

DRAFT

March 7, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, March 16, 2022 - 7:00pm**

**Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

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

**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 \$181,050 (One Hundred Eighty-One Thousand Fifty Dollars) 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).

B. ORDINANCE #2021-16 – A public hearing for the purpose of receiving public input and taking action 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.

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.

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

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

HE-384345

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

Kristin M. Kenniston, City Clerk

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

8. PUBLIC HEARING ITEMS:

8.E – POTENTIAL RESCISSION OF ORDINANCE 2021-09, FACE MASKS

Due to an advertising error and the public hearing not being properly noticed for the March 16, 2022 City Council meeting, the public hearing for Ordinance 2021-09 needs to be rescheduled. With the annual Organizational Meeting taking place on March 23rd, Administration requests the Council reschedule the public hearing to this date.

ACTION

The following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby reschedules the public hearing originally set for March 16, 2022, to Wednesday, March 23, 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.

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

10. NEW BUSINESS:

**10.A – REQUEST FOR EXCEPTION FROM CITY CODE CHAPTER 110,
NOISE FROM SOUND AMPLIFICATION SYSTEMS –
8 PLEASANT STREET, WEST LEBANON**

BACKGROUND

City Code Chapter 110, "Noise from Sound Amplification Systems," allows residents to obtain a permit for sound amplification between the hours of 8am – 8pm Chapter 110-2(B) allows the City of Lebanon upon its motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained.

Charles and Valerie Martin of 8 Pleasant Street, West Lebanon were issued a Sound Permit from the Lebanon Police Department for a function on Saturday, August 6, 2022. The permitted timeframe is 2:00pm – 8:00pm. The Martins are requesting an extension to allow the amplification equipment to be utilized until 10:00pm.

ACTION

Should the Council wish to grant permission, the following motion is offered for consideration:

MOVED, that the Lebanon City Council, in accordance with City Code Chapter 110, Noise from Sound Amplification Systems, §110-2, hereby authorizes Charles and Valerie Martin of 8 Pleasant Street, West Lebanon, to utilize amplification equipment until 10:00pm on Saturday, August 6, 2022, provided that the area neighbors are notified in advance.

Included in this Section:

1. Lebanon Police Department Approved Sound Permit
2. City Code Chapter 110. Noise from Sound Amplification Systems



LEBANON POLICE DEPARTMENT

36 Poverty Lane
Lebanon, New Hampshire 03766
603/448-8800



APPLICATION FOR SOUND PERMIT Code of the City of Lebanon, Chapter 110

The following must be completed and submitted to the Lebanon Police Department at least two weeks prior to the date the permit will be used if approval needed by City Council.

Date of Application: 1/30/22

Applicant's Name: Charles + Valerie Martin Phone #: (603) 298-5178 (Home) (603) 790-0769 (cell)

Applicant's Address: 8 Pleasant St. West Lebanon, NH 03784

Business Requesting Permit: N/A

Address of Business: N/A

Type of Sound Equipment: Portable PA system Number of Units: 2

Proposed Date(s) of Operation: 8/6/22 to 8/6/22 **Hours of Operation: 2pm to 10pm

Location of Permit Use: 8 Pleasant St. West Lebanon, NH, 03784

Purpose: Music/Karaoke for our End of Summer BBQ

If a Sound Truck is Being Used:

Registration #: N/A Year/Make/Type of Vehicle: N/A

Name & Address of Vehicle Operator & Sound Amplifying Equipment Operator:

N/A

Proposed Route of Truck: N/A

Approximate maximum distance the sound will be audible from the point of orientation (the vehicle):

N/A

****According to City Code, Chapter 110, unless approved by City Council, hours of operation limited to 8:00 am to 8:00 pm Monday-Saturday and 1:00 pm to 5:00 pm Sunday.**

CITY COUNCIL APPROVED: _____ (date)

REVIEWED and APPROVED / DENIED by the Chief of Police or his designee: PK (initials)

If Approved, a P.A. Permit will be issued.

Approved

2/16/2022

Chapter 110

NOISE FROM SOUND AMPLIFICATION SYSTEMS

GENERAL REFERENCES

Noise by vendors — See Ch. 179.

§ 110-1. Declaration of policy.

A. It is hereby declared that:

- (1) The use or operation of public address systems, loud speakers and other similar amplifying systems for the reproduction and amplification of the human voice, music and other sounds is a condition which has existed for some time and the extent and volume of such use is increasing; and that
- (2) The continued uncontrolled use and operation of public address systems, loud speakers and other similar amplification systems on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place, or from any stand, platform or other structure or anywhere on or in the public streets, parks or places is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the City of Lebanon, and that
- (3) The continued uncontrolled use or operation of such public address systems, loud speakers and other similar amplifying systems diverts the attention of pedestrians and vehicle operators in the public streets, highways, parks and places, thus increasing traffic hazards and causing injury to life and limb; therefore

B. It is hereby declared as a matter of legislative determination and necessity in the public interest that the rules, regulations and provisions hereinafter contained be and are hereby enacted for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the City of Lebanon and its inhabitants.

§ 110-2. Application of rules and regulations.

- A. The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. The City of Lebanon upon its own motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained. The sections of these rules and regulations, and the parts thereof, are

separable. If any portion of these rules and regulations, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

§ 110-3. Definitions.

Wherever used in this article, the following terms shall mean and include;

PERSON — Includes the singular and plural and also any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

SOUND-AMPLIFYING EQUIPMENT — Any public address systems, loud speakers, radios, phonograph machine, device or apparatus for the amplification and reproduction of the human voice, music or other sounds.

SOUND TRUCK — Any vehicle having mounted thereon or attached thereto any sound-amplifying equipment or apparatus.

§ 110-4. Permit required; profane speech and music prohibited.

- A. It shall be unlawful for any person to use or operate or cause to use or operate any sound-amplifying equipment for commercial or noncommercial purposes on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place or from any stand, platform or other structure or anywhere on or in the public streets, highways, parks or places within the corporate limits of the City of Lebanon unless he/she shall first obtain a permit from the City of Lebanon in the manner hereinafter prescribed and in accordance with the provisions of this article.
- B. The use of profane, lewd, indecent or slanderous human speech and music reproduced or amplified by means of sound-amplifying equipment is expressly prohibited.

§ 110-5. Application for permit.

- A. Each applicant for a permit shall file a written application on an application form provided for this purpose with the Chief of Police at least three days prior to the date upon which such sound amplifying equipment or apparatus is to be used or operated.
- B. The application shall provide the following information:
 - (1) Name and address of applicant.
 - (2) Address of place of business.
 - (3) Date or dates of proposed use and operation of the sound-amplifying equipment.

- (4) The proposed hours of use and operation of the sound-amplifying equipment.
- (5) The purpose for which the sound-amplifying equipment will be used and operated.
- (6) If a sound truck, the registration, motor number and make of the vehicle.
- (7) Name and address of the vehicle operator and sound-amplifying equipment operator.
- (8) The proposed route of the sound truck.
- (9) The approximate maximum distance the sound will be audible from the point of origination.

§ 110-6. Terms for issuance of permits.

- A. The issuing authority shall be the Chief of Police, and a permit shall not be denied for any specific time, location or use to any applicant who complies with the provisions of this article, except as hereinafter excepted:
 - (1) Improper and incorrect application.
 - (2) Overlapping in the granting of permits for the same purpose or for more than one purpose within a maximum of 100 yards of each.
 - (3) In any location within 100 yards of a school, courthouse, church, hospital or similar institution.
 - (4) In any location between the hours of 8:00 p.m. and 8:00 a.m.
 - (5) In or on any vehicle standing or in motion between the hours of 8:00 p.m. and 8:00 a.m.
 - (6) In any location where the volume of sound emitted from the sound-amplifying equipment will be audible for a distance in excess of 100 yards from the place or places where such sound-amplifying equipment or apparatus will be located.
 - (7) In any location where, upon investigations by the issuing authority, it shall be determined that the conditions of vehicular and/or pedestrian traffic are such that the use of sound-amplifying equipment or apparatus will constitute a threat to the safety of pedestrians or vehicle operators.
- B. The Chief of Police may issue permits for single occurrences, or on a quarterly, semiannual or annual basis. Permits issued quarterly, semiannually or annually shall be renewed on or before the anniversary date of the permit to allow continued use of the sound-amplifying equipment.

§ 110-7. Sundays and legal holidays.

Except between the hours of 1:00 p.m. and 5:00 p.m., on Sundays and legal holidays, and only by special permission of the City Council for good cause shown, permission to use and operate sound-amplifying equipment shall not be granted. This is so ordered to ensure against interference with religious services or civic observances and the general tranquillity of the community.

§ 110-8. Possession and display of permit.

The permit shall be kept at all times where it can be readily obtained and promptly shown to any police officer of the City of Lebanon upon request.

§ 110-9. Exceptions.

The provisions of this article shall not apply to the use of sound-amplifying equipment and apparatus in the following uses:

- A. Any church or synagogue on or within its own premises in connection with its religious rites or ceremonies.
- B. Authorized band concerts, street dances, street fairs and special events.
- C. Athletic contests when held within the confines of a stadium, athletic field or municipal park or playground.
- D. Use by the several departments of the municipal government in the proper exercise of their individual functions.
- E. Use in a nonresidential zoning district when specifically approved by the City Council after a duly noticed public hearing and found not to have any negative impacts and with any condition the City Council may choose to place on it. **[Added 8-7-1996]**

§ 110-10. Permit fees.

No permit fees shall be imposed upon any applicant for permit under the terms of this article.

§ 110-11. Penalties for offenses.

Any person who shall violate any provision of this article, upon conviction thereof, shall be punished as provided in Chapter 1, General Provisions.

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

10. NEW BUSINESS:

**10.A – REQUEST FOR EXCEPTION FROM CITY CODE CHAPTER 110,
NOISE FROM SOUND AMPLIFICATION SYSTEMS –
LEBANON OPERA HOUSE, NEXUS MUSIC & ARTS FESTIVAL**

BACKGROUND

City Code Chapter 110, “Noise from Sound Amplification Systems,” allows residents to obtain a permit for sound amplification between the hours of 8am – 8pm, Monday through Saturday and 1pm – 5pm Sundays. Chapter 110-2(B) allows the City of Lebanon upon its motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained.

The Lebanon Opera House (LOH) is hosting the Nexus Music and Arts Festival Friday, August 12 through Sunday, August 14, 2022. They have been issued a Sound Permit from the Lebanon Police Department for the permitted timeframes (12pm – 8pm Friday and Saturday; and 1pm – 5pm on Sunday). LOH is requesting an extension to allow the amplification equipment to be utilized until 10pm on Friday, 10pm on Saturday, and from 12pm to 10pm on Sunday.

ACTION

Should the Council wish to grant permission, the following motion is offered for consideration:

MOVED, that the Lebanon City Council, in accordance with City Code Chapter 110, Noise from Sound Amplification Systems, §110-2, hereby authorizes the Lebanon Opera House to utilize amplification equipment until 10:00pm on Friday, August 12; until 10:00pm on Saturday, August 13; and between the hours of 12:00pm and 10:00pm on Sunday, August 14, 2022.

Included in this Section:

1. Lebanon Police Department Approved Sound Permit
2. City Code Chapter 110. Noise from Sound Amplification Systems



CITY OF LEBANON NH—POLICE DEPARTMENT

APPLICATION FOR SOUND PERMIT

(IN ACCORDANCE WITH CITY CODE §110)

Please submit to the Lebanon Police Department at least two weeks prior to the event.

Applicant Name: Joel Giguere

Business/Organization: Lebanon Opera House

Street Address 51 N. Park Street

City Lebanon

State NH Zip 03766

Phone: 603-448-0400 x127

Email: jgiguere@lebanonoperahouse.org

EVENT INFORMATION

Event Date: 8/12 - 8/14, 2022 *Start Time: 12:00pm End Time: 10:00pm

** Hours are limited to Monday-Saturday, 8am—8pm and Sunday 1pm—5pm, unless approval by City Council.*

Location of Event: Coburn Park/ City Hall Parking Lot/Pedestrian Mall/Tunnel

Event Purpose: Nexus Music and Arts Festival 2022

Type of Sound Equipment: Stage/Band

Number of Units: 3

SOUND TRUCK INFORMATION (if applicable)

Vehicle Registration #:

Year/Make/Type of Vehicle:

Name & Address of Vehicle Operator & Sound Amplifying Equipment Operator:

Proposed Route of Truck:

Approximate Distance the sound will be audible from the vehicle:

Agreement and Signature*Applicant agrees by their signature below that they have read and agree to the terms and conditions of the City Code Chapter 110—Application for Sound Permit.*Signature: Joel Giguere

Date:

8/12 - 8/14, 2022 12/12/2021**FOR OFFICE USE ONLY**

Date Received: 12/14/2021

PERMIT #

CM-2022-005

APPROVALPolice Chief Approval: Phillip Roberts

Date: 2/1/2022

City Council Approval (if needed):

Date:

Chapter 110

NOISE FROM SOUND AMPLIFICATION SYSTEMS

GENERAL REFERENCES

Noise by vendors — See Ch. 179.

§ 110-1. Declaration of policy.

A. It is hereby declared that:

- (1) The use or operation of public address systems, loud speakers and other similar amplifying systems for the reproduction and amplification of the human voice, music and other sounds is a condition which has existed for some time and the extent and volume of such use is increasing; and that
- (2) The continued uncontrolled use and operation of public address systems, loud speakers and other similar amplification systems on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place, or from any stand, platform or other structure or anywhere on or in the public streets, parks or places is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the City of Lebanon, and that
- (3) The continued uncontrolled use or operation of such public address systems, loud speakers and other similar amplifying systems diverts the attention of pedestrians and vehicle operators in the public streets, highways, parks and places, thus increasing traffic hazards and causing injury to life and limb; therefore

B. It is hereby declared as a matter of legislative determination and necessity in the public interest that the rules, regulations and provisions hereinafter contained be and are hereby enacted for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the City of Lebanon and its inhabitants.

§ 110-2. Application of rules and regulations.

- A. The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. The City of Lebanon upon its own motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained. The sections of these rules and regulations, and the parts thereof, are

separable. If any portion of these rules and regulations, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

§ 110-3. Definitions.

Wherever used in this article, the following terms shall mean and include;

PERSON — Includes the singular and plural and also any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

SOUND-AMPLIFYING EQUIPMENT — Any public address systems, loud speakers, radios, phonograph machine, device or apparatus for the amplification and reproduction of the human voice, music or other sounds.

SOUND TRUCK — Any vehicle having mounted thereon or attached thereto any sound-amplifying equipment or apparatus.

§ 110-4. Permit required; profane speech and music prohibited.

- A. It shall be unlawful for any person to use or operate or cause to use or operate any sound-amplifying equipment for commercial or noncommercial purposes on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place or from any stand, platform or other structure or anywhere on or in the public streets, highways, parks or places within the corporate limits of the City of Lebanon unless he/she shall first obtain a permit from the City of Lebanon in the manner hereinafter prescribed and in accordance with the provisions of this article.
- B. The use of profane, lewd, indecent or slanderous human speech and music reproduced or amplified by means of sound-amplifying equipment is expressly prohibited.

§ 110-5. Application for permit.

- A. Each applicant for a permit shall file a written application on an application form provided for this purpose with the Chief of Police at least three days prior to the date upon which such sound amplifying equipment or apparatus is to be used or operated.
- B. The application shall provide the following information:
 - (1) Name and address of applicant.
 - (2) Address of place of business.
 - (3) Date or dates of proposed use and operation of the sound-amplifying equipment.

- (4) The proposed hours of use and operation of the sound-amplifying equipment.
- (5) The purpose for which the sound-amplifying equipment will be used and operated.
- (6) If a sound truck, the registration, motor number and make of the vehicle.
- (7) Name and address of the vehicle operator and sound-amplifying equipment operator.
- (8) The proposed route of the sound truck.
- (9) The approximate maximum distance the sound will be audible from the point of origination.

§ 110-6. Terms for issuance of permits.

- A. The issuing authority shall be the Chief of Police, and a permit shall not be denied for any specific time, location or use to any applicant who complies with the provisions of this article, except as hereinafter excepted:
 - (1) Improper and incorrect application.
 - (2) Overlapping in the granting of permits for the same purpose or for more than one purpose within a maximum of 100 yards of each.
 - (3) In any location within 100 yards of a school, courthouse, church, hospital or similar institution.
 - (4) In any location between the hours of 8:00 p.m. and 8:00 a.m.
 - (5) In or on any vehicle standing or in motion between the hours of 8:00 p.m. and 8:00 a.m.
 - (6) In any location where the volume of sound emitted from the sound-amplifying equipment will be audible for a distance in excess of 100 yards from the place or places where such sound-amplifying equipment or apparatus will be located.
 - (7) In any location where, upon investigations by the issuing authority, it shall be determined that the conditions of vehicular and/or pedestrian traffic are such that the use of sound-amplifying equipment or apparatus will constitute a threat to the safety of pedestrians or vehicle operators.
- B. The Chief of Police may issue permits for single occurrences, or on a quarterly, semiannual or annual basis. Permits issued quarterly, semiannually or annually shall be renewed on or before the anniversary date of the permit to allow continued use of the sound-amplifying equipment.

§ 110-7. Sundays and legal holidays.

Except between the hours of 1:00 p.m. and 5:00 p.m., on Sundays and legal holidays, and only by special permission of the City Council for good cause shown, permission to use and operate sound-amplifying equipment shall not be granted. This is so ordered to ensure against interference with religious services or civic observances and the general tranquillity of the community.

§ 110-8. Possession and display of permit.

The permit shall be kept at all times where it can be readily obtained and promptly shown to any police officer of the City of Lebanon upon request.

§ 110-9. Exceptions.

The provisions of this article shall not apply to the use of sound-amplifying equipment and apparatus in the following uses:

- A. Any church or synagogue on or within its own premises in connection with its religious rites or ceremonies.
- B. Authorized band concerts, street dances, street fairs and special events.
- C. Athletic contests when held within the confines of a stadium, athletic field or municipal park or playground.
- D. Use by the several departments of the municipal government in the proper exercise of their individual functions.
- E. Use in a nonresidential zoning district when specifically approved by the City Council after a duly noticed public hearing and found not to have any negative impacts and with any condition the City Council may choose to place on it. **[Added 8-7-1996]**

§ 110-10. Permit fees.

No permit fees shall be imposed upon any applicant for permit under the terms of this article.

§ 110-11. Penalties for offenses.

Any person who shall violate any provision of this article, upon conviction thereof, shall be punished as provided in Chapter 1, General Provisions.

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

10. NEW BUSINESS:

10.C – NHMA POLICY POSITION – CHILDCARE & EARLY EDUCATION

BACKGROUND

Discussions regarding NHMA's 2022-2023 Legislative Policy Process submission deadline is April 15, 2022.

City Manager Mulholland is policy position supportive of childcare and early childhood development. He is asking the Council to submit the proposal on behalf of the City.

NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance; and Infrastructure, Development and Land Use – will review all policy proposals in order to make recommendations which will go to the NHMA Legislative Policy Conference in the fall. NHMA conducts this process every two years to establish the policy positions that the organization will advocate for on behalf of NH municipalities.

ACTION

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

Should the Council decide to support the recommendation of City Manager Mulholland, the following motion is offered for consideration:

MOVED, that the Lebanon City Council supports the recommendation of City Manager Mulholland for submission of a policy position regarding legislation supportive of childcare and early childhood development as provided in the March 16, 2022, City Council Agenda Packet and directs the City Manager to submit a Policy Proposal Form to the NHMA for consideration at the Fall Policy Conference.

Should the Council decide to submit other proposed Policies, a motion should be made and voted upon. If approved, administration will complete and submit required forms to NHMA.

Included in this Section:

1. NHMA Policy Positions Relating to Childcare and Early Childhood Development
2. 2022-2023 Policy Proposal Form
3. 2021-2022 NHMA Legislative Policy Positions
4. NHMA Guide to Legislative Advocacy for Local Officials



New Hampshire Municipal Association

2023-2024 Legislative Policy Process

Explanation of Proposed Policy

Submitted by (Name): Shaun Mulholland Date: March 17, 2022

Title of Person Submitting Policy: City Manager

City or Town: Lebanon

Phone: 603-448-4220

To see if NHMA will SUPPORT/OPPOSE:

Legislation that is supportive of childcare and early childhood development.

Municipal interest to be accomplished by proposal:

Municipalities and their elected leaders play a critical role in education and childcare. While local officials rarely control their local education agencies, local officials have a huge stake in educational outcomes and the impact those outcomes have on the local economy, workforce, and civic strength. In addition, local officials have significant influence and can mobilize important resources to the benefit of local education systems.

Explanation:

1. Early childhood educators that have the training, skills, and ongoing professional development to provide high-quality teacher/child interactions and are appropriately compensated according to their education and experience. 2. Incentivize states to adopt payment and eligibility practices that better meet the needs of families and childcare providers such as paying based on enrollment rather than attendance, setting payment rates based on the true cost of care rather than a market rate survey, utilizing contracts to build the supply of care. 3. Create a local early childhood innovation fund to encourage local governments and their partners to find new ways to support the expansion and quality of childcare and preschool in communities through early childhood workforce preparation programs, facilities enhancements, and strategic partnerships between early childhood programs and municipal agencies that serve families, so that families have access to nutrition and health services, housing, transportation, and employment services. 4. Provide tax incentives to businesses to provide childcare facilities at worksites and to subsidize the childcare costs of their employees. 5. Encourage public-private partnerships through matching funds and financial incentives. 6. Educate employers on the economic benefits of providing childcare. 7. Provide support and regulations to ensure childcare providers are paid a living wage.

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



New Hampshire Municipal Association 2023-2024 Legislative Policy Process

Explanation of Proposed Policy

Submitted by (Name): _____ Date: _____

Title of Person Submitting Policy: _____

City or Town: _____ Phone: _____

To see if NHMA will SUPPORT/OPPOSE:

Municipal interest to be accomplished by proposal:

Explanation:

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



2021–2022 LEGISLATIVE POLICY POSITIONS



About the New Hampshire Municipal Association

The New Hampshire Municipal Association (NHMA) is a nonprofit, nonpartisan membership organization of municipalities. NHMA provides advocacy support for municipal governments following the Legislative Policies and Legislative Principles adopted by the membership. The association also provides legal services for municipal members and educational and training programs for local officials and employees. Advocacy activities are funded by membership dues and governed by a board of directors comprising elected and appointed municipal officials from throughout New Hampshire.

As part of the legislative advocacy program, NHMA staff represents municipal interests before the New Hampshire General Court and state agencies and lobbies for passage of both state and federal legislation. NHMA also tracks state and federal administrative regulations. The weekly Legislative Bulletin is published every Friday during the legislative session to keep local officials up to date on legislative hearings, the status of bills, and other events.

Staff Contact Information

The following NHMA Government Affairs staff members are your contacts for legislation during the biennium:

Margaret M.L. Byrnes, Executive Director **Cordell A. Johnston, Government Affairs Counsel**
Natch Greyes, Municipal Services Counsel **Becky Benvenuti, Government Finance Advisor**

Telephone: 603-224-7447 • Email: governmentaffairs@nhmunicipal.org

To accept dues from member municipalities and maintain its nonprofit status, NHMA must remain a nonpartisan organization. As employees of a nonpartisan organization, NHMA staff members are prohibited from attending fundraisers for political candidates or contributing to other partisan causes. The staff scrupulously abides by this requirement; we ask for your understanding when we are not able to honor an invitation to attend a political event.

NHMA Board of Directors

Chair

Shaun Mulholland, City Manager, Lebanon

Vice Chair

Jim Maggione, Selectman, North Hampton

Laura Buono, Town Administrator, Hillsborough

Alfred “Butch” Burbank, Town Manager, Lincoln

David Caron, Town Administrator, Derry

Shelagh Connelly, Conservation Commission, Holderness

Phillip D’Avanza, Planning Board, Goffstown

Lisa Drabik, Assistant Town Manager, Londonderry

Jeanie Forrester, Selectman, Meredith

Stephen Fournier, Town Manager, Newmarket

Elizabeth Fox, Asst. City Manager/HR Director, Keene

Meredith Hatfield, Councilor, Concord

Bill Herman, Town Administrator, Auburn

Rick Hiland, Selectman, Albany

Neil Irvine, Town Administrator, New Hampton

Pamela LaFlamme, Community Dev. Director, Berlin

Cheryl Lindner, Chief of Staff, Nashua

Pat Long, Alderman, Manchester

Harold Lynde, Selectman, Pelham

Conner MacIver, Town Administrator, Barrington

Judie Milner, City Manager, Franklin

Donna Nashawaty, Town Manager, Sunapee

David Stack, Town Manager, Bow

Eric Stohl, Selectman, Columbia

David “Swens” Swenson, Selectman, New Durham

NHMA's Member-Driven Legislative Policy Process

NHMA has a member-driven process by which it establishes the legislative policy positions to guide staff advocacy activities over the coming legislative biennium. This booklet contains the legislative policy positions adopted by the NHMA membership for the 2021-2022 biennium. In this section, we describe the process used to establish these legislative policies.

The legislative policy process for the 2021-2022 biennium began, as always, with the solicitation of policy proposals from local officials to create an initial issues list. This started in January 2020 through notices in *Town & City* magazine, the *Legislative Bulletin*, and *NewsLink*, NHMA's electronic newsletter. We also used these avenues to seek volunteers to serve on legislative policy committees.

The NHMA Board chair then appointed the three legislative policy committees: Finance and Revenue; General Administration and Governance; and Infrastructure, Development, and Land Use. Each committee consisted of 12 to 16 elected and appointed local officials from across the state.

The policy committees each held several meetings during the spring and early summer to discuss the policy proposals submitted by others, existing policy positions, and ideas that committee members brought to the table. After thorough review and consideration, the committees

issued their policy recommendations. These recommendations were mailed in July to every NHMA member municipality and posted on the NHMA web site. One "floor policy" submitted by a member town after the committees finished their work was mailed to each member municipality for review, as well.

The NHMA 2021-2022 Legislative Policy Conference was held on October 2, 2020, and conducted in the traditional manner. Each member municipality, regardless of size, had one vote and was asked to appoint a voting delegate to cast its votes at the policy conference. The governing body of each member municipality was urged to give direction to the voting delegate by discussing and taking a position on the recommendations and floor policy in advance. Conference attendees debated and voted on the proposals, culminating in the final policy positions contained on the following pages. The next legislative policy process will begin in January of 2022.

Issues arising during the legislative session that are not covered by these policies, or situations where it is not clear how a policy applies, will be considered by the NHMA Board of Directors. For further explanation of any policy, contact the Government Affairs staff at 603-224-7447 or email governmentaffairs@nhmunicipal.org.

Legislative Policy Committees

GENERAL ADMINISTRATION & GOVERNANCE

Chair

Shaun Mulholland, *City Manager, Lebanon*

Vice Chair

Laura Buono, *Town Administrator, Hillsborough*

Todd Bedard, *Selectman, Auburn*

Joe Ilsley, *Town Manager, Raymond*

Ernest Cartier-Creveling, *Town Administrator, Milton*

Charlene Lovett, *Mayor, Claremont*

Scott Dunn, *Town Administrator, Gilford*

Jan Schmidt, *Alderman, Nashua*

Steve Fournier, *Town Manager, Newmarket*

John Shannon, *Town Administrator, Milford*

Zandra Rice Hawkins, *Councilor, Concord*

Swens Swenson, *Selectman, New Durham*

FINANCE & REVENUE

Chair

Bill Herman, *Town Administrator, Auburn*

Vice Chair

Elizabeth Fox, *Asst. City Manager/HR Director, Keene*

Scott Bugbee, *Selectman, Lee*

Cheryl Lindner, *Chief of Staff, Nashua*

Alicea Bursey, *Chair, Goshen Planning Board*

Jim Michaud, *Chief Assessor, Hudson*

Michael Capone, *Town Administrator, Holderness*

Judie Milner, *City Manager, Franklin*

Dianne Craig, *Selectman, Goshen*

Dennis Shanahan, *Councilor, Dover*

David Cressman, *Town Administrator, Atkinson*

Chris Sterndale, *Town Administrator, Nottingham*

Derek Goodine, *Town Administrator, Allenstown*

Kathy Temchack, *Director of Real Estate*

Terri Jansky, *Assessing Assistant, Sanbornton*

Assessments, Concord

Kim Kleiner, *Administrative Services Director, Nashua*

INFRASTRUCTURE, DEVELOPMENT, & LAND USE

Chair

Neil Irvine, *Selectman, New Hampton*

Vice Chair

Dave Caron, *Town Administrator, Derry*

Ryan Aylesworth, *Town Manager, Enfield*

Ben Frost, *Chair, Planning Board, Warner*

Matthew Bachler, *Director of Planning & Economic Development, Swanzey*

Laura Gandia, *Planner, Londonderry*

Regina Barnes, *Selectman, Hampton*

Juliet Harvey-Bolia, *Planning Assistant, Plymouth*

Clifton Below, *Councilor/Asst. Mayor, Lebanon*

Rick Hiland, *Selectman, Albany*

Bob Edwards, *Selectman, Antrim*

Caroline Kendall, *Town Administrator, Rollinsford*

Jeanie Forrester, *Selectman, Meredith/Town Administrator, Tilton*

Tom McCue, *Chair, Planning Board, Berlin*

Raleigh Ormerod, *Councilor, Keene*

Lindsey Williams, *Councilor, Dover*

Legislative Principles

In addition to the established legislative policy positions adopted by the New Hampshire Municipal Association membership, the following principles have also been adopted to guide staff in setting priorities during any legislative biennium:

1. Identify and oppose mandates that violate Part 1, Article 28-a of the New Hampshire Constitution.
2. Work to maintain existing revenue streams to municipalities, (i.e. revenue sharing, meals and rooms tax, highway, and other state aid). Be especially watchful of proposals to reduce local aid in order to meet other funding commitments.
3. Advocate to maintain and enhance existing local authority.
4. Support legislation that provides greater authority to govern more effectively, efficiently, and flexibly at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.
5. Support bills proposed by individual municipal members, except when they conflict with these principles or NHMA's Legislative Policies. Staff should prioritize time and resources when there are competing demands in order to focus on NHMA's broad agenda first.
6. Encourage exemptions from state taxes rather than local property taxes when legislative intent is to preserve statewide resources.
7. Advocate for municipal representation on state boards, commissions, and study committees that affect municipal government and have non-legislative members.
8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services at the local level.
9. Support municipal efforts toward effective regional and state cooperation and delivery of municipal and state services.
10. Advocate for local options for economic development and vitality in partnership, including public-private partnerships, with regional and state economic development goals to encourage the overall economic health and social well-being of New Hampshire.
11. Encourage clarity and the elimination of ambiguity in statutory language, especially in areas of decision-making authority.

2021–2022 Legislative Policy Positions

General Administration and Governance

Local Authority and Efficiency

NHMA supports maintaining local government authority without infringement by the state, and supports measures that enable municipalities to exercise existing authority more efficiently and with greater discretion.

NHMA supports:

- Legislation granting towns the same authority to adopt ordinances that cities have under RSA 47:17;
- The authority of municipalities to regulate or limit the use of firearms on municipal property, and to regulate the carrying of firearms by municipal employees while on duty;
- Legislation allowing a town, by vote of its legislative body, to authorize appointment of the town clerk or town clerk/tax collector by the governing body, or by the chief executive officer based on a town charter;
- Legislation allowing municipalities to satisfy notice publication requirements through the use of electronic notification rather than newspaper publication, in addition to posting notice in public places.

NHMA opposes legislation that detracts from existing local authority.

Right-to-Know Law

NHMA supports the purposes of the Right-to-Know Law: to ensure the greatest possible public access to the actions, discussions, and records of all public bodies, and to ensure government's accountability to the people. NHMA also supports measures to make the law clearer and make compliance with public access requirements easier and less burdensome for public officials and employees and less costly for taxpayers.

NHMA supports:

- Reasonable requirements to make governmental records available electronically if no additional cost is involved;
- The ability to recover reasonable labor costs for responding to voluminous, excessive, or vexatious record requests;
- Exemptions from disclosure that are easy to administer and that provide appropriate protection for confidential and other sensitive information;
- An expedited and inexpensive process for resolving right-to-know complaints;
- Legislation and funding that provide support for education about the Right-to-Know Law.

Elections

NHMA believes that state and local elections should be fair and open, that voting should be simple and convenient without risking election integrity or security, and that election processes should be efficient without imposing undue burdens on local officials.

NHMA supports:

- Establishment of an independent redistricting commission to draw election districts fairly and without regard to partisan advantage;
- Local autonomy over town and city elections;
- More frequent state review and approval of electronic ballot-counting devices;
- Registration and voting processes that are not unnecessarily complex or burdensome, either to voters or to election officials;
- The use of secure technology such as electronic poll books to make election processes more efficient;

- Greater flexibility in the processing of absentee ballots;
- State assistance for the cost of accommodations for disabled voters in local elections.

Labor and Employment

NHMA recognizes the importance of municipal employees, the need for good working conditions, and the right of employees to organize if they choose. NHMA also believes municipal employers should be free to set reasonable terms and conditions of employment or negotiate the same with their employees or employee representatives, without undue state interference.

NHMA supports existing laws governing public employee labor relations, and **opposes** changes that impose greater burdens or liabilities on employers.

NHMA opposes:

- Legislation creating a mandatory “evergreen clause” for public employee collective bargaining agreements;
- Mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining;
- A right to strike for public employees;
- New mandated employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years;

- Unnecessary limits on municipalities’ discretion in making hiring decisions;
- Restrictions on municipalities’ ability to privatize or use contracted services.

Substance Misuse Prevention & Response

NHMA supports programs to address substance use disorder and response to substance use issues, to include treatment and recovery support programs.

NHMA supports:

- State funding to address substance use disorder for the following efforts:
 - ♦ Prevention
 - ♦ Treatment
 - ♦ Recovery
 - ♦ Enforcement;
- Legislation that supports prevention, treatment, recovery, and enforcement efforts.

NHMA opposes:

- Reductions in state funding for substance use disorder or recovery support programs;
- Legislation that makes it more difficult to address the substance use disorder problem in our communities.

Finance and Revenue

Property Taxes and Related Revenues

NHMA supports legislation that allows municipalities to manage property tax levies in a manner that stabilizes tax rates and ensures equity, fairness, and efficiency in the assessment and collection of property taxes.

NHMA supports:

- The continuing right of municipalities to use any recognized method of appraisal upheld by the New Hampshire judicial system;

- Legislation to ensure that:
 - ♦ property taxes are assessed to the proper owner by requiring that all owner name changes be separately filed at the registry of deeds when such an owner change is not created by a transfer of the property, and
 - ♦ all liens, whether of a private or institutional nature, be filed at the registry of deeds, and that all changes

to the name of a recorded lienholder be similarly filed;

- A legislative commission to study assessment and collection of property taxes and/or municipal utility fees on manufactured housing on land of another and on transient-type properties;
- Legislation ensuring fairness and accuracy in property tax exemptions including ensuring that all household income and assets are taken into account;
- Legislation that prohibits the use of the income approach by a taxpayer in any appeal of assessed value if the taxpayer refuses to provide such information as requested by the municipality;
- A legislative commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects;
- Legislation amending RSA 80:56 to enable municipalities to charge a fee for any financial remittance issued to the municipality that is returned as uncollectible;
- Legislation to lower the abatement interest rate that municipalities pay under RSA 76:17-a from six percent to four percent to align it better with the interest rates on delinquent taxes that were lowered by the legislature in 2019.

NHMA opposes:

- Legislation that directly or indirectly increases property taxes, including but not limited to new or expanded mandatory exemptions or credits, or changes in the process for valuing, assessing, or taxing specific classes of properties;
- Legislation that undermines the basic goals of the current use program or reduces the 10-acre minimum size requirement for qualification for current use beyond those exceptions now allowed by the rules of the Current Use Board;
- Legislation that expands the definition of “charitable” in RSA 72:23-I unless the

state reimburses municipalities for the commensurate loss of property tax base;

- An assessment methodology for big box stores that employs comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

State Aid and Non-Property Tax Revenues

NHMA supports funding of state aid to municipalities, supports legislation authorizing local control over non-property tax revenue streams, and opposes legislation that reduces, suspends, or eliminates existing local taxes, fees, or state aid.

NHMA supports:

- Full restoration of revenue sharing under RSA 31-A;
- A state transportation policy that provides adequate and sustainable funding for state and municipal infrastructure and transportation systems and maintains at least the 12 percent share of state highway funds distributed to municipalities;
- Legislation authorizing the establishment of local option fees and providing for periodic adjustments to statutory fees to compensate for factors including, but not limited to, the effects of inflation, such as an increase in the maximum optional fee for transportation improvements;
- Legislation to ensure the collection of unpaid bills for ambulance and other emergency services;
- Reimbursement from the state for the cost of municipal services provided to state-owned properties;
- Legislation amending motor vehicle registration enforcement laws to ensure collection of all state and local registration fees owed by New Hampshire residents;
- Legislation amending RSA 36-A:5 II to allow trustees of trust funds to invest conservation funds instead of only the town treasurer, if voted by the legislative body;

- Programming that supports reduced cost, cost sharing, or equipment sharing that upgrades or replaces aging or unsafe transportation network(s) for towns.

NHMA opposes:

- Suspension of the statutory catch-up provision of the meals and rooms tax distribution;
- Diversion of state highway funds for non-state transportation network purposes.

New Hampshire Retirement System (NHRS)

NHMA supports the continuing existence of a retirement system for state, municipal, school, and county government employees that is secure, solvent, fiscally healthy, and financially sustainable, and that both employees and employers can rely on to provide retirement benefits for the foreseeable future.

NHMA supports:

- Restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan;
- Inclusion of participation by a municipal official designated by NHMA on any legislative study committee or commission formed to research alternative retirement system benefits plans or designs;
- Performance of an actuarial analysis of any legislation proposing benefits changes or other plan changes that may affect employer contribution rates.

NHMA opposes:

- Legislation expanding benefits that increase current or future employer contribution costs;
- Legislation that assesses additional charges on employers beyond NHRS board-approved rate changes;
- Legislation that expands the eligibility of NHRS membership to positions not currently covered by the plan;
- Legislation further restricting a municipality's ability to employ NHRS retirees in part-time positions or the imposition of any fees or penalties associated with such employment.

Education Funding

NHMA supports a revenue structure for funding an adequate education to meet the state's responsibilities as defined by the constitution, statutes, and the common law with revenue sources that are predictable, stable, and sustainable.

NHMA supports:

- A revenue structure that is not disruptive to the long-term economic health of the state;
- A revenue structure that is efficient in its administration;
- A revenue structure that is fair to citizens with lower to moderate incomes.

NHMA opposes:

- Retroactive changes to the adequate education funding distribution formula after the notice of grant amounts has been provided to local governments.

Infrastructure, Development, and Land Use

Energy, Environment, and Sustainability

NHMA supports preservation and enhancement of municipal energy, climate, and sustainability planning for communities, protection of the natural environment, and implementation of

clean and renewable energy, while recognizing the need for municipalities to manage their resources and the natural environment without undue cost.

NHMA supports:

- Legislation that broadens municipalities' ability to install and use renewable energy

sources, including higher caps or elimination of caps on net energy metering;

- Legislation that provides financial and other assistance to municipalities for conservation techniques and installation and maintenance of renewable energy sources;
- Legislation that allows municipalities to adopt local environmental regulations that are no less stringent than those implemented by the state;
- Legislation that enables municipalities to enact measures that promote local energy and land use systems that are both economically and environmentally sustainable;
- Legislation that protects and preserves local natural resources and public infrastructure, builds community resilience, and fosters adaptation to climate change and mitigates its risks;
- Policies that support customer and community choice in energy supply and use competitive market-based mechanisms to promote innovation, cost effectiveness, and sustainability; and
- Legislation that provides state or federal assistance to municipalities to mitigate environmental inequity impacts faced by their residents, and drive early local engagement in decision processes.

NHMA opposes:

- Legislation that overrides local determinations of appropriate energy sources and regulations.

Water Resources Protection, Control, and Management

NHMA supports measures enabling municipalities to protect, control, and manage efficiently and safely water and its resources, treatment, and movement, with a focus on management and infrastructure. NHMA believes any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA supports:

- Legislation that provides state or federal investment in maintaining and making improvements to the state's critical water infrastructure, including, but not limited to, public drinking water, wastewater, and stormwater systems, and dams;
- Legislation that encourages regional and innovative solutions to drinking water, wastewater, stormwater, and groundwater issues;
- Regulation of emerging contaminants at feasibly achievable levels when supported by relevant scientific and technical standards that are broadly accepted by peer review and cost-benefit analyses, when coupled with appropriate state or federal funding.

NHMA opposes:

- Enactment of stricter drinking water, wastewater, or stormwater regulations for municipalities unless any costs of compliance are funded by the state or federal government.

Solid Waste Management

NHMA recognizes the need for cost-efficient solid waste disposal mechanisms that allow municipalities to protect, control, and manage efficiently and safely solid waste. NHMA believes any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA supports:

- Programs that support municipal, regional, and state efforts to handle solid waste disposal through reduction, reuse, recycling, resource recovery, composting, and other measures, while maintaining local control;
- Comprehensive state programs to deal with existing and emerging contaminants at no additional cost to municipalities.

NHMA opposes:

- Increased tipping fees to pay for solid waste programs unless they are fully reimbursed by the state.

Housing

NHMA recognizes the need for diverse and affordable housing in New Hampshire and the responsibility of each municipality to afford reasonable opportunities for the development of diverse and affordable housing. NHMA believes municipalities should have discretion in how to satisfy this responsibility and supports legislation that enables municipalities to find innovative ways to ensure an adequate supply of housing.

NHMA supports:

- Legislation that allows municipalities to require the inclusion of affordable and diverse housing opportunities as part of new housing developments;
- Financial and other incentives to municipalities to encourage development of diverse and affordable housing;
- Statewide efforts to provide housing for those recovering from substance misuse, subject to reasonable municipal regulation;
- Policies that encourage documentation and financial traceability of cash and bartered rental transactions;
- Legislation and policies that encourage creative and flexible approaches to meeting housing needs of current and future demographics in different regions.

NHMA opposes:

- Legislation and policies that allow for or encourage housing practices that exclude people from and decrease the availability of quality, affordable housing;
- Legislation that erodes local control over land use decisions.

Land Use

NHMA supports the long-standing authority of municipalities to regulate land use matters with minimal interference from the state.

NHMA supports:

- Legislation authorizing municipalities to regulate short-term rentals of residential

properties, including licensing requirements and health and safety protections;

- Legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

NHMA opposes:

- Legislation that limits municipal control in implementing statewide priorities in zoning and land use regulation;
- New state mandates requiring municipalities to allow specific types of housing;
- All other statewide land use mandates.

Information Technology, Communications, and Cybersecurity

NHMA supports initiatives to make the most current information and communication technology accessible to New Hampshire communities, so long as local authority over land use regulation and safety issues is not compromised.

NHMA supports:

- Legislation that increases the ability of municipalities, especially those in rural and remote areas, to facilitate and advance access to reliable broadband technology to the premises in their communities;
- Legislation that provides flexibility for municipalities in accessing poles and pole attachments, including legislation that directs the New Hampshire Public Utilities Commission to adopt the FCC rule on access to poles called “One-Touch-Make-Ready” in order to facilitate bringing high-speed fiber optic cable to service all New Hampshire communities, homes, and businesses by internet service providers (ISPs) in an expedient and cost-effective manner;
- Legislation that provides state and federal investment, including grants, for installation of high-speed fiber optic broadband technology to serve all New Hampshire communities, homes, and businesses;

- Legislation that requires or encourages and incentivizes providers to disclose information to local government relative to access and broadband connections provided in the municipality to help municipalities better understand and address the needs of their community;
- State investment in cybersecurity assistance to municipalities to protect data and infrastructure.

NHMA opposes:

- Legislation that limits municipalities' ability to prevent or regulate deployment of technologies that would impede vehicular or pedestrian passage on roadways or sidewalks;
- Statewide mandates on cybersecurity practices unless any associated costs are funded by the state or federal government.

Transportation

NHMA supports state policies that ensure access to convenient, efficient, reliable, and safe multi-modal transportation in New Hampshire as cost effectively as possible.

NHMA supports:

- Appropriate funding for state and local modes of transportation, including but not limited to roads, culverts, and bridges;
- Continued state and federal investment in public transit projects designed to reduce traffic on New Hampshire's roads.

NHMA opposes:

- Any action or inaction by the New Hampshire Department of Transportation that results in the downshifting of road, bridge, culvert, or drainage maintenance responsibilities from the state to municipalities.

Economic Development, Recovery, and Vitality

NHMA supports allowing municipalities to implement measures to foster economic development which allows for the preservation and creation of jobs and vitality within our communities.

NHMA supports:

- Legislation that allows for local adoption of more options and more flexibility to provide incentives for economic recovery and development;
- Expansion and more flexibility of state tax credit and exemption programs to foster economic recovery, development, and vitality.

NHMA opposes:

- Legislation that makes it more burdensome to implement economic recovery, development, and vitality measures.

New Hampshire Constitution

Part 1, Article 28-a

[Art.] 28-a. [Mandated Programs.] The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision.

November 28, 1984

NEW HAMPSHIRE MUNICIPAL ASSOCIATION

The New Hampshire Municipal Association (NHMA) provides legislative advocacy, a legal advice hotline, and training programs for member municipalities. Originally formed by local officials in 1941 to represent municipal policy concerns before the state legislature, NHMA has more than 75 years of continuous service to the state's municipalities. As the service and action arm of local governments throughout New Hampshire, NHMA staff respond to thousands of legal inquiries from members every year, and track hundreds of bills every legislative session, actively working to advance member-adopted policies.

NHMA also provides significant training and educational opportunities for local officials and employees from member municipalities. We know local government! Learn more at www.nhmunicipal.org.

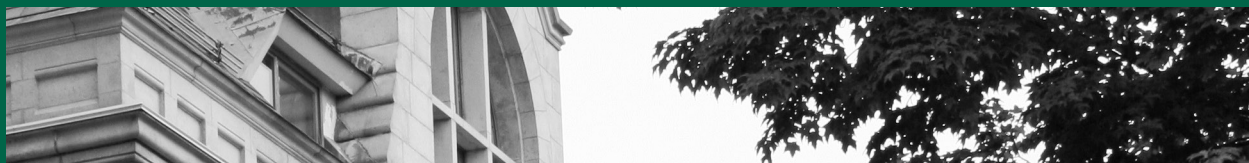
OUR MISSION

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.



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A GUIDE TO LEGISLATIVE ADVOCACY FOR LOCAL OFFICIALS



NEW HAMPSHIRE MUNICIPAL ASSOCIATION



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Introduction

The New Hampshire Municipal Association (NHMA) represents the interests of cities and towns before the New Hampshire General Court and state agencies.

In the process, NHMA regularly calls on local officials to exercise their influence with legislators. This handbook is intended to help local officials understand the legislative process, appreciate the importance of it to their communities and work effectively with NHMA to represent their communities' interests.

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Why It Matters

Newly elected or appointed local officials may be surprised to discover that they need to be familiar not only with their local ordinances and regulations, but with a broad array of state laws, and that they need to keep current on changes in those laws. They also need to use their influence to affect state legislation. Why is this important? Read on.

New Hampshire is not a “home rule” state. Cities and towns in New Hampshire are political subdivisions of the state; as such, they have only the powers granted to them by the state legislature. And what the legislature giveth...

State law necessarily authorizes municipalities to exercise a broad range of powers, such as raising funds through taxation or borrowing, enacting ordinances to regulate specific matters, purchasing and selling property, hiring employees, entering into contracts, and regulating land use through planning and zoning regulations. All of these powers may be exercised only within the limits authorized by state law. Similarly, municipal authority over police and fire departments, roads, solid waste disposal, water and sewer facilities, and many other areas is governed by state law, and thus is ultimately controlled by the legislature.

Consequently, there are many opportunities for legislation to affect municipalities. Some of these are obvious—for example, changes in statutes regarding town meetings and elections, zoning ordinances, or roads. Others are less obvious but may be even more important. For example, a change in the state meals and rooms tax may affect cities and towns, because revenue from that tax is shared with the municipalities. Changes in the state retirement system may affect those municipalities that have elected to have their officers and employees participate in the system.

Legislators may not always recognize the effects of state legislation on municipalities unless they hear about these effects from the local officials who have to deal with them. For this reason, a municipal leader’s responsibilities include representation of the municipality’s interests in the legislative process. This handbook offers information and suggestions on how to fulfill that responsibility.

Glossary

The legislative process has its own lexicon that can leave the newcomer confused. Here is a guide to some terms used frequently in and around the legislature.

Biennium – The duration of one legislative term. Under the state Constitution, the Senate and the House of Representatives each assemble “for organizational purposes” on the first Wednesday of December in even-numbered years, and are dissolved at 12:01 a.m. on the first Wednesday of December two years later. Each chamber assembles for business beginning in January every year. Compare to “session” definition (1).

Calendar – Schedule of upcoming events in the House or Senate, published weekly by each body, including committee meetings and hearings, agenda for legislative sessions, amendments to bills scheduled for session, and other matters. Each chamber’s calendar is available on line: go to www.gencourt.state.nh.us and click on “House of Representatives” or “State Senate,” then “Calendars and Journals.”

Chapter law – See “session law.”

Committee of conference – A committee of members from both the House and the Senate, appointed to resolve differences between two versions of a bill that have passed each chamber.

Concurrent resolution – See “House (or Senate) concurrent resolution.”

Consent calendar – A portion of the agenda for a floor session including items not requiring debate, which is voted on in a single action. Noncontroversial or obviously ill-advised bills are typically placed on the consent calendar for passage or defeat, as appropriate.

Constitutional amendment concurrent resolution (CACR) – A resolution proposing an amendment to the state constitution. If the resolution is approved by a three-fifths majority in both the House and the Senate, it will be placed on the next general election ballot. The amendment will become effective if approved by a two-thirds majority of the voters.

Crossover day – Date by which bills originating in each legislative chamber must be approved and sent to the other chamber.

Division vote – A vote on which the total number of votes cast on each side is recorded (as opposed to a voice vote). No record is made of an individual legislator’s vote with a division vote. Compare to “roll call.”

Enrolled bill – A bill that has been approved in the same form by the House and Senate, has been reviewed by and received any necessary technical corrections by the Office of Legislative Services, and has been signed by members of the House and Senate Enrolled Bills Committees. The House Speaker and Senate President must then sign off on the bill before it is sent to the governor for action.

Executive session – Public meeting of a House or Senate committee to discuss and act on pending bills, at which public testimony is not accepted.

Fiscal note – A note at the end of a bill indicating its projected fiscal impact on the state or on municipalities, counties, etc. A bill number with the letters “FN” at the end (for example, HB 1123-FN) simply means that the bill includes a fiscal note.

Floor action – Debate and vote on a bill by the entire Senate or House meeting in session.

Floor amendment – An amendment to a bill offered by one or more legislators from the floor of the House or Senate while the chamber is meeting in session.

General Court – Formal name of the legislature in New Hampshire.

House (or Senate) concurrent resolution (HCR or SCR) – A resolution of the House/Senate, which crosses to the other chamber for action if approved. Does not go to the governor for signature, and does not have the effect of law.

House (or Senate) joint resolution (HJR or SJR) – A resolution of the House/ Senate, which crosses to the other chamber if approved, and, if approved by the latter chamber, goes to the governor for signature. Upon signature or inaction by the governor, it becomes a session law, but is not codified in the Revised Statutes Annotated.

House (or Senate) resolution (HR or SR) – A formal statement of the will or opinion of the House/ Senate, adopted by majority vote. Does not go to the other chamber upon adoption unless it is a concurrent or joint resolution, and does not have the effect of law. Compare to “House (or Senate) concurrent resolution,” “House (or Senate) joint resolution.”

House bill (HB) – A bill that originates in the House—for example, HB 1416. Bills are usually numbered sequentially in the order of their introduction each term.

Inexpedient to legislate (ITL) – Recommendation in a committee report that a bill should be defeated. If the full Senate or House adopts the report, the bill is killed.

Interim study – Recommendation in the second year of the biennium that a bill be studied further by the House or Senate committee to which it was referred. A bill that is sent to interim study will not emerge during the same biennium, and a new bill must be filed to take further action in a subsequent biennium.

Joint resolution – See “House (or Senate) joint resolution.”

Legislative Office Building (LOB) – Office building in Concord across State Street from the State House, in which most House and Senate committees meet.

Legislative Services – The New Hampshire Office of Legislative Services, located in the State House, which is responsible for drafting all bills and amendments.

Legislative service request (LSR) – A request to draft a bill, submitted to Legislative Services by a senator or representative at the beginning of a session.

Ought to pass (OTP) – Recommendation in a committee report that a bill should pass. If the full House or Senate adopts the report, the bill is sent to the other chamber (or, if it has already passed the other chamber, to the governor for signature).

Ought to pass with amendment (OTP/AM or OTP/A) – An “ought to pass” recommendation subject to an amendment proposed by the committee, or by a member from the floor.

Re-referred bill – A bill that remains in the Senate committee to which it was referred for further work during the first year of the biennium. It must be reported out for a vote by the full Senate in the first few session days of the second year of the biennium. Compare to “retained bill.”

Retained bill – A bill that remains in the House committee to which it was referred for further work during the first year of the biennium. It must be reported out for a vote by the full House in the first few session days of the second year of the biennium. Compare to “re-referred bill.”

Roll call – A vote on which each legislator’s vote is recorded.

RSA – Abbreviation for “Revised Statutes Annotated,” the published code (with annotations to case law) of all New Hampshire statutes. Every statute has an RSA chapter and section number—for example, RSA 294:6 refers to section 6 of chapter 294 of the Revised Statutes Annotated.

Senate bill (SB) – A bill that originates in the Senate—for example, SB 95. Bills are usually numbered sequentially in the order of their introduction.

Session – (1) A calendar year in the General Court—for example, the 2004 Session. Compare to “biennium.” (2) A meeting of the full House or Senate, usually held weekly, as in “The House will meet in session on Thursday, March 4.”

Session law – Refers to each law enacted during a session of the General Court. Each bill that becomes a session law is assigned a chapter number before it is codified in the New Hampshire statutes. The bill’s chapter number is specific to the year it is enacted. For example, Laws of 2004, chapter 199. Also referred to as a “chapter law.”

Table (or “lay on the table”) – To suspend consideration of a bill by the full House or Senate. A bill that has been laid on the table will stay there until there is a subsequent motion to remove it from the table.

28-a – Refers to Part 1, Article 28-a of the New Hampshire Constitution, which prohibits the state from mandating any new, expanded, or modified program or responsibility that necessitates additional municipal expenditures unless the program or responsibility is fully funded by the state. Many bills are killed in the legislature on the ground that they violate Article 28-a.

The Process

The following discussion summarizes how a bill becomes law. This is necessarily very basic, and there are a number of detours that a bill can take along the way. However, every bill that becomes law must, at the very least, go through the same basic process in each chamber: formal introduction, a public committee hearing, an executive session, a committee report and a vote by the full chamber.

Introduction

Every bill begins with a legislative service request—a House or Senate member files a proposed bill with the Office of Legislative Services, which drafts the appropriate language for the bill. Once the bill is drafted, the sponsor (together with any co-sponsors) signs it and files it with the clerk of the House or Senate, as appropriate. After a formal “reading” of the bill, the House Speaker or Senate President will assign the bill to the appropriate committee for a public hearing. (As a practical matter, a bill is unofficially assigned to a committee even before it leaves Legislative Services, but the assignment doesn’t become official until after formal introduction of the bill.)

As of 2019, there are 21 standing committees in the House and 12 in the Senate, as listed below. (The number and names of committees change occasionally.) Information about each committee is available at its Web page: go to www.gencourt.state.nh.us, click on “House of Representatives” or “State Senate,” then “Committees” and locate the committee.

House Committees

Children and Family Law
Commerce and Consumer Affairs
Criminal Justice and Public Safety Education
Election Law
Environment and Agriculture
Executive Departments and Administration Finance
Finance - Division I
Finance - Division II
Finance - Division III
Fish and Game and Marine Resources
Health, Human Services and Elderly Affairs Judiciary
Labor, Industrial Relations and Rehabilitative Services Legislative Administration
Municipal and County Government Public Works and Highways
Resources, Recreation and Development Rules
Science, Technology and Energy
State-Federal Relations and Veterans’ Affairs Transportation
Ways and Means

Senate Committees

Capital Budget

Commerce

Education and Workforce Development

Election Law and Municipal Affairs

Energy and Natural Resources

Executive Departments and Administration

Finance

Health and Human Services

Judiciary

Rules and Enrolled Bills

Transportation

Ways and Means

To have the greatest chance of influencing the passage or defeat of a bill, it is important to become involved as early in the process as possible. If your municipality wants to play a leading role in supporting or opposing a bill, you should try to get involved at or before the first committee hearing.

Committee Hearing

The committee hearing is typically your only opportunity to speak to all members of the committee considering a bill. At the hearing, the bill is introduced to the committee by its sponsor. The committee will then listen to testimony from anyone who is interested, beginning with other legislators, then other state officials, and finally the general public (this includes you). Unless someone has special expertise or an important role in the area affected by the legislation (for example, a representative from a state agency that would administer the law), witnesses are strongly encouraged to limit their testimony to a few minutes. If there are many witnesses, or if the hearing has already lasted a long time, you really should limit your testimony to two or three minutes.

In the House, the committee will rarely take any action at the end of the hearing. Instead, it will simply close the hearing and take up the bill at a later date to be determined. If you have missed the hearing, or if you've testified but think of something you want to add later, you can still write an email or letter to the committee or talk to individual committee members.

Senate committees sometimes act on a bill at the close of the hearing, especially if it seems simple and not controversial. For this reason, it is particularly important to be present at a Senate hearing or to contact committee members before the hearing.

Executive Session

Typically, the bill will go next to an “executive session” of the committee. This is a meeting of the committee that is open to the public, but at which no further testimony is likely to be accepted. It is nevertheless useful to be present when a bill is “executed,” because the committee may ask questions if there are issues it doesn’t understand.

If the bill is fairly straightforward and most committee members are in agreement, the committee may vote then to issue a report recommending passage (“ought to pass”) or defeat (“inexpedient to legislate”) of the bill, and put it on the calendar for action by the full House or Senate. If the bill is complicated or there is substantial disagreement on the committee, a subcommittee may be appointed to study the bill and make a recommendation to the full committee. (This is far more likely to happen in the House than in the Senate.) At any point in this process, the committee may also choose to amend the bill and issue a recommendation of “ought to pass with amendment.”

Subcommittee

If you know that a subcommittee has been appointed, this is a good opportunity to focus your lobbying efforts on the people who will have the most influence on the bill. The subcommittee will schedule one or more meetings—again, open to the public, but usually without any public testimony. Since you’re unlikely to be permitted to testify at the meeting, it is best to call or write to subcommittee members before the meeting—but it is still advisable to attend the subcommittee meetings if possible.

After one or more meetings, the subcommittee will make a recommendation to the full committee, which will then take up the bill in executive session and issue its report.

House/Senate Session

When the committee votes to recommend a bill as ought to pass or inexpedient to legislate, it will be placed on the calendar for the next session of the full House or Senate; these sessions are usually held weekly, most often on Wednesday or Thursday. Even if you were not involved at the committee level, it is certainly not too late to contact your own legislators. Since only a small minority of legislators serves on any single committee, the full House or Senate vote is a critical time for members of your legislative delegation to represent you, especially if they are not on the committee that is making a recommendation on the bill.

At the session, the bill’s title is read, the committee gives its report—along with a minority report, if the committee was divided—and the entire body votes. (In the House, committee reports and minority reports are printed in the calendar and are not read on the floor. In the Senate, the procedure is the opposite—the reports are not printed in the calendar, but are delivered orally on the floor by committee members.) Most often the committee’s recommendation is followed, although this is far from a foregone conclusion, especially if the committee was closely divided.

A committee may vote to place a bill on the consent calendar, for either passage or defeat, if it does not anticipate any debate on the floor. Items on the consent calendar are voted on in a single action. At the request of any member, a bill will be removed from the consent calendar and placed on the regular calendar for debate.

Although the process in the House or Senate session is usually fairly predictable, anything can happen. For example, a member may offer an amendment to the bill from the floor; or there could be a motion to table the bill—no reason needs to be stated—thus taking it off the agenda indefinitely. Further, a vote on a bill can be subject to a motion for reconsideration.

If an “inexpedient to legislate” report is adopted, the bill is dead for this session. (In fact, a bill killed by either chamber in the first year of a biennium cannot be re-introduced the next year in the same chamber without a suspension of the rules, so it is effectively dead until the next biennium.) If an “ought to pass” (or “ought to pass with amendment”) report is adopted, the bill goes to the other chamber, where the process begins again. (However, revenue and spending bills may first be referred to the appropriate chamber’s Finance and/or Ways and Means Committee for further action.)

Crossover

Once a bill “crosses over” from one chamber to the other, it goes through the same process in the second chamber. This means there will be a second hearing before a new committee, so you have a second chance to testify (and if you were interested enough to testify the first time, it is equally important to do so the second time). If the second chamber adopts an “inexpedient to legislate” report, the bill is killed. If the second chamber adopts an “ought to pass” report with no amendments to the bill, it moves to the enrolled bills process (discussed below).

Another alternative is that the second chamber may approve the bill, but in a different form (“ought to pass with amendment”) from that approved by the first chamber. When this happens, the amended bill is referred back to the originating body, which can either concur or “nonconcur” with the amendment.

If the originating body concurs with the amendment, the bill moves to the enrolled bills process. If it nonconcurs, it can either let the bill die or request a committee of conference.

Committee of Conference

If a committee of conference is requested, the Senate President and the House Speaker will appoint members of the committee from their respective chambers. The committee will then meet to try to agree on one of the versions of the bill, or on a compromise. The members of each chamber on the committee vote as a unit. If the two delegations cannot agree on a final version of the bill, it dies. If they do agree, the agreed version of the bill goes back to each chamber for a vote. If both chambers vote to approve the conference committee’s version of the bill, it goes to the enrolled bills process; if either chamber rejects the bill, it dies. Neither chamber can amend the bill after it emerges from

the committee of conference; it can only approve or reject the committee of conference report.

Committees of conference do not accept public testimony. If you are interested in a bill that is in a committee of conference, the best way to influence it is to speak directly to a member of the committee before it meets. A list of committee members will be included in the House calendar (see “Calendar” under Glossary, above), and there will be a link to “Committees of Conference” on the legislature’s website. If you cannot find the information, you can always call NHMA’s Government Affairs staff.

HOW A BILL BECOMES A LAW

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Prepared by New Hampshire Municipal Association

Enrolled Bills

When a bill has finally passed the House and Senate in identical form, it goes to Legislative Services, which makes any necessary technical corrections, such as changes to section numbers, and non-substantive grammatical and punctuation corrections. It is then signed by a member of the Senate Rules and Enrolled Bills Committee or the House Enrolled Bills Subcommittee. It now has the status of an “enrolled bill.” The House Speaker and Senate President then sign off on the bill and it is sent to the governor, who may sign it, veto it, or allow it to become law without taking any action on it.

Bills, Session Laws and Statutes

If a bill makes it all the way through the process to becoming a law, it may have three different designations attached to it along the way. For example, in the 2019 session, HB 700 became Chapter 117, which then was codified in RSA 72:8-d and amended a few other RSA sections. This can be confusing for someone unfamiliar with the process. Here is how it works:

Bill Number

Throughout the time a bill is being considered by the legislature, it will be referred to by a bill number: for example, HB 765 or SB 442. It will continue to be identified in that manner until the governor signs it or allows it to become law without signing it. The numbering of bills begins anew at the start of each biennium.

Chapter Number

Every bill that becomes law is immediately designated as a “chapter” in the laws of that legislative session (that is, the session laws). Thus, every law is given a chapter number, in the order that it becomes law: for example, Laws of 2019, Chapter 117. The numbering of chapters begins anew at the start of each session. Once a law is assigned a chapter number, the bill number becomes unnecessary.

Statute (RSA)

Bill numbers and chapter numbers are used only to track a bill through an annual legislative session. After each session, most (but not all) of the session laws become part of the Revised Statutes Annotated (RSA), the code of all statutes that have been enacted (and not repealed) throughout the state’s history. At this point, the chapter number becomes unnecessary and is of historical interest only. For example, Chapter 117 of the Laws of 2019 became part of an existing statute known as RSA72 for most purposes, there is no longer any reason to refer to the law as “Chapter 117.”

There are, unfortunately, a few laws that inexplicably continue to be commonly referred to by the bill number originally assigned to them, even several years after they were enacted. The most familiar to local officials is SB2, establishing the official ballot form of town meeting, which was enacted in 1995. It makes far more sense to refer to this law as RSA 40:13, which is the statute in which its principal terms were codified—especially since every new biennium will have its own “SB2.”

Following the Process

The *Legislative Bulletin* keeps you up to date on each week's developments, but if you want to follow a bill more closely, you can (in addition to calling NHMA) check out the legislature's Web site, www.gencourt.state.nh.us, which is a wealth of information. In addition to finding information about the House and Senate and about all of the legislators, you can see what's happening with the bill you're interested in. Just go to the home page and type in the bill number under "Find a [current year] Bill" (or use the "Advanced Bill Status Search" link next to that search bar for more advanced features). From there, you can read the bill ("Bill Text") and see where it is in the process ("Docket").

What NHMA Does

The New Hampshire Municipal Association (NHMA) is a non-partisan, non-profit membership organization of municipalities incorporated in 1941 by a group of selectmen and city officials. NHMA has evolved into a service and action arm for local governments, supporting municipalities in their efforts to provide effective and efficient local government services. Currently, all but one of the 234 New Hampshire cities and towns are members of the association.

Through its legislative advocacy program, NHMA represents municipal interests before the New Hampshire legislature and state agencies, and lobbies on state legislation. In the fall before each new biennium, the NHMA Legislative Policy Conference considers and votes on policy positions that have been raised by municipalities. Every member, regardless of size, is entitled to one vote at the conference. Policy positions approved at the conference guide the actions of the NHMA Government Affairs staff in addressing legislation during the ensuing biennium.

The Government Affairs staff works closely with local officials on legislation affecting municipal interests. Municipal officials who are interested in legislative matters are encouraged to contact NHMA staff at 603.224.7447 or (New Hampshire toll free) 800.852.3358.

Every Friday during the legislative session, NHMA publishes the *Legislative Bulletin*, which contains a listing of bills of municipal interest, a brief analysis of key legislative developments during the past week, a legislative calendar listing municipal bills to be heard in the next two or three weeks, a call to action on scheduled hearings when municipal viewpoints need to be heard and, occasionally, updates on federal issues of interest to municipalities.

The *Bulletin* is the primary legislative communication vehicle between NHMA and its members. It is e-mailed to most members, and can also be found on our Web site, www.nhmunicipal.org. The *Bulletin* highlights policy bills as they move through the legislative process. It also serves as a vehicle for requesting action from you. Typically, these requests are either requests for comments regarding a particular bill's impact on your city or town or requests for letters or phone calls in support of or opposition to a particular bill. The information in the *Bulletin* is time-sensitive, as the legislative process can move very quickly.

What You Can Do

Although the NHMA Government Affairs staff works directly with the legislature on bills, our collective influence is the direct result of your city or town's efforts to make your voice heard in the legislature. That's why it is important for every city and town to play an active, consistent and continuing role in NHMA's legislative effort. The following steps can help you either get started in the lobbying process or make sure you are covering all the bases.

1. *Keep well informed.*

Read the *Bulletin* promptly! Information on bills not included in the *Bulletin* can be obtained by calling NHMA at 800.852.3358. The fastest way to obtain copies of bills is through the legislature's Web site, www.gencourt.state.nh.us (type in the bill number on the quick search bar under the "Find a [current year] Bill"; then click on "Bill Text"); or through your own legislator. If that does not work, call NHMA. Request bills by the bill number (HB # for bills originating in the House and SB # for bills originating in the Senate).

2. *Put someone in charge.*

Make sure one staff person is responsible for immediate review of the *Bulletin* and for initiating a timely response. During the busiest periods of the legislative session, a response from your community may be needed in less than a week and occasionally in one or two days, so it is important that someone have the responsibility for coordinating your response.

3. *Contact your legislators.*

Your representatives need to hear from you, or they're forced to make decisions on important local government issues without knowing the effect they will have on the cities or towns they represent. Many representatives want to hear directly from you and not just from NHMA staff. They will tell their committee when they've heard from "back home." If you are not sure who your legislators are, go to www.gencourt.state.nh.us, and click on "House of Representatives." Under "Members," click on "Who's my Legislator."

The importance of contacting a legislator on time cannot be overemphasized. The most eloquent letter or phone call to your legislators does no good if it arrives after a vote. If you have an established position, you should send follow-up letters as requested in the *Bulletin* with little or no delay.

If you are calling your legislator at home, please be sure to call at a convenient time. Some legislators don't mind getting phone calls at 6:30 a.m. or after 9 p.m., but some do. If they do and you choose that time to call, you may have just alienated a valuable ally. If possible, find out in advance—perhaps at a regular meeting with your legislators, see item 10 below—what is the best time to call them.

4. *Write letters and testify at hearings.*

For any given piece of legislation, there is a good chance that your senator or representatives will not be on the committee that hears the bill. Contacting your own legislators is always a good

idea—even if they are not on the committee, you can encourage them to go to the committee hearing and testify on behalf of the municipalities they represent—but if your community has a strong interest in a bill, you will also want to get involved directly at the committee level. As soon as you learn about the bill, you should find out what committee it has been assigned to, when it is going to be heard, and who is on the committee. If you can't find this information in the *Bulletin* or obtain the information from the legislature's website, www.gencourt.state.nh.us (type in the bill number on the quick search bar under the "Find a [current year]"), call NHMA. Then write an email or letter to members of the committee and/or plan to testify at the hearing.

5. *Adopt a resolution.*

Local governing bodies frequently adopt resolutions supporting or opposing legislation and send them to lawmakers. On a particularly important bill, NHMA staff may draft a form of resolution and distribute it to municipalities. If you adopt such a resolution, be sure to customize it—make it a new document, edit it as necessary, and put it on your town or city's letterhead. Don't just fill in the blanks and cross out inapplicable language on the form provided—this makes it appear that no real thought was given to the resolution.

If your council or board has adopted a resolution indicating support for or opposition to a bill, make sure you send a cover letter explaining why you adopted the resolution. A resolution alone is not very effective without the accompanying explanation.

6. *Be able to act quickly.*

Establish a procedure for urgent (one day) action on bills. Occasionally, a new bill is introduced or an important amendment is proposed that requires an immediate response. The *Bulletin*—or, if the matter is particularly urgent, an e-mailed "Legislative Alert"—will request that you take immediate action, or the NHMA staff may call key officials and ask them to call their legislators right away. In some cases you may not have an established position on the bill. You will need a quick and simple method to get that decision made. Usually the mayor or a member of the board makes the call.

7. *Follow through.*

Bills are heard before more than one committee as they go through both chambers. Your letters do not follow bills through the legislative process. More importantly, NHMA's and your municipality's position on a specific piece of legislation may change as the bill is amended as it moves through the legislative process. Consequently, it is vital that you continue to respond quickly to requests for emails or letters, even though you already may have written an email or letter earlier in the process.

8. *If your community has special clout, use it.*

If your legislator is a member of a key committee (for example, Municipal and County Government, Finance, Election Law and Municipal Affairs, etc.) it is especially important that your municipality respond to as many bills listed in the *Bulletin* as possible. If your municipality isn't located in a key committee member's district, you still aren't off the hook; every letter matters.

9. *Keep NHMA staff informed.*

Always send NHMA copies of your letters. It is extremely helpful to the staff to know to whom you write, when you write, and what you say. If you receive a response from a legislator, let us know about that, too. The Government Affairs staff read your letters and incorporate local circumstances into their testimony and their discussions with legislators.

10. *Meet regularly with your legislators.*

Your correspondence with your legislators on issues important to your city or town will be more meaningful if you have established an ongoing, personal relationship with them. While you probably run into your legislators at community events, make it a point to meet formally at least once a year with each of your legislators to review key legislative issues. Some local governing bodies meet with their legislators on a monthly basis. (See Holding Legislative Issues Meetings.)

11. *Take part in NHMA's policy development.*

NHMA positions are adopted by the full membership. If NHMA's policy positions are to continue to be representative of all the cities and towns in New Hampshire, our policies must be made by a large sampling of local officials throughout the state.

Holding Legislative Issues Meetings

In addition to occasional informal discussions with your legislators and communications on specific legislative items, it is also important to have a more formal, coherent process for your community's leaders to exchange views and concerns with your entire legislative delegation. One of the best ways to do this is to hold legislative issues meetings at least annually. This is an opportunity for legislators to inform you about issues before the legislature and hear your views, and for you to raise issues with them. Such meetings can be held anytime during the year, but if you are going to hold only one meeting per year, the best time is early January, as the legislature is beginning its work for the year. If that is not possible, try working forward or backward from there (but not before the November elections).

It is important to invite your municipality's senator and all of its representatives—not just your favorites—and try to schedule a date that will accommodate all of them. Participants from the municipality should include members of the council or governing board and representatives of any other boards or departments that may have legislative issues. NHMA staff are happy to attend (time permitting), but the discussion should be principally between the local officials and the legislators, since they are more interested in hearing from you.

For the meeting to be as productive as possible, it should not just be an open forum. Both the legislators and the local officials should plan specific topics that they want to address and decide in advance who will present them. It is important that the municipal and legislative representatives coordinate their presentations so both groups will get as much as possible from the meeting. It is helpful if each group knows in advance what issues the other is going to address and has at least a basic understanding of those issues; if people are hearing about issues for the first time at the meeting, most of the time will be spent simply learning about the issues, rather than engaging in useful policy discussions.

The format for the meeting will depend on a number of factors, including the number of people involved, their personalities, political and diplomatic considerations, the number and nature of issues, the time of day and planned duration of the meeting. With that in mind, the following is a very general suggestion of a format for the meeting:

1. Opening remarks by mayor/board chair
2. Introduction of all present
3. Presentation of topics/legislation
4. Allow comments/responses after each item
5. Request for commitment by legislators to support/oppose particular legislation

Practical Information About the Legislature

Testifying at the legislature can be a daunting experience if you have no idea what to expect. Here are some practical tips to help you through the process.

How do I get there?

The State House is located on Main Street in downtown Concord, between Capitol and Park Streets. The Legislative Office Building (LOB) is directly behind the State House, across State Street—it's the building with the words "United States Post Office/Court House" inscribed above the entrance, although you will find neither a post office nor a courthouse inside. This is not an effort to deceive the public—this was originally the federal building. If you look for it, you will also find a blue sign identifying it as the LOB.

The following directions will take you directly to the State House, but unless you are traveling to Concord on foot or by taxi, you will need to find a place to park, which may involve a few trips around the block. You may want to read *Where do I park?* (page 24) before starting your trip.

From Points North

I-93 south to Exit 14. Turn right at bottom of ramp, go through one light, turn left onto Main Street at second light (Holiday Inn is on the right). Go one block. State House is on the right.

From Points South

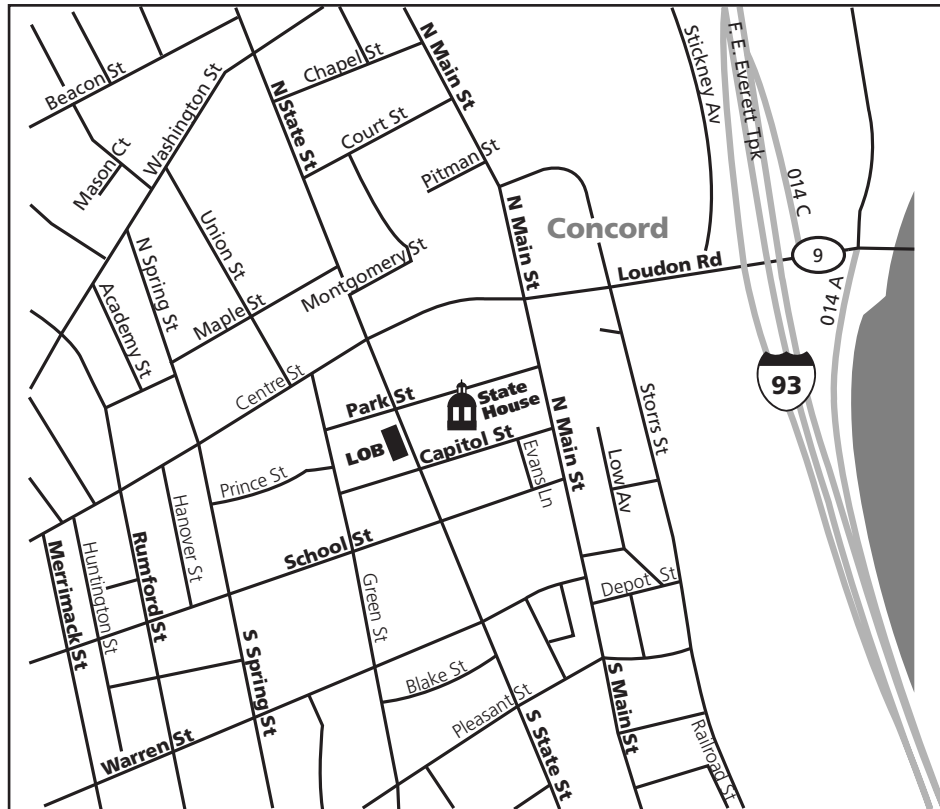
I-93 north to Exit 14. Turn left at end of ramp, go through three lights in quick succession, turn left onto Main Street at fourth light (Holiday Inn is on the right). Go one block. State House is on the right.

From Points East

I-393 west to I-93 south. Follow directions from points north.

From Points West

I-89 south to I-93 north. Follow directions from points south.



Where do I park?

Finding a place to park will probably be the most unpleasant part of your visit to the legislature. The City of Concord has only 766 on-street metered parking spaces as of July 2019. With a legislative body of 400 and fewer than 400 parking spots in the legislative parking garage, parking can be the most challenging part of your visit. Here are some options:

- There is a municipal parking garage on School Street, between Main and State Streets. (After turning left onto Main Street at the Holiday Inn, take the third right onto School Street, go half a block, and turn left into the parking garage.) Spaces are extremely limited. Be careful that you do not park in a reserved space.
- There is a smaller parking garage on State Street, between School and Warren Streets. (Same as above, but continue up School Street one block to State Street and turn left. Go half a block and turn right.) Again, spaces are limited and be careful that you do not park in a reserved space.
- On-street parking is available, but often very hard to find, in the blocks around the State House. All spaces are metered, and the spaces nearest the State House and the LOB are usually reserved for legislators. Spaces on Main Street have a three-hour limit. Most metered spaces off Main Street have a ten-hour limit. The traffic police are extraordinarily vigilant.
- If you don't mind walking some distance, the best bet is to continue straight across Main Street (instead of turning left onto Main at the Holiday Inn), up Centre Street about four to six blocks until you find an unmetered space either on Centre Street or on a side street (try Spring, Rumford, or Merrimack). Note, however, that the City is expanding its metered parking, so you may have to drive some distance to find free parking.

Do **not** park in the garage at the LOB. That is for legislators and staff only.

Also, feel free to check the City of Concord's website (www.concordnh.gov/844/Downtown-Parking) for the most up-to-date information on parking near the State House.

Where is the hearing?

Most hearings are in the Legislative Office Building, although some are in the State House. The building and room number should be listed in the Bulletin. If you don't have the Bulletin or the location is not shown, you can find out by checking the legislature's website, or by calling NHMA's Government Affairs Office. There are also copies of the House and Senate Calendars at the reception desk in the LOB lobby.

Where should I sit?

Every hearing room has a row of tables for committee members, a witness table and chair(s), and two or three rows of chairs for everyone else. Take any seat in one of the rows of chairs. Do not sit at any of the tables, even if there are empty chairs. When it is your turn to testify, move to the witness table—front and center.

Do I have to sign up to testify?

Yes—and that's one reason you should arrive early. (The other is that seating may be limited, and for particularly controversial bills, you may have trouble even getting into the room.)

For hearings in the Senate, there will be a sign-up sheet. Make sure you sign up for the right hearing! A committee will frequently hold hearings on three or four bills consecutively, and there will be a sign-up sheet for each hearing at the witness's table. The bill number is shown at the top of each sheet, so be sure to check the number.

For hearings in the House, you must fill out a pink card—usually available on the witness's table—if you wish to speak. You will need to indicate the bill number and complete the other requested information (including the estimated time you need to speak; again, keep it short—two to three minutes!), then give the card to the committee chairperson or any member of the committee. If you want to record your support for or opposition to the bill, but don't wish to speak, there is a sign-up sheet for that purpose. Again, make sure you sign the right sheet.

May I submit written testimony?

Certainly—in fact, committees prefer it, because reading takes less time than listening. However, written testimony is also easier to ignore, so if you have an important point to make, it is recommended that you speak, if only for a minute. You can submit written testimony to supplement your oral testimony. If you do submit written testimony, make enough copies for everyone on the committee.

If you are going to give both written and oral testimony, you should avoid simply reading your written testimony to the committee. Speaking in a more conversational manner is a better way to capture the committee's attention; and some committee members may remind you that “we can read”—you don't need to do it for them.

What if I get there after the hearing starts?

You can still testify, although it will take a little more effort. At a House hearing, try as discreetly as possible to get a pink card from the witness's table (preferably in between witnesses), fill it out, and hand it to the nearest committee member. At a Senate hearing, the chairperson will already have the sign-up sheet—don't march up and ask for it—but he or she will probably ask at the end of the hearing whether anyone else wishes to testify.

Of course, you can avoid this problem by allowing plenty of time—from the time you get to downtown Concord, figure at least 25 minutes to find a parking space, walk to the LOB, and find the hearing room.

Where are all the legislators?

You may be surprised to discover that not all committee members are present. Don't be discouraged. Especially in the Senate, where every member is on several committees, it is not uncommon for committee members to be absent. This is one reason that it's good to submit written testimony—if legislators aren't there to hear your testimony, at least they can read it. Be sure to leave copies of your testimony for any committee members who are absent.

May I raise my hand to say something while someone else is testifying?

No!

If another witness is asked a question, may I blurt out the answer?

No!

How long will this take?

A hearing may last anywhere from a few minutes to a few hours; the average is about a half-hour to an hour. You can get a pretty good sense based on the number of people in the room. At a Senate committee hearing, witnesses generally will be called to testify in the order they've signed up (after any legislators and other state officials have testified), so if you're in a hurry, try to get there early and be among the first to sign. If you're not in a hurry, there's something to be said for letting a few other people sign up first, so you have an idea what the arguments are on both sides.

At a House committee hearing, since everyone signs a separate card rather than a sign-up sheet, there's no telling what the order of testimony will be (except that, again, legislators and other state officials will go first). If you submit the first card, it may end up at the bottom of the stack and you'll testify last; or the chairperson may turn the stack over and start with you.

Should I be nervous?

Are you kidding? Compared to running a council or board meeting, this is a walk in the park. Almost all legislators are respectful of witnesses, and if you're testifying about an issue that affects your town, you probably know more about the issue than they do.

Contact Information

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Concord, NH 03301

Phone: 603.224.7447

New Hampshire Toll Free: 800.852.3358

E-mail: governmentaffairs@nhmunicipal.org

Web site: www.nhmunicipal.org

New Hampshire General Court

Web site: www.gencourt.state.nh.us

Includes listings of all House and Senate members and committees, with mailing addresses, phone numbers and e-mail addresses. Also includes information about all pending legislation.



NHMA'S MISSION

Through the collective power of cities and towns,
NHMA promotes effective municipal government by
providing education, training, advocacy and legal services.