

FINAL

LEBANON CITY COUNCIL
MINUTES

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

Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill (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.

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

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

7. APPOINTMENTS:

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

Roll Call Vote:

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

None voted Nay.

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

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

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

Roll Call Vote:

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

None voted Nay.

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

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

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

Roll Call Vote:

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

None voted Nay.

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

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

8. PUBLIC HEARING ITEMS: None

9. OLD BUSINESS

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

Included in agenda packet:

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

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

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

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

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

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 and a legal opinion was obtained.

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

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

Councilor Liot Hill arrived at 7:15 PM.

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

“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 ~~are not to~~ will be minimally maintained by the City of Lebanon.

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

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

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

Councilor Wilkie referred to the section (page 39 of agenda packet) that reads: *(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.* To him, it sounds like these will not be maintained instead of minimally maintained. He believed the Cemetery Board of Trustees had decided to minimally maintain them with mowing and trimming.

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

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

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

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)

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

BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

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

ACTION:

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

Roll Call Vote:

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

None voted Nay.

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

**PROPOSAL TO RE-ESTABLISH THE
WEST LEBANON REVITALIZATION ADVISORY COMMITTEE**

PURPOSE:

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

CHARGE:

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

limited to: the December 2021 Action Plan for West Leb, the April 2020 West Lebanon Village Visioning Charrette report, the West Lebanon CBD chapter of the 2012 Master Plan, and others.

2. Assist the Planning & Development Department with reviewing and updating the West Lebanon Central Business District chapter (Ch. 4) of the Master Plan and to monitor and report on progress on implementation efforts into the future.
3. Work with private civic associations to engage business owners and generate citizen interest and commitment to the improvement of West Lebanon Village.

MEMBERSHIP:

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

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

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

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

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

Included in the agenda packet:

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

BACKGROUND

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

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

the recommendation for it to become a Class A Trail.

Abutters: Notified.

ACTION:

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

Seconded by Councilor Heistad.

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).***

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

Included in the agenda packet:

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

BACKGROUND

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

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

Abutters: Notified.

ACTION:

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

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).***

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

Included in the agenda packet:

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

BACKGROUND

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

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

Abutters: Notified.

ACTION:

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

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

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

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

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

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

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

ACTION:

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

Seconded by Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

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

Included in the agenda packet:

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

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

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

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

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

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

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

ACTION:

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

Seconded by Councilor Heistad.

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).***

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

Included in the agenda packet: Ordinance #2021-09, Face Masks (last amended November 3, 2021).

Pages 127-129

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

BACKGROUND

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

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

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

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

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

ACTION:

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

Seconded by Councilor Winny.

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

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).***

11. CITY MANAGER REPORT: None.

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

The Council discussed the use of City funds for this initiative, but concurred with Councilor Liot Hill that 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