

FINAL

LEBANON CITY COUNCIL
MINUTES

Wednesday, March 16, 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 7:20 PM), Douglas Whittlesey, Devin Wilkie, Jim Winny and Karen Zook

MEMBERS ABSENT: George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, City Clerk Kristin Kenniston, GIS Coordinator Mark Goodwin, Public Works Assistant Director Everett Hammond, Public Works Assistant Director Jay Cairelli, Deputy Finance Director Alesia Williams, Solid Waste Manager Marc Morgan, DPW Administrative Services Manager Kelly Crate, Cemetery Sexton Patrick McCarthy, GIS Coordinator Mark Goodwin

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

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

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

4. **OPEN TO PUBLIC:**

- Mr. John Pomeroy (Ward 3) came forth and since he would not be able to attend the March 23rd meeting when the Mask Ordinance would be discussed, he spoke about his reasons for rescinding the Mask Ordinance.

5. **RECOGNITIONS:** None

6. **ACCEPTANCE OF MINUTES:** March 2, 2022 (Regular Meeting)

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

Seconded by Councilor Whittlesey.

**The Vote on the Motion was approved (7-0).* Councilors Liot Hill and Sykes were not present for this vote.

7. **APPOINTMENTS:** Taken out of order

- Economic Development Commission, Chip Brown (Reappointment as a Regular Member): Was not discussed at this time because Councilor Liot-Hill was not present. Taken up by the Council later in the meeting.

- Pedestrian and Bicyclist Advisory Committee, Sean Dittrich (Regular Member)

Assistant Mayor Below put forth the NOMINATION of Sean Dittrich as a Regular Member as a Regular Member to the Pedestrian and Bicyclist Advisory Committee. Three-Year Term: (3/22-3/25)

Seconded by Councilor Whittlesey.

****The Vote on the Motion was approved (7-0).*** Councilors Liot Hill and Sykes were not present for this vote.

Mayor McNamara requested that Items 10A and 10B under New Business be discussed before continuing the regularly scheduled agenda items.

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

Included in the agenda packet:

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

Charles and Valerie Martin came before the Council to review their request.

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 requested an extension to allow the amplification equipment to be utilized until 10:00pm.

ACTION:

Councilor Whittlesey 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.

Seconded by Councilor Winny.

****The Vote on the MOTION was approved (7-0).*** Councilors Liot Hill and Sykes were not present for this vote.

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

Included in the agenda packet:

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

Mr. Joel Segura came before the Council and reviewed The Lebanon Opera House’s request for the Nexus Music and Arts Festival.

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:

Assistant Mayor Below 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. Seconded by Councilor Wilkie.

****The Vote on the MOTION was approved (7-0).*** Councilors Liot Hill and Sykes were not present for this vote.

The Council resumed their regular schedule agenda items as listed below.

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).

Included in the agenda packet:

1. January 25, 2022 Letter to Solid Waste Manager Marc Morgan from Waldron Engineering & Construction re: City of Lebanon Renewable Energy Project (***Page 34, City Council agenda packet***)

City Manager Shaun Mulholland reviewed the appropriation for the Landfill Gas to Energy Project, and noted that with the appropriation of \$1,362,060, approved as part of the 2022 Capital Improvement Program, the 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.

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

Councilor Winny noted that even with this appropriate, the City is still looking at a net positive benefit to the City.

Assistant Mayor Below also noted this will be providing a physical hedge against the rising costs of electricity for the next 20 years. It provide more power than the City uses and we will have some to share with the community.

ACTION:

Councilor Wilkie MOVED:

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.

Seconded by Councilor Heistad.

****The Vote on the Motion was approved (7-0).*** Councilors Liot Hill and Sykes were not present for this vote.

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.

Included in the agenda:

1. Ordinance 2021-16 (Draft with Redlined Text Changes) ***(Pages 39-45, City Council agenda packet)***
2. Ordinance 2021-16 (Clean Draft) ***(Pages 46-51, City Council agenda packet)***
3. February 8, 2022 Excerpt of Minutes of Board of Cemetery Trustees Meeting ***(Pages 52-53, City Council agenda packet)***
4. February 17, 2022 Legal Opinion by Attorney C. Christine Fillmore, re: Ordinance 2021-16 Natural Burials ***(Page 54, City Council agenda packet)***

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.

Councilor Liot Hill arrived at 7:20 PM.

Mr. Antonio Palazzo (Ward 3 and member of the Cemetery Board of Trustees) came forth and explained that the Cemetery Board of Trustees have reviewed and approved the changes. Their only concern was purchasing grave sites in the future because space is limited.

Mayor McNamara opened the Public Hearing.

Mrs. Rainie Kelly (Ward 1): She spoke about her concerns of having family members hand digging graves and made reference to a letter she had sent to the Council regarding this issue. She would like the Council and City staff to reconsider the hand digging of graves.

Ms. Darla Bruno (Ward ?): She concurred with Mrs. Rainie and spoke about her reasons against having people hand digging loved ones graves.

Hearing no comments from the public, the Public Hearing was closed.

Assistant Mayor Below noted that if the City cannot dig a grave, it does not preclude the family from hiring someone else to do that for them. There are a number of companies that can do this.

Mayor McNamara noted this has been a longtime coming and there has been a lot of back and forth discussion. He felt this Ordinance is a very reasonable compromise that addresses a number of issues raised and provides a reasonable starting point for providing natural burials in the City.

Councilor Wilkie questioned how natural burials are being managed by other cemeteries. Lebanon Cemetery Sexton Patrick McCarthy noted that Montpelier, as an example, have not traversed over graves. However, they have only done <10 natural burials in the last two years. Mt. Auburn Cemetery gave a lengthy speech to the Cemetery Association in December and expressed the same concerns that he did, at the last Public Hearing, about the collapse of graves, which is what can happen when equipment is run over them. Montpelier is a little different because the soil is mostly clay, so they have somewhat stable ground, but they don't have the soils that are optimal for the decomposition process and bring in compost material to try and speed that up that process. They also use a smaller graves width of 5 ft., where we

have proposed 6 ft. They also have some structural integrity between their graves that Lebanon does not have in the areas being proposed (for natural burials).

Councilor Liot Hill spoke about the issue of hand digging graves and the use of the City's equipment, noting this can always be revisited in the future if necessary.

Councilor Wilkie questioned if allowing hand digging graves was in other legislation and if this would be an indication of legal issues being brought forth. City Manager Shaun Mulholland noted that if the Cemetery Sexton is supervising what they are doing, he does not see a risk to the City. If someone injures themselves because of negligence, that is on them. If they hire a company to do the digging and do damage to other grave sites, then it would be a liability against them. He did not see much risk to the City.

ACTION:

Councilor Liot Hill 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. (Ordinance 2021-16 (Clean Draft) Pages 46-51, City Council agenda packet)

Seconded by Councilor Heistad.

****The Vote on the Motion was approved (8-0). Councilor Sykes absent.***

The Council took up the following item under Appointments due to Councilor Liot Hill's absence at the beginning of the meeting.

- Economic Development Commission, Chip Brown (Reappointment as a Regular Member)

Councilor Liot Hill put forth the NOMINATION of Chip Brown for Reappointment as a Regular Member to the Economic Development Commission.

Two-Year Term: (3/22-3/24)

Seconded by Councilor Whittlesey.

****The Vote on the NOMINATION was approved (8-0). Councilor Sykes absent.***

The Council resumed their regular scheduled agenda items as listed under Public Hearings.

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.

Included in the agenda:

1. Class VI Road Assessment Template (Road #57). ***Pages 58-60, City Council agenda packet.***
2. Coordinate Map for Class VI Road #57 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022. ***(Page 61, City Council agenda packet.)***
3. Abutter Notification Map – Class VI Road #57 ***(Page 62, City Council agenda packet.)***

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.

Mr. Mark Goodwin, GIS Coordinator, reviewed and explained the differences between a Class VI Highway and a Class A Trail as requested at the last City Council meeting.

Class VI Highway vs. Class A Trail: Comparison

CLASS VI Highway

- A full public Right-of-Way. Class VI status usually results from:
 - Discontinuance of Class V highway “subject to gates and bars”; or
 - No maintenance or repairs of Class V highway for 5 successive years or more.
- No duty to maintain/repair; may not be maintained by City.
- No City liability for damage or injury due to condition.
- Open to all viatic uses; uses generally may not be restricted.
- May be subject to weight limits and seasonal closures (e.g. mud season)
- Abutting parcels may be developed/eligible for building permits, subject to special permission and recording of liability waiver per RSA 674:41, I(c).

Class A Trail

- A full public Right-of-Way; Trail status results from Council vote to reclassify a Class V or VI highway.
- May be maintained for trail use; maintenance may be delegated to volunteers (RSA 231-A:7).
- No volunteer liability for maintenance.
- City may define and restrict uses (e.g. no motor vehicles)
 - Use restrictions do not apply to abutting landowners
- May be subject to weight limits and seasonal closures (e.g. mud season)
- Abutting parcels may not be developed/eligible for building permits because a Trail cannot be used as access for building permit purposes per RSA 674:41.

Mr. Steve Wood, Chair of the Class VI Roads Advisory Committee, noted that the City owns the right-of-way and can change it to whatever class it wants. If someone petitions the City, or if the City wants to it can be changed back. The main thing is that a public right of way is owned by the City and under

control of the City. He also spoke about a Class A trail noting that this designation protects an abutter from abuse by users and gave examples.

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

ACTION:

Councilor Heistad 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.***
Seconded by Councilor Wilkie.

****The Vote on the Motion was approved (8-0). Councilor Sykes was absent.***



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

Included in the agenda:

1. Class VI Road Assessment Template (Road #3, Farr Road Extension) **Pages 66- 68, City Council agenda packet.**
2. Coordinate Map for Class VI Road #3 (NAD 1983 NH State Plane FIPS 2800) Printed February 22, 2022. **(Page 69, City Council agenda packet.)**
3. Abutter Notification Map – Class VI Road #3. **(Page 70, City Council agenda packet.)**

Mr. Mark Goodwin, GIS Coordinator, reviewed the reclassification of Class VI Road #3, Farr Road Extension, to a Class A Municipal Trail.

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.

Mayor McNamara opened the Public Hearing.

Mr. Dan Hazelton (abutter) came forth, noting he has abutted, mowed and maintained Class VI Road #3, Farr Road Extension, every year for 30 years. While he did not object to the proposed reclassification of this property to a Class A trail, he objected to this trail being listed on the City website and expressed his concerns about having to deal with people who might use this area to dump their trash. He suggested leaving it as a Class VI Road.

The Council and Mr. Hazelton discussed the location of Mr. Hazelton's driveway to Farr Road; if Mr. Hazelton has ever signed a liability waiver form according to RSA 674:41, 1(c), as mentioned above in the chart provided by Mr. Goodwin; whether or not the law has been followed according to RSA 674:41, 1(c); how reclassifying Farr Road to a Class A trail would protect the interests of the landowner and making it possible for the public to use their right to use that right of way, but would also allow the City to restrict what might happen on this trail; the objective of the Class VI Roads Advisory Committee, which is to identify public rights of way; how reclassifying Farr Road to a Class A trail would give Mr. Hazelton and other abutters a greater measure of security (of what could be done on this trail); the use of snowmobiles/ATVs or other abuses that could potentially happen by the public; not taking action on this reclassification tonight because there are strong objections by Mr. Hazelton, who is only one of three abutters that would be affected by this reclassification; the types of uses a trail designation would allow compared to what would be allowed for a Class VI Road; where the public can go as a matter of right; the intent to create a publicized map of Class A Trails and public rights of way; the State law process for classification of a Class VI Road vs. a Class A trail; the discontinuation of this public right of way altogether; and, having Mr. Hazelton and the two other abutters meet with the Class VI Road Committee and discuss the potential of discontinuing a portion of this Class VI Road/Class A Trail.

Hearing no further comments from the public, the Public Hearing was closed.

After more lengthy discussions regarding the definitions/terminology on what constitutes a Class VI Road vs. a Class A trail, Mayor McNamara summarized that there was interest in not taking any action on this tonight, thereby giving opportunity for the neighbors to have further discussions with the Class VI Roads Advisory Board to determine whether they want to maintain Farr Road as a Class VI Road, or whether they would like it declassified to a Class A Trail, or whether they want to make a request to the City to discontinue the road in its entirety.

No one from the Council came forth to make a motion.

ACTION: The Council took no action to reclassify Class VI Road #3 (Farr Road Extension) to a Class A Trail Municipal Trail.

E. 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. **(PUBLIC HEARING TO BE RESCHEDULED TO MARCH 23, 2022)**

Due to an advertising error and the public hearing not being properly/legally 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 23, 2022, Administration requested the Council reschedule the meeting on this date.

ACTION:

Councilor Wilkie 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.

Seconded by Councilor Whittlesey.

****The Vote on the Motion was approved (8-0). Councilor Sykes was absent.***

9. OLD BUSINESS: NONE

C. Proposed NHMA Policy Position-Childcare and Early Education

Included in the agenda packet:

1. NHMA Policy Positions Relating to Childcare and Early Childhood Development (***Pages 86-87, City Council agenda packet.***)
2. ***City Council agenda packet.***
3. 2022-2023 Policy Proposal Form (***Page 88, City Council agenda packet.***)
4. 2021-2022 NHMA Legislative Policy Positions (***Pages 89-101, City Council agenda packet.***)
5. NHMA Guide to Legislative Advocacy for Local Officials (***Pages 103-134, City Council agenda packet.***)

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

City Manager Mulholland noted his policy position is supportive of childcare and early childhood development and was asking the Council to submit his 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.

The Council discussed how Vermont provides a subsidy supporting childcare and early development; thankfulness for not using gendered language; and how the DEI (Diversity, Equity and Inclusion Advisory Board) will be looking at State Statutes to remove gender language.

ACTION:

Councilor Whittlesey 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.

Seconded by Councilor Wilkie.

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

11. City Manager Report:

City Manager Shaun Mulholland gave the following updates:

- 20 Spencer Street: Now free of PCBs and will moving forward with the Braverman Co.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: None

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSIONS:

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

Councilor Winny MOVED that the City Council enter into Non-Public Sessions per RSA 91-A:3.II(a) for the purpose of discussing employee personnel matter.

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

The Council went into Non-Public Session A at 8:44 PM

Councilor Winny MOVED that the City Council go out of Non-Public Session A at 9:09 PM.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

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

Councilor Winny MOVED that the City Council enter into Non-Public Sessions per RSA 91-A:3.II(a) for the purpose of discussing City Manager annual evaluation.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

The Council went into Non-Public Session B at 9:10 PM

ACTION:

Councilor Winny made the motion to increase the City Manager's Salary to \$140,000/year.

Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

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

Councilor Wilkie made the motion to increase the City Manager Salary retroactive to 01/22/2022.

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

Councilor Winny MOVED that the City Council go out of Non-Public Session B at 9:14 PM.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

15. ADJOURNMENT:

Councilor Winny MOVED to adjourn the meeting.

MOTION was seconded by Councilor Whittlesey.

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

The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary